

ENVIRONMENT, PLANNING and AGRICULTURE COMMITTEE
of the
SUFFOLK COUNTY LEGISLATIVE

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 **Monday, March 22, 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:

Mea Knapp, Counsel to Legislature
Alexandra Sullivan, Chief Deputy Clerk
Leg. William J. Lindsay
Leg. Vivian Vilorio-Fisher
Kevin Duffy, Budget Review Office
Jill Drum
James Drum
Mariel Clark
John Broven
Cynthia Barnes
Brendon Murphy
Don Garber
Charlie Bender, Aide to PO
Vito Minei, Director - Division of Environmental Quality
Thomas Isles, Director - Department of Planning
Patricia Zielenski, Director - Division of Real Estate
Lauretta Fischer, Principal Planner/SC Planning Department

Frank Tassone, Aide to Leg. Crecca

Kim Kennedy, Aide to Leg. Caracciolo

Lisa Keys, Aide to Leg. Caracciolo

Joyce Squires, EOSPA Committee

Alice Halliday

Jim Burke, Deputy Director, Division of Real Estate

William Moore

Edward Hennessey, Councilman, Town of Brookhaven

Linda G. Holmes

Edwin Fischel Tuccio

Bernard Brady, SC Water Authority.

MINUTES TAKEN BY:

Diana Kraus - Court Stenographer

(THE MEETING WAS CONVENED AT 1:04 PM)

CHAIRMAN CARACCIOLO:

Good afternoon and welcome everyone to this -- to the meeting of the County Legislature's Environment, Planning and Agriculture Committee for today. And, we'll have the Pledge of Allegiance by Legislator Schneiderman.

(SALUTATION)

CHAIRMAN CARACCIOLO:

Thank you. Legislator Schneiderman, would you convene the meeting while I tend to some personal business. And, I'll be back shortly. We'll do the public portion. There are several cards. If there's anyone else who's a late arrival that would like to address the Committee, please be certain to fill out a yellow card and you'll be called up in the order in which the cards

are received.

LEG. SCHNEIDERMAN:

Good morning everyone. Okay, our first speaker -- I'm going to ask that these comments be kept to three minutes or under -- is Jill Drum. Jill, if you'll come forward and identify yourself for the record.

MS. DRUM:

Hi, my name is Jill Drum. I live at 150 Darrow Lane in Greenlawn.

LEG. SCHNEIDERMAN:

Please begin.

MS. DRUM:

Okay. I'm here representing the Elwood Greenlawn -- the Elwood Greenlawn Woods. We're -- of the open space. The acquisition of the open space. I prepared a letter. And, it takes six minutes to read. Now, my husband's card is in there, but this is what the receptionist asked me to ask you.

LEG. SCHNEIDERMAN:

You could just tell us the high points of the letter since we do have it.

MS. DRUM:

Okay.

LEG. SCHNEIDERMAN:

You don't need to read the whole thing.

MS. DRUM:

Okay. I'm starting off by -- well, it will be easier for me because I'm so nervous. If you wanted to rip up my husband's card, then, he didn't have to speak. So that would be the six minutes.

LEG. SCHNEIDERMAN:

Okay. I'll give you the six minutes.

MS. DRUM:

My six minutes of fame. Okay. Thank you.

LEG. VILORIA-FISHER:

Don't be nervous.

MS. DRUM:

I'm shaking. I'm literally shaking. Okay.

LEG. SCHNEIDERMAN:

Take your time.

MS. DRUM:

Growing up in Nassau County, I lived on what my mother describe a postage stamp size piece of property. After marrying my husband and I bought our first house on a plot not much bigger. For the next ten years, we searched for our second house, the dream home. We decided to look in Suffolk County although it would be considerably farther away from our jobs because the homes offered larger plots of land. We scrimped and saved. Both my parents died and finally we were ready to afford our dream.

The summer of 2000 after moving to our new residence in Greenlawn, my childhood best friend stood in my backyard, looked around at the lush land and said would we ever have believed that we would be standing on one of our backyards as beautiful as this. Five months later a developer, Mr. Decanio, came up and knocked on my door carrying the pin that burst my dream home bubble. He bullied his way into my house while I was there alone with my two small children. And, the deceptions, the threats and my questions began. Mr. Vincent Decanio aggressively tried to persuade me to sign his papers stating that I agreed with his development proposals, which had not been approved by the Town; and, that I was one of the very last neighbors to sign. Not true. He and Mr. Robert Defao, the alleged owner of the land shook their fingers at us at a town hearing that did not go their way and threatened that if we did not do what they wanted, it was going to get worse. And, boy did it.

Last May 2003 the community heard rumors that a church was purchasing the land. My neighbor called the town, asked if a church had bought the land or was in contract on the land. A conveniently ready-to-retire town employee told her no church had registered a deed for that land, nor had any plans of development been submitted. Not entirely true. According to the Pastor of the Christian City Church, they owned the land since October 2003 and had already been instrumental in getting the town to place a blinking red light at the intersection of Clay Pitts

Road and the entrance to this property. The red light, by the way, still doesn't stop people. They come flying through there. Other residents had tried for years to no avail; the reason being that the area is a death trap. It says so in the SEQRA report and the full environmental assessment form dated August 9, 2000 completed when the Decanio/DeFao team to decimate the land.

It states the site -- the site once part of the plan to New York State Department of Transportation, Babylon Northport Expressway is a relatively narrow piece approximately 2400 feet in length, 200 feet in width. Access to shown by a modified 26 foot wide roadway from Clay Pitts Road, a major collector road within the town with a rated efficiency of fair and poor. The proposed road enters the site along the west property boundary. It curves around approximately 160 feet along Clay Pitts Road. That's the right-of-way width. It continues and it decreases to 50 feet of width at 500 feet into the site.

It goes on to say letters dated May 11th in 1967 the New York State Department of Transportation to the then Planning Director Harold Letson indicates that the circulation system and lot layout for all surrounding developments took into consideration the location of the proposed expressway. This is also supported by the record in the review of previous subdivisions of surplus Babylon Northport Expressway land. In both instances the Planning Board determined that the land set aside for the Babylon Northport Expressway was never intended for residential development and had significantly affected the design of adjoining subdivisions. The land for Emerald Estates -- this is what the -- the SEQRA report was done on this Emerald Estates, that wanted to be developed, so it's a/k/a The Surplus Property that's listed here, was sold to Robert DeFao in November '99. There was no guarantee by the state. This is right in the letter. There was no guarantee by the state with the sale regarding the potential for subdivision or whether it be used safely for building purposes without danger to health, fire, flood, drainage or impact to community character. And, I say really? Then, why would someone want to buy it?

The report continues to further support my community's cause. It includes the applicant field map revised July 18, 2000 depicts -- and these are all the things that the SEQRA report lists that would happen to this land if it was developed in anyway. Loss of open space and buffer. The yield map offers no set aside or buffer and places a roadway along the backyards of 16 lots posing vehicular noise, dust and odor impacts to existing homeowners. A marked physical change to the project site is a consequence of clearing, grading and construction. It says

utilizing the guidelines provided in SEQRA, the following potentially large impacts to land are expected with the proposed action. Constructing on slopes of 15% or greater, removal of plant cover over erodible soils, adverse impacts to natural resources, changes in volume and duration of water flooding, leaching, drainage, the creation of a material conflict with the community's current plan or goals, the impairment of the character or quality of aesthetic resources of the existing community. It's a hazard to human health and a substantial use in the use or intensity of use of the land. And, then the next three pages talks about all the details that the SEQRA report goes into. Will it affect -- I'm not going to read this part-- will it affect any threatened or endangered species. It goes on to list all of them. Will there be an existing problem with transportation. It goes on to talk about all the accidents that they went and looked at and how given the potential increase in accidents on an inside curve, a site distance study would need to be done. Will there be noise pollution? It says there would be short term and long-term, odor, noise and vibration impacts from construction and the roadway. Will it be a public -- an adverse affect to public health safety? It will because no emergency vehicles will be able to get in that spot if they needed to.

LEG. SCHNEIDERMAN:

If you can sum up now?

MS. DRUM:

Okay.

LEG. SCHNEIDERMAN:

I would appreciate it.

MS. DRUM:

The letter goes on to tell what the SEQRA report -- what the SEQRA report stated. It also talks about what happened when the Christian City Church three days before Christmas decided to come in and bulldoze the land without any proper permits. And, then the last couple of pages talks about New York State and how they have affected us. Can I just read that last part?

LEG. SCHNEIDERMAN:

As quick as possible because you're about nine minutes now.

MS. DRUM:

Okay. Oh, I'm sorry. All right, then I'll just leave you with the letter because I don't want to -- but it is important that you read it, please.

LEG. SCHNEIDERMAN:

Okay.

MS. DRUM:

Thank you.

(APPLAUSE)

LEG. SCHNEIDERMAN:

Thank you very much. That was Jill and James Drum. We'll go to Mariel Clark. You're the next speaker.

MS. CLARK:

I have no prepared text. What I wanted to discuss is I'm one of the original owners on -- I live at 148 Darrow Lane. When I first was in contract on my house, my neighbor had said to me did I know that there was a road going through my backyard? So, I immediately called Town Hall to find out that this road was going to have to -- they'd have to acquire so many pieces of properties along the way that I was told it would never be developed. I'm actually the woman that Jill was talking about. On my way to work on the 22nd of December, I stopped at the stop sign, the blinking light; and, I looked to my right and I see these bulldozers way into the property. This is probably about 9:15 in the morning. What I did was I got halfway to work and I said I can't do this. I have to go back. And, I went back to the site. And, I interviewed the young gentleman who was doing the -- with the survey. What I wanted to say about that survey is he only showed me a portion of the survey.

It wasn't until I went down to Town Hall that I actually saw the entire survey or really what the town thought was the entire survey because what they didn't include in the survey is what they intend to do in the future, which the town said now, we want to see everything that you intend to do with this property. At first it was a three-story multi purpose building; then it became a church; then it became two parking lots; then it back three houses. And, it's just -- it's snowballing. In other words, they really haven't leveled with the town at all. And, I will have to just reiterate what Jill said. I've been there 33 -- 34 years in my house. I can tell you that that intersection is a horrific intersection. The previous neighbor that lives in the -- or lived in the

Drums' house, we actually found a car that came flying off of Clay Pitts Road halfway into her property. So, that to me is a terrible intersection to put a road in.

I would also tell you that my family, my children grew up in that house; all of them. The feel to them was like a haven. They built their forts in there. They played with the -- the animals in there. We used to get the boxwood turtles coming out of the woods on our property. And, we would -- the kids would take them back in there. I've seen fox in there. It's an amazing area. There's strawberries all over in there. I can't imagine what destruction is going to take place when they come in with the bulldozers. And, as you can tell, I'm dead set against it.

LEG. SCHNEIDERMAN:

Okay, thank you. You'd like to see the County obviously move to preserving it?

MS. CLARK:

Yes. It's a little piece of heaven right in Greenlawn.

(APPLAUSE)

LEG. SCHNEIDERMAN:

Thank you. Okay, our next speaker is John Broven, Broven, or however he tells me I'm supposed to pronounce it.

MR. BROVEN:

Good afternoon. John Broven, English. Green card holder I hasten to add. Speaking on behalf of Detmer Farm, Setauket; first of all, I'd like to congratulate the Legislature for the Sherwood Jane acquisition and purchase in East Setauket, which has preserved 300 years of farmland. I think the 14 sheep and four lambs at last count are grateful as well. I went to return to my home country in January. I've always equated Long Island where I've been living for eight years with my home country. In so far as it's a small island, it has problems of growing population, traffic. The same problems that we have here. But, I was amazed when I took a train journey from Brighton to Eastport, just how much green land there is in England compared with what we have here in Long Island. And, England was the same agricultural, economy. Detmer Farm is one of the last surviving working farms in the Setaukets area. I would urge you to do all you can to preserve that farm for posterity. I would just say to you that the mooted price is no more

than a small apartment in New York City. This is the last chance to preserve this land. Please take it. Thank you.

LEG. VILORIA-FISHER:

Thank you, John.

CHAIRMAN CARACCIOLO:

Cynthia Barnes. Good afternoon.

MS. BARNES:

Good afternoon. My name is Cynthia Barnes. And, I'm here representing the Civic Association of the Setaukets. And, reading a letter from William Sham. I am also here handing in a petition that has been signed with over 300 names. The membership of the Civic Association of the Setaukets, one of the -- Suffolk's oldest Civic Association backs the preservation of the Thompson Detmer farmed 100%. The Three Village Community has worked long and hard to try to preserve this historic farm. As one of the very first areas to be cleared and farmed after northern Brookhaven was purchased from the Settlehawk Indians, it has been in continuous cultivation since the mid to late 1600's. Today it is one of the last remaining farms in the community. We are sure that the Suffolk County Committee on Environmental Planning and Agriculture will not want to see this historic property fall prey to yet more development when a chance to at last preserve has finally been worked out.

In judging the price of this property, we hope that the Committee will take into account the very helpful role being taken by the Peconic Land Trust. Acquisition of the Thompson Detmer Farm has under negotiation for well over a decade. Fifteen years, I think, is the actual date. It has been saved by a hare's breath from loss to developers more than once during that time through vigorous efforts of the surrounding community and our town and county Legislators. We have come too far to lose this precious heritage and natural resource now. We ask you to promptly approve the property for preservation by Suffolk County with the cooperation and participation of the Peconic Land Trust. Thank you.

CHAIRMAN CARACCIOLO:

Thank you.

LEG. VILORIA-FISHER:

Thank you, Cynthia.

CHAIRMAN CARACCILO:

Brendan Murphy.

MR. MURPHY:

Hi. My name is Brendan Murphy. And, I am here representing the Elwood Greenlawn Woods Homeowners Association. I'm just going to speak briefly to urge your support of Allan Binder's resolution 1209-2004. I'm just going to highlight a few points about the resolution. Some of the Committee members here have seen this come before them or a version of this come before them in 2001, which dealt with a smaller portion of this land. I want to just highlight a couple of the positive differences that occurred since 2001. The current initiative includes the total of 25 acres and includes the entire woods as opposed to in 2001 we were just looking at the northern portions, which is ten and a half acres. The Town of Huntington, which was considering supporting this in 2001 did not at the time. That's changed very radically now. They now support it. Joyce Squires, I think, has supplied you now with a letter, which, you know, describes their reasoning there.

The primary reason is that the additional 14 or 15 or so acres that are now included in the land have been rated to have a much higher environmental significance. We think that's important. One of my companions here from the Association when she speaks will provide you with a report that she has created which details some of the environmental value of the land and gives us sort of an open space value break down based on our analysis.

The other things I'd just like to close with is that we also are getting increase support on the state level. Assemblyman Andy Raia is actively working to transfer a crucial connecting portion of the land directly to the town or the town and county combination. It's about one and a half acre piece of land that's currently owned by the DOT. And, if you need that, I do have a copy of his letter to the DOT, if you wanted to have that for your reference.

Finally I just want to talk about the greatly renewed community support that we have that's largely been pushed by the illegal destruction of approximately two acres of the woods by the Christian City Church who started to bulldoze before they had proper building permits along with the steady progression of the other proposed development, a housing subdivision known as Village Woods Estates, which is making its way through the Town of Huntington planning board process.

So, in summary we think that we have a -- currently there's a confluence of highly beneficial political and economic circumstances to quote my letter, which I think should help make the passage of this much easier this time. And, we're greatly urging your support. And, we appreciate your time and consideration.

