

ENVIRONMENT, PLANNING and AGRICULTURE COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Environment, Planning and Agriculture Committee of the Suffolk County Legislative was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **Wednesday, February 11, 2004**.

MEMBERS PRESENT:

Leg. Michael J. Caracciolo, Chairman
Leg. Jay H. Schneiderman, Vice-Chairman
Leg. Peter O'Leary
Leg. Daniel P. Losquadro
Leg. David Bishop

ALSO IN ATTENDANCE:

Legislator Brian Foley, District #7
Mea Knapp, Counsel to the Legislature
Alexandra Sullivan, Chief Deputy Clerk
Roger Podd, County Executive Assistant
Thomas Isles, Director, Suffolk County Planning Department
Jim Spero, Director, Budget Review Office
Kevin Duffy, Budget Review Office
Vito A. Minei, Director/Division of Environmental Quality/DHS
Christine Costigan, Director/Division of Real Estate
Lauretta Fischer, Principal Planner/SC Planning Department
Don Seubert
Kelly Platt
Marilyn England
Thomas Talbot
Jane Geary
Karen Blumer

Chris O'Connor

James Tullo

John Turner

Connie Kepert

MINUTES TAKEN BY:

Diana Kraus - Court Stenographer

(THE MEETING WAS CONVENED AT 1:20 PM)

CHAIRMAN CARACCILO:

All right, I'd like to call the meeting to order. Would everyone clear the aisles. Please take your seats. Members report to the horseshoe. Will the Clerk note the following members present: Legislators Schneiderman, Bishop, Cooper, Losquadro and O'Leary. All members being present, would everyone please rise for the Pledge of Allegiance to be led by Legislator Losquadro.

(SALUTATION)

CHAIRMAN CARACCILO:

Thank you. Please be seated. Members take your seats. We have several speakers, the first speaker is Don -- is it Shuebert or Seabert?

MR. SEUBERT:

Seubert.

CHAIRMAN CARACCILO:

Okay. Will those of you in the auditorium please take your seats and clear the aisles; likewise behind the horseshoe. Members, please take your seats.

MR. SEUBERT:

Excuse me. Someone was going to be here from the County and the Town to do a presentation.

CHAIRMAN CARACCILO:

Could you use the microphone, I cannot hear you.

MR. SEUBERT:

Mr. Turner and Mr. Isles were going to do a presentation beforehand; so perhaps that would be

better for them to go first; whatever you want.

CHAIRMAN CARACCIOLO:

We will have that presentation. Mr. Tom Isles, are you part of a presentation?

MR. ISLES:

Not specifically on this topic, Mr. Chairman. As the Committee typically wants, the Planning Department is prepared to make a presentation when you're considering it.

CHAIRMAN CARACCIOLO:

Okay.

MR. ISLES:

If you'd like that now or if you'd like that later, that's -- I'll defer to your judgement on that.

CHAIRMAN CARACCIOLO:

I'd like it now.

MR. ISLES:

Okay.

CHAIRMAN CARACCIOLO:

John, are you part of this presentation?

MR. TURNER:

On what topic?

CHAIRMAN CARACCIOLO:

On the Overton property?

MR. TURNER:

Yes, and so is Councilman Tullo.

CHAIRMAN CARACCIOLO:

Okay. So we'll have Mr. Isles' presentation first; and then you can piggyback that. Would everyone please take a seat? Will aides take your seats, please?

LEG. FOLEY:

Legislator Caracciolo?

CHAIRMAN CARACCIOLO:

Yes, Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. There's also members of the public who have a video presentation to make on the Overton Preserve as well to give everyone really almost a bird's eye view of the -- how special this particular parcel is. So I know in the past we've permitted that, those kinds of presentations to be made. And I would just ask the Chair for that indulgence, if and when you do call some of the community activists and environmentalists from the area who do want to give that presentation, if you can give them the time to make that presentation.

CHAIRMAN CARACCIOLO:

By all means. The first of those speakers --

LEG. FOLEY:

Thank you.

CHAIRMAN CARACCIOLO:

-- Mr. Seubert, had indicated that Mr. Isles also had a presentation. So let's hear from the County Planning Director.

MR. ISLES:

Okay. Thank you, Mr. Chairman. And I'll keep this brief. As is typical of the procedures with the Environment Committee, the Planning Department has reviewed this planning steps resolution. And we'd just like to give you an overview of the acquisition and a summary of the points that are outlined to you in the information summary that's currently being handed out.

The subject property as I'm sure you well know is in the Town of Brookhaven and is located just to the east of State Road 112. It also runs along Granny Road to the north of Granny road. It's a very significant area in terms of, number one, the sheer size of the parcel. And when we talk about county acquisitions getting smaller and smaller in terms of the average parcel size, this is one of the few acquisitions that we see that's in the hundreds of acres range. In an area that's principally developed around it in the Coram, Gordon Heights area, Medford area.

The aerial photograph, I think, shows very well the geographic aspects of the site, but also

shows some of the features on the site in terms of the fresh water wetlands and so forth. The parcel itself is located in the central suffolk special ground water protection area. It is also in the compatible growth area of the Pine Barrens. And just for point of information, the compatible growth area, I always think the name's a little bit of a misnomer, it's certainly an area that as part of the Pine Barrens plan of 1995 anticipated growth. However, there are -- the fact remains it is a deep flow recharge area. And it's simply is not a case of any development as being appropriate. Obviously it has to be considered carefully.

The parcel does have presence of kettle hole ponds. It is relatively close, if not on top of the ground water divide. The ground water divide appears to be lightly to the north. The total acreage is about 400 acres. We have provided to you the current rating sheet for the County Open Space Programs. And, as you can see, the parcel did qualify under a number of the criteria we use. And the total points score is 80 points. I will -- would like to make the point, too, that this is only a planning steps resolution. The Planning Department has done an inspection of this area and this site. However, we have not done a parcel by parcel examination. We've tried to identify those that are developed and have suggested to the sponsor that certain sites, perhaps, be removed. But, obviously, if the Legislature sees fits to approve this resolution, we would then do a more complete examination especially given the size of this and provide a more detail planning and environmental recommendation to you if and when this comes back to you for an acquisition resolution.

CHAIRMAN CARACCIOLO:

Mr. Isles, I note with respect to the ownership of this property, there are multiple owners. Primary owner seems to be a Jerry Spiegel. I also note that a Robert Tussi is an owner of one parcel. Don't know the size; as well as the Town of Brookhaven. Could you explain what ownership is within the hands of the Town of Brookhaven?

MR. ISLES:

There's one parcel on Mill Road to the south side of Mill Road. So if you look at the top third of the aerial photograph, there's a circular tract structure that's a horse farm. Across the street from that is a parcel that's owned by the Town of Brookhaven. We have suggested to the sponsor that that be removed from the acquisition list. We just suggested it today. So it's recent information. And, obviously we'll talk with the Town of Brookhaven further as to what their intentions are with that.

With reference to Mr. Tussi, he owns a parcel within the study area of about one and a half

acres. It does fall within the CTA. The special ground water protection area and so forth. Obviously we can gather more information for you up if you need that information

CHAIRMAN CARACCILO:

Okay. I also note from the aerial that there are surrounding properties that are developed or appear to be developed. Is that the case or are these just paper streets on subdivision maps? And I do note also there is a subdivision on the construction according to your arrows and diagrams to the southwest.

MR. ISLES:

Right. I guess in terms of the first part of the question dealing with the paper streets, on the upper left-hand side of the aerial photograph is a grid system of streets and parcels identified in red ink. That's right along State Route 112. That's an old file map system principally not developed. And that's the land that's principally owned by the person identified as Mr. {Spiegel}. So it does appear to be in largely one ownership.

As far as the subdivision that's identified, we have been working with the sponsor of this resolution. This is obviously of a large scale. And, we made two comments specific to that area. One is that the subdivision in question which is identified there appears to be under construction at the moment from what we can see. We would just question at this time if it would be appropriate to move forward. Certainly we'll defer to the wishes of this Legislature. But we just called that into question at this time and for consideration by the sponsor.

And, then secondly, the parcel identified to the east of that, which is identified under planning steps resolution 152 2003, that was originally in the package for inclusion based on Brookhaven's moratorium description. We've suggested that be removed as well since it's already covered under a planning steps resolution.

CHAIRMAN CARACCILO:

The removal of those parcels you just described would amount to what acreage?

MR. ISLES:

The original acreage we had was about 521 I think it was. And I think we're ending up with just about 80 acres.

CHAIRMAN CARACCILO:

The resolution itself --

MR. ISLES:

Pardon me. 120 acres. We're down to about 400 acres, Mr. Chairman.

CHAIRMAN CARACCILOLO:

I know you've referenced that in your opening remarks 400 acres. Does the resolution identify this as a 400 acre or 520 acre parcel?

MR. ISLES:

The resolution identifies it as 520. Mr. Chairman, I'll just point out that we've completed this work yesterday. So, it's our initial vetting of the proposal. We've made suggestions to the sponsor. I will leave it there.

CHAIRMAN CARACCILOLO:

Okay. It's my recollection that there was a developer in Rocky Point that provided the Town of Brookhaven with a golf course in exchange for -- and I'm not sure if this correct so correct me if I'm wrong -- a density increase in this area. Is that part of this proposition at all?

MR. ISLES:

I believe the parcel you're talking about are the two parcels that are identified in the prior planning steps resolution number 152. I don't have the facts in front of me in terms of that matter before the Town of Brookhaven. I believe it was a rezoning on this parcel. I'm not aware of what the consideration was specifically with the golf course, although I heard it was a part of it. But as far as today's purposes, it is included in the current resolution you have before you. We are suggesting to the sponsor that that be removed since it's already included in the prior resolution. I will tell you that based upon the prior resolution, we did contact the owner of the property on several occasions. And they are not willing sellers. So we have not proceeded any further with that.

CHAIRMAN CARACCILOLO:

They were not willing sellers?

MR. ISLES:

No. They indicated they were not.

CHAIRMAN CARACCILOLO:

So, do we have any indication they would be willing sellers in this instance?

MR. ISLES:

I don't.

CHAIRMAN CARACCIOLO:

It's incorporated in this resolution. Has anything changed, is my question?

MR. ISLES:

I think it was just in fairness I think to the sponsor in this case, a, number one, it's a very large area that's being looked at here. And, we've been asked to do some additional review. And that's when we detected this information over the past week or so.

LEG. FOLEY:

Mr. Chairman, if you want an answer --

CHAIRMAN CARACCIOLO:

Yes, Brian.

LEG. FOLEY:

Thank you. The intention we have until Friday to -- it's not part of the body of the resolution, but part of the exhibit. And the exhibit A, as has been distributed to the membership, the one area in question that was involved with the TDR, transferred development rights, from the Rocky Point Golf Course, there was no intention of including it in this resolution. It was included as part the attachment in error because, as was just mentioned, last year we had approved a resolution number 152. Then Legislator Fred Towle and I were co-sponsors on that particular resolution. So it was not -- it was not -- that parcel was not supposed to be a part of the exhibit A. It was put in there by error that we're going to correct that. And, just let the record reflect that that correction will be submitted to the Clerk prior to Friday since it was already approved last year.

CHAIRMAN CARACCIOLO:

Under the corrected copy, Legislator Foley, what will be the total acreage consumed in 1087?

LEG. FOLEY:

Approximately 400 acres

CHAIRMAN CARACCIOLO:

Thank you. Anything else Mr. Isles?

MR. ISLES:

No. Thank you, Mr. Chair.

CHAIRMAN CARACCIOLO:

Well, we have other parties that are going to speak to this issue. Mr. Isles is available the entire meeting.

LEG. SCHNEIDERMAN:

Mr. Isles, some of these zoning categories, at least one of them, I'm not familiar with, is J-4. Can you explain to me under Brookhaven zoning what J-4 is?

MR. ISLES:

Yes, I think I can. Just to let you know that we have started adding zoning information at the request of the Chairman and other Legislators to our information summaries. What we will do, that information is based on records available in the County Planning Department Office. And, what we have here is obviously many parcels, the total of three separate zoning districts. J-4, I believe, is a business zoning for office purposes.