CHAIRMAN CARACCILO:

Thank you:

(APPLAUSE)

CHAIRMAN CARACCILO:

I'd just like to inform the audience that we would appreciate it if you did not make applause -- make applause during these proceedings. Don Garber.

MR. GARBER:

Hi. Good afternoon. My name is Don Garber. I'm speaking on Detmer Farm and I'm speaking for ABCO, an umbrella group of civic associations in Brookhaven town. ABCO cares very strongly about land, open space acquisition and agricultural development right acquisition. For that to go forward, we have to get a willing seller entering into negotiation between the County, and possibly the town and the seller. And, it's imperative that the negotiation process is perceived as being in good faith; that there is a number of thresholds to go through, and that there's no surprises. If in the negotiation process sellers in general sense that it's an unending number of thresholds, it will chill the acquisition process. And, that would be really very, very much unfortunate for us all. In fact, about ten years ago I was at a press conference with Gaffney announcing at that time about ten years ago acquisition of Detmer Farm. It's been taking a longer time than what we had, in fact, hoped. The Detmer Thompson Farm about 18 -- 1698 was when it started. It's really quite old. In 1851 when the great London Exhibition took place, the Crystal Palace, they won first price. It put Suffolk County on the world stage for agriculture.

All the planning processes really say how important this is. I think a final point, which is my own point, is Sound Avenue is congested badly at pumpkin time. If the remaining farms in western Suffolk County are allowed to perish, this will be directly contributing to more pumpkin gridlock

in the east end. And, I don't know if I would like to stand up and say I led to more pumpkin gridlock on Sound Avenue. Detmer Farm now sells a tremendous number of pumpkins at Halloween time. Anyway, thank you for hearing me. Have a nice day.

LEG. VILORIA-FISHER:

Mr. Chair?

CHAIRMAN CARACCILOLO:

Yes.

LEG. VILORIA-FISHER:

If I could just comment on the very funny image of all of these pumpkins blocking Sound Avenue. Thank you, Don, for a very good statement.

CHAIRMAN CARACCILOLO:

It's nice to hear that other communities would like to share in the traffic congestion. Margo Miles.

MS. MILES:

Would you have any objection if I asked Joyce Squires to join me?

She's also submitted a card.

CHAIRMAN CARACCILOLO:

That's fine. A two for one every time. She's the next card anyhow, so that's fine.

MS. MILES:

Thank you. My name is Margo Miles. I'm the Town of Huntington's Coordinator of Open Space Conservation. I'm here today to speak in support of the planning steps resolution for the Emerald Estates Property assemblage. We know that you're already in receipt of Supervisor Patrone's letter in support. This is an acquisition that our town board approved unanimously on March 9th 50% committment of funding as well as the agreement to manage the property should it be acquired. It's a property that we hope will be preserved as a tri parte cooperative effort between the state, the County and the town. You already heard Assemblyman Raia is making efforts now to try to see that one of the remaining state parcels is conveyed over to the town so that it could be used in tandem with these other properties. We're talking about a 25

acre assemblage, a portion of which had been initially set aside to be used as the Northport Babylon Expressway. It's right now in a state of second growth woodland in the northern component and far more mature dry oak woodland to the south.

It contains existing trails that are used extensively by the community now. The preservation of this property will avail passive use for many surrounding neighbors as well as certain key receptors. There are schools, junior high school and high school in a very close vicinity that presently use the trails as a pathway. The town's major senior housing complex Pomonot Village is immediately to the north. There's a possibility of linking a trail through to our savings court park which is further north. There's significant community support, which you'll hear today. This is one of our opportunities -- the town has been looking at opportunities throughout Huntington to try to support non-motorized transportational alternatives. Here we have a wonderful opportunity to preserve a corridor that's already used as a walk-to-school site. I'd like to introduce Joyce Squires, our Open Space Committee Chairperson and let her discuss the Committee's recommendation pertaining to this site.

CHAIRMAN CARACCILO:

Before we do, Margo, it's my understanding that based on your comments today and the letter we did receive from Supervisor Petrone that this would be a 50/50 town/county acquisition?

MS. MILES:

Absolutely.

CHAIRMAN CARACCILO:

Okay.

MS. SQUIRES:

Joyce Squires, Town of Huntington Open Space Committee Chair. As Mr. Murphy told you, in 2001 we had some concern when we were just looking at the northern portion of the property. Now, we have available to us both the northern and the southern portion. The southern portion, which is now known as the Village Woods subdivision is a mature oak forest. It's good land. We feel very strongly that this will be a good trail that goes from Clay Pitts Road and you can walk through to Cuba Hill Road. You could cut through at Darrow. We need the keep piece that is a department New York State Department of Transportation piece. I think we will not have any difficulty getting that as Mr. Raia is very much in support of it. So that the Committee very much changed its position because we felt when you have this assemblage, and you have a good walking trail that goes in the middle of a residential area connects to Pomonot Village, we feel

that this is important. So we wanted you to know why the Town of Huntington had changed their position as more land became available to us.

CHAIRMAN CARACCILOLO:

I've a couple of questions.

MS. SQUIRES:

Yes.

CHAIRMAN CARACCILOLO:

As I think you may recall, Margo, I did once walk this property with Legislator Binder. At that time I was not favorably disposed the County being involved in any purchase agreement.

Question: The trail that you speak to -- this is going to be purchased and preserved as passive open space?

MS. MILES:

Yes.

CHAIRMAN CARACCILOLO:

Okay. Because there are residential units, I think, on both sides of this property. It's like a bowling alley as I remember that property.

MS. MILES:

The northern component is. Then, it's much wider in the southern component. Initially what had been proposed was only that eleven acres.

CHAIRMAN CARACCILOLO:

Right. Now, what would be the distance of the trail itself?

MS. MILES:

If you were to do a loop that ran all the way through -- Pomonot Village starts immediately to the north of this property. There's about a three quarter mile loop that could be done up through Pomonot Village and Savings Court Park; and about another mile and a quarter -- we measured today -- if you came through this property and then a component would have to be on the roads swinging back through to Darrow to make that loop -- would be about two and a quarters miles; could be the potential loop.

CHAIRMAN CARACCILOLO:

The resolution before us is only a planning steps resolution --

MS. MILES:

Yes.

CHAIRMAN CARACCILO:

-- which as you are familiar would only authorize the County seeing that there is a willing seller and then conducting appraisals, surveys and so forth.

MS. MILES:

Absolutely.

CHAIRMAN CARACCILO:

So, at this point, as I mentioned to Legislator Binder, I'll consider it. I'll also be looking at it very closely when it comes back given what I anticipate will be a very signature cost associated with the property. But at least for the time being I think it's something that we can take a close look at, but I would insist that before we did an appropriated resolution, as we did at the Duke property in East Hampton, when Legislator Schneiderman was Supervisor there last year, there was certain conditions that I insisted upon and the good Supervisor at that time made certain that the Town Board incorporated those in the final resolution that we adopted. And, I'll be looking forward to doing the same thing with Huntington in this instance.

MS. MILES:

That's not a problem. We did exactly the same thing on Hiller Woods in the Hiller additions.

CHAIRMAN CARACCILO:

Okay. Thank you.

MS. MILES:

Thank you.

MS. SULLIVAN:

Next speaker is Diane Bachacalupo followed by John Westowitz.

MS. BACHACALUPO:

Good afternoon. I must say I'm an amateur. I've never done this before. I have no prepared statement. My name is Diane Bachacalupo. I'm a resident of Darrow Lane in Greenlawn. I'm

here concerning the Christian City church project. I have some photos of wildlife that were taken that are in my backyard and in the trail that do not exist in asphalt and buildings. They exist in woodlands and open space. They're spectacular. I couldn't find the negatives to make copies, but I'd be grateful if you just have a look.

CHAIRMAN CARACCIOLO:

Sure, thank you.

MS. BACHACALUPO:

The second point is we have aerial photos showing that this strip of land is a very narrow green strip. The only strip of green property in the Greenlawn/Elwood area. And, I submit this for your perusal as well.

The third point I'd like to make, which is a very brief point, is that my daughter's a teenager. And, her friend told us that three weeks ago they were considering going to the rock concert that the Christian City Church performs once a month. These people are coming from Manorville, which means you have hundreds of students, children, teenagers coming from as far as forty, fifty miles away on Friday nights, which go from seven to 11:00. And, on the Christian City website it indicates that this happens once a month. So instead of having a quiet wooded backyard, we'll have asphalt, two-story stadium lighting and hundreds of cars going in and out with teenagers doing God knows what in our backyards. So I would submit this for your reflection. And, I thank you for your time.

CHAIRMAN CARACCIOLO:

Thank you. And, that was an excellent presentation given as you said this was the first time. You did very well.

MS. BACHACALUPO:

Oh, thank you.

(APPLAUSE)

MR. WESTOWITZ:

Hi, my name is John Westowitz. I grew up in the Setauket area walking distance to Detmer Farm. I grew up knowing actually the entire family. And, several years ago I had to take a hard position and actually along with many of my fellow citizens in Setauket oppose the project that

was being brought forward for the Detmer Farm. And, as I say, I felt strong enough that I came forward even being friends with the family and said, hey, I'd like to see this place preserved and supported the County in its acquisition even though it was taking several years even at that point to come together. And, today I guess I'm on the other side in the sense that I'd like to see the Detmer Farm acquired for the same reasons that I felt it should have been preserved then, but also it's time to put this to bed. I think it's been kicking around a long time. And, I don't think I have to convince you why it's such a valuable piece to us.

But, I would like to just add, I had a very -- I grew up there, always been active in the community. But, in particular last year I was, as some of you may know, a candidate for Town Council there. And, the biggest thing or the first that we always heard as we walked around, I think any of the candidates, is over development and traffic. Well, acquiring this property obviously would help in both those areas. And, in that when that was generally the first thing people talked to me about. The second thing was, when is Detmer Farm going to be acquired? And it's been -- no matter where I go and whatever circles I travel, it's on the lips of many people. So, I just want you to know there's a very small representation of people that are here today. I can honestly say that I think what their -- the awaiting of this property to be acquired is on the lips and minds of everybody in the community. It's a paramount piece and certainly requires your attention. And, I appreciate your consideration. Thank you.

CHAIRMAN CARACCILO:

You're welcome.

MS. SULLIVAN:

Next speaker is Ruthie Ioreo.

MS. IOREO:

Hi. Ruthie Ioreo. I live at 11 Andrea Lane. And, I'm here representing the Elwood/Greenlawn Homeowners Association.

CHAIRMAN CARACCILO:

Could you just speak a little bit closer to the mike, please?

MS. IOREO:

Sorry. Okay. I just want to make a couple points that may or may not have been made. But, first of all a picture's worth a thousand words. And, I'd like to submit this for your perusal. This

was phase one of what Christian City Church wants to build in our backyard. And, as someone mentioned the two-story stadium lighting. That is a key, key item that will ruin the ability for me to look up with my children at night and see the stars that are so brilliantly shining over my home. My other point is that I grew up in Queens. It's kind of similar to Jill's situation. We just want you to appreciate -- the Committee to appreciate how we value our land and our space. We're very blessed to live in this beautiful area. And, we will respect it and cherish it. And we want to continue to cherish it; and for our children to cherish it.

I also just wanted to quote from Mr. Levy's New Day for Suffolk County introduction, a letter he wrote in the New York Times when he first took his position at the beginning of January. And, he said, the scenario is simple. Buy the land now or lose it forever. And, that's what we're faced with here. And, can I ask one question of you, Mr. Chairman? I was just curious because I moved into my home in September as to why you didn't -- you said you had no interest in the property last time. I'm just curious as to why?

CHAIRMAN CARACCIOLO:

Well, given the irregular shape of the parcel and it's close proximity to residential homes, it does not -- the County has certain criteria that we consider when we make an acquisition. And, quite frankly, based on my recollection, which we are updating very soon and hopefully will eliminate what I think was some of the failures in the previous system, this property clearly was a bowling alley tract. It was long, it was narrow. It was between two existing subdivisions. And, really given all of the other opportunities, we have to preserve land in either Huntington Town or elsewhere. It really didn't meet what I felt was sufficient criteria. Now with the addition of some state property and some other property to the south, I said earlier that I would at least consider the planning steps resolution, which would identify a, if the property's available -- is a willing seller; and b, what that cost might be. If the cost is too high, I won't support it.

MS. IOREO:

Okay. But are you the Committee that will also prevent an organization like the Christian City Church from coming in and building this monstrosity?

CHAIRMAN CARACCIOLO:

No, that's the within the jurisdiction of the Town of Huntington. I'm glad you mentioned that, because there are a lot of residents here from both Huntington and Brookhaven today. And, I think it's important to note as citizens that what you see coming out here from Queens in terms of -- I won't call it urbanization, but certainly suburbia is now given way slowly to more and

more intense development. You know, PRC's and things like that. And, what you need to know is that towns under New York State law are the sole entity that has jurisdiction over land use and zoning. We do not. We've been preserving -- in fact, we have preserved more land than most states in the United States. Right now over 46,000 acres in this County. So, I hope that clarifies for you. We would have nothing to do with the church application and any building that may eventually take place.

MS. IOREO:

Okay. I just would reiterate, then, that how much we would cherish the land and make sure that it's used suitably by the community and the children at the schools in the surrounding area.

CHAIRMAN CARACCIOLO:

Okay. Thank you.

MS. SULLIVAN:

Next Speaker is Harry Sisca followed by Edward Rich.

MR. SISCA:

Good afternoon, Mr. Chairman, members of the Committee. My name is Harry Sisca and I'm here today to address the proposed acquisition of the Brick Kiln Canal property, which lies at the terminus of Bay View Drive in Oakdale, New York. We, the members of the community, fully support this proposed acquisition. And, hopefully this land will be held as open space. At this time, Mr. Chairman, I would like to submit a letter that was sent to representative Lindsay stating that we the members of the community have and will continue to maintain this property. Thank you.

CHAIRMAN CARACCIOLO:

Are there sufficient copies?

MR. SISCA:

Yes, sir.

CHAIRMAN CARACCIOLO:

Okay. Thank you. Is that the last speaker, Alexandra? Okay. Well, I see another person at the mike so -- sir, could you just --

MS. SULLIVAN:

I'm sorry. Edward Rich.

MR. RICH:

Hello. My name is Edward Rich. And, I'm here to speak about the Elwood/Greenlawn property. My wife and I have lived on Darrow Lane for 20 years. And, the property in question is right at the end of our backyard. I'm going to probably reiterate points that have been made but I'd like to state my opinion on it. Aside from the somewhat selfish interest that we on Darrow Lane and Andrea and Kenneth have to keep the property in a pristine natural state, there's also a community factor here. I think you're all aware and we're all aware that just about every piece of viable property in the Town of Huntington is being built into housing. And, with so little natural property left, it really would be advantageous to get this property, keep it in the state that it is, allow the neighbors -- there are about fifty of us that border on it, perhaps even more, but also to allow the community the use of this beautiful piece of property. Just having a nature walk as has been said there's a high school and a junior high school right adjacent to the property. There's a large senior citizen complex. People will be able to enjoy this. And, I -- you already expressed the fact that you are going to consider at least for the planning stage. So I just wanted you to hear one more voice to support this.

CHAIRMAN CARACCILO:

Thank you very much. I think we have one more speaker.

MS. SULLIVAN:

Pam Shield.

CHAIRMAN CARACCILO:

As Pam is coming up, is there anyone else that would like to address the Committee from the public? Okay.

MS. SHIELD:

My name is Pam Shield. I live at New Foundland Avenue in Huntington. I grew up in Huntington and have some of my earliest memories in county parks. Today I am a hiker. I clean and restore trails in county parks and elsewhere every year. I've handed each of you a copy of my photographic report. It has been many years now since I first asked my town to preserve this subject land, which we now call Elwood/Greenlawn Woods. And, until now Elwood/Greenlawn Woods was not considered in its entirety. It is approximately 25 acres of open space in the Town of Huntington bounded roughly on the north by Clay Pitts Road, on the east by Kenneth Avenue, Andrea Lane and New Foundland Avenue. On the south by Cuba Hill Road, and the west by Darrow Lane. In 2001 under resolution 1789 only the northern portion of

Elwood/Greenlawn Woods was heard and considered because the subdivision plan there only included the northern portion. This subdivision was named Emerald Estates. The town and county committees, therefore, heard only the attributes of the northern portion which was heavily farmed in earlier years. Today the northern portion is a wooded greenbelt which provides a popular habitat for many birds and other wildlife.

The map attached to the back of this report depicts the general shape of Elwood/Greenlawn Woods in its entirety and the tax lot numbers included therein. The northern portion was New York State owned right-of-way. It is land which was appropriated in the '60's for the Babylon Northport Expressway project. The state was a steward of this land for the people. It should have been protected for the people even though the road project has been abandoned. It must be linked to the southern portion by acquiring lot number 93.6 and lot number 115. The state still represents that they own these two small lots. My report lists the criteria that Elwood/Greenlawn Wood meets under the Suffolk County rating system for land acquisition under the primary criteria. First, it's larger than twenty acres. Second, it's next to the protected right-of-way. Third, it is associated with other strategic land parcels and wooded lots which also much be acquired. And, finally, it is a beautiful greenbelt buffer.

Under secondary criteria, first the developer's plans have been filed; and, second, the Town of Huntington will join the County in an inter-municipal agreement regarding this land. In addition to these criteria, which I have listed in the introduction of the report, Elwood/Greenlawn Woods must be preserved because of its proximity in an area which is very heavily developed. It is the largest area of open space within a mile and a half. Now, if we have time, we can look at the pictures. The northern portion contains an existing path shown here in this photograph taken in winter 2002. The foreground is Queen Anne's Lace also known as bird's nest.

CHAIRMAN CARACCIOLO:

Excuse me.

MS. SHIELD:

And, you can continue with the report. And, I just wanted to say that I have added to my birds of Elwood/Greenlawn Woods, which I first submitted to you in 2001. And, I support passage of this resolution.

CHAIRMAN CARACCIOLO:

Would you know what the width of this property is?

MS. SHIELD:

Well, if you look at the map there, in the north you've got that very narrow corridor. I think you're talking about 150 feet width there.

CHAIRMAN CARACCILO:

Right. That's the trail I walked --

MS. SHIELD:

Yes.

CHAIRMAN CARACCILO:

-- in the rain with Allan Binder.

MS. SHIELD:

As you get to this southern area, it gets much more sloping and wooded. I would say you've got those long pieces in there.

CHAIRMAN CARACCILO:

Do you have any familiarity with who owns this southern portion?

MS. SHIELD:

It's a series of private owners whose homes are on the Cuba Hill Road there to the left of this map. And, some are already subdivided as you can see from the dark line. And, the purple ones, of course, will have to be broken off. The back woods of their parcels will have to be broken off. Some of those purple areas are two acres per homeowner, three acres per homeowner. And, you're going to have to put them all together.

CHAIRMAN CARACCILO:

Okay. The earlier -- I don't know if you can answer this question, I could reserve it for later, but it was indicated that there are possibly willing sellers?

MS. SHIELD:

Yes.

CHAIRMAN CARACCIOLO:

Does that include all of these properties, parcels that are on this map?

MS. SHIELD:

I wouldn't know that exactly. I believe the town has mailed letters asking for their comments and their intentions if they're interested in doing this. And, some of those homeowners or at least one of them has showed up our meetings that we've been having about this. And --

CHAIRMAN CARACCIOLO:

That's quite all right. Legislator O'Leary.

LEG. O'LEARY:

Yes. Your report indicates that there was some clearing that was done in December of '03?

MS. SHIELD:

Yes.

LEG. O'LEARY:

Where on the map was that? Did that occur?

MS. SHIELD:

That's right at Clay Pitts Road at the very top where I've indicated the lot number 93.7. Right there where I show the trail ending, but not quite making it to Clay Pitts Road.

LEG. O'LEARY:

Right.

MS. SHIELD:

Now that's a big open, ugly scar of the land which has to be remedied.

LEG. O'LEARY:

How much of that area size-wise?

MS. SHIELD:

They took down about two acres there.

LEG. O'LEARY:

About two acres? Just off Clay Pitts?

MS. SHIELD:

Yeah.

CHAIRMAN CARACCIOLO:

Okay. Thank you very much. Are there any other speakers that would like to address the Committee? Hearing none, we'll go to the formal portion of today's agenda which initially, our first is a presentation by Councilman Edward Hennessey of the Town of Brookhaven. Ed?

MR. HENNESSEY:

Good afternoon. Thank you for the opportunity to speak with you today.

CHAIRMAN CARACCIOLO:

I like a man who shows his colors.

MR. HENNESSEY:

Yes, I was tagged coming in the door. That's not the reason I'm here today, though. I think it's a good initiative. But, I don't want to detract from my message here today. I'm here to ask the Suffolk County Legislature to examine the feasibility of forming a Suffolk County sewer and storm water authority. Several months ago, I had the opportunity to be briefed on Nassau County's initiative. And, similar to Nassau County, if Suffolk County embarked on this path, you would have the opportunity to have this authority assume all sewer district assets, operating expenses and give you an opportunity -- create an opportunity to refinance the debt -- capital debt that's associated with the infrastructure cost to paying off that cost for the sewer systems and the sewer district, Suffolk County sewer district and the drainage of this structure under the control of Suffolk County DPW. The environmental benefits are such that if the initiative could be huge, not only for Suffolk County but for every municipal subdivision within your jurisdiction. 2% environmental facilities bond back could be an opportunity -- could be a mechanism you can use to refinance the debt.

But back to the environmental benefits. I brought a copy with me of the Long Island Regional Planning Board's resolution, which I'll ask to be passed out. Storm water runoff is the largest source of pollution as you've probably been briefed by many of your divisions and department

heads. It's the largest source of pollution in our water ways. Creating an opportunity where we can focus our resources, our collective resources towards greater water quality in our bays, our rivers, our creeks and our streams would pay huge dividends to all of Long Island and the future water quality for the people and the marine life that surrounds this island. The sewerage benefits, my understanding, I don't have all the details, and I know it's a complicated system that you oversee here with respect to the sewer system, my understanding is there's eleven sewer districts with various different rates throughout Suffolk County. The area that I represent in south east Brookhaven does not have any municipal sewer districts. It creates a significant disadvantage for us to preserve open space thereby saving you money. And, it puts us at a significant disadvantage with economic benefits and it hampers and actually prohibits us going forward with a lot of our Smart Growth and housing initiatives. So, the sewer -- the consolidation of our efforts and your efforts in the new authority for both sewer functions and storm water runoff would be a great benefit for not only Suffolk County but for Brookhaven Town and all of the subdivisions.

Something you may want to keep in mind as you consider this recommendation from me is that environmental protection act phase II is requiring that all municipalities by the Year 2008 create accounting requirements and inventory of costs and schedules for the maintenance, replacements and pollution mitigation measures for all municipalities. This is a mandate that we're facing for the federal government. And, one that I would submit to you that probably no municipality other than perhaps Southampton Town is in a position to address.

LEG. BISHOP:

We have done a lot.

COUNCILMAN HENNESSEY:

Great.

CHAIRMAN CARACCIOLO:

Yeah, I was just going to recognize you, Dave, because you really have been a champion at the county level in trying to get a program like this expanded to address the very need of runoff.

LEG. BISHOP:

I just want to flush out a little -- how is creating a sewer authority going to address the storm water issue outside of sewerade areas? I don't know the --

MR. HENNESSEY:

My suggestion is simply to ask you to examine the creation of the authority, take the two

functions. You don't have to -- certainly you don't have to do the sewer function. The storm water problem that we're facing -- storm water mitigation problem that we're facing, I think, justifies the authority in and of itself. I would hope that you would consider some system type of mechanism to create a more proactive sewer solution for all of Suffolk County so that the eastern portion of Brookhaven Town in particular could benefit from the sewer districts that western municipalities enjoy.

LEG. BISHOP:

Okay. So the goal is to get more areas sewerred.

MR. HENNESSEY:

Yes, that would be one objective. But, the storm water function, I think, is something that, you know, it's an opportunity for us to focus our resources towards storm water mitigation.

LEG. BISHOP:

Because, you know, we have a specific fund to address storm water. And, it's in our quarter cent program. And, it's certainly open to towns partnering with us already on plans to mitigate storm water runoffs. So, if you have a stream in your area, which I think you overlap with Legislator O'Leary; right?

MR. HENNESSEY:

Right. My district overlaps with Legislator O'Leary for the most of the geographic area; Legislator Caracciolo for the northeast section, and Legislator Schneiderman.

LEG. BISHOP:

Right. Great. So with any of those legislative partners, if you had an initiative to putting storm drains with the latest technology or to purchase areas to create sumps, what we call sumps, I think they're called water recharge basins in the nicer precincts, you know, there's a fund available already from the County. And, I would, you know, I just want you to know about it because it's an under utilized fund. And, I'm working hard with my Babylon Town partners to use that fund for that purposes as well. The sewer part of it, though, the sewer authority part of it was rejected previously by the Legislature, I'd say about seven or eight years ago when we had a significant problem with a sewer rate shock in certain districts. They were going to be hit with three, 400% increases; and, it was proposed at that time that we go with a sewer authority. And, it was rejected pretty overwhelmingly because the idea was that we -- the notion was that we didn't want to lose that control at this level of government. And, that

authorities inevitably spin-off out of control on their own. So, but, you know, circumstances change. And, I appreciate your bringing it to our attention.

MR. HENNESSEY:

Yes. The storm water fund that you spoke about, I'm not sure how it works. I am generally aware of it. I'm not aware of any program that I've participated in through my work that's taken advantage of it. But, I believe we need a much more proactive and comprehensive approach if we're going to prioritize water quality in our bays, our streams, our rivers and creeks. In my district in south east Brookhaven, we have many old file map areas where the drainage systems drain directly into head waters, creeks, streams. And, it's a constant source of pollution. It's a big problem for us. My district in particular has three rivers that feed the south shore estuary. I believe we have the largest inventory of undisturbed salt water marshes within the south shore. And, we do not have any proactive draining solution in place and ready to go. We did appropriate \$300,000 in this year's capital budget, but that's a very, very small step towards what the requirements would be.

CHAIRMAN CARACCIOLO:

Legislator O'Leary.

LEG. O'LEARY:

Hi, Ed, how are you doing? Is it my understanding that your proposal would be to conjoin, if you will, the current Suffolk County sewer agency with this authority that you're proposing for purposes of analysis, study and research?

MR. HENNESSEY:

My proposal is to take a look at the Nassau County request to the State Legislature and see if that model is appropriate for Suffolk County. Just with respect to storm water and water quality, it would provide us that opportunity to develop a comprehensive plan for all of Long Island. With respect to the sewer agency requirements, Legislator Bishop spoke about it, but you and I both know that we suffer a major disadvantage out in our area of Suffolk County without the benefits of the municipal sewer districts.

LEG. O'LEARY:

Okay, thank you.

CHAIRMAN CARACCIOLO:

Any other questions? We'll do a follow up with you, councilman. We'll get appropriate County officials to sit down with you and see if we can explore what you have proposed today.

MR. HENNESSEY:

Great. Thank you.

CHAIRMAN CARACCILO:

Thank you. Okay. Tom Isles. I know you're coming from a Planning Commission meeting so you walked in about 15 minutes ago, you're right on time.

MR. ISLES:

Thank you. I appreciate the opportunity to present our open space policy plan to you today. This is actually an outcome of what you were talking about earlier with the rating sheet for the Emerald Woods matter. And, I think it's been something that's been discussed at this Committee under former Chairman Bishop and at that time Vice Chairman Caracciolo in terms of the County system of evaluating properties for open space acquisitions whether that be on a list basis or whether that be a on a parcel by parcel basis. From those discussions last year we did complete a report that was presented to you a few months ago, which is basically an identification of every program we have including all of the criteria and requirements of each of those programs. And, we have in total considering the subsets of programs about a dozen and a half separate funding and programs sources.

But, one of the limitations of that is, for example, under the new drinking water protection program, the County can buy open space using one of five criteria. Those criteria include surface water protection, ground water protection, estuary protection and so forth. It can take in vast areas of Suffolk County. So, in terms of targeting that to actual acquisition decisions, what we felt should be done is to review from a broad base stand point, an overarching stand point, the open space policies of the County. Certainly this County as Legislator Caracciolo has indicated has an outstanding record on preserving open space, close to 50,000 acres. But, the one thing we wanted to do was to look at the methodology for selection of that space. And, what I'd like to do today is just to walk through kind of briefly this report. I realize you're seeing it for the first time at this moment and obviously it would require your review and further discussion. But, the basic purpose, then, would be to look for acquisitions in the framework of the statutes and guidelines we have within our programs; to also -- to look at in terms of the intent of County policy.

The output of this, the product of this is methodology. And, essentially what we're proposing in the appendix of this report are revised rating sheets. And, I'll go into that in a little bit greater detail. But, to walk through the basic parts of the report, the first part is obviously, we do start with the environmental setting. This is something that this Committee is well versed on. We are sole source aquifer. Many of our open space decisions are based on protecting ground water. We also have many other important environmental factors relating to our geography. Over 900 miles of salt water frontage. We have also extensive river corridors, stream corridors; aspects of our environment that are important and do need to be protected.

Demographically and economically we had the dubious distinction to be one of the fastest growing counties in the United States during the 1950's and into the 1960's where we quadrupled our population. We are still growing. We're actually numerically speaking still the fastest growing county in New York State at this time up until 2002 at least. We are bigger than 12 states. But, we also have to understand and certainly this Committee understands the link between our economic well being and our environmental well being. So obviously what we need to do is to strike a balance between the remaining build out of this County, which at this point in time we can probably grow by another 17 to 20% in our population. A lot of that obviously happening in the more undeveloped portions of the County in eastern Brookhaven and the eastern five towns.

We also in this report run through the preservation techniques. Here again this is something we do talk about at this Committee and the County Legislature certainly considers fee acquisition. The outright acquisition of property is obviously one of the strongest methods in protecting land. But, there are also many other methods of preserving open space that have been done certainly by the County in some cases the purchase of development rights for example, but also at the town level and the state level. The town level can be done through using zoning techniques such as clustering, resource protection districts such as overlay, zoning districts for protection of wetlands and so forth. And, at the state level open space preservation has happened through transferred development rights in the state sanctioned Pine Barrens Protection Act. So, here again, all the tools in the tool box we feel should be considered in any open space program.