LEG. SCHNEIDERMAN:

Okay. What I'm really getting to in my question is, as well as, you know, my desire to preserve as much of the environment as we can, I'm also interested in preserving as many of the working families in Suffolk County as we can. And we talked a lot about Smart Growth principals. And I see there is a -- quite a number of one acre lots here, which may not be affordable at this stage of the game; it may be. But I also see that there's some multi-family zoning which typically would be affordable. And, I want to make sure that our one goal of preserving the environment is not interfering with our goal of preserving the people of Suffolk County. So, if you could speak to that in terms of this acquisition and whether that has gone into the thought process and maybe maintaining some small lots or some multi-family lots through this process.

MR. ISLES:

In a conceptual way, yes, at has been discussed at the County Planning Department level. And

I've had a couple of discussions with some of the involved residents to at least a slight extent. I think what we're looking at today is to open the door and to begin to look at this area and this acquisition. I believe as I mentioned briefly in my -- some of my comments, is that this may not be a case where the County, the Town, the State comes in and does a complete acquisition of 400 acres. It may be a case where we look at a plan that identifies needs for certain preservation and how do we get there. It may involve acquisitions. It may involve transfer development rights. It may involve some clustering or it may involve doing nothing with parts of the property. So, in terms of speaking specifically in terms of that multiple family zoning and should it stay, should it go, we have not done that analysis yet. I think it's a good topic. It's not -- parts of this property are within walking distance of downtown Coram and so forth. There's public transportation available on 112. We would think that's something that should be considered in this process. Here again the planning steps. Let us start the process and we would then do that research and get back to you at a later date with our findings.

LEG. SCHNEIDERMAN:

Okay. Thank you.

MR. ISLES:

But it's a good point.

CHAIRMAN CARACCIOLO:

Mr. Isles, one other point, looking at the cover information sheet, compliance with 712, it indicates not compliant at this time. Once again, could you elaborate?

MR. ISLES:

Yes, sir. Chapter 712 are the Real Estate Acquisition Procedures of the County. They specify requirements for the provision of appraisals, for the review of those appraisals by the County's appraisal staff. It requires certain disclosures from the appraisers. So there's a series of, I think, 33 separate requirements that are within 712. Part of that have process is that the Director of the Division of Real Estate must certify compliance as well as the department head. So as we go through this process -- and also when we come back to you for an acquisition authorization if we do, that section would have to be answered that, yes, it's been in compliance. So certainly at this point in time since we're beginning the process, this is not in compliance. We would have to satisfy that prior to authorization to acquire.

CHAIRMAN CARACCIOLO:

Okay. So specifically what is not in compliance?

MR. ISLES:

Well, pretty much everything at this point since we haven't started the appraisal process. The appraisals would have to be done in accordance with uniform standards of professional appraisal practices, by general certified licensed appraisers. It would have to be reviewed by county in-house appraisal review staff. Here, again, there would have to be disclosure statements filed by the appraisers. All of those steps, those 33 steps would have to be in compliance by the time we get to the end of this process.

CHAIRMAN CARACCIOLO:

Okay. And, just to give those in the audience as well as the Committee a sense if this resolution for planning steps were it to be approved either today or at a subsequent meeting, what's typically involved in terms of the appraisal process? How long of a time span are we looking at?

MR. ISLES:

It's a lot of properties so the process is that if the resolution is approved, we contact -- we do a last owner search. We find out the exact owner of record. That takes -- that's usually two weeks or so. That's usually not too long. This might take a little longer with the number of properties. We then contact all those owners of record expressing that the County of Suffolk has passed a resolution to consider acquisition. If there is owner interest either preceding or if it's neutral, we will then proceed to order appraisals. That's done through the Division of Real Estate. There is a process that they follow to define the appraisal problem. Our certified appraiser does that. We then put the appraisals out to bid. We do that through a faxing system to the appraisers. The appraisers have to come from the County list of approved appraisers. The appraisals -- two appraisals that we're going to need for this would then be selected. If the Town of Brookhaven is a partner with us, then we could use their appraisal if it's on the County list. The appraisals then come back. We do a review. The process can take with all the steps that are required that we have to do, obviously several months. A typical appraisal turn around, I would guess is around six weeks or eight weeks. The Director of Real Estate is present today, if you want to ask her further about that. The review can also take two weeks to six or eight weeks depending on the complexity of the case and the backlog of work and so forth. That's essentially it.

CHAIRMAN CARACCIOLO:

Okay. So at this juncture am I to assume by your reference to Brookhaven, they have not indicated a willingness to partner with the County?

MR. ISLES:

I'm not aware. Certainly -- I'm not aware of any specific authorization at this time. Certainly there's interest as I've heard about and spoke to Mr. Turner about it. He said we're -- we're at the beginning of the process as far as we're concerned at the departmental level.

CHAIRMAN CARACCILOLO:

Okay. Thank you very much.

MR. ISLES:

Thank you.

CHAIRMAN CARACCILOLO:

Now, I'd like to invite up Mr. Seubert and those who are -- you want to come up and join? Are you going to make the presentation?

MR. TURNER:

I want to follow.

CHAIRMAN CARACCILOLO:

Please do. I see Mr. O'Leary is part of your team. Kindly identify for the stenographer your names. And if you're here representing anyone besides yourselves.

COUNCILMAN TULLO:

Good afternoon, Chairman Caracciolo. My name is Brookhaven Town Councilman James Tullo. T-u-l-l-o is the spelling. I have with me here our Land Management Director John Turner, who I am sure has been before you quite often.

I am the Councilman for the Fourth Councilmatic District. I am appearing before you today to express the Town's strong support for Introductory Resolution 1087 of 2004. If enacted, the planning steps resolution introduced by Legislator Foley will authorize Suffolk County Division of Real Estate to initiate the requisite legal steps towards public purchase of the property situated within the Overton Preserve. Please note that the name given to the property situated in the Overton Preserve denotes the desired state of and not the existing or property complex thereof. In deed, it's very little land within the preserve that has actually been preserved as of to date.

As was mentioned earlier, the resolution referenced parcels that were both publically and privately owned. They are not covered under the Town's moratorium that was enacted in November of 2003. This year long moratorium will allow our professional staff to develop a comprehensive land use and preservation plan. Key elements of this plan will include a natural resource inventory, delineation of potential preservation strategies and a property prioritization framework. The Overton Preserve assemblage represents one of the highest priorities within the Town of Brookhaven. Third page batch should be a list of priorities in the Town of Brookhaven.

MR. TURNER:

It's appended in the back listing the priorities and priority -- priority parcels in the kind of parcel complex as in the Town of Brookhaven.

CHAIRMAN CARACCILO:

Thank you.

MR. TULLO:

It encompasses approximately -- I've heard some numbers bouncing around somewhere in the area of about 470 acres in Medford. The Gordon Heights area forms one of the largest tracts remaining in the Town of Brookhaven. This assemblage has significant environmental scenic and historic value. The area is, for example, extensively forested, provided habitat conducive for many of the species of woodland dependent birds, reptile and mammal species. Birds such as the wood thrush, and the black and white warbler are but a few of the many species that utilize the property. Several areas notably in the northern east portion of the properties were previously disturbed and are now grasslands. These grasslands provide habitat for the different assortment of plant and animal species than those who frequent the woodlands including the wild flowers and the butterflies. Additionally several small wetlands exist within the area that provide breeding habitat for the state endangered eastern tiger salamander and the increasingly rare cousin, the marbled salamander.

MR. TURNER:

A charismatic species, I might add.

MR. TULLO:

Thanks, John. Upland areas adjacent to these ponds provide vital development and foraging habitat for these amphibians. Several other amphibian species are also utilizing these

wetlands. Furthermore, the Overton Preserve is situated within the compatible growth area and the Central Pine Barrens. Well, the compatible growth area are the Central Pine Barrens. It's also located within hydrogeologic zone III, the most significant deep-flow recharge zone, thus underscoring its watershed value. Approximately 272 million gallons of water recharge the underlying aquifer system through the preserve on an annual basis. This is enough to meet the annual water supply needs of approximately 16,000 families.

The Overton Preserve complex is strategically situated in the Central Brookhaven Greenbelt. This mosaic of open space parcels including some existing publicly-owned lands, has the potential of connecting town-owned lands situated near Bald Hill next to the new Town Hall, the old state building, obviously, and the greenbelt that would extend east to the Carman's River and perhaps connecting to other regions through the trail network.

Additionally, the Overton Preserve also has historic significance. It is along the route that Major Benjamin Tallmadge followed on his famous cross-island sojourn that involved the "Burning of the Hay" event in Coram and the capture of Fort St. George in Mastic, both of which took place on November 23, 1780. It is reported that David Overton's son, Nehemiah, joined the group as it marched past his house and that he was commanded by Major Tallmadge to set fire to the British Calvary's hay supply of some 300 tons.

In conclusion, I appreciate the opportunity to express my support for the adoption of IR 1087 of 2004 and I thank Legislator Foley for introducing these measures. My colleagues on the Brookhaven Town Board and I look forward to working in a partnership effort with Suffolk County to preserve the numerous parcels that collectively comprise the Overton Preserve. Thank you very much.

(APPLAUSE)

CHAIRMAN CARACCIOLO:

Thank you, Councilman Tullo. Yes, we have a question from Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you, Councilman. I myself being a former? Supervisor -- you're probably aware --

COUNCILMAN TULLO:

Yes, I am.

LEG. SCHNEIDERMAN:

-- of the Town of East Hampton where we work very hard to preserve a lot of land and also struggle with the issue I mentioned before about creating affordable housing. You spoke of the environmental merits of this property. And, I understand it's a large piece of property and some areas clearly have kettle holes and wetland areas. Others are joined fairly densely developed areas. And the zoning -- some of that -- and I don't have a map that shows what is laid out multiple family, what is laid out in one acre, what is laid out commercial. But clearly if that's Brookhaven zoning, then, somewhere in the past in some comprehensive plan, that the planners in Brookhaven felt that this property was compatible with -- with multiple family zoning, which tends to be the most affordable. And the County Executive the other day at the State of the County address got an earful about affordable housing. It's a very serious issue in Suffolk County. So as a town board member, who has to wrestle with all these issues, I'd like some comment on your part as to that issue and whether some portions of this property might be -- maybe could remain as they are currently zoned in multiple family.

COUNCILMAN TULLO:

Well, what I can tell you in the Town of Brookhaven, we recently have been -- we have a moratorium in effect with regards to our PRC and MF1 town code. Basically what we're doing is we're taking the town as a whole and we're looking at the development that could occur throughout the Town of Brookhaven. We had many applications on the record. And it was time for us -- some of them up were towards of ten and twenty years old. We went back. We're reviewing our town code. Our planning staff presently is reviewing those issues. And we're going to be coming out we a plan for MF1 and PRC development probably within the next six months. I think's it's going to address the issue of affordability as well as address the issue of what the demand would be for the market.

LEG. SCHNEIDERMAN:

And lastly, a question was raised earlier as to what Brookhaven's commitment financially might be to this property. Can you speak to that?

COUNCILMAN TULLO:

I can't speak to the commitment. Obviously, we'd be more than willing to sit down and discuss it as the appraisals come in. Obviously being a monetary issue, it's going to be important for us to sit down and -- when the appraisals come in, we can determine how much money is available. Obviously, under the new councilmatic districts in the Town of Brookhaven, I'm sure

people are going to be reaching for money as much as possible. So I'll obviously be lobbying as best as possible for the money -- for as much money as possible to go towards partnering with the County and other agencies to help offset the cost for the acquisition of these parcels.

MR. TURNER:

Chair, if I just might add, right now we have about -- about \$20 million left in open space funding. About 19 million, that's in the 2002 bond act and some other small amounts left over from the 1999 bond act. I think the extent to which the town will be able to partner with the county is contingent upon securing some new sources of revenue. It's no secret that Councilman Tullo and his colleagues on the Town Board and, of course, the Town Supervisor -- you know, Supervisor LaValle have been very supportive of trying to secure public passage of the Community Preservation Fund. And, if in deed that happens, then I think you'll see the Town of Brookhaven stepping up to the plate in a very aggressive way to try to preserve this environmentally significant area.