The historical open space policy of the County, and we do note some interesting quotes from the 1950's, July 4th of 1959 when Smith Point County Park was proposed, it talked about the growing population of the County, the increased leisure time of our population and the need to provide recreational facilities for our population. So the clear purpose of open space at that

point was to provide for those opportunities of recreation.

Starting with the Planning Department Report completed in 1964, it began to identify a need for open space for conservation purposes. And, that really hit home in the 1970's with the environmental movement where it became declared an adopted policy of Suffolk County to preserve wetlands, coastal resources and so forth.

Also in the latter part of the '70's, the County recognized a strong need to preserve farmland. The County -- this County became the first county in the United States to begin a purchase of development rights program for farmland and has preserved upwards of eight thousand acres of farmland thus far. Moving into the 1980's the program then involved more into resource protection based on what was known as the 208 study into drinking water protection. And, then broadened out further into general open space purposes. More recently some of the programs that you've adopted in the Legislature included the land preservation partnership, which is actually what's proposed today with the Emerald open space matter with the Town of Huntington as well as various greenways programs and so forth.

The current goals of the County's open space programs are obviously as you articulate as the Legislators, the elected representatives of the people in this County, we've gone -- going through the current statutes that exist in the County, we can break the goals of the County's open space program into three categories. The first would be for the protection of natural resources and environments. And, here again, it's very apparent and certainly this committee knows it better than anyone else, the protection of drinking water supplies, the protection of coastal resources, wetlands, watersheds, habitats and scenic and open areas.

The second category broadly speaking is the protection of farmland. And, the third category would be oriented more towards recreational uses for passive, active, cultural historic uses, coastal access to the waterfront for beach purposes and so forth as well as a more recent activity of a limited nature in terms of more downtown hamlet centered park areas for general park purposes. Based upon all this, what we have put forth to you in this report are 18 major recommendations or policies. I would like to just point out that the intent of this as that this serves as more of an overarching purpose. The last time a policy plan was done overall for the County without a program specific purpose was in 1980; so it's almost 25 years ago.

I think that what this will do is serve as a guide for, here again, whether it be different lists that are put forward for acquisitions or individual parcels that may come forward. But, to briefly run through the recommendations, the first and foremost is that any land acquisition the County

does should further one of the three purposes of the County's programs. That is natural resources, farmland or recreational purposes.

Secondly, acquisitions should be criteria based. They should be based on some objective summary or accounting of the property as much as possible. It will never be perfect but at least should be a solid guide that's used. The third open space acquisition should use a variety of techniques for preservation as discussed with other forms of ag reserves, clustering, transfer development rights and so forth. Fourth, we should avoid fragmentation. One of the things that is happening county-wide is that the -- obviously forty years ago when we could just pick parcels and say these are the big pieces that we need to preserve, there's less and less of those parcels around. Many of the acquisitions we now deal with are picking up the pieces such as parcels, the Mud Creek area in East Patchogue where the County has a substantial interest in investment. We're now going into a phase two of picking up the remaining 30 or 40 acres of wetlands and open space. But that encompasses many different properties owners. So, in order to avoid fragmentation, we're looking at smaller acquisitions, picking up pieces and looking at consolidating ownerships.

We also mention a recommendation to hold properties in perpetuity, which perhaps can go without saying, but we think it does need to be said, that public access should be provided to public lands within reasonable limitations of public use and the impact on the resource. Active recreation sites should be appropriate to the location meaning that we should not be putting active recreation on environmentally sensitive lands. Deepflow recharge areas perhaps. But obviously that must be taken into consideration. We encourage the leveraging of financing with partners. Here again the discussion today with the Town of Huntington where the locality is willing to step up with half the money, certainly is a way of leveraging county dollars. There are also ways of leveraging dollars with private sector interest, not-for-profit groups and so forth as well as with state and federal grants.

We are emphasizing the purchase of larger parcels defined as 50 acres or more. Here again, if it's part of a conglomeration of County ownership including small parcels, that will then be combined. That can obviously constitute a larger parcel. Where we are doing smaller parcels, we do suggest partnerships with localities or not-for-profits to encourage better management and to reduce the burden on the County Parks Department to maintain those properties. We make certain recommendations regarding old file map areas. And, also, we are recommending that the County consider the purchase of residual fee. What this means is where the County -- where a developing right has been removed from a parcel such as within the Pine Barrens,

where we find a significant County presence in terms of the County owns an extensive amount of land or it's a very important resource such as the dwarf pine plains, that's a case where the purchase of the residual fee we feel would be warranted. This residual fee would obviously be purchased at a much lower price than full fee.

In terms of downtown parks we recommend that this activity be done with caution; that it be in accordance with the plan; that it be done in a manner where local management is provided for the County Parks Department does not have to maintain scattered small park locations. We also recommend limiting the purchase of improved parcels generally speaking where we do buy land, it's undeveloped open space. Where parcels are purchased that have buildings on them, we generally would suggest avoiding that. There are some cases where there might be some minor structures or dilapidated structures that would still justify buying the property. But, obviously if it's a fully improved parcel, certainly that may not fit into an open space program.

We make certain recommendations regarding conservation easements. We also suggest considering applying a population density factor in certain densely populated areas. And, what that means is that in some areas, perhaps in western Suffolk County most pointedly parcels that are remaining may be the last parcels left or the last few parcels. We are suggesting in the rating form that there be factor provided for that based on a certain census area designation.

And, then lastly making certain recommendations regarding borrowing for open space. The Legislature has approved that for the new quarter percent program. We think it's a good idea, but obviously subject to prudent fiscal constraints. So, in conclusion, then, we have presented to you in the appendix of this report three new rating forms. The first form would then be a revision of what's known as exhibit A that this Committee has used commonly; that was an outgrowth of the greenways plan. The first and foremost in the report is to see does it comply with the program? And, that's the first page of the rating form. If it doesn't comply with the perimeters of the program, then, it wouldn't go forward.

The second part of it, then, would be to rate it in terms of the suggested policy we put forth here for your consideration. The next category we have is a revision to the farmland rating form. The County Farmland Committee reviews every farmland and makes recommendations to you, the Legislature, the Committee. The recommendation has been made to make some adjustments to that. The farmland form evaluates and considers the price of farmland as well as development pressures and so forth. So that's a revised form.

The last form is a brand new form which is a form for rating active park and recreational uses

including cultural and historic uses. We haven't had one of these yet. But, we feel it's a good idea to try to apply a yard stick for active recreation purchases as well. Both the natural environments and active rec forms are based on a scale of zero to a hundred. The last form, I think, is based on a scale up to 115. So, we have tried to refine and make more accurate the rating forms themselves. As I said, the current report is just a draft. We would welcome your discussion and comments on this at some future meeting perhaps. I would like to thank the Planning Department who has put a lot of work into this. And, the County Executive's Office for their assistance in completing the recommendations as well. And, I'm available for any questions certainly if you have any at this time.

CHAIRMAN CARACCILOLO:

Well, Mr. Isles, as usual you have prepared an excellence report. And, our draft policy for the Committee and the Legislature to consider, there's a lot here. Couple of questions that you stated in your remarks. It is the purpose of this report to review the policies of Suffolk County's Land Acquisition Programs in a comprehensive manner and to clarify that policy for the future by providing updated policy guidelines. So in effect that's what this document is.

MR. ISLES:

Yes, it is.

CHAIRMAN CARACCILOLO:

At the conclusion of that opening statement, you indicate that based on present funding levels, Suffolk County has the ability to purchase thousands of additional acres in the next decade. Now, you and I have ongoing conversations about County funded levels. And, the last conversation we had with respect to open space and farmland was that you felt that there was sufficient funds balances for open space in the variety of programs that we have for open space for the foreseeable future. Could you just quantify what you meant by foreseeable future?

MR. ISLES:

Okay. Yes. In terms of the two programs we have going forward are the quarter percent and the multifaceted capital program. The quarter percent at this time goes to the year 2013. So when we speak in the report that we have the ability to fund thousands of acres, over the course of those years whether it's pay-as-you-go or bonded, we believe we do have that.

CHAIRMAN CARACCILOLO:

And, that's the reference for which you believe you have the funds?

MR. ISLES:

Yes.

CHAIRMAN CARACCIOLO:

Okay.

MR. ISLES:

More specific to your question, if you'd like, Mr. Chairman, the current funding, here again, the contract close to \$7 million, accepted offers close to \$20 million. In terms of negotiation, here again, where it's advanced to the point we have appraisals back, the Real Estate Division is in that process, approximately \$22 million --

CHAIRMAN CARACCIOLO:

So it's all categories?

MR. ISLES:

Yes.

CHAIRMAN CARACCIOLO:

These numbers are all categories?

MR. ISLES:

Yes, it is, sir. Future payments \$6 million. That's outstanding condemnations from many days ago. So in total we have about \$54 million in play either in contract, accepted offers, negotiation or commitments to future payments.

CHAIRMAN CARACCIOLO:

When did those negotiations and contracts originate?

MR. ISLES:

Various times.

CHAIRMAN CARACCIOLO:

Would it be fair to say most were prior to this calendar year?

MR. ISLES:

Most were.

CHAIRMAN CARACCILO:

Okay.

MR. ISLES:

Most were. So in terms of what we have, the current account balances are approximately \$80 million. So we're offsetting that with like 55 to \$60 million in parcels that are either in contract or negotiation or accepted offers. And, the last component of that is what's anticipated this year in terms of revenue is based on quarter percent, multifaceted. Those funds are not yet appropriate. And, they would have to be appropriated. That might be another \$20 million. It is a little bit of a moving target so I'm giving just a thumb nail sketch of this. What it doesn't factor in either are planning steps resolutions that have been approved, but are not yet in the negotiation stage.

CHAIRMAN CARACCILO:

When would you like the Committee and other Legislators to respond to your draft document?

MR. ISLES:

It's at your convenience. We would request perhaps a month to six weeks if we could have some reply. And, certainly I'm available to meet we any Committee member individually or collectively as you may want to do it to discuss it. We know it's rather meaty in terms of some of the basic policy recommendations. What we have tried to do is to look across the board at all the County programs and not just on a case by case basis. We think it's an important document. And, we think it will live on in the future. As I said, as additional lists come forward, it'll hopefully provide a bench mark for you to work with.

CHAIRMAN CARACCILO:

One of the issues that you brought up during your presentation was avoid fragmentation. Could you just elaborate on your definition of what you meant?

MR. ISLES:

Okay. I think we set certain ideas of targets in mind that we understand that there are different levels of government obviously with different purposes for preserving open space. The County

falls kind of in the middle. We have federal government above us, the state government. There are federal and state properties certainly on Suffolk County and continued interest certainly at the state level. We also have the localities, the towns and villages that tend to provide more of the localized within the immediate neighborhoods or communities recreational uses. The primary purpose of County acquisitions is for the purpose of county-wide benefits to the citizens of Suffolk County. So, we are kind of mid-level. So, when I speak of fragmentation, it's very difficult for us to manage, to maintain, to oversee properties that are more of a scatter shot throughout an area. It's much easier if we can have consolidated holdings. And, here again, even though they may be small parcels, if they're part of an overall system that we're protecting, that management can become more doable.

Where there are situations such in the Pine Barrens core where there is this scattered ownership, I think it's good to work with the other partners; the state, the towns and so forth, coordinating acquisitions in terms of what the County should focus on, areas and so forth. Where we have situations already exist and I've spoken to the new Real Estate Director about this, she's brought it up with me, the idea that maybe we'll work out exchange or management agreements with those entities where the state has a lot of land in one area but some county land -- we have a lot of land --

CHAIRMAN CARACCILO:

You might just move from -- yeah, yeah, okay.

MR. ISLES:

Other county land -- another area with some state land intermixed, we could work out an inter-municipal arrangement whereby we take care of their's, they take care of ours.

CHAIRMAN CARACCILO:

I took a quick peek at the new forms. Criteria forms.

MR. ISLES:

Okay.

CHAIRMAN CARACCILO:

And, what I note specifically on the farmland new rating form, is that you give significant weight to the cost per acre of properties being acquired as PDR, purchase development rights, as well as property the other's contiguous to other large tracts of farmland already preserved. Correct?

MR. ISLES:

Yes. And -- yes, correct: And, the rating is, is the cheaper the land, the higher the point value. The more expensive the land, the lower the point value.

CHAIRMAN CARACCILO:

Okay. Later on we'll be discussing some properties for acquisition so I'll reserve my questions regarding the specific resolutions for later. At this time I'll recognize Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you, Chair. Mr. Isles, I have questions in three categories so bear with me. I want to start with the farmland program. And, clearly Suffolk County Farmland and Preservation Program is a critical part of our land acquisition program. I very much would like to see traditional farming kept alive in Suffolk County. We live at a time now where sometimes the development rights on these parcels reach as high as 90% or more as the case in Detmer Farm. Once these development rights have been stripped, they're -- the property owner is to continue farming on this property. But the farming is regulated by the Ag and Markets Law of New York State which is broadly defined and allows things from horse farms to greenhouses, nurseries, sod farms. There's so many options there. I'm particularly interested in seeing row crop farming stay alive be it corn fields or potato -- potatoes. Have you given some thought -- and, I know Detmer's actually a very good example because you have Peconic Land Trust involved there. And, I know with Peconic Land Trust on board, that that property will continue to be traditionally farmed. Have you given some thought to our Farmland Preservation Program to make sure that these properties where the development rights have been stripped will continue to be farmed traditionally?

MR. ISLES:

We've certainly given it thought. I sit on the Suffolk County Farmland Committee. And, it is something that is talked about. But, I will point out to you that the -- there are a couple of purposes to our County Farmland Program; one of which is to preserve the industry, the economy of agriculture. The other part is certainly to preserve the open space which ties into tourism and quality of life in our communities. There has been some reluctance to severely limit what a farmer can do with this property on the feeling that it then serves as a disincentive to participating in the County's program. So, there's always been this balance between the interest of the County and regulating the uses and trying to keep traditional agriculture, but I will point out to you that, you know, certainly if a farmer comes in and says well, I'm doing grapes or I'm

doing a horse farm, they have been construed as being permitted uses as far as the County's farmland program goes. It is certainly within your prerogative as a Legislature or the Legislature collectively to modify that policy.

But let me just add one other point. And, that is that just on the issue of structures and use as it goes forward is that, anything that a farmer then proposing on the property going forward in the nature of greenhouses, structures and so forth, does require the approval of the Farmland Committee. That becomes a big aspect of what they deal with in terms of why do you need it, why are you putting it here? Could you move it where it's not going to affect the public view. So, here again, when we talk about balancing acts with everything that you do as a Legislature, that's one of them. And, the general posture has been to be somewhat permissive with the fact that understanding that agriculture is changing, that a lot of the row crops are now other uses such as nursery products or grape wineries and so forth. In answer to your question, all I can say is there has been a consideration. There's been a tendency to kind of allow that activity to occur and not to put severe restrictions on the type of farm they can have at this time.

LEG. SCHNEIDERMAN:

I think that the public that subsidizes these acquisitions expect that rural beau colic feeling to remain. If it's a farm field now, they don't want to see it necessarily become a Christmas tree lot a year from now. We've seen a lot -- at least in my district a lot of farmland become tree farms or ornamental trees that get sold to the state -- to various estates -- not to the state but to various estates. A lot of these trees don't normally live in this climate so there's a reliance on fungicides and pesticides and herbicides. And, some of the farmlands over the aquifer as well; so there's concerns there. In one case since the development rights were just so much of the value of the property, the town stepped in and bought the fee for that extra 10%.