CHAIRMAN CARACCILO:

If you don't mind, Jay?

LEG. SCHNEIDERMAN:

No, go ahead.

CHAIRMAN CARACCILO:

Okay. As a follow up, the CPF fund issue was very controversial last year. It wound up in court. Last minute it was pulled. Here we are, it's February. What steps are being taken now in the town to put that back on the ballot this fall?

COUNCILMAN TULLO:

We're working with our planning staff and our Town Attorney's office to try to see what we can do as well as also working with the community, the civic organizations, and the building community to try to see what can be done to modify the legislation to make it so that it's well received by the public. I think there was a lot of misconceptions that were going on with regards to the CPF originally. And, once it started steamrolling, there was no way to stop it. And, unfortunately, I think a lot of the information that was out there was inaccurate.

CHAIRMAN CARACCILO:

Along with Legislator Schneiderman and Legislator Losquadro who represent -- and Legislator Foley, who represent portions of Brookhaven Town -- and O'Leary -- yes, you're so quiet. I have to point out that given what's available for development in the town, I dare say the first legislative district has the preponderance of the land that falls within that category. In fact, what is little known is that even though my district covers four towns, I have as much land area in the Town of Brookhaven as my colleagues have in total.

COUNCILMAN TULLO:

I know you've had discussions with Councilman Hennessy recently.

CHAIRMAN CARACCILOLO:

That's correct.

COUNCILMAN TULLO:

Ed and I were talking yesterday. I know.

MR. TURNER:

We view you as a key partner, Mike.

CHAIRMAN CARACCILOLO:

Thank you.

COUNCILMAN TULLO:

And by the way, we passed that resolution last night that you were looking for to move forward on Bellhaven.

CHAIRMAN CARACCILOLO:

Very good.

COUNCILMAN TULLO:

My apologies. Bellview.

CHAIRMAN CARACCILOLO:

One of the issues that Councilman Hennessy and I discussed, I'd like to discuss with you is that as this map depicts, there are two properties that were originally included in the resolution, which appear now to be proceeding with some type of subdivision development. Is that an accurate statement?

COUNCILMAN TULLO:

Yes, That is correct.

CHAIRMAN CARACCILO:

And what type of residential development is taking place or will take place? There was a time -- that's not affected by the moratorium?

COUNCILMAN TULLO:

Unfortunately, Mr. Chairman, at the present time there's pending litigation with regards to that issue and I can't speak to that. What you can probably do if you needed any further information, you can probably have counsel reach out to {Cam Aludis}, our Town Attorney, and she might be able to provide you with some information as to the present status of the litigation. There is an appeal that has been filed with regard to that case.

CHAIRMAN CARACCILO:

Okay. And in anticipation of this resolution, I've done some homework as you can tell.

COUNCILMAN TULLO:

Absolutely.

CHAIRMAN CARACCILO:

And, I was aware of that fact. And, I appreciate those comments. And, I would direct legislative Counsel to do that so that we have a perspective of what's going on with that litigation, how it might impact a potential county purchase here.

I have some other questions which I'll direct back to Mr. Isles and Christine Costigan when they're back up. I want to thank you, Councilman, for supporting this endeavor along with Legislator Foley. And, I'll give Mr. Turner an opportunity now to add any additional comments.

MR. TURNER:

Can I shift gears just for a split second?

CHAIRMAN CARACCILO:

Sure.

MR. TURNER:

I wanted to express my appreciation to you, Chairman Caracciolo, about a different resolution. That's resolution 1068, which is a resolution that would authorize planning steps with regard to the Spring Meadow Property, another property that you'll see is listed in the top priorities of the Town of Brookhaven. We appreciate your willingness to introduce that resolution and like with the Overton Preserve, we look forward in working in a partnership with you on that. It's a critical piece, great scenic value, significant wildlife habitat value. It'll help consolidate an area publicly owned lands in the northern part of the town that has been identified for a long time as being preservation worthy. So, again, we thank you for that introduction of that resolution.

CHAIRMAN CARACCILOLO:

Well, John, as you are well aware because you and I walked that property, the County has been -
-

MR. TURNER:

Crossing that fence.

CHAIRMAN CARACCILOLO:

I think some people are surprised we walked the entire property because it's 189 acres. And more when you consider it backs up to Brookhaven State Park. But, I would like the Councilman, yourself to bring back to Supervisor LaValle my appreciation for his renewed commitment in trying to make that work. And, we'll certainly proceed at the appropriate time.

MR. TURNER:

Absolutely.

LEG. SCHNEIDERMAN:

Can I make a request, Mr. Turner?

MR. TURNER:

Sure.

LEG. SCHNEIDERMAN:

That I get a copy of a map that shows the actual zoning on this and a little bit better breakdown in terms of what area you believe is critical habitat area, ground water protection areas, what are the environmental attributes of various areas overlaid with the zoning.

MR. TURNER:

Okay. I could do the first thing when I get back to the office. The second thing's going to come out of the process of the planning that we do; so that may be further down the road. But in terms of what the zoning on the property is, I can have a map sent to you forthwith.

LEG. SCHNEIDERMAN:

Because the way the County rates the property, and maybe Mr. Isles is better qualified to answer this, they take it as a whole. So it gets a particular rating, but some of the property maybe more sensitive than others. Some might be compatible for other municipal type of uses. So I would like to see that before I commit to -- committing county funds toward a particular purchase.

MR. TURNER:

Okay.

CHAIRMAN CARACCILO:

Thank you both very much.

MR. TURNER:

Thank you very much for your consideration. Have a nice day.

CHAIRMAN CARACCILO:

You, too. Okay. I would request at this time that those from the community who would like to address the Committee on this resolution come forward so we have you as a group; make a group presentation. I have at least three. If you didn't sign a card and you'd like to be part of the presentation, by all means join us.

LEG. FOLEY:

Mr. Chairman?

CHAIRMAN CARACCILO:

Yes, Legislator Foley.

LEG. FOLEY:

As they're preparing their equipment to give the presentation, just to respond to Legislator Schneiderman's concerns about some other information that would be required before there's

any actual acquisition of property, the planning steps process will help us give us that kind of information.

LEG. SCHNEIDERMAN:

No, I understand that. I'm not saying I wouldn't favor the planning steps on this. But before we're actually --

LEG. FOLEY:

Absolutely, yes.

LEG. SCHNEIDERMAN:

-- funding it, I'd like to have that conversation.

LEG. FOLEY:

Point well taken.

LEG. SCHNEIDERMAN:

Okay. Thank you.

CHAIRMAN CARACCILO:

I see a former constituent and a very good friend. Connie Kepert is up there getting ready to make this presentation.

MS. KEPERT:

Can I do it right now?

CHAIRMAN CARACCILO:

Sure. Who would like to be the moderator? Very good.

LEG. SCHNEIDERMAN:

Legislator Foley, while that's being set up, just to give some perspective as a Chair of the Housing Committee, sometimes the feeling is we're swimming against the tide. And, that the properties that are available are disappearing either through development or other means before we can catch up. And it is a very serious issue.

LEG. FOLEY:

Yep.

MS. PLATT:

Excuse me, if I may just one second. Legislator Caracciolo, you forgot to mention that you are -- I'm sorry my name is Kelly Platt from Center Moriches. You forgot to mention that you are a representative in the Brookhaven Town as a Legislator. You just inherited two districts from the second.

CHAIRMAN CARACCILOLO:

Does this have to do with the Overton property?

MS. PLATT:

No.

CHAIRMAN CARACCILOLO:

Okay. We have a presentation. I have your card. You'll be the next speaker.

MS. BLUMER:

In the meantime, we do have a video that you're going to be seeing. The stars in the video -- my name is Karen Blumer from Shoreham. So I will just make a few comments about this parcel. I am one of the coordinators as well as the founders of a coalition called the Overton Preserve Coalition; the eponym of the lands that are before you. I'm also on the Board of the Open Space Preservation Trust, which is one of the 16 members of our coalition who are supporting the Overton coalition. It is really said that we get to pass this way but once. Along that journey we get rare opportunities to make a difference in the world that we live in for those that come after. And we truly believe that this is one of those opportunities before you today. Because how you vote is going to depend upon the future of these very unusual rare 500 plus acres. It's been stated that there are 400. However, we have to look more closely at some of the parcels. I notice that the Manzoni Farm is not included on this; the former Manzoni Farm. Again, through the process, we'll have to be looking at these more carefully.

It is astoundingly enough less than a year ago, the concept of Overton Preserve did not exist. A loose aggregate of parcels, such as the ones that us see before us and still stand today, and hopefully may change by the end of the day when you take your vote, existed. They are probably 19 to 20 or so land owners. There's junk pieces of property with varying value. Although they all contribute to some value to this preserve. Some of them have wetlands. Some of them have rare geology. Some of them have archeological value. Some of them have history that is very critical.

It was actually less than a year ago, too, that our coalition of concerned citizens in concert with Legislators, some of you who are here today, planners, geologists, biologists, ecologists, many of us are here today. Took a blue line and put it around this preserve. So we are hoping that there are many things that we still have to work out. To other address Mr. Schneiderman's point, Mr. Schneiderman who is not here now --

LEG. SCHNEIDERMAN:

I'm here still listening.

MS. BLUMER:

Oh, okay. Your concerns about affordable housing certainly are the concerns of some of the members of this coalition. Connie Kepert and the Renaissance Project are looking at Smart Growth for this area and have been working for many years on this. And, the trade-off here is 500 acres plus of miraculous lands that, as I said out to the press, the whole of this preserve is worth far more than the sum of its parts; not in just -- it gives each other value. But also it goes beyond itself to be linked up to the County. It's a miracle that these wetlands and this land still exists. There is quite a bit of opportunity around these lands for the kind of -- we don't plan to buy all this at all. We're hoping to TDR out of here, to look at -- there are a number of good opportunities just -- almost adjacent to this for affordable housing to put some of the density into. We're hoping also to use -- Mr. Caracciolo would be very happy -- another vehicle is conservation easements. Many of these lands that actually have been greenlined for you today, probably will not be purchased or TDR'd; but they are -- we've already looked at some of the landowners, they are willing to do conservation easements at no cost to the taxpayer and the owners retain the right to their own property. So, we're really hoping that we can depend upon you today in this journey to make this a significant choice. And thank you very much.

CHAIRMAN CARACCILOLO:

Thank you.

LEG. FOLEY:

Thanks, Karen.

CHAIRMAN CARACCILOLO:

Dim the lights. That's better.

MS. BLUMER:

This, by the way, is Connie Kepert's debut as a film-maker. She hasn't given up her day job.

(Presentation)

MS. BLUMER:

Okay. That's about it.

CHAIRMAN CARACCIOLO:

I think the video and the video production was a very fine presentation in and of its own. And I would just encourage anyone at the dais to add any comments to what we just observed. Is there anything that was not covered in the video? Legislator O'Leary.

LEG. O'LEARY:

Karen, who's walking away, could you come up to the table, please? I have a question. I just wanted to commend the group on your advocacy of open land preservation. I want you to know that I'm totally supportive of that. And anything I can do to assist in your endeavors, I would more than happy to do so. But, I do have one question. In your statement, you made mention of the Manzoni Farm. Could you just give us an idea as to what that location is and what is the significance of the Manzoni Farm, if you know the size of it, etcetera.

MS. BLUMER:

Okay. It's a very positionally critical really to the whole concept of this proposed preserve. Do you have this map?

LEG. O'LEARY:

Yes, I do.

MS. BLUMER:

That you're looking at. It is the large circle. There's a big oval. It looks like a horse ring. That was the former Manzoni Farm. And then it became a horse farm later. It is not included here, but we were hoping that this would be a consideration because we're hoping eventually if we do get -- manage to acquire this as a preserve, that that might be a really working colonial farm. And, it links right up -- it's adjacent with the County property. And it makes the connection between the County property and actually the David Overton Road that transects this large triangle.

LEG. O'LEARY:

Yeah, I see that now. That would be north of Mill Road and south of the County property outlined in blue?

MS. BLUMER:

Yes. And it's right next to the woodland owned by the Campo Brothers.

LEG. O'LEARY:

Yes. And the approximate size of that piece?

MS. BLUMER:

I think it's about 33 acres.

LEG. O'LEARY:

33 acres. All right. Thank you very much.

CHAIRMAN CARACCILOLO:

Okay.

MS. ENGLAND:

Good afternoon, Chairman Caracciolo, members of the Committee. My name is Marilyn England. I'm from Center Moriches. I'm President of the Open Space Council which is part of the Overton Preserve Coalition. I don't know that I can really add anything to our sterling video, but just to say that, of course, the Open Space Council is strongly supportive of the protection of this area. And we look forward to working with everybody to make that happen. I also just wanted to mention that the Open Space Council is an all-volunteer environmental advocacy group based in Brookhaven Town. And, we work on land use issues there.

If I may just digress for one moment, I have been asked and, of course, the Open Space Council would strongly support Chairman Caracciolo's resolution, regarding Spring Meadow, to start the process protection for the Spring Meadow site as well.

CHAIRMAN CARACCILOLO:

Thank you.

MS. ENGLAND:

Thank you.

MR. SEUBERT:

Hi. I'm Don Seubert. And I'm from the Medford Taxpayers and Civic Association and Overton Preserve coordinator. I just wanted to mention a couple of things. Mr. Schneiderman asked about the zoning. As far as I know, most of the zoning there is one acre zoning. And in our Medford mini-master plan we had asked for -- have five acre zoning in that area. It's also been in the '87 and I believe that the latest Brookhaven Town plan to be a critical environmental area and probably in the '72 plan, too. Mainly probably because of the David Overton significance of the history of the area. Okay? So, from there I'll probably go and read my statement if you don't mind.

CHAIRMAN CARACCILO:

Go right ahead:

MR. SEUBERT:

Okay. On behalf of the Civic Association and Overton Preserve, we ask you to approve the planning steps to preserve as much as possible each and every acre of the Overton Preserve area. Maintaining a true habitat and preserve a regional significance is predicated on protecting contiguous intact large tracts of land. In short, this parcel possesses every significant credential required for preservation except it is not near the Atlantic Ocean nor the Long Island Sound.

If there was only the pre-historical Native American story, the rich American Revolutionary David Overton Family History, the farmland tradition of the area with at least five dairy farms -- one more point on that -- when Karen mentioned about the Manzoni Farm, it also is on the north side -- the south side of Mill. The farm extended up onto the hill. The video that you saw was also -- that pasture which is much like Connecticut was part of the original Manzoni Farm.

Okay? And of the farms, which I put down there, I've had a few heavy creams out of those farms. I've been to three of those farms in my life time. The geological glacial wonders, the rare and endangered species of plants and animals who call home to the kettle hole wetlands and rising upland habitat of the endangered tiger salamander inspire us. It's unique; Central Pine location is ironically just off busy, sort of ugly Route 112.

The proximity to some of Suffolk's highest population density, the most in need of high quality deep recharge Pine Barren water offers Suffolk County residents a nearby cost effective reservoir of crystal clear water. We hope this critical Committee's lead will enable Suffolk County, Brookhaven Town, Suffolk County and the Suffolk County Water Authority and others to quickly partnership this preservation.

Locals use these woods for hunting, hiking, fishing, frogging, ice skating, sledding and even skiing. When was the last time open space was preserved in Medford Area? Will the fox and deer runs be bulldozed and black topped?

Any one of the above would be reason enough to warrant preservation and purchase. This parcel is the full public advertisement package. The Suffolk County Land Acquisition Committee was strategically designed for just such a Suffolk County purpose and purchase. Karen Blumer accurately stated how this land centered about the very populated Medford Coram area has miraculously survived. 500 acres amazingly intact. This is the last chance to retain what was all beautiful. A vertible paradise to the good blue-collared people of West Yaphank, Farmingville, Selden, Gordon Heights, Coram and Medford. The truly bordering communities.

Heaven is said to be a place where good people go to continue to do good things for us. Preservation of this land will insure for eternity the joys, the goodness. The natural wonders of Overton will continue in perpetuity to offer a true sense of place, history, respect and wonder for all that is living and as such, ensure our own survival.

In the words of Yogi Berra and Ed Norton, two of Nature's Noblemen, "I thank you all for making this afternoon possible." Since my father first drove me through Overton, I have walked, road my bike and taken my own children through this still dirt road to purchase milk from Manzoni's farm. It would be wonderful to see one thing remain as it ought to be. It would most fitting to remember the grandmother of all roads, Granny Road, in a very special way from Framingville to Gordon Heights. Preserved open space. Preservation, I guess like the dairy farm's milk, does the mind and body good. Thank you very much.

CHAIRMAN CARACCILO:

Thank you. Legislator Schneiderman has a question.

LEG. SCHNEIDERMAN:

Not just a -- not a question really. Since you mentioned my name before and my comment, I just want to clarify because I have been involved in the open space movement as Supervisor of preserving well over 1,000 acres, over a hundred million dollars in property in just four years. And I very much understand the need for preserving contiguous parcels. The fact that this is near a County parcel, or adjacent to a County parcel across the street, that it's one of the last remaining large tracts of property. However, I do think that it's important that we as a body ask questions when we -- understanding that in areas like this where the bulk of our working families are priced out of the housing market, to see if there are possibilities. I think we'd be remiss if we didn't ask those questions. So, I don't want you to take it as a sign that I'm not in favor of preserving it or I don't understand the environmental attributes. I'm just simply trying to gather information in light of what I see as a very compelling County crisis.

MR. SEUBERT:

What I meant was I didn't realize that you -- there was a lot of multi- families already zoned there. There isn't.

MS. SULLIVAN:

Use the microphone.

LEG. SCHNEIDERMAN:

Yeah, unfortunately I don't have that information in front of me.

MR. SEUBERT:

I just wanted to let you know that most of it is all single family zone. But, along Route 112, we already had two high density projects and there's lands there that we would be willing to see transferred development rights to a more suitable location along 112. We don't need another strip mall there, so we certainly could have affordable housing. That would be a very -- especially helping with our downtowns. And, like Connie mentioned the Smart Growth principles around Medford itself and around the old town offices.

LEG. SCHNEIDERMAN:

I happen to know from personal experience that placing higher density zoning in a place where it was not is an extremely difficult thing to do in a town. And, we all may think that putting it somewhere else is going to be an easy thing. And, typically is not an easy thing. And in terms of the layout of this, it's not a square piece. It's not actually quite a triangle. There are some

places that jut into areas of existing residential development. And, it's just -- those things need to be looked at. And, we are heard testimony earlier from Mr. Isles that portions of this property are on public transportation bus routes. And, there are things that should be considered before acting. That's all I'm saying. But not before taking the steps to -- that we need to move forward with planning steps so that we can answer some of these questions.

MS. KEPERT:

Mr. Chairman, can I address that because -- Connie Keppert, President of the Long Island Alliance. Legislator Schneiderman, we are -- our community which is Coram and Middle Island is very engaged in a sustainable growth project with the Town of Brookhaven. We have identified two centers and one sub-center, which we are welcoming increased density into. Our efforts are to stop or halt suburban sprawl which destroys places of beauty like the Overton Preserve and transfer development into community centers. Community centers which would be walk-able, which would -- you know, stop the sprawl along Middle County Road. So, we are welcoming the transfer of density and the transfer of development rights into the Coram center, which is at the cross roads of Route 112 and 25 and into the Middle Island center, which is at the cross roads of Route 21 and 25.

LEG. SCHNEIDERMAN:

Has the town adopted that?

MS. KEPERT:

The town is in the process actually. The alcove board just reviewed its Main Street code last night. It is very much engaged in the process of codifying the mixed use centers. And, right now they're almost at the end of that process. They have a J-6 code, which they are seeking to adopt.

LEG. SCHNEIDERMAN:

Thank you. I would be interested in following the progress of that.

CHAIRMAN CARACCILOLO:

Chris, go ahead.

MR. O'CONNOR:

Thank you for having this hearing today. My name is Chris O'Connor.

CHAIRMAN CARACCIOLO:

I'm sorry. I'm thinking cultural affairs. That's who I got you mixed up with. Okay. Sorry. You didn't hear that.

LEG. SCHNEIDERMAN:

You got the Chris right, though.

CHAIRMAN CARACCIOLO:

Okay.

MR. O'CONNOR:

Chris O'Connor, Program Director for the Neighborhood Network. It's a good thing and a bad thing sometimes but it's nice to see so many Legislators from the Town of Brookhaven here today. Because we're all aware of some of the problems that are occurring in Brookhaven on a day-to-day basis. As I said before in our previous press conference, the issues of preservation and over development of preserving the environment, there is no Republican, Democrat, Conservator, Liberal. We're all one in this. It is a bipartisan effort, I think, that is happening in this town in which we are working together and partnering with the town and various Legislators to preserve open space throughout the Town of Brookhaven. That's why the community preservation fund is very important. That is why working and spending the remaining 20 million in the bond money is important.

This is the first step. This is not the end. This is at the very beginning. So we need to be looking at all the properties. Jay, I agree with you, that affordable housing in Brookhaven is very much needed as it is throughout the towns. And, we like East Hampton and Southampton are struggling with where to put it, too. But at the same time, there are other places within the town where these things could go. This is a place where Brookhaven people, town residents need to find some quiet, to enjoy nature as it was meant to be. We don't have too many places in Brookhaven. I mean, when we go down Middle County Road and many of the people are from Brookhaven will know, we think we're on in Queens Boulevard. We look at the stores, we don't even know where we are. We figure out where we are because we know we're on the corner of Staples and Home Depot. So, there are a few places in our town in which we can walk for a couple of hours and not see a car. There are a few places that we can see and enjoy, you know, and not hear anyone.

So I'm urging the Legislature or the Committee here today to move forward on this resolution so that we can begin the very first steps of moving forward. And, I think it's important that -- for the Town of Brookhaven and their Town Council who has done the moratorium to be hearing also from the County that they are also beginning to step up as partners with them. Because they've been carrying the load along with the civic organizations and environmental groups.

Thank you.

CHAIRMAN CARACCILO:

Thank you.

LEG. SCHNEIDERMAN:

Chris, I think what jumped out at me which I think is quite unusual about this and maybe it's because we're now seeing the zoning, typically you don't see commercial designations and multi-family designations on environmentally sensitive pieces of property. Now, it could be just tiny little pockets, but I thought that was unusual. And that's really what prompted me to ask those questions because there might be portions that are quite disturbed on this property that still might be worthy of preservation because they're part of a contiguous block; or maybe those areas could be restored, the habitat value could be restored. But typically those designations don't get put on properties that have critical habitat value unless there's something going on in Brookhaven that I'm not aware of. But typically when a town planner sits down and, you know, decides on zoning, the town Board decides on zoning, they're very much -- they ought to have the environment in the forefront of their thinking.

MR. O'CONNOR:

Well, in the Town of Brookhaven, we --

CHAIRMAN LOSQUADRO:

If I could just -- I know the Chairman had recognized me.

CHAIRMAN CARACCILO:

Yes, go ahead.

CHAIRMAN LOSQUADRO:

As a resident of the Town of Brookhaven, I have a feeling I know what Chris is going to say here, and I know Councilman Tullo will be nodding his head in agreement, the town is just going through a process of reviewing all of their zoning and the entire town code. And, there were

many determinations that were made in the past which are being re-thought at this time. And, there were many zoning decisions made in the past in the town that are now being re-thought that they may not be compatible with the lands that they're on. So, I would just say that the town is looking into that. And, just looking at those zoning designations as they exist right now may not give you an accurate representation of the direction that the town wants to go in the future with lands. Thank you.

LEG. SCHNEIDERMAN:

It's very helpful information, Legislator Losquadro.

MR. O'CONNOR:

Jay, I would concur with Legislator --

CHAIRMAN CARACCILOLO:

Excuse me, Mr. O'Connor. We have a rule in the Legislature that the members of the horseshoe are to be directed by their title, so please follow our rules.