MR. ISLES:

Right.

LEG. SCHNEIDERMAN:

And then we -- we then did an RFP for organic farming, which worked out great. We ended up with a community organic farmer at that property. With the Detmer Farm with Peconic Land Trust, again, I think that's a great model. Maybe we can look more toward having an entity that could step in in some of these cases to maintain traditional farming, if it's possible it look toward that since that -- remaining close is usually fairly small.

Let me move onto another point. The rating criteria, and you and I have talked about this a little bit, if you end up with a large piece of property that has a small section that meets a lot of the criteria, maybe there's wetlands in a pocket, maybe there's some endangered species in a pocket, but the rest of the property is largely disturbed and would not meet the criteria, it could lead to a false perception about that property, where certainly a section of it should be preserved, but another section might meet some other community purpose or county purpose. Could you respond to how that is going to be addressed within the rating system?

MR. ISLES:

Yeah. Under the current rating system, if a parcel has wetlands on it, it gets a -- if a parcel has wetlands on it, it automatically gets the five points whatever it is. What we're recommending or suggesting with the revised form is that it be on a sliding scale depending on the percentage of that resource. So, I think hopefully that answers your question. We have tried to adjust for that. We certainly -- we've contacted many of the towns and other jurisdictions to see their rating forms. We've put a fair amount of work into trying to measure this as accurately to our programs and your policies as much as possible. But we also recognize that it's not perfect. So we'd like to --

LEG. SCHNEIDERMAN:

Right. My interest is not only meeting all the County's goals, and land preservation is one of them, but also maximizing the dollars we have for land preservation. So, let's make sure we preserve what should be preserved and not spend money on what should not so we have more money to spend the money on what should be preserved.

The last thing, you mentioned developed parcels. And, there's one in my area that -- this is the Maycroft property where there is a home on the property and some other buildings. But, the bulk of the property is open space. And, you said you were going to give a low rating to properties that have development on them. But, in this case, yes, there's development, but perhaps it could be split up in such a way because there could be quite a bit more development on this property. Could you respond to how you're going to handle properties like that?

MR. ISLES:

Yes. Let me just give you an example of how this really started. We had a proposal before us last year to buy a building in a down town -- tear it down and then -- to buy a building in a down town area. If the building was occupied by three occupied businesses, ongoing businesses, the

proposal was to buy the property, tear down the building and build a park there. We said, well, maybe we shouldn't be doing that if we have other vacant land. Maybe we should focus on that first. So it really provoked this whole question of should we be buying improved parcels. In the case of Maycroft the general part of this recommendation was principally for natural environments, which is what mainly what most of our program funding is for. So, for drinking water protection, open space and so forth. There's two options for Maycroft. One is that part of that could be acquired for general park purposes, such as what has been done recently with the Scully property in Islip or Sagtikos Manor in west Bay Shore, where they had open space but they also had a historic cultural resource present. So, one option would be to slice it up in that manner.

The other option is that, and here again we're not at that point of making a decision on this one yet but maybe in this consortium that's coming in with the town, the village, the State of New York, maybe the County's participation is more towards the natural environments, some other entity does the improved building. But I think if we're going to buy the improved property, then, it should be under a general park purpose and have a reason behind it.

LEG. SCHNEIDERMAN:

Thank you.

MR. ISLES:

This is, by the way, the reason why it's good to do a policy plan once in a while to talk about these kind of questions such as should we be buying farmland with nursery products on it, how do we do our ranking and so forth; so, these are healthy questions.

LEG. SCHNEIDERMAN:

One other thing that I think Legislator Caracciolo pointed out on the farmland criteria where there's a negative number assigned; rather than points you lose points for the value of that farmland if it gets too high. My district obviously the remaining farmland is all going to be quite pricey out in the Hamptons. And, I don't want to see my district penalized because of this criteria. I'd like to see whatever we can save in terms of farmland.

MR. ISLES:

Well, here again that's a policy question so --

CHAIRMAN CARACCILO:

And, I would also note, Legislator Schneiderman, that that's one of five criteria under the rating

form system. I think, you know, we can as has been done in the past here, make exceptions; but then the taxpayers are really not buying what they thought they were buying. And, you know, that's for everyone to decide for themselves.

LEG. VILORIA-FISHER:

Mr. Chair?

CHAIRMAN CARACCILO:

Yes.

CHAIRMAN CARACCILO:

If I may ask the Committee's indulgence, although I'm not a member, I would like to ask some questions?

CHAIRMAN CARACCILO:

On this report?

LEG. VILORIA-FISHER:

Yes.

CHAIRMAN CARACCILO:

Sure.

LEG. VILORIA-FISHER:

Hi, Tom.

MR. ISLES:

Hi.

LEG. VILORIA-FISHER:

Hi, Laretta. My questions have to do with the -- I noticed the rating sheet here for farmland acquisition and as the Chair has pointed out and so has Legislator Schneiderman, there is a negative component for cost of -- cost per acre for the farmland development rights. However, as I look back at recommendation number 17, recommendation 17 does state that there be a priority consideration for those areas that are more densely populated. Well, here we have -- we have a reverse system of logic where if you have a more densely populated area, you're going to invariably have higher costs per acre. And, so, if we are lucky enough to have farmland in a densely populated area, as Mr. Schneiderman said, will those areas that might be the most

precious to preserve because they are so unique and because they are so scarce, will those acquisitions be threatened with lack of support because of a point system that discriminates because of the costs on the basis of the cost per acre?

MR. ISLES:

Possibly. The south fork might be a situation where you have high land values and not necessarily high population. So, it may not be a perfect fit in that sense. The numbers that were put in here were revised based on the current number just being outdated. The last numbers we had on these were adopted in 1996 when the County's agricultural and farmland protection plan was completed. These numbers have been reviewed with the Farm Committee -- the Farmland Committee; but, here again they're subject to your approval. So, the -- I understand your point in terms of your -- if the rating form --

LEG. VILORIA-FISHER:

In western areas, for example, where it would be more densely populated, there's no where on that questionnaire and rating system that does address recommendation number 17. In other words, there are no points gained by preserving farmland in a densely populated area.

MR. ISLES:

That's correct. I mean, the rating is primarily for natural environments and active parkland. The Farmland Protection Plant definitely speaks of an interest and an effort in preserving large tracts of farmland. It doesn't mean that the County can't decide to purchase a western farm. We purchased five or six in the four western towns. Not a lot, but we have. I understand your point. I mean, we can certainly look at in terms of -- there's an interest -- and, here again, when I talked to the Farmland Committee about this in January, there was an interest in spreading our dollars as much as possible to see large tracts of farm belt areas preserved, which we'd probably still agree with that. There are these anomalies that come up where there are differences. They may be more case by case. But, I don't think we wanted to slant the whole program to not apply kind of a value measurement where we get as much as we can in the large farm belt areas. So, I'd be a little bit careful about just throwing in an adjustment in without considering that part of it.

LEG. VILORIA-FISHER:

And, you're relying on the good judgement of the people who sit at this horseshoe to look at anomalies as they arise and to judge their merit based on their own merits and their own unique

characteristics.

MR. ISLES:

Ultimately you have to approve every acquisition we do. As Legislator Bishop said at the last meeting, these are guides. We hope they're good guides and useful guides for you, but that's what they are, yeah.

LEG. VILORIA-FISHER:

And, so, I believe that would also be something that Legislator Schneiderman would be looking at, vis-a-vis the question that he asked, which is we're making our good judgement here as Legislators regarding every piece of -- every parcel that comes before us and it's protection.

MR. ISLES:

Right.

LEG. VILORIA-FISHER:

Thank you, Tom.

CHAIRMAN CARACCILO:

Are there any other questions for Mr. Isles on this issue? Okay. Tom, if you would, we'll call you back. We have several individuals are here to appear before the Committee with respect to appointments to the Suffolk County Planning Commission. So, I will call them in the order that they appear on today's agenda. Frank Cichanowicz. Okay. I know he was invited. I know my staff attempted to reach him last week to inform him of today's rescheduled Committee date. He's not present. We'll have to table that resolution when it comes up. Linda Holmes.

MS. HOLMES:

Good afternoon.

CHAIRMAN CARACCILO:

Good afternoon.

MS. HOLMES:

We missed you on Shelter Island last Friday night, but Lisa was wonderful.

CHAIRMAN CARACCILO:

She always is.

MS. HOLMES:

She answered all our procedural questions.

CHAIRMAN CARACCILO:

Okay. Linda, you're before the Committee as the Supervisor's appointment to the Suffolk County Planning Commission.

MS. HOLMES:

Yes, correct. I presume you have my little biographical.

CHAIRMAN CARACCILO:

Well, we'd like to make another copy; this way we can distribute that, make sure everyone does have a copy of your bio.

MS. HOLMES:

My highlights that are relevant to this position, yes. I was so delighted that I was here to hear Mr. Isles' presentation because I remember very well the 802 study and how carefully we looked at it on Shelter Island.

LEG. SCHNEIDERMAN:

I'm waiting for the resume.

CHAIRMAN CARACCILO:

Okay.

MS. HOLMES:

Sorry. I thought you all had -- oh, I guess Supervisor Williams sent a copy --

CHAIRMAN CARACCILO:

Some members have it; some did not so --

LEG. SCHNEIDERMAN:

I may have it.

MS. HOLMES:

I think he initially mailed it back on February 3rd so that's a bit ago.

CHAIRMAN CARACCILO:

That's okay. What I'd like to do is have Mr. Isles come back up because he chairs the Planning Commission. And, one of the things I always like to make certain, Linda, is that as a volunteer -- and you're essentially a volunteer to be assigned to this Commission, you fully understand the requirements of being a member of the Suffolk County Planning Commission vis-a-vis how often it meets and what type of decision-making you'll be called upon. So, if Tom, if you could just give Linda Holmes and the others who are awaiting appointment a quick synopsis of how the Planning Commission works and what their roles are within the Planning Commission.

LEG. SCHNEIDERMAN:

Tom, could you also speak to any composition requirements of that Committee?

MR. ISLES:

Yes. Let me start off with Mr. Schneiderman's question since that's the -- probably the easier one to answer. The Suffolk County Charter provides that we have a Planning Commission of fifteen full members that consist of one member geographically from each of the ten towns to be selected by the County Executive with the consent and approval of the Legislature. The only requirement is that geographically they must reside in one of the ten towns that they're representing. There are another five appointments that are also made by the County Executive that are subject to the confirmation of the Legislature; three that are at large positions. So, we have got ten for each of the towns, we've got three for the at large; and the one that I missed were the two for the villages. There's a requirement for out of the 31 villages we have in the County, we must have one representative representing a village with a population in excess of 5,000 people; and one representative representing a village with a population of less than 5,000 people.

And, we'll point out that General Municipal Law which tells the Counties how they can set up Planning Commissions, does make statements that the members of the Planning Commission should represent a broad cross segment of the population as much as possible. Geographic factors can be taken into consideration which certainly our system does do. It certainly not intended that they all be planners or environmentalist or developers or any one particular type of person, but that it be a broad mix.

LEG. SCHNEIDERMAN:

Tom, I'm sorry, I didn't get the 15 with that. I got 10 for towns, I got one from a large village, one from a small village.

MR. ISLES:

Right.

CHAIRMAN CARACCILO:

And, three at large.

LEG. SCHNEIDERMAN:

And three at large. Okay.

MR. ISLES:

In terms of Mr. Caracciolo's question, the Suffolk County Planning Commission has been in effect for about forty years in Suffolk County. It exists by virtue of both General Municipal Law and County Charter. It meets once a month. The Commission has as it's charged a couple of different things. First and foremost would be the referral role, which means that towns and villages must make referrals to the County Planning Commission on matters that may have inter-town or regional significance. So, for example, if a town is considering an application for a subdivision or a change of zone that falls within five hundred feet of a municipal boundary, that town is required by law to send that matter to the County Planning Commission for review. There's a whole list of criteria that then trigger County Planning Commission review including proximity to airports, coastal areas. The Planning Commission received over 2,000 referrals last year.

In addition to the referral function where the Planning Commission then reviews and makes recommendations back to the municipalities, the municipality does have the ability to override the County Planning Commission with the majority plus one vote. There is also a process in zoning matters whereby if a neighboring municipality objects, the Planning Commission could cause a Public Hearing to be held. The Planning Commission makes the decision at that point. That's quite rare.

Other jurisdiction of the County Planning Commission is that they must complete an annual report. They must report on the demographic economic characteristics of the County. The Planning Commission also has the authority upon request by the towns and villages to perform planning services. We have had, for example, the Village of Patchogue made a request of the

Planning Commission for assistance in completing their master plan for the downtown business area. The Commission consented and the Planning Department completed that report. And, we've done that in numerous occasions.

And, lastly the Commission does provide advice and reports and information to both the County Executive and the Legislature on matters that may be referred to it. Special reports and projects and so forth.

CHAIRMAN CARACCILO:

And, the frequency of those meetings, Tom?

MR. ISLES:

They're held generally speaking once a month; the first Wednesday of the month. If need be, additional meetings can be scheduled. But that's generally the schedule.

LEG. SCHNEIDERMAN:

Tom, I don't know if you had the opportunity to read the Affordable Housing Action Plan that I submitted to the Commission -- Workforce Housing Commission -- the County's Executive Workforce Housing Commission. But, I had two recommendations in there that relate to Suffolk County Planning Commission. One was that by statute there would be one person on that Commission who was a housing advocate, who had expertise in housing issues because it has become a very critical issue within Suffolk County. The second thing I brought up was that we designate Smart Growth areas in a plan. And, any time there was a site plan within those designated Smart Growth areas, that that would be referred as well to the Suffolk County Planning Commission for an advisory opinion. Can you comment on that? On both of those?

MR. ISLES:

Well, what I can say is that the Legislature had convened a Smart Growth Committee about a year-and-a-half ago as a result of the Smart Growth report that the Planning Department completed. The purpose of the Committee was to look at taking the ideas of Smart Growth including housing, transportation and so forth, how do we actually put this into County policy? That Committee did meet over the course of a year. It completed its report in November of last year. And, that, in terms of answering your questions in terms of let's say an overall Smart Growth map and so forth, what that report did, and I can certainly send you a copy, is lay out specific recommendations on County policy both in terms of direct actions on things the County

decides first hand such as County office space, locations and so forth as well as indirectly how can we foster good development preservation of open space, reinvestment in existing centers. There was some discussion in that on a map. And, ways of trying to identify those areas. In terms of -- and so that's something that we think and I've just spoken to the Chairman about this, bringing it at a future meeting before the Committee to discuss a little more thoroughly.

LEG. SCHNEIDERMAN:

Assuming those areas were identified through some study, careful study, I guess the question I'm looking for a response on is the potential for statutory requirement that would require the towns when they receive an application for a subdivision -- not a subdivision or particularly a site plan within one of these areas, to have that be routed to Suffolk County Planning Commission. And, if a negative opinion is rendered, it would come back to the town and they would have to do a super majority override.

MR. ISLES:

Right.

LEG. SCHNEIDERMAN:

Is that possible from a legislative standpoint? And, what's your thoughts on that?