MR. O'CONNOR:

Thank you. Well taken. County Legislator Schneiderman, we had pretty whacky zoning back then. If you take a look at a map of Brookhaven even today, you will see how weirdly developed we are. There is a shopping mall where it shouldn't be, there is development where it shouldn't be. There was no sense of proper planning. In the recent years, the Town has taken the affirmative direction in completely re-arranging its Planning Department, re-assessing its decisions and has the courage, I think, to have actually said to many of us in the community that they screwed up. And, now they're working to rectify it. So when you see some of those zoning codes there, they shouldn't have ever been there to begin with.

CHAIRMAN CARACCILOLO:

Okay. Let me just as a postscript note that as someone who's represented portions of Brookhaven Town from 1990 to the present, from Coram at one point up until 1993, all the way east to the town lines of Southampton and Riverhead, I as much as you are cognizant of past Town Board actions in the early and mid-ninety's. I think clearly under the leadership of Supervisor John J. LaValle and the current Town Board that's been in existence, most of the members who have been a member of that Town Board for the that last year or more, there is a new focus, there's a new direction. I want to commend Connie Keppert, someone who I have known and admired, and as I said earlier, was in a former constituent in my former Legislative

district, as someone who didn't just bow out after she ran for public office as so often times is the case, but someone who stayed active, is very much involved in the.

Renaissance project, something that I follow closely even though it's only a portion of my district these days. People like Chris {Osek} and Rich and others, you're right. We don't want this part of 25 -- State Route 25 to look like Queens Boulevard. It can look like it does look out east and Ridge, all the way up to the Riverhead town lines. So, I think you get a sense from the questions that Legislator Schneiderman raised of the frustrations he and others that sit here at the horseshoe have witnessed in dealing with towns like Brookhaven in previous years. I'm happy to say that does not appear to be the case. Thank you all.

Sir, you joined the group after the presentation. Did you want to make any comments with respect to the Overton property?

MR. OTT:

Yes. My name is Charles Ott. I represent the Country Road Block Association. We're within a half mile of the Overton Preserve. We don't have wells. Wells are probably -- that's private wells. We don't rely on a government entity to supply us with our water or anything like that. I don't know if anybody around here knows what that means. A substantial investment in clean water. We hope. We're worried. We're worried about we're at the forefront of civilization finding us. And, is it going to affect our wells? There's no government entity that's going to bring water -- clean water to our doorstep. I just wanted you to bear that in mind that that's one of the major things. Nassau County recently was asked by New York City if they could recharge the Lloyd aquifer. I don't know how that's working out, but I do know that the clean water eyes of New York City are turning towards Long Island. Thank you.

CHAIRMAN CARACCILO:

Okay. Thank you. Anyone else who would like to address the Committee on the Overton property? Yes, sir.

MR. TALBOT:

Thank you. Good afternoon, Chairman Caracciolo and members of the Committee. My name is Tom Talbot and I'm a resident of Middle Island. In preparing my very brief remarks to present today, I have tried to avoid the somewhat and many hackneyed expressions such as unique, one of the kind, enhances quality of life, historic significance, ecologically relevant, scenic and so forth. However --

CHAIRMAN CARACCILO:

You forgot one. You forgot one. Steve Englebright's favorite. The Crown jewel. Crown jewel.

MR. TALBOT:

Thank you, thank you. I'll remember that for next time. However, Overton is, in fact, all these and more. When I was here a little earlier today, I heard the testimony of a potential nominee for the Suffolk County Parks Commissioner. And, he had mentioned that Long Island is extremely fortunate in having such a wealth of natural and recreational facilities available to its citizens. And, I definitely share that view. That being said, however, not all Suffolk County citizens avail themselves of golf courses, utilize boat launching ramps, attend concerts, visit museums, use biking trails, hiking trails and other many, many fine county facilities that are available to them. However, it's my belief that the citizens regardless of their actual use of facilities, the mere knowledge and recognition that these facilities do exist and are available to them, provides a certain sense of pride and worth to the communities in general. And, although this may be difficult to quantify, I honestly believe that this has a ripple effect through out the community that can provide immeasurable benefits for all citizens of Suffolk County. The Overton property acquisition would be a major influence towards enhancing this positive impact on the local and county-wide communities. And, for that, I thank you for your consideration on this issue.

CHAIRMAN CARACCILO:

Thank you very much. Anyone else on the Overton Property? Your name, please.

MS. GEARY:

Good afternoon, my name is Jane Geary. And, I'm here today representing the Long Island Pine Barrens Society. The Pine Barrens Society supports resolutions 1087 in order to get the maximum preservation at the Overton site. Open space preservation and the defense of critical wildlife habitat and endangered species are priority for the Pine Barrens Society. We ask the Committee to immediately approve planning steps aimed at permanent preservation of the remaining Overton property.

CHAIRMAN CARACCILO:

Thank you. Okay. We have one additional speaker on a different matter, the Strobel farm and land preservation, Kelly Platt.

CHAIRMAN LOSQUADRO:

Mr. Chairman?

CHAIRMAN CARACCIOLO:

Yes.

CHAIRMAN LOSQUADRO:

I apologize. If Ms. Platt would bear with me. I'd would just like to make a motion to take IR 1087 out of order.

CHAIRMAN CARACCIOLO:

We only have one more speaker. We'll get to it momentarily.

CHAIRMAN LOSQUADRO:

Okay.

MS. PLATT:

I'll try to make this very brief. My name is Kelly Platt.

CHAIRMAN LOSQUADRO:

Sorry.

MS. PLATT:

That's okay. I'll forgive you this time. My name is Kelly Platt. I reside in Center Moriches. First of all I want to say thank you. Yesterday I was here and I spoke about the parcel on Bellview Avenue and spoke about the Strobel farm. I just want to say thank you for acquiring or passing legislation to possibly acquire the property on Bellview Avenue. As you know, it's right next door to the Havens estate and adjacent to the Tro River County Reserve. It is my plan to try to preserve as much open space as possible. And I'm asking possibly if you might be able to look into any parcels south of Montauk Highway in the Eastport/East Moriches/Center Moriches area down to Mastic and Shirley. I feel that any properties on the south portion of Brookhaven need to be looked into very carefully. There are very sensitive areas, wetland concerns, fresh water and title water wetlands. If you could look into possibility acquiring any open parcels with willing sellers south of Montauk Highway, it'll be much appreciated. As you all are well aware that there's been a rampant production of homes and a lot of the homes have been built on top of

wetlands. And it's very sad that the Town of Brookhaven and the DEC are allowing builders to build on top of wetlands when these properties should be preserved in their natural state. Also, I'm here in reference to Strobel -- the Strobel farm. If you can let me know the status of that.

CHAIRMAN CARACCILO:

Sure. As a result of appraisals that were inconsistent with one another, a meeting was held after our last legislative meeting to reconcile the differences. And I fully expect at our next meeting of the Legislature later this month, that the Planning Department and Mr. Isles and I talked about this yesterday, will be prepared to make a presentation justifying and providing us with the rationale which is required by our reform measures last year before we could make favorable consideration. It's my understanding that we have a willing seller. They've been very patient, which we appreciate. And I would expect that that will happen at the next Legislative meeting.

MS. PLATT:

And my main concern is making sure that all types of farmland, whether they're in Brookhaven or Riverhead, Southold, Mattituck, that they are all acquired so developers can't build on the, you know, the urban sprawl and ruin these properties that we can't get back once these houses are built.

CHAIRMAN CARACCILO:

What I think is important for those in the community that have this focus as you do, is that -- and I'm assuming you're active at the Town level as others that were here previously, that's really where you have to do try nip those issues in the bud. Because once we get involved with the property that's under subdivisional approval, I for one, am not going to be a strong advocate of preserving property when it gets to that stage for one primary reason. We wind up in a position of having to pay a lot more for that property. So you're really our eyes and ears in the community. If you could help assist us when you see something on the drawing board coming before a zoning board or a planning board at the town level, to try to get that town government involved in trying to take preventative measures to prevent that development from taking place.

MS. PLATT:

The only place that I have is going to zoning board meetings and planning board meetings and expressing opposition on the development. But it seems to be a losing battle that -- you know,

whenever I try to oppose something, these applications are being approved for one reason or another. And, I'd just like the County to step in and -- if there are any open parcels within the, you know, south eastern portion of Brookhaven, you know, to please look into it and possibly try to acquire these properties.

CHAIRMAN CARACCILO:

I should also mention to you and others that my office has sent a letter soliciting from the towns and villages in this County a list of their priorities for preservation within their jurisdictions. I'm awaiting those results. The Town of Brookhaven has already replied, which I appreciate. Mr. Turner, recently this past week we received their correspondence. And, the County itself later today, there'll be a presentation by our Planning Director. At my request he's going to be making a presentation about priority acquisitions in the County acquisition categories. So, you know, working together with local governments. We've done a lot. We hope to do a lot more. There's plenty of County funding available. When I say plenty, I can assure you that a purchase of this size would eat substantially into even the County's resources. So, this is something that I would hope Town of Brookhaven would be able to join in and partner with us.

MS. PLATT:

I also want to state for the past two years, I've been writing to my former County Legislator, Legislator Guldi, about trying to get properties acquired just in my general neighborhood. There's maybe about three acres of open space available. Now there's only one acre left because the Town of Brookhaven has accepted approval for a builder to build a few homes on that -- on those lots.

LEG. SCHNEIDERMAN:

That one remaining acre, what's --

MS. PLATT:

There's one remaining acre. And it's right next door to my home.

LEG. SCHNEIDERMAN:

What area?

MS. PLATT:

Excuse me?

LEG. SCHNEIDERMAN:

What area in Brookhaven?

MS. PLATT:

Center Moriches.

LEG. SCHNEIDERMAN:

Okay. Because actually -- although I'd be interested in seeing -- that acreage now is no longer in the second legislative district. That area has been re-districted into Mr. Caracciolo's district.

CHAIRMAN CARACCIOLO:

Yes. And, I can tell one acre would be a hard-press.

MS. PLATT:

I know you have willing sellers because I've been speaking to the owners of the properties. And, they're looking to sell. And, I've actually discouraged a lot of people from buying the properties expressing to them that there are underground water streams that are going through there. And, back behind them are considered wetlands. And, we have wildlife that we want to protect in that area, too. And, behind one property where they're building, the Town of Brookhaven owns for wetland concerns and water discharge. And, I try to get the Town of Brookhaven to acquire these properties mainly for open space and for possibly water run-off discharge from heavy rains. I mean you have to come see the property in order to understand what I'm speaking about.

CHAIRMAN CARACCIOLO:

But keep in mind that the County deals in scale. One acre is really off the scale.

MS. PLATT:

Exactly. Well, there used to be more than one acre, but the Town of Brookhaven allowed this builder to buy the property and develop on the property. So, it's a losing battle on my behalf, but I'm only one voice. And, I just need others to speak up for me as well.

CHAIRMAN CARACCIOLO:

Legislator O'Leary.

LEG. O'LEARY:

Yes, Miss Platt, just for your edification, I can only speak to my district, the third LD. I've already initiated some planning steps resolutions looking into introducing them with respect to land acquisition in the Center Moriches area, the head of Old Neck Creek for purpose of preservation.

MS. PLATT:

Yes.

LEG. O'LEARY:

So just so that you're aware of that.

MS. PLATT:

Actually I'm aware of that. I'm a member of the Chamber of Commerce. And, we spoke about that at our last meeting last month. And, you mentioned that south of Montauk Highway, that those parcels were supposed to be acquired, which was considered the {Breslin} project. But my main concern is also north of that, which I was told that it may not be acquired.

LEG. O'LEARY:

Well, it's not part of the planning steps; however just to give you an idea that there are those of us who are certainly concerned and interested in the fact of preserving land. And, by initiating steps, you know, planning steps resolution to look into the acquisition of those properties.

MS. PLATT:

Thank you.

CHAIRMAN LOSQUADRO:

Again, Mr. Chairman --

CHAIRMAN CARACCIOLO:

Yes.

LEG. LOSQUADRO:

I'd like to reiterate my request.

CHAIRMAN CARACCIOLO:

Yes, I understand you want to make a motion to take up that resolution. The question that comes to mind is the resolution as it stands. And, I'm glad that the resolution sponsor is here, Legislator Foley, could just react to the acreage issue and the parcels that are contained within IR 1087 as it exists right now.

LEG. FOLEY:

Yes, thank you, Mr. Chairman. And, first I'd also like to thank the community members and advocates who gave an excellent and comprehensive presentation. I think it's one of the finest presentations that we've seen in quite some time. And, it's a testimony to your skill as well as your passion on this issue to see this property preserved. To the point raised earlier by the Chairman concerning certain parcels that are included -- tax map numbers that are included in resolution 1087 that were already included in resolution 152 of 03, by virtue of the fact that we had already addressed some of these resolutions, some of these properties in an earlier resolution, basically we can strike those numbers from the attachment day of the current resolution. And, I'll be speaking with counsel to have those parcels stricken from the attachment since we had already approved planning steps for those particular parcels last year. So that will be taken care of as a matter of housekeeping matter.

Secondly, the overall acreage, it will be -- the body of the resolution will read approximately 400 acres. Certainly there may be a question of whether it's ten or twenty. But by giving the word approximation, it gives us some flexibility so that the Planning Department can move forward with the appraisals in this particular area. I would also say, though, what's important with the approximation is that we do plan to sit down -- we, meaning the County -- with the Town not only to map out the area -- it's already mapped out -- but to see what are the best strategies as Ms. Blumer had said in order to preserve the property. We may not have to acquire all of it. Some of it may be for conservation easements; could be also TDR's as well as out right acquisition. But this step -- this is almost like the catalyst to make these other things happen. So that's why it's important if we can move it out today, Mr. Chairman. And, the change that you've requested and asked for as far as the parcels are -- those changes will be made prior to the deadline of this Friday.

CHAIRMAN CARACCIOLO:

I have no objection to those changes, obviously. And, I intend to support the resolution. However, I think in terms of form and substance, we have to be certain that this does not require a corrected copy, so I'll wait 'til legislative Counsel returns and maybe we can summit --

LEG. FOLEY:

If I just may add, Mr. Chairman, because it's not the body of the bill, it's really an attachment that needs to be changed, we've done that on a routine basis with other attachments for other resolutions. If there needs to be a change in the body of the resolution, which originally reads about 520 acres to approximately 400 acres, that technically could be a corrected copy. But we can certainly, I would think, approve the resolution today subject to that corrected copy being submitted which I'm saying to all present that that will be made prior to Friday's deadline.

CHAIRMAN CARACCIOLO:

I understand. We're going to take a five minute recess, summon legislative Counsel and then we'll continue.

(Recess taken from 2:49 PM to 3:07 PM)

CHAIRMAN CARACCIOLO:

Okay. Would everyone please take their seats. We will continue with today's agenda.

Okay. Let the record reflect that legislative Counsel has prepared an amended copy of IR 1087 **(Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program.)** reflecting the changes in the property size and the tax map parcels that have been reduced or deleted from the original exhibit A. So the new property, counsel, is identified as how many acres?

MS. KNAPP:

In the first resolve, approximately 400 acres.

CHAIRMAN CARACCIOLO:

Okay. We have a motion by Legislator Losquadro, second by the Chair. Mr. Bagg, while we're momentarily waiting, you could come up and get ready for CEQ resolutions.

Okay. We have a motion before us, second on IR 1087.

CHAIRMAN LOSQUADRO:

Mr. Chairman?

CHAIRMAN CARACCIOLO:

Yes.

LEG. LOSQUADRO:

Before we proceed, if I could just make a request to the Clerk to have me added as a co-sponsor to this resolution.

CHAIRMAN CARACCIOLO:

Thank you. Okay. All in favor? Opposed? The vote is unanimous. **(Vote: 5 - 0)**

(APPLAUSE)

LEG. FOLEY:

Thank you, Mr. Chairman. I'd like to thank the audience again for their excellent presentation. Thank you.

CHAIRMAN CARACCIOLO:

Thank you.

We'll now go to **IR 1033 (-04 - Adopting local law No. 2004, a charter law to ensure integrity in Suffolk County land transactions by disclosing campaign contributions.)**

Let me note that we did have a public hearing on IR 1033. I did not receive any cards for speakers. Have any arrived that would like to address the Committee on 1033? Okay. We have 1033 before us for public hearing. Are there any speakers? Hearing none, I'm going to make a motion to recess at the request of the sponsor.

LEG. O'LEARY:

Second.

CHAIRMAN CARACCIOLO:

Second by Legislator O'Leary. All in favor? Opposed? Abstentions? Unanimous. **(Tabled. Vote: 5 - 0)**

Same motion on **IR 1033 (Adopting Local Law No. 2004, a charter law to ensure integrity in Suffolk County land transactions by disclosing campaign contributions)** since the public hearing is open. Same second, same vote. **(Tabled. Vote: 5 - 0)**

IR 1064 (Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program) Mr. Isles, would you please come forward? Tom, as part of today's agenda, when we conclude the formal agenda, we have a brief presentation because of time limitations; then we will continue with the next session.

MR. ISLES:

Okay, Mr. Chairman, what you are receiving at this time is the information summary sheet for the acquisition. It's identified in the resolution as the Brick Kiln Creek property located in the Town of Islip. The property is 1.8 acres approximately. The proposed planning steps resolution would fund the acquisition if it were to go forward under the multifaceted program, which is a capital program. The parcel itself is indicated on an aerial photograph that we've included with the information sheet. That indicates both state property, state wetlands, Town of Islip property and Suffolk County property. To the east and south of the subject parcel -- by the way, the subject parcel is outlined in green ink -- to the east and south in yellow is state property rather extensive which is the {Betten} Bay property and the {Pepperidge} Hall preservation areas.

In terms of the subject properties, they were reviewed and rated based on the County rating system currently in use. Came up to a rating of 35. The parcels would appear to comply with the County Multifaceted program as a protection of fresh water wetlands adjacent to a stream and water body. We do have some concerns in terms of management of the property. And, so if this acquisition goes forward, we'll go through the appraisals and negotiation. We don't have a lot of County holdings in this area so we'd want to evaluate that part of it in terms of is it suitable for a County program based on that -- the small size of the parcel.

CHAIRMAN CARACCILO:

Has the site been visited?

MR. ISLES:

I have not visited the site, no. We would have to do that as part of the planning steps. I'm generally familiar with the location having worked in the Town for twenty years but --

LEG. VILORIA-FISHER:

Small little parcel along Bay View Drive.

CHAIRMAN CARACCILO:

It is as the Planning Director pointed out I think significantly distant from other state and wetlands properties. I guess it receives the rating it received by virtue of the current rating form, which is you and I have discussed and Legislator Bishop knows as the former Chair of this Committee, it is going to be reworked.

MR. ISLES:

We will have our proposal to you at the next meeting. Now, the County does own land further to the south outlined in blue. And those are lots I think we picked up through tax default and I think it's seven lots. So we do have some ownership in the area, but here we don't have a lot. This piece is a little bit isolated. It's certainly --

CHAIRMAN CARACCILO:

Okay. I think what I'd like to do would be to just table this resolution and perhaps under a new rating system see where it falls. You know, if it's still meritorious, then, you know maybe we should consider -- Dave? I'm sorry. Legislator Bishop.

LEG. BISHOP:

Thank you. The point I want to make is that the ratings are guidelines. They're not --

CHAIRMAN CARACCILO:

Absolutes.

LEG. BISHOP:

-- absolutes. And this is a circumstance where the rating would suggest that it's worthwhile, but you take a look at it, you see it's in the middle of the street, it's isolated. Perhaps it's not worthwhile. So I don't know if we need to --

CHAIRMAN CARACCILO:

Rewrite.

LEG. BISHOP:

Yeah, rewrite, you know, come to the conclusion that the -- we just need to come to the conclusion that the ranking system is all fouled up. What we need to do is do our jobs and to make the calls as we see them. And just from the discussion, I can see where this call's going.

LEG. SCHNEIDERMAN:

Let me just kind of qualify that remark. When you say worthwhile, you're not saying that it's not worthwhile to see this property preserved; but in terms of the County's function and looking at a parcel like this, it's probably best that we don't get ourselves involved with small parcels that aren't connected to other County holdings. Maybe there's a role for the Town to preserve this piece of property.

CHAIRMAN CARACCILOLO:

It's my thinking that perhaps keep the issue alive for the sponsor that we just table it at this point. But if there's a preference to vote this resolution up and down, I'll certainly be happy to entertain that.

LEG. O'LEARY:

Question, Mr. Chairman.

CHAIRMAN CARACCILOLO:

Yes.

LEG. O'LEARY:

Just in looking at the map, Tom, isn't that County property contiguous to this parcel if it's outline in blue?

MS. COSTIGAN:

That's wetlands.

MR. ISLES:

Yeah. And I know the way we have the mapping, is that the thin blue line is wetlands. The heavy blue line is Suffolk County land. I guess we have to get more colors in our plotter.

CHAIRMAN CARACCILOLO:

It's a thin blue line.

MR. ISLES:

So that's New York State regulated fresh water wetlands and not Suffolk County land.

CHAIRMAN CARACCILOLO:

We have motion to table. Do I hear a second?

LEG. LOSQUADRO:

Second.

CHAIRMAN CARACCIOLO:

Second by Legislator Losquadro. All in favor? Opposed? Abstentions? The motion's unanimous. It's tabled. **(Vote: 5 - 0)**

We have a resolution **IR 1068 (Authorizing planning steps for the acquisition of land under Pay-As-You-Go 1/4% Taxpayer Protection Program.)** This is a piece of property that, for the record I'd like to state, has been under consideration by the County for many years, I believe, going back to around to 1998 or 1999. The County does -- did acquire 130 acres that surround this 59 acre parcel. And, this parcel is now under ownership of one or more developers as I recall; is that correct?

MR. ISLES:

As far as we know. And, we haven't confirmed ownership. We will do a last owner search if this moves forward.

CHAIRMAN CARACCIOLO:

And it is also adjacent to a very large area of state undeveloped property known as the Brookhaven State Park, which is 1300 plus acres as well as the 139 acres -- ah, 30 acres the County purchased which is on this map in diagonal blue lines as well as to the south of this parcel that's owned by the Town of Brookhaven, which is on the map -- actually it's on this map. It's on here in red diagonal lines; is that correct, Tom?

MR. ISLES:

That's correct.

CHAIRMAN CARACCIOLO:

Okay. It's in an SGPA area so this would be for water quality protection. I'll make a motion to approve.

LEG. O'LEARY:

Second.

CHAIRMAN CARACCILO:

Second by Legislator O'Leary. All in favor? Planning steps, yes. And this would be in partnership with the Town of Brookhaven. I did fail to mention that.

LEG. LOSQUADRO:

Mr. Chairman, if I may just make a comment for the record, I'm very happy to see even though this is just outside the boundaries of my district, I know you and I talked about it, I grew up right across the street from this parcel on Gateway Drive. I'm very happy to see that this is moving forward and the County may have the opportunity to acquire this.

CHAIRMAN CARACCILO:

We have a motion, a second. All in favor? Opposed? Abstentions?

Carried. **(Vote: 5 - 0)**

MR. ISLES:

Obviously, Mr. Chairman, if this moves forward, we would have a formal agreement with the Town of Brookhaven, a resolution when we come to you for an acquisition if we get that far.

CHAIRMAN CARACCILO:

Correct. And, we did 1087 so we will now go to the rest of the agenda which brings us to CEQ resolutions. And, before I recognize you, Jim Bagg, Mr. Isles do you want to distribute the handout that you prepared for today's meeting? And what we'll do is since the Rules Committee starts in ten minutes, is we will digest this information. And we will discuss it in full at the next Committee meeting.

MR. ISLES:

Right. Okay.

CHAIRMAN CARACCILO:

Along with hopefully a preliminary shot at a new rating form.

MR. ISLES:

You will have before you in March -- what I'm giving you now are the account balances you had asked for. What you will have in March will be suggested revised rating forms that have been the result of extensive work that we've done. You will also have a draft policy plan. The last policy plan that this County did was 24 years ago. It's going to look at every program we have.

It's going to be an overarching type holistic review of all our acquisition programs.

CHAIRMAN CARACCIOLO:

Very good. Okay.