MR. ISLES:

Well, one of the things that is recommended in the Smart Growth report that we just did, is that we change the guidelines to the Suffolk County Planning Commission to more specifically reflect Smart Growth principals. And, so, therefore, we do have adopted guidelines which we send out to all the municipalities. What that would then do is here again more clearly articulate our goals. I'll give you one example of that. On subdivisions we have certain recommendations on subdivisions that aren't considered today to be Smart Growth friendly in terms of cul-de-sac designs and inter-connection with adjacent streets and so forth. That's the kind of thing that perhaps could be modified to be more consistent with current Smart Growth thinking. So I guess in specifically answering your question, is it the kind of thing that could be considered in that process, yes. One simple step would be for the Planning Commission to obviously with the help of the Planning Department, to look at revising its guidelines to look at the things that are anti Smart Growth or workforce, housing and fixing those and maybe being more proactive an additional way. I think that's it.

As far as the question of you suggesting, then, that a member of the Planning Commission have a, you know, requirement for a specific housing background, it's not something I've formerly considered. I'd be a little bit concerned about starting to target positions based on discipline. You know, conceptually I understand the idea, I agree with the priority and focus and so forth. The Commission historically has had a mix of different interests -- people of interests and representations. I'd be a little bit concerned about targeting one and then having a transportation one and an environmental one and then starting to slice it up in that manner. I'd certainly want to think about it. It would obviously be the County Executive's call at least as far as the administration.

LEG. SCHNEIDERMAN:

I think it's an important voice to have heard within the Commission whether it's by member or by one of the staff people who is working with the Commission. But, I think that we need to continually bring this up to make sure that we are addressing this very important need in the County.

CHAIRMAN CARACCILO:

Tom, the Commission has fifteen members. How many vacancies currently exist?

MR. ISLES:

Five.

CHAIRMAN CARACCILO:

We have two that are present today that hopefully will be approved. How long have you been in that situation where you've had almost a third vacancies?

MR. ISLES:

We have had vacancies going back probably six or eight months. It's gotten worse as time has gone on. We -- I'd say we've had the problem with the five vacancies for about two months now. So, it's become a little bit acute at this point.

MS. HOLMES:

We've been trying to fill our vacancies since last September.

CHAIRMAN CARACCILO:

Well, as I explained to you, Linda, at my last conversation with you on Shelter Island, the

problem was last year in this legislative body, the minority members of the Legislature did not want to let any appointments out until after the election. But no politics was involved. Now, we're beyond the election and these appointments will be made. And, they'll be made from my perspective based on the recommendations of Town Supervisors. And, unless I hear some objection as to your qualifications, you'll have my support. So, I now open the floor to the members of the Committee for any questions you may have for Linda Holmes.

LEG. SCHNEIDERMAN:

I guess a question now to our candidate. How did you become interested in this appointment? Was this something -- did the Supervisor approach you?

MS. HOLMES:

Actually, a member of the Town Board, whose husband was not only Chairman of our Planning Board for a good many years but was also our representative to the Planning Commission, she approached me at the request of the Supervisor and asked would I perhaps consider being able to do this because they were very distressed that the person who had been appointed to the Planning Commission was a present member at that time of the Planning Board. And, he found that his business schedule would not allow him to take, I believe, it's a luncheon meeting. You know, that amount of time once a month to drive. They don't call us Long Island for nothing, you know, to drive from Shelter Island to Hauppauge and spend what really amounts to most of the day being able to get there. So, he only came to a couple of meetings and then he regretfully said he couldn't continue. And, I think part of the reason that my name came up was that not only had I been a member of our Planning Board and active in the affordable housing issues by the way --

LEG. SCHNEIDERMAN:

That was my next question.

MS. HOLMES:

-- but that I had had the privilege of coming up to a couple of Planning Commission meetings years ago when George {Gone} was our representative for a long time. And, what the members of the Town Board do -- I was somewhat familiar with what the Commission did because there were a couple of occasions while I sat on our Planning Board that I personally was very glad that the Planning Commission had reviewed a particular subdivision application because the Commission pointed out a couple of things that were very important for safety and emergency considerations that the developer had overlooked and somehow or another the Planning Board

had not insisted on, such as two exit roads for each subdivision. And, I'm curious if Mr. Isles' suggestion goes through, if that could have thwarted off the terrible situation we've come into where somebody on the Island with a considerable amount of acreage wanted to subdivide a little bit of it and grant an open space provision for the rest of it. And, if this had come to the Planning Commission, the Planning Commission might have in the earlier stages of this discussion might have made it clear to the Planning Board what their purview was because in this instance our Planning Board Chairman, I believe, overstepped the purview and started insisting on some criteria of -- you won't ever have any pesticides on your open space. And, the whole thing collapsed because of that. And, I'm thinking -- I loved hearing your ideas because if we could have earlier input from the Commission in some instances, it might change the outcomes a lot.

CHAIRMAN CARACCIOLO:

Just as a footnote, Legislator Schneiderman, the parcel that you referred to was one that I sponsored a resolution for the County to purchase, the {Tedfer} parcel.

MS. HOLMES:

That's right.

CHAIRMAN CARACCIOLO:

And, I understand that matter's going to be revisited.

MS. HOLMES:

I hope so. We very, very much hope so.

CHAIRMAN CARACCIOLO:

Jay, any other questions?

LEG. SCHNEIDERMAN:

I just want to point out that there is a resolution from the Shelter Island Town Board in support of our candidate, Miss Holmes.

MS. HOLMES:

Thank you. If I might say something before I leave about Shelter Island, we are a beautiful place as you know, but in some ways we're not a very practical place because we don't have a dry cleaner on Shelter Island, we don't have a shoe repair, we don't have a place to get our eyes examined. We don't have a place to get our eyeglasses repaired. And, when we have to do

these things --

CHAIRMAN CARACCIOLO:

Oh, oh, the ferry.

MS. HOLMES:

We're coming off, and it's costing us extra. Today for me it costs anywhere between \$3.50 to \$8 to make a trip on and off the Island for a business purpose like this. And, in my case it'll be \$8 because I'm not going back home tonight. And, that makes another one way trip. So I just hope you'll keep that in mind when you consider the application of the South Ferry tomorrow because I believe some of our Legislators particularly Mr. Schneiderman who rides so frequently on our ferry, I think some of you understand our economic situation a little better than maybe the Budget Office does. So, I hope that you'll keep something that practical in mind that it's \$5 to get this clean, but another 3.50 to go pick it up.

CHAIRMAN CARACCIOLO:

Okay. Any other questions?

MS. HOLMES:

Thank you.

CHAIRMAN CARACCIOLO:

Okay. Thank you. Ed Tuccio. Good afternoon. Ed, the resolution that would appoint you to the Suffolk County Planning Commission is supported by the Town Board of the Town of Riverhead. So just take a moment or two and explain to the Committee something be your background, what brings you here today and why you'd like to serve on the Commission.

MR. TUCCIO:

Thank you very much. I have personally served on the Peconic Land Trust Board for many years. I've been on the Farm Select Committee for many years. I have a background in real estate as well as farming and -- which I think would be useful as far as planning is concerned. I've also served on the Watershed Protection Committee of the Suffolk County Water Authority. I was Treasurer of the EDZ at EPCAL. So my background is really broad in real estate and things that are at issue here.

CHAIRMAN CARACCIOLO:

By virtue of your experience, then, it would be reasonable to assume that you have not only knowledge but you're well versed in the various and applicable laws and issues that may come before a County Planning Commission.

MR. TUCCIO:

I would think so.

CHAIRMAN CARACCILOLO:

Okay. You're also a State Certified Appraiser?

MR. TUCCIO:

I'm a Certified General Appraiser, which is the highest certification you can have in the State of New York.

CHAIRMAN CARACCILOLO:

Okay. And, again, I'll just repeat that Mr. Tuccio comes to us by way of a Town Board resolution from the Town of Riverhead. And I'll open the floor to questions.

LEG. SCHNEIDERMAN:

By now my question is almost predictable. I'd like to get your thoughts on the affordable housing issue and how that influences your thoughts on planning.

MR. TUCCIO:

Well, for Riverhead, you know, the affordable housing issue has been a very -- I've actually been very pro active in that field. It's -- I understand the problem because I'm in real estate. And the areas in which were -- were affordable are no longer affordable. You know, we're going through that stages of gentrification in which houses that were very reasonable have become very sheik and become unreasonable. And how you're going to address that is going to be -- you're going to have to require subdivisions to provide system affordable housing. And you're going to have to find system way to house the labor force that's required for a very affluent group in eastern Long Island. I can't speak for the rest of the County, but I can speak for eastern Long Island and --

LEG. SCHNEIDERMAN:

So it is an issue of concern to you?

MR. TUCCIO:

Absolutely.

LEG. SCHNEIDERMAN:

Because clearly your environmental background is quite strong and laudable. I just want to make sure that all the other issues that may come in front of the Planning Commissioners are something that at least you're comfortable with. Thank you.

CHAIRMAN CARACCILO:

Ed, as you and I know of each other in the Riverhead area, I know that in the past you and the County have -- I guess you sold land to the County, farmland. And the question I would have for counsel just to make sure this appointment is appropriate, does that face any type of conflict issue for the candidate?

MS. KNAPP:

This is an issue that appointees to the Planning Commission have dealt with in the past. To the extent that I'm not as familiar with this applicant's current business dealings, he clearly would be precluded from voting on anything that he had an interest in, whether it be an interest as a broker or an owner. Mr. Tuccio may be familiar with the provisions of the Ethics Code regarding -

MR. TUCCIO:

Oh, yes I understand that.

MS. KNAPP:

Yes.

MR. TUCCIO:

And, you know, unfortunately if you own considerable amounts of property in eastern Long Island, you're going to run up against this issue. But on the other hand, I would probably have more working knowledge than most of the issues at hand because I basically live or die by those issues.

CHAIRMAN CARACCIOLO:

As I understand counsel's remarks, essentially you could be appointed; however, if anything obviously came before the Commission, you'd have to recuse yourself.

MR. TUCCIO:

Oh, fine. Sure.

CHAIRMAN CARACCIOLO:

So we just want to make sure you're aware of that and that's acceptable.

LEG. SCHNEIDERMAN:

Can I ask a question regarding your time? Because we've heard that quite a few of the members of the past have not been able to attend meetings. I want to make assure that if you'd be on this Commission, that you'll have time to attend.

MR. TUCCIO:

Well, I've served on many boards from Suffolk County Watershed Protection Board to Southampton College. I have found time to attend those meetings, you know, over years and years. I do have a large staff so that I can get away and do really my civic duty.

LEG. SCHNEIDERMAN:

Thank you.

CHAIRMAN CARACCIOLO:

Ed, I would be remiss if I didn't bring this up because I want it on the record. Even though you and I are of different political stripes, you know I support you. I support you because you are well qualified. And I take exception to system people in the Town of Riverhead who have declared you as being Riverhead's largest slumlord. So I'd like to give you an opportunity to respond to that.

MR. TUCCIO:

Well, it's ridiculous. But being a very large landowner, you know, you -- if you have somewhat -- and I know who you're talking about -- a person who has -- doesn't like your political persuasion, whether it be my environmental issues or whatever, they could call you any kind of name they want. Unfortunately, as a real estate broker, I do not have the luxury to deny

anyone the right for housing. And if that labels you a certain connotation, it's sad on their part.

CHAIRMAN CARACCILO:

Has the Town ever cited you for violations of any of the residences that you rent?

MR. TUCCIO:

I have never been convicted of a single housing violation.

CHAIRMAN CARACCILO:

And how many rental properties do you own?

MR. TUCCIO:

Hundreds. Being mostly industrial, commercial. I have all different sorts.

CHAIRMAN CARACCILO:

Thank you. I think you've clarified issue to my satisfaction.

LEG. LOSQUADRO:

I just want to make a point based on what counsel was saying. If you do own that many properties, perhaps -- what percentage of the time would you have to recuse yourself as a voting member of this board? Counsel, I mean, do you see this as a -- it would be a large scale problem or something that would only be on a, you know, once-in-a-while sort of basis?

MS. KNAPP:

I don't know the extent of Mr. Tuccio's holdings and, you know, what his standing is on these holdings. However, it has been a problem in the past on the Planning Commission that members have had to recuse themselves. I believe at least one member once resigned from the Commission because he felt himself to be in a conflict position too often. Again, I would have to know a lot more be the extent of any individual's holdings before I could comment on how often. It may be that -- that the holdings may be significantly geographically confined, that he would not have a problem.

LEG. LOSQUADRO:

Respectfully, I see you're eminently qualified, sir; but respectfully I would have to say that we would need to look into what percentage of the time you may be precluded from voting on

matters coming before this Commission. Counsel just said that if she was she was provided with system more information be this gentlemen's holdings, she could more accurately make a determination be that.

LEG. SCHNEIDERMAN:

Is there a disclosure requirement?

CHAIRMAN CARACCILOLO:

I recognize Legislator O'Leary. All right. Just, for the record, is there a disclosure requirement, counsel, for any appointment to the Planning Commission?

MS. KNAPP:

A pre-appointment disclosure?

LEG. SCHNEIDERMAN:

No. Upon appointment, is there a requirement to disclose --

CHAIRMAN CARACCILOLO:

Oh, yes, members of County boards just like us have to file financial disclosures. Unfortunately, until the Legislature changes the law, they're redacted. So you won't find anything out that's on the form. But Legislators don't want to go there, no, God forbid.

Legislator O'Leary.

LEG. O'LEARY:

Yes, sir. My question is rather a simple one. I just want to hear your response as to why you want to be on the Planning Commission.

MR. TUCCIO:

Well, since I have lived on a farm in Riverhead, and I am the 14th generation living on that farm; and coming from a family who has settled there in the 1600's, I think I have an inherent interest in my community. And being that my background and skills are such, that I could lend a really beneficial and an educated position on that board.

CHAIRMAN CARACCILOLO:

And I would just note for the record, also -- is Tom Isles in the room? Tom, could you come up, please? Refresh my memory, the property purchased in Setauket, Stony Brook, Forsythe Meadows, who was the principal involved in that?

MR. ISLES:

The property was owned by --

CHAIRMAN CARACCIOLO:

A member of the Planning Commission?

MR. ISLES:

Well, it was owned by the Ward Melville Heritage Organization, the entity that owns the Stony Brook Village Complex and other properties. The contract vendee was Don Iversoll. I don't remember the name of his corporation or what the exact nature of that was.

CHAIRMAN CARACCIOLO:

An active member of the Suffolk County Planning Commission?

MR. ISLES:

Yes.

CHAIRMAN CARACCIOLO:

And all I would say to my colleagues is let's apply the same standard here that obviously has been in existence before. Okay? Legislator O'Leary.

LEG. O'LEARY:

If I may, Mr. Chair, I'm not aware of any past practice, but to me it just seems inherent that someone who's a real estate broker, there seems to be a conflict in wanting to be on the Planning Commission. I don't know -- apparently this wouldn't be setting precedent; am I correct. Correct, Mr. Chair?

LEG. BISHOP:

It's almost required:

LEG. O'LEARY:

That's a requirement? I don't believe that's the case, Mr. Isles, is it?

MR. ISLES:

Of course not.

LEG. O'LEARY:

Yeah, I didn't think so. I don't know. It just seems to me the fact that you're actively involved in the sales of property, for lack of any other descriptive phrase, that it would be inherently a conflict to be on the Planning Commission. But you don't see that?

MR. TUCCIO:

Well, how many Legislators have salesmen's licenses?