MR. ISLES:

We'll be ready for that in March.

CHAIRMAN CARACCIOLO:

Okay. Mrs. Costigan, did you want to address the Committee on any subject?

MS. COSTIGAN:

It's Ms. No, I just wanted to thank the Committee for all its charities in the past as I am now permanently terminating my service to the Committee.

MR. ISLES:

And, I'd like to express my appreciation on behalf of the Planning Department for Ms. Costigan's excellent service to this County. She came in at a time of extreme turbulence. And, she served with distinction in a lot of things you see and a lot of things you don't see; but a lot of things you see in terms of what she's done in the division of the data base of operational controls, of securing of files, a lot of the basic things that I think that she's really made a mark on this County and I appreciate her service.

CHAIRMAN CARACCIOLO:

I'll let Legislator Bishop speak and then I'd like to.

LEG. BISHOP:

As the past Chairman and the lone Democrat, I'll say that I feel that Christine Costigan was one of the best appointments that Robert Gaffney made during his 12 years in office. And, I believe that she leaves a legacy of professionalism in the department and of acquisitions that certainly, you know, stand the test of time. So I appreciate her service and I look forward to working with her again in the future. I'm sure that she'll be in and around the County and be available to us should we need her.

CHAIRMAN CARACCIOLO:

Okay. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'd like to say that in my experience on the other side of the horseshoe, the municipal experience as Supervisor working with Ms. Costigan to preserve land as well as my short period as Legislator, I found dealing with you always a pleasure. I commend your professionalism and we will miss you. I am sorry to see that you're leaving.

MS. COSTIGAN:

Thank you.

CHAIRMAN CARACCIOLO:

Legislator O'Leary.

LEG. O'LEARY:

I, too, want to echo my colleagues' thoughts and sentiments and just say by this announcement there's a tremendous void that's been created in Real Estate. And, thank you for your services. You've done an excellent -- better than excellent job. Thanks again.

CHAIRMAN CARACCIOLO:

Legislator Losquardo.

LEG. LOSQUADRO:

I just want to say on a personal note thank you to you during my short time that we've had to work together while I've been in office for all your help and the education that you have given me on the functioning of the Real Estate Department. You've done a fine job and you'll certainly be missed. Thank you.

CHAIRMAN CARACCIOLO:

I guess I get the final word and I'd like to also acknowledge many contributions you've made to making a difference in the County Division of Real Estate. You know, when you first came on, I had some reservation. But you had your feet on the ground very quickly. And, you organized, reorganized and made what was once an office that was somewhat in disrepair, you got it into shape. And, I want to thank you for that. I also want to thank you for the many occasions where you picked up the phone and you advised my office about things we needed to be advised about with respect to pending land acquisitions. You went many times out of your way to actually come out, visit properties. And, I want to wish you the very best. I hope as Legislator Bishop alluded to, you won't be far from us. And, always feel free -- I'm sure I speak for everyone at the horseshoe -- to reach out to us in the future if we can be of any assistance.

MS. COSTIGAN:

Thank you, sir.

CHAIRMAN CARACCIOLO:

Thank you. Okay, Mr. Bagg, it's your turn.

MR. BAGG:

The first resolution CEQ resolution number 77-03 --

CHAIRMAN CARACCIOLO:

Jim, before you start, just as a refresher for some of the new members of the Committee, just quickly describe Type I, Type II Actions. I think neg dec speak for themselves, but just quickly I and II.

MR. BAGG:

Okay. Basically SEQRA requires that an action be classified first. There are two lists within the SEQRA regulations. There's Type I list, Type II list. And everything that isn't on the list is considered an unlisted action. Type II Actions are those actions which are considered not to have any type of impact on the environment. And, if they are on that list, then technically SEQRA has been completed and it needs no further environmental review.

If you are on the TYPE I list, then, basically SEQRA says that you are more than likely to have a significant impact on the environment. It doesn't you necessarily will, but you are more than likely; and, therefore, it is required that you fill out a long environmental assessment form that has to be evaluation in terms of impacts on the environment; and that there has to be a hard look to prove that there are no significant impacts on the environment.

Everything in between is considered an unlisted action, which requires the preparation of an EAF as well and also a final determination. That determination can be one of two things. It's -- the first thing is a negative declaration that states that the proposed activity will not have a significant impact on the environment. And the various reasons why it will not impact the environment have to be set forth.

The other activity is considered a positive declaration that says the action may significantly affect the environment. And, that requires the preparation of an environmental impact statement and further consideration under SEQRA.

CHAIRMAN CARACCILO:

Thank you. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Does the -- the states don't maintain a condition negative declaration on unlisted actions?

MR. BAGG:

There is a condition negative declaration on unlisted actions. If you have a condition negative declaration, it has to be treated almost as if it's a TYPE I action. And, then conditions are attached to the action in order to get mitigated impacts. In the past the County has tried to stay away from that and actually modify an action to include mitigation measures prior to the passage of a negative declaration because condition negative declarations can have problems.

LEG. SCHNEIDERMAN:

Thank you.

CHAIRMAN CARACCILO:

Go ahead.

MR. BAGG:

The first action is **CEQ 77-03 for a Proposed planning and design for a Tier II Homeless Shelter in Suffolk County**. The project includes the planning and design for the site selection and construction of a Tier II Homeless section subject to the provisions of New York State title 18 part 900 shelter for families that will provide housing and services for 100 families. Council recommends that this is a Type II Action pursuant to SEQRA part 617.5 (c) (21) as it involves the conducting of concurrent environmental, engineering, economic feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposed action provided those activities do not commit the agency to commence, engage and or improve such action.

CHAIRMAN CARACCILO:

Motion to approve. Second by Legislator O'Leary. All in favor? Opposed? Abstentions?

Unanimous. **(Approved - Vote: 5-0)**

MR. BAGG:

The next action CEQ resolution number **78-03 is for the Proposed Riverhead County Center Pump Station Modifications in the Town of Southampton**. The project includes the

installation of new equipment within the building and the relocation of emergency electric generator on the roof of the building. Council recommends that it's a Type II Action pursuant to SEQRA subject to part 617.5 (c) (1) as the project is the repair involving no substantial changes in existing structure or facility. And, two, a project which involves the real debilitation of a structure or facility in kind of the same site.

CHAIRMAN CARACCIOLO:

Same motion, same second, same vote.

(Approved - Vote: 5-0)

MR. BAGG:

CEQ resolution number **79-03 involves the Proposed Sewer District #3 - Southwest, Stream Street Sewer Extension in the Town of Babylon.** Project includes a sewer connection to a parcel located on Sunrise Highway South Service Road approximately 500 feet west of Stream Street. Council recommends that it's a Type II Action pursuant to part 617.5 (c) (11) as the project is an extension of utility distribution facilities since it connects existing sewers to render service in an approved residential area.

CHAIRMAN CARACCIOLO:

Motion by Legislator O'Leary, second by Legislator Losquadro. All in favor? Opposed? Abstentions? Unanimous. **(Approved - 5-0)**

MR. BAGG:

CEQ resolution number **80-03 is for the Proposed Smith Point Park seawall extension in the Town of Brookhaven.** The project involves the necessary extension of the existing seawall to protect the TWA flight 800 memorial located east of pavilion from damage incurred by storm induced erosion. Council recommends that this is an unlisted action under SEQRA that will not have a significant impact on the environment for the following reasons: Proposed action will not exceed any of the criteria in section 617.7 (c) of title Six NYCRR which sets forth thresholds for determining significant adverse impacts on the environment. Two, the seawall will be buried and the area planted with beach grass. Three, no significant habitats will be impacted. And, four, littoral drift of shore sand will not be interrupted by the project.

CHAIRMAN CARACCIOLO:

Same motion, same second, same vote.

MR. BAGG:

Resolution CEQ number 0104 is for the packets that were laid on the table on January 2nd and the 15th. And those are CEQ's recommendations for Type II actions.

CHAIRMAN CARACCIOLO:

Motion by the Chair, second by Legislator Losquadro. All in favor? Opposed? Abstentions?
Unanimous. **(Approved - Vote: 5-0)**

MR. BAGG:

CEQ resolution **02-04 is for the Proposed planning phase for improvements to the Armed Forces Plaza in Hauppauge, Town of Islip.** The project includes developing a master plan for the plaza refurbishing the existing monument and resetting the granite panels. Council recommends that it's a Type II Action pursuant to part 617.5 (c) (21) as the project involves the planning phase for the project.

CHAIRMAN CARACCIOLO:

Motion by Legislator O'Leary, second by Legislator Losquardo. All in favor? Opposed? Abstentions? Unanimous. **(Approved - Vote: 5-0)**

MR. BAGG:

CEQ resolution **03-04 is for the planning and construction phase to refurbish the District Attorney space in the Cohalan Court Complex, Central Islip, Town of Islip.** The project includes the planning and improvements. The flooring, electric and computer terminal wiring and the establishment of work stations. Council recommends it is a Type II Action pursuant to Part 617.5 (1) (2) and (21) as the project involves planning as well as the replacement and rehabilitation involving no substantial changes to an existing structure or reconstructure of facility in kind on the same site.

CHAIRMAN CARACCIOLO:

Motion by Legislator O'Leary, second by the Chair. All in favor? Opposed? Abstentions? Unanimous. **(Approved Vote: 5-0)**

MR. BAGG:

Resolution CEQ - 4-04 is for the planning phase for the construction and reconstruction of the correctional facilities in the Town of Riverhead. Project includes --

MS. SULLIVAN:

Excuse me.

CHAIRMAN CARACCIOLO:

Yes.

MS. SULLIVAN:

You don't have a quorum.

CHAIRMAN CARACCIOLO:

Will Legislators Schneiderman and Bishop return to the horseshoe. We're doing CEQ resolutions.

We're doing CEQ resolutions. Okay. Legislator Bishop has requested along with Legislator Schneiderman to have their votes added to the majorities. So CEQ resolutions 77-03, 78-03, 79-03, 80-03, 01-04, 02-04, and 03-04 do now in fact have a unanimous vote by the entire Committee. Thank you.

MR. BAGG:

CEQ resolution 04-04 Proposed planning phase for the construction and reconstruction of correctional facilities in the Town of Riverhead. The project includes the planning phase only for the construction of a 10,752 square foot addition to the existing administrative area of the Sheriff's Office in Riverhead to provide necessary open space, cosmetic changes to the existing administrative space and the installation of a 750 square foot all metal garage warehouse type of pre-fabricated building to provide storage. Council recommends that it is a Type II Action pursuant to part 617.5 (C) 21 as the project involves the planning phase.

CHAIRMAN CARACCIOLO:

Motion by the Chair, second by Legislator Bishop. All in favor? Opposed? Abstentions?
Unanimous. **(Approved - Vote 5-0)**

MR. BAGG:

CEQ resolution number 05-04 is for the planning steps for noise and lead mitigation at the Trap and Skeet Shooting facility, Southaven County Park, Yaphank, Town of Brookhaven. The project includes the preparation of a plan that will address both noise and lead contamination mitigation at the trap and skeet shooting facility in Southaven Park, Yaphank. Council recommends that it is a Type II Action pursuant to 617.5 (c) (18) and (21) as the projects involves the information collection including basic data and research as well as planning.

CHAIRMAN CARACCIOLO:

Motion by Legislator O'Leary, second by Legislator Schneiderman --

LEG. SCHNEIDERMAN:

There's a little discussion on this one. Just very briefly on this project, and I realize that this is the analysis, but this trap and skeet shooting, what's the status on lead shot? Is that out of the picture at this point?

MR. BAGG:

I don't believe it is at this point in time. There has been substantial activity in the past at this particular range and they would like to mitigate it and remove the lead that has accumulated overtime.

LEG. SCHNEIDERMAN:

Okay. So this project actually would be to plan for the removal of the lead?

MR. BAGG:

That's correct, as well as noise mitigation because the range was shut down. And I believe they want to do the study to find out if they're going to resume or not.

LEG. SCHNEIDERMAN:

Okay. Thank you. I appreciate it.

CHAIRMAN CARACCILO:

Legislator O'Leary.

LEG. O'LEARY:

Just for the record, the major issue here in this particular project is the noise mitigation?