LEG. O'LEARY:

Only speaking for this one, there's none here. I mean --

MR. TUCCIO:

Well, there are many people on the Planning Boards, especially in Riverhead, who all have salesmen licenses, broker's licenses. There are developers. The Town, the person who sits on the Board in Riverhead right now, is a developer with a license.

LEG. O'LEARY:

I'm speaking of the Suffolk County Planning Commission.

MR. TUCCIO:

That's what I'm talking about. The person from Riverhead who sits on this board right now --

CHAIRMAN CARACCILO:

Richard O'Dea.

LEG. O'LEARY:

Is a real estate broker?

MR. TUCCIO:

Is a real estate developer.

CHAIRMAN CARACCILO:

The person he would replace is a real estate developer; that's correct.

MR. TUCCIO:

I am not a real estate developer. I do not develop property. I'm a more of a real estate preservationist.

LEG. SCHNEIDERMAN:

Do you foresee any request for zone changes on any of the properties that you own? Because that is something that would be coming in front of the Planning Commission, although I don't -- and Tom can correct me on this -- I don't believe the lands acquisitions go through that Commission, but certainly zone changes would.

MR. TUCCIO:

I can't remember a single time where I asked for a zoning change --

LEG. SCHNEIDERMAN:

Thank you.

MR. TUCCIO:

-- in my 35 years as a real estate broker.

CHAIRMAN CARACCILO:

Okay. Any more questions? Thank you, Ed.

That brings us to today's agenda.

LEG. BISHOP:

We have the Water Authority appointment.

CHAIRMAN CARACCILO:

Oh, I'm sorry. Is Mr. Brady here? I apologize. There you are. My apologies.

MR. BRADY:

Good afternoon.

CHAIRMAN CARACCILO:

Good afternoon, Mr. Brady. Thank you for joining us. As you know you have been requested to appear before the Committee to replace -- I believe the name is Johnny {Gee} as a member of the Suffolk County Water authority.

MR. BRADY:

Yes.

CHAIRMAN CARACCILO:

We'll open the floor for questions. I have several but I'll reserve mine 'till the end. Legislator Bishop.

LEG. BISHOP:

Good afternoon. Why don't we go with the general question that we ask all applicants which is why do you want to serve on this board and can you discuss the experience that you bring?

MR. BRADY:

As you see by my resume that I gave you, basically I'm an educator. I've taught for 37 years in West Babylon. I've been a member of the union, a President, a Vice President, a negotiator. I've spent my entire life in business. And, I'm about to retire from West Babylon this year. I thought this would be a great opportunity -- the position came up for me to do something for the County; also something that I felt, I always wanted to be involved in; something that is a life blood of our line, which is water. Just able to do as I could. I'm not an environmentalist, but like I said, an educator. I think it's an honor to be -- have the opportunity to do it. And, that's the main reason.

LEG. BISHOP:

Can you help fill in some of the resume's points?

MR. BRADY:

Sure.

LEG. BISHOP:

What's your -- what was your position with NYRA?

MR. BRADY:

With NYRA, I was the President in West Babylon for two years. And, then I was the --

LEG. BISHOP:

No. The race --

MR. BRADY:

The race track, I'm sorry. The race track, I was mutual clerk with them working on the weekends. And -- Aqueduct, Belmont, Saratoga. Not doing too well, but enjoying myself. It was an opportunity for me to earn extra money as a teacher and it was the summers and the weekends.

LEG. BISHOP:

And, then from Manufacturer's Hanover?

MR. BRADY:

Manufacturer's Hanover was the first job that -- after the army.

LEG. BISHOP:

And, then you went to --

MR. BRADY:

They are now Chase Manhattan. Originally they were Manufacturer's Hanover. I was an officer in the bank as a manager.

LEG. BISHOP:

Right. And, you got your masters in business from Adelphi in what year?

MR. BRADY:

In 1968.

LEG. BISHOP:

And Stony Brook?

MR. BRADY:

Stony Brook in 1971.

LEG. BISHOP:

Very good. Okay.

CHAIRMAN CARACCILOLO:

Any other questions from the other members of the Committee? Mr. Jones, could you come up, please? Could you just state for the record, Steve, what your position is with the Water Authority?

MR. JONES:

Steve, Jones, CEO Suffolk County Water Authority.

CHAIRMAN CARACCILOLO:

And, former County Planning Director, and a great one just like Mr. Isles.

MR. JONES:

I don't envy Mr. Isles.

CHAIRMAN CARACCILOLO:

Steve, could you just quickly run through -- and I see George Prios in the back, so, George why don't you come up? Just run through the current composition of the Board of Directors at the Suffolk County Water Authority, who they are, what their terms of office are?

MR. JONES:

The Chairman, Michael Agrande, is a planner and engineer. His term expires in the spring of next year, '05. Eric Russo is a zoning attorney. His term is up, I think, the year following that in spring of '06. George is a County employee. His terms is up, I think, in spring of '07 or '08. I'm not -- I'd have to check. You could ask George that. And, then we have a doctor, Mel Fritz, from Huntington. He was just reappointed last year. So, his term would be up in '08; spring of '08, I think.

CHAIRMAN CARACCILOLO:

Who replaced Jim Tripp last year? George did. Okay. And, George, what's your position with

the County?

MR. PRIOS:

I'm still the Chief Environmentalist within the Planning Department. And, I also Chair the County's Storm Waters Conservation District.

CHAIRMAN CARACCILOLO:

Right. A little more than a year ago, I was a member of an ad hoc Committee of the County Legislature formed by the Presiding Officer that spent twelve months looking at the books, the records. And, a lot of accusations against Mr. -- not Mr. Jones, but Mr. LaGrande, specifically, as well as the Board. And, one of the issues that came to the floor as a result of that inquiry was an issue of the vehicles that are assigned to board members and some issues about billing by one of the board members. And, I believe some of that was referred to the District Attorney. What, if anything, can you share with us about that investigation?

MR. JONES:

It's with the District Attorney.

CHAIRMAN CARACCILOLO:

It's still with the District Attorney?

MR. JONES:

Yes. I don't know.

CHAIRMAN CARACCILOLO:

Okay. I bring that up because I'd like to see some conclusion to that because maybe we should be removing other people that are on the Board that were a suspect in that investigation. Talk about conflicts or potential conflicts. Mr. -- the Brookhaven board member, Eric Russo, what's his livelihood?

MR. JONES:

He's a zoning attorney.

CHAIRMAN CARACCILOLO:

And, how many times has he come before the Suffolk County Water Authority with issues where he's represented a client?

MR. JONES:

He usually -- at the meetings, he usually recuses -- not recuses, he usually abstains when there is a contract with a company that he has either represented or done business with.

CHAIRMAN CARACCIOLO:

Counsel, given the practice that's taken place at the Water Authority vis-a-vis appointments to the County Legislature, I would ask you with regard to Legislator Losquadro's question of the previous speaker, that if that practice is good enough for the Water Authority, I don't know see where it should make any difference on the County Planning Commission. Just my opinion, but please comment..

MS. KNAPP:

I mean the Planning Commissioner -- the Planning Commission has in the past had real estate professionals and developers who have sat on the Commission. I think that as long as you have an ethical aware member who recuses himself and it doesn't happen too often, it doesn't pose a problem.

CHAIRMAN CARACCIOLO:

Thank you. Mr. Brady, you, too, would be subject to the County's financial disclosure requirements. That's something you're aware of and willing to provide?

MR. BRADY:

I have no problem with that.

CHAIRMAN CARACCIOLO:

That's due in May of -- I believe May 15th of every year. So, should you be appointed, just be aware of being in compliance with that.

MR. BRADY:

Thank you.

CHAIRMAN CARACCIOLO:

Yes, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you. This is for Steve Jones. Could you just for my own purpose as a new Legislator explain a little bit about what the members of this Board actually do when they're acting?

MR. JONES:

The Water Authority Board does not report -- it's a public benefit corporation. The state does not report to the Public Service Commission. So, the Water Authority Board members who are all appointed by this Legislature, they are the five members who set the rates for the sale of water in service areas of Suffolk County. And, they are the sole people who do so. The Board members also obviously oversee everything that the staff does with respect to setting policy. They also are required by law to pass judgement on all bids that are put out, sealed bids, requests for proposals and such. And, they -- so they have to hire -- basically hire all the consultants, hire all of the contractors that are bidding on various projects. They also once a year establish the budget for the Water Authority to use every year where the revenue projections are going to be, where the revenue's going to be, where the expenditure's are going to be. Those are their principal tasks.

LEG. SCHNEIDERMAN:

It seems like a lot of it has to do with rates and budgeting and policy. So, it would seem to me that the skills set that this gentlemen has, Mr. Brady, which is strong business background might be something that could -- that could accentuate the Committee, could help the Committee. Is that the case?

MR. JONES:

I would agree with that.

LEG. BISHOP:

No disrespect, Mr. Brady was a teacher; he wasn't a business man.

LEG. SCHNEIDERMAN:

I thought he said he spent most of his life in business.

MR. BRADY:

I spent several years in New York, like with Manufacturer's Hanover. And, then I've been involved in business for 37 years. I also have been involved in a work program in West Babylon, in the Lindenhurst area, in Deer Park and so on like that. I have at present 90 students working where I deal with all the different businesses in the area.

LEG. BISHOP:

Right. You place students in firms.

MR. BRADY:

Yes.

LEG. BISHOP:

Right. Just a couple of -- you know, general philosophical questions that I think are appropriate for any nominee. And, Mr. Prios had answered them and I would ask that you address them as well. In terms of the Water authority's mission as it relates to the environment, how do you feel about the provision or withholding of water mains in order to achieve an environmental purpose? Is that something that you would support?

MR. BRADY:

I would have to look into something like that because I wouldn't be that familiar with it as of now. I think it would take a little time. It's not something that I could make a decision on right away. I know the way I feel about the environment. If I could be an environmentalist and saving everything like that, I would be very much in favor of that. But as far as the question, I really wouldn't be equipped to answer it right now.

LEG. BISHOP:

Out of -- because it's an authority and it's not the Suffolk County government per se, there has been accusations in the past that the Water Authority is not sensitive to some of the rules and regulations and laws that the County government itself adheres to. For example, in retaining contractors, it's been argued that the Water Authority will often use out-of-state contractors who are not -- would not meet the qualifications if they were to be hired directly by the County. Is that something that you would be concerned of? And, alternatively, do you think your mission as a trustee for the Water Authority is to promote the bottom line and lower rates which presumably these out-of-state contractors do promote?

MR. BRADY:

Well, I would be, of course, lowering the rates as a major issue. And, I would be in favor of that. As far as dealing with more bodies to check on what the Water Authority is doing and going to out-of-staters, if we can get people -- we get that mom and pop situation here in Long Island, we get the situations where we hire local people, they give the fair rate that I've checked so far on the wages and everything else like that. Because if it goes out to bids, I would rather basically keep it on Long Island. It is Long Island.

LEG. BISHOP:

Even if that means paying more to pay the prevailing rate?

MR. BRADY:

Well, it would depend what the prevailing -- we are paying, I believe -- when I say we, as a Suffolk County resident, we're paying the prevailing rate is what they're paying right now, which is fair and being independent to a point.

LEG. BISHOP:

What would you say are the top two or three challenges that the Water Authority will face over the next ten years?

MR. BRADY:

I believe the Water Authority right now is the -- with the cleanliness of the water, keeping everything from being polluted or anything else like that, they have a tremendous record on that. So it would be keeping and maintaining the wells, maintaining the area, maintaining the Pine Barrens that everything is -- the pollution and stuff like that. I really want to take an active issue, an active part in the part about the environment and so on like that. So, of course, it's the cleanliness of the water and having great water because that's our bloodline. So that be my major real, real major issue.

LEG. BISHOP:

Thank you.

CHAIRMAN CARACCILOLO:

Any other questions? Thank you, very much, Mr. Brady. Is there anyone else who would like to address the Committee? Okay. Jim Bagg, you want to come up, we'll do the CEQ resolutions

real quick. Fire away, Jim.

MR. BAGG:

The first CEQ resolution before you is **10-04. It's the proposed SEQRA classifications for the legislative resolutions laid on the table on January 27th, 2004.** It simply designates those resolutions that are primarily Type II Actions.

CHAIRMAN CARACCIOLO:

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

MR. BAGG:

The next **resolution 11-04 is the proposed personal body alarms system for Riverhead medium and maximum security correctional facilities. Okay, Town of Southampton.** Council recommends that it's purchase of equipment and that is a Type II Action.

CHAIRMAN CARACCIOLO:

This is the existing facility; not the proposed facility because obviously that's in Yaphank.

MR. BAGG:

That is correct, yes.

CHAIRMAN CARACCIOLO:

Same motion, same second. All in favor? Opposed? Abstentions? Unanimous. **(Vote: 5-0)**

MR. BAGG:

The next resolution **12-04 is the proposed energy conservation at various county buildings within Suffolk County, New York.** Project includes the installation of energy efficient equipment and County facilities to reduce utility costs in conjunction with NYPA's, LIPA's, NYSERTA's and other energy conservation programs. Council recommends that it's a TYPE II action because the action concerns 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:

Do you have a list of the facilities affected by this?

MR. BAGG:

No. It was simply submitted as a broad based --

CHAIRMAN CARACCIOLO:

Generic, okay. Same motion, same second. Same vote. **(Vote: 5-0)**

MR. BAGG:

The last resolution 13-04 is the proposed planning for the new replacement correctional facility, Yaphank, Town of Brookhaven. Council feels that this is for the planning phase only for the correctional facility at Yaphank. And, it is a TYPE II action as it involves conducting concurrent environmental, engineering, economic feasibility and other studies and preliminary planning and budgetary processes necessary to formulate -- formulate proposals for an action provided those activities do not commit the agency to commence, engage in or approve such an action. So, they recommend that the planning phase is a TYPE II action. Council also reviewed the situation and said that they felt it would be a TYPE I action and that potentially an environmental impact statement should be done as part of the planning process for the facility.

CHAIRMAN CARACCIOLO:

Same motion, same second, same vote. Thank you Mr. Bagg. **(Vote: 5-0)**

That would bring us to **introductory resolution 1100 - making a SEQRA determination in connection with the proposed Smith Point Park seawall extension, Town of Brookhaven.** Do I hear a motion? Motion by Legislator O'Leary, second by Legislator Losquadro. All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0)**

1101 - making a SEQRA determination in connection with the proposed Riverhead County Center pump station modifications, Town of Southampton. Motion by Legislator Schneiderman, second by the Chair. All in favor? Opposed? Abstentions? Unanimous. **(Vote: 5-0)**

1102 - making a SEQRA determination in connection with the proposed sewer district #3, Southwest, Stream Street Sewer Extension, Town of Babylon. Motion by Legislator Bishop, second by Legislator O'Leary. All in favor? Opposed? Abstentions? Unanimous. (Vote: 5-0)

1103 - making a SEQRA determination in connection with the proposed planning and design of Tier II Homeless Shelter in Suffolk County. Motion by the Chair, second by Legislator Schneiderman. All in favor? Opposed? Abstentions? Unanimous. **(Vote: 5-0)**

1148 - to appoint member of County Planning Commission (Frank Cichanowicz) I'm going to make a motion to table since Mr. Cichanowicz was not present today.

LEG. SCHNEIDERMAN:

Second.