MR. BAGG:

Probably. The Parks Department has presented it.

LEG. O'LEARY:

Yeah, okay. Just so we're aware of that, just for the record, I'll be closely watching the report itself as it progresses. I'm very interested in this particular project. Thank you.

CHAIRMAN CARACCILO:

We have a motion.

LEG. O'LEARY:

Motion.

CHAIRMAN CARACCIOLO:

Motion by Legislator O'Leary, second by the chair. All in favor? Opposed? Abstentions?
Unanimous. **(Approved - Vote: 5-0)**

MR. BAGG:

The last CEQ resolution 06-04 is for the proposed planning and construction phase of improvements to the County Correctional facility in the Town of Riverhead. The project includes the updating, upgrading and repair of the Comtech gate control system updating 240 locking mechanisms, replacement of all flooring in the minimum security portion of the correctional facility and replacement of 5% of the prisoners' toilets. Council recommends that it is a Type II Action pursuant to parts 617.5 (1), (2) and (21) as the project involves planning as well as replacement and rehabilitation involving no substantial changes to an existing structure or reconstructure of a structure or facility in kind on the same site.

CHAIRMAN CARACCIOLO:

The resolution, you indicate, is in the Town of Riverhead. Is this the correctional facility on Nugent Drive, State Route 24?

MR. BAGG:

You're probably correct. It's probably in the Town of Southampton.

CHAIRMAN CARACCIOLO:

Southampton, okay. Motion by the Chair, second by Legislator O'Leary. All in favor? Opposed? Abstentions? Unanimous. **(Approved - Vote: 5 - 0)**

Okay. That brings us to tabled resolutions. Will the clerk kindly note that **IR 1000 (To strengthen land acquisition reforms in connection with information summaries.)**sponsored by Legislator Vivian Vilora-Fisher and myself has been **withdrawn.**

That brings us to **IR 1011 (Implementing Brownfield policy for Poulos property in Eastport, Town of Brookhaven)**, which is a resolution that I had requested Mr. Minei to be prepared to make some comments on with respect to a report he sent me yesterday. So, if you would, Vito?

LEG. BISHOP:

Are you going to move?

CHAIRMAN CARACCIOLO:

No, it's going to be tabled today.

MR. MINEI:

Good afternoon, Mr. Chairman, members of the Environment Committee, legislative Counsel. I'm Vito Minei. I'm director of the Division of Environmental Quality with the County Health Department. I'm here to discuss the eastern resources properties in Eastport. Mr. Chairman, your pleasure.

CHAIRMAN CARACCIOLO:

Okay. First, I want to thank you for the report that was delivered to my office yesterday. And, if you could for the Committee's benefit, just summarize your findings to date.

MR. MINEI:

Sure. The property is a former duck farming facility down near the hamlet of Eastport. It's comprised of a couple of pieces of property. There were several buildings on it that were there for a long time, long after the -- subsequent to the duck farming operations there. It literally was an eyesore and a concern for the people in that area. I live in East Moriches, not too far from there so I'm personally familiar with it. The main building was torn down. I believe the Town paid for a private contractor to tear the building down at considerable costs. I think tens of thousands of dollars.

In accordance with the Brownfields Committee, there is approximately 19 properties that were on that original list that we, the Division of Environment Quality were asked to do some preliminary assessments and give some guidance to the Committee as to what we thought were some properties that might have potential to either pursue as Brownfields. The eastern resources property was one of three that quickly rose to that list of 19 because of its size, its location, and near the hamlet potential -- several potential uses for that property. So the staff of the Division of Environmental Quality both from the Office of Pollution Control that oversees hazardous materials here in Suffolk County did some inspections. And, I also directed our ground water resource unit to do some ground water -- install some ground water monitoring wells and take some samples to our public and environmental health laboratory.

There were some minor concerns with regard to nitrogen in the ground water. It was duck waste that got into the ground water. We believe that over time that will subside because that source no longer exists. There was some concerns expressed by the State DEC. There have been some above-ground fuel tanks that apparently had leaked over time. No surprise. No revelation there. Steel tanks exposed to the weather can leak. They still have that file open. We contacted them recently to ask -- no action has been taken. So there is that lingering concern. Also in doing some ground water investigation, we detected some unreported high levels of organic chemicals. So that remains an unresolved issue.

And, one other concern, and this happens quite a lot, an abandoned building, there was a person who moved in and set up shop. He was doing furniture stripping there when my staff stumbled across him back in 2002. We indicated he should leave. I mean, we have no authority to evict people without the Sheriff's support, but we indicated it was not good for him to be operating this unsanctioned business on somebody else's property. When we returned a year later, that operation had ceased, but there's concern. Furniture stripping uses a lot of very strong industrial solvents. We did some preliminary investigations on the property. We did not find any solvents, but in the recommendations we indicate that we should pursue this further.

Now, moving forward, what do you do about properties like this in the County? There's a couple of things. There's a considerable tax arrears on the property. I think close to \$1.8 million in total on this property. Taxes haven't been paid. It's difficult for my staff in the Environmental Division to track down owners and things like that. So that's one issue; the amount of tax arrears.

This situation gets a little bit more involved because nearly two years ago, there was an interested party that came along, paid for some site plan design, paid for some engineering work. Their plan is, they came before the sewer agency, was to install a treatment plant and have a retirement community be developed on that site. As a result of that, there was some direction from the Committee, maybe we shouldn't pursue so much the investigation. And, Mr. Chairman, that's where your resolution kicks in. What do we do now? And that's a very good and timely question, especially -- we discussed at the last Committee meeting the changes in the Brownfield's law which are very significant. And this is a good example.

What I would suggest with this property because -- in light of the changes to the Brownfield's law, is that we move in parallel on a number of fronts here. I would think there is value for us in the division to go back and try to address some of those unresolved issues. I spoke to Michael

Deering, as you all know, has recently been appointed by the County Executive to be Environmental Affairs Director. And he concurs. And, I believe he's also spoken to you Mr. Caracciolo as well. Because the new Brownfields law says that the County -- as I understand it so let's take it on my understanding today -- we're going to have a briefing from the head of the Brownfield's program, the DEC towards the end of this month at the County Exec's office. So with my understanding now, we believe that the County could move forward and submit a Brownfield's application even though we don't have title. That's a major change. Before the County had to own the property; had to be in municipal hands. I believe now we can move forward at least with the assessment phase in an application without taking title. And Mr. Deering corroborates his understanding with my understanding. If that's true, I would suggest that we could forward on that.

Also, I think, too, that we should really try to discern what this private party interest is. But that shouldn't hold us back with regard to moving forward on the Brownfield's application. We're in the process of preparing an application under the new regulations for another property we discussed briefly here at the Committee, Ronkonkoma Wall Paper. That property is owned by the County. It's near the Ronkonkoma Train Station. It has had what we think might be limited contamination on-site related to the wallpaper industry that was there. So, we're in essence getting an education on how to prepare the application. So we're preparing, I guess, a template or a prototype on how to do this. I would suggest we should follow suit very closely behind with this as another example.

I'm hoping as Mr. Deering does as well that the County provides better guidance to us. We've sort of, you know -- I'm very happy to go out and do these environmental assessments, but you folks here in the Legislature and the County Exec's office really have to give us the direction on whether you want to pursue certain properties. And, we think we can set up a system here so in the future, resolutions such as yours, Mr. Chairman, won't be necessary. You'll have a procedure in order. We'll have criteria that we'll be following. And, now that we know if our belief is correct, and we'll resolve that in a couple of weeks when the State DEC comes down, is that we can move forward and at least call some of these developers who have at least indicated an interest in these properties whether or not they truly are because it's not wasted effort. I mean these investigations have, again, given us some parameters to be concerned with, given us a direction that a further assessment should be done. So whether we pay for it, that's the point I'll get back to, is whether the County takes on the investigation or the private developer now with the new regs takes it on, we provide guidance with these kinds of investigations. So,

it's not wasted effort. It's just another activity that pulls at the demands of the division. And, that's why some of these things don't happen in such a timely fashion.

What's good about the regs, again, the application won't be wasted effort either because the state pays about 90% of the assessment. So there's very little that we would have to put up front. And, I believe a lot of our inkind services would count as the County share. So things have changed very dramatically in the last several months. But we stand ready to, you know, address this however you wish us to proceed.

CHAIRMAN CARACCIOLO:

Thank you very much. One of the areas that really needs to be clarified is this property ownership.

MR. MINEI:

Right.

CHAIRMAN CARACCIOLO:

And, to that end I would request Roger Podd to perhaps make inquiry through the Executive's office as to rightful owners of this property and the total amount due on tax arrears because it is significant. It is in excess of a million dollars. And, unlike the previous approach that was sponsored by former County Legislator Fred Towle, which may be at that time would have been appropriate given the state of affairs with the Brownfield Law, the changes last fall, I believe, clearly put us on a path where it taking the direction as I propose in my resolution, makes more sense for the County and the County's interest than the former approach. But, I think we need to clarify that. And, I appreciate that point about, you know, determining private property interest. That's the first matter that we should clear up. And, then from there we could perhaps proceed with an application and an assessment of environmental impact.

MR. MINEI:

Yes. And I believe you have the agreement of the County Exec's Office. I spoke to Mr. Deering as recently as yesterday afternoon.

CHAIRMAN CARACCIOLO:

Right. We met couple weeks ago and discussed that approach.

MR. MINEI:

And, these are good, again, prototypes for us to get into this business wholeheartedly and move forward. But, there's going -- we're going to come back here and we're going to need a lot of

direction from the Legislature as well as from the County Exec's Office with regard to prioritizing properties.

CHAIRMAN CARACCIOLO:

In that vain what I would like to do is we'll set up a meeting with legislative Counsel and any member of the Committee who would like to be involved, along with the new director of Environmental -- is it Affairs?

MR. MINEI:

Affairs, yes.

CHAIRMAN CARACCIOLO:

Affairs. Michael Deering to formulate an approach, a policy, if you will. And, then promulgate that policy that you and others could follow.

MR. MINEI:

Yeah. And there are a number of properties out there. I mentioned the first list of 19. We're working from a second list of 51 properties with tax arrears. And, again, we can pick from the Environmental Division's perspective interesting properties. I have one that's very close to the Peconic River. It's called Intercoastal Management. It was the old Ace Fuel Company off the Peconic River. But, there are obviously other compelling social needs around the County that other Legislators can express an interest in. So we have a much bigger list now is what I'm getting at.

CHAIRMAN CARACCIOLO:

What appropriateness would there be on this particular site for an affordable housing project?

MR. MINEI:

Well, you're talking be eastern resources?

CHAIRMAN CARACCIOLO:

Yes.

MR. MINEI:

Again, you know, it's already a degraded piece of property. I talked about the dilapidated buildings on the site. They were talking about adult community. I don't know whether they were talking about affordable. I was hoping again -- I worked with Tom Isles and others and

Town Supervisors with regard to the affordable -- and I take to heart your issues and your concerns, Legislator Schneiderman. They're well taken in something that you folks will be called to balance as you move forward. But, again, it's within -- it's right near the hamlet of Eastport. It's by the railroad tracks unfortunately. But, it's certainly part of the walkable community's concept of Smart Growth. It does not encroach too much -- the development can take place without impacting the stream tributary that goes in the Seatuck Creek Complex. But, the idea is I think people should really look at competing needs for that piece of property and discuss them in an open forum. Affordable housing might be -- I mean, there are, in deed -- there's a little bungalow right next door that obviously is substandard and there are people -- looks like being numerous people living in that house. So, obviously, there is a need in the community for upscale but affordable housing.

CHAIRMAN CARACCILO:

Thank you very much. Any other business before the committee? Hearing none, the Committee stands adjourned.

LEG. O'LEARY:

Did you table that?

CHAIRMAN CARACCILO:

Oh, I'm sorry. Yes. I thought I did that already. Thank you, thank you, Peter. Motion by Legislator O'Leary, second by myself to table the resolution. All in favor? Opposed? Abstentions? Unanimous.

(Vote: 5-0)

(THE MEETING WAS ADJOURNED AT 3:51)

{ Denotes spelled phonetically }