CHAIRMAN CARACCILOLO:

Second by Legislator Schneiderman. All in favor? Opposed? Abstentions? Unanimous. **(Vote: 5-0)**

1149 - to appoint member of County Planning Commission, Town of Shelter Island, Linda G. Holmes. Motion by the Chair, second by Legislator Schneiderman. All in favor? Opposed? Approved. Unanimous. **(Vote: 5-0)**

1159 - accepting and appropriating additional 45.9% federal grant monies from the United State EPA to the Department of Health Services, Division of Environmental Quality for the National Estuary Program, Peconic Bay. Motion by the Chair, second by Legislator Schneiderman. All in favor? Opposed? Abstentions? Unanimous. **(Vote: 5-0)**

1174 - dedication of certain lands now owned by Deborah T. Rogers and Prudence G. Westin as Residuary Devisees of the Estate of Douglas Westin (to the County of Suffolk) Counsel, could you just explain? .

While you're doing that, I'm going to continue with some SEQRAs. Okay?

IR 1188 - making a SEQRA determination in connection with the proposed planning phase for improvements to the Armed Forces Plaza, Hauppauge, Town of Islip. Motion by Legislator O'Leary, second by the Chair. All in favor? Opposed? Abstentions? Unanimous. **(Vote: 5-0)**

1189 - making a SEQRA determination in connection with the proposed planning and construction phase to refurbish DA's space, Cohalan Court Complex, (Central Islip, Town of Islip.) Motion by the Chair, second by Losquadro. All in favor? Opposed? Abstentions? Unanimous. **(Vote: 5-0)**

1190 - making a SEQRA determination in connection with the proposed planning steps for noise and lead mitigation at the Trap and Skeet Shooting facility (Southaven County Park, Yaphank, Town of Brookhaven) Motion by Legislator Schneiderman, second by the Chair -- Legislator Losquadro. It's okay. Legislator Losquadro second. All in favor? Opposed? Abstentions? Unanimous. **(Vote: 5-0)**

Counsel, **1174**.

MS. KNAPP:

1174 is a bill from the County Executive that accepts the dedication of certain lands in Mastic Beach. It's a very small parcel. And, I believe it's being recommended for acceptance because it's in the Mastic Shirley conservation area in the wetland and flood plains area.

CHAIRMAN CARACCILO:

Motion by Legislator O'Leary, second by Legislator Losquadro. All in favor? Opposed? Abstentions? Unanimous. **1174 is approved. (Vote: 5 - 0)**

1191 - making a SEQRA determination in connection with the proposed planning phase for the construction and reconstruction of correctional facilities, Town of Southampton. Motion by the Chair, second by Legislator O'Leary. All in favor? Opposed? Abstentions? Unanimous.
(Vote: 5-0)

1192 - making a SEQRA determination in connection with the proposed planning and construction phase of improvements to the County -- (Correctional Facility, Town of Southampton) I just read that. What's the difference? Jim? Is that the difference, Counsel, between 1191 and 92? One's planning and one is actual construction?

MS. KNAPP:

Yes.

CHAIRMAN CARACCILO:

Okay. We have clarity. So we have a motion by Legislator O'Leary, second by Legislator Schneiderman. All in favor? Opposed? Abstentions? Unanimous. **(Vote: 5-0)**

1209 - authorizing planning steps for acquisition of Suffolk County Multifaceted Land

Preservation Program, Emerald Estates (Town of Huntington) Motion by the Chair,
second by Legislator O'Leary.

All in favor? Opposed? Abstentions? Unanimous. **(Vote: 5-0)**

**1216 - motion to appoint member of County Planning Commission Edwin Fischel
Tuccio.** Motion by the Chair. Do I have a second?

LEG. BISHOP:

Second.

CHAIRMAN CARACCILOLO:

Second by Legislator Bishop. All in favor? Opposed?

LEG. O'LEARY:

Abstain.

CHAIRMAN CARACCILOLO:

Okay. One abstention.

LEG. LOSQUADRO:

I'm going to have to oppose. I'd like to make a motion to table for a cycle. I understand the Chair's point earlier about the Suffolk County Water Authority Board. But, again, respectfully this candidate was present. He was being discussed. The other candidate is not someone who's up for appointment. So, I understand you saying that there should be a standard applied to both. But, if there is another situation that we need to look at as a legislative body, I think we should do so. I still have a concern that this individual may not be able to discharge his duties on a regular basis.

LEG. O'LEARY:

Second.

CHAIRMAN CARACCILOLO:

We have a motion to table. All in favor? Opposed? I'm opposed.

LEG. SCHNEIDERMAN:

I'm opposed.

CHAIRMAN CARACCILOLO:

The motion to table is defeated. Motion to approve by Legislator Caracciolo, second by

Legislator Bishop. All in favor? Opposed?

LEG. O'LEARY:

Opposed.

LEG. LOSQUADRO:

Opposed.

CHAIRMAN CARACCIOLO:

I have three in favor, two opposed. Motion carried. **(Vote: 3-2-0-0)**

1227 - appointing member of the Suffolk County Water Authority Bernard Brady.

Motion by Legislator O'Leary, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

LEG. BISHOP:

Opposed.

CHAIRMAN CARACCIOLO:

One opposed. **(Vote: 4-1-0-0)**

And that brings us to **1069 - allocating additional funds for the acquisition of development rights to farmlands by the County of Suffolk, Detmer Farm, Town of Brookhaven.** Mr. Moore. Pat, you could join us, also, if you'd like.

MR. ISLES:

Allow me to introduce Pat Zielenski, who is the new Director of Real Estate. This is her first meeting before this Committee.

CHAIRMAN CARACCIOLO:

Okay. Do we have the appraisers here, Tom?

MR. ISLES:

Yes, we do. We have with us today obviously Ms. Zielenski, the Director of the Division, we have William Moore, who's our certified appraiser on staff. We also have the two appraisers that the County had hired for this project as well.

As you know, this parcel was previously approved by the Legislature for authorization to acquire. It's back to you for an additional budget appropriation; and, I think in accordance with Chapter 712 in terms of the compliance review. This has been reviewed by the County Farmland

Committee and has been recommended to you. We can give you the run down on the dollar arrangement, but essentially what's proposed here is that the Peconic Land Trust is proposed to come in and purchase this property in full fee. We would then buy the development rights from the Peconic Land Trust. They would then sell or transfer or lease the remaining residual fee to a farmer to farm the property.

CHAIRMAN CARACCIOLO:

Legislator Bishop just points out that this is a different map than we are accustomed to on the Committee. Usually we have the aerial map, which I think if -- we have it?

MR. ISLES:

This is from the Suffolk County tax map base.

CHAIRMAN CARACCIOLO:

Okay.

MR. ISLES:

We do have an aerial here.

CHAIRMAN CARACCIOLO:

Okay.

LEG. SCHNEIDERMAN:

Mr. Isles, does Peconic Land Trust have a particular farmer in mind to farm this?

MR. ISLES:

I believe they do, yes. I believe he's present here today, too. I believe it's Mr. Al Beck.

CHAIRMAN CARACCIOLO:

Mr. Isles, within the County's PDR program, county-wide -- you can leave that there -- could you just give us some sense of the amount of acreage we have in the five west-end towns?

MR. ISLES:

The last time I checked it, we had five or six farms in the four western towns, not counting Brookhaven, that had been purchased over the 25-year life of the program. They tend to be smaller properties. There's one in the Town of Islip, I think two in Huntington. I don't have the list in front of me. But, we might have probably in total maybe a hundred acres, maybe even a

little less than that. They're not large properties.

CHAIRMAN CARACCIOLO:

And in what period of time would that have been?

MR. ISLES:

Well, this is over 25 years, yeah.

CHAIRMAN CARACCIOLO:

Okay. I mean intuitively that tells me a lot. It tells me that our predecessors did not perhaps have the opportunity to consider properties like this. Or that perhaps they were dismissed outright because properties like this are surrounded by development. And they're not contiguous to large tracts of farmland, which is one of the priorities of our PDR program; is that not right?

MR. ISLES:

It certainly is one of the key characteristics or priorities, but it's not the only one. As you mentioned earlier, there are a number of categories. This one was recommended by the Farmland Committee, as I recall, due to a number of factors; the soils being prime farm soils. Also, it has about half a mile of road frontage. So in terms of vistas, it scored very high in that sense. It does have the relationship to the historic Thompson Farm, which is an adjacent historic home. And then it --

CHAIRMAN CARACCIOLO:

Home or farm?

MR. ISLES:

It's a building. It's a home right now that was --

CHAIRMAN CARACCIOLO:

When you start using terms like farm, people are thinking, you know, another big farm.

MR. ISLES:

No, it used to be -- it used to be part of the same property.

CHAIRMAN CARACCIOLO:

Okay.

MR. ISLES:

As part of the Thompson farm.

CHAIRMAN CARACCIOLO:

Okay.

MR. ISLES:

It also -- not that this was a consideration of the Farmland Committee but in the Three Village Hamlet study, it was recommended that this be retained as farmland. It does -- it is central to the Setauket Community. It's a very visible open space. So, in the question of east versus west and farmland versus large tracts versus these isolated pieces, the Farmland Committee has wrestled with this on numerous occasions. They did approve a farm, for example, in Sayville, a winery, a very rare location; but feeling that 90% of our population lives in western Suffolk County, they support our farmland programs strongly. When we do have opportunities to protect western farmland, the Committee has supported that.

CHAIRMAN CARACCIOLO:

In terms of the appraisals, first let me thank you and your staff for providing them to me. I've had an opportunity to go through them. And, I have system questions related to that. But at this time I'm going to open it up to questions from other Legislators. So, I know we have the district Legislator here, Legislator Vivian Fisher, who I'm sure would like to say something with regard to this resolution. So, Vivian, please do.

LEG. VILORIA-FISHER:

Mr. Chair, I'd like to defer to the Committee first. And, then if there are any points that haven't been brought up by members of the Committee, then I will fill in the gaps. Thank you.

CHAIRMAN CARACCIOLO:

Okay. Legislator O'Leary.

LEG. O'LEARY:

What's the price per acre, Tom?

MR. ISLES:

The price per acre is approximately \$193,000 for the development rights. The purchase is based on a purchase price of \$5,813,000 for the development rights. The total acquisition is about 6.2 million. The County would only be buying the development rights. The residual fee would be retained by Peconic Land Trust. As we do know, we have provided to you a copy of our compliance review sheet that summarizes the facts of the case. Obviously, if you want more detail information, we can provide that. We do have two recent appraisals of this property. Over the 14 years that the County's been trying to buy this, there are obviously older appraisals as well.

LEG. O'LEARY:

Is the actual -- it's three separate parcels; the total acreage is 34.8 based on my math. There was the three that I have here in front of me. It's 34.8 acres.

MR. ISLES:

The total parcels would equal that. The actual amount that would be purchased for the development rights from the Peconic Land Trust, if this is approved, is slightly over 30 acres.

CHAIRMAN CARACCILO:

Right. There's a set aside for residence and barn and so forth.

LEG. O'LEARY:

All right. Thank you.

CHAIRMAN CARACCILO:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Tom, this acquisition is full county; is that correct? In terms of development rights? There's no 70/30 split?

MR. ISLES:

Correct.

LEG. SCHNEIDERMAN:

Okay. How does that get determined? When do we pursue the 70/30 split and when don't we?

MR. ISLES:

It would be -- it would arrive from a couple of different sources. I mean it might be initiated by

the Town seeking to partner with the County. It might be as a result of discussions with the Town whereby the County would then initiate it. We have done a number of acquisitions with the Town of Brookhaven including the one that this Committee and this Legislature approved a month or two ago, which is the Strobel acquisition, which was a 30/70 with the Town of Brookhaven. So it is a little bit of a touch and go thing determined on what their priorities are, ours are, or funding availability and so forth.

LEG. SCHNEIDERMAN:

Okay. I just think it's important to approach it across the board so we make sure we're treating every town the same. That Strobel was also in Brookhaven so --

MR. ISLES:

Right, it was. Yes.

LEG. SCHNEIDERMAN:

I did go through the appraisals for this property. And I did quite a bit of homework. And, I do believe that the cost here is justifiable in this area.

CHAIRMAN CARACCILOLO:

Legislator Losquadro.

LEG. LOSQUADRO:

No.

CHAIRMAN CARACCILOLO:

Okay. Having had an opportunity to look at the appraisals, it appears that we are purchasing -- and there are actually -- there was an update to the original appraisals by both appraisers; correct?

MR. ISLES:

Yes. I'd like to turn it over Mr. Burke for the moment and, Jim, if you want to give --

CHAIRMAN CARACCILOLO:

Okay, then, I'll address my questions to Bill and Jim. It appears that between the time the original appraisal was undertaken, which was September 17th, 2003 and the follow-up request by the division to set aside some acreage for private use, the acreage went from 31.71 acres to 30.4 acres; correct?

MR. BURKE:

That's correct. It's all actually subject to a final survey, but that's the rough acreage amount.

CHAIRMAN CARACCIOLO:

Right. One of the keys that drives appraised value of real estate is what is the highest and best use. And, what if any, subdivision plans are on record, and what is the status of those plans. As I read through the appraisal, it indicated that there have been representations that this property could be subdivided into 28 single residential lots. But, that in fact whoever was proposing to do that, has not gotten very far in doing so. And, it goes back to 1997 when the Town of Brookhaven pos dec'd this property. And, why don't you just explain to the Committee what that means, pos dec.

MR. ISLES:

Pos dec means positive declaration. It's a reference to the New York State Environmental Quality Review Act. And, it's a statement that a project may have a significant impact to the environment and typically requires the preparation of a draft environmental impact statement. What I'm not certain of in the pos dec, if that referred to a subdivision of the property or system other development. I know there was a proposal for an assisted living facility on this property. I'm not sure if that referred to that or not.

CHAIRMAN CARACCIOLO:

Does anyone in our division or the appraisers present know what they were basing the value of this property on? Was it residential use or was it the assisted --

MR. ISLES:

The assisted living was denied by the Town of Brookhaven for a change of zone.

CHAIRMAN CARACCIOLO:

Right. There was a request for a change of -- a change of zone, correct?

MR. BURKE:

That's correct.

CHAIRMAN CARACCIOLO:

And it was denied back in 1999. What is the current status of an applicant before the Town of Brookhaven Planning Department for development of this property? Is there any present development pressure on this property?

MR. MOORE:

The last development pressure that we're aware of occurred back in 1996, '97 with the submission of a certain development plan, which was never acted on either positively or negatively. Subsequent to that, there was also the zone change application, which was put into the Town. And that, in fact, was turned down.

CHAIRMAN CARACCIOLO:

All right. So at this time there is no development pressure on the property.

MR. MOORE:

That's correct.

CHAIRMAN CARACCIOLO:

When did the County initially begin to consider this property for acquisition? I understand it's like a decade ago.

MR. BURKE:

It was back probably sixteen years

CHAIRMAN CARACCIOLO:

It's even longer than that. Okay.

MR. BURKE:

There was a question of development pressure. There is -- the owner has received numerous, numerous offers on this property. And they are coming in as we speak probably, so. Although there isn't any present application before the Town Board, there is -- there is definitely development pressure on the property. If she signs a contract with somebody else, we'd lose the property right then. They become the contract vendees and we have to deal with them. So there is a significant --

CHAIRMAN CARACCIOLO:

I have heard that before, Jim, in the Town of Riverhead. The River Club property, which as Mr. Isles knows, because I think I sent you a copy of the article. The Town of Riverhead last year was going to go ahead and buy this property for \$6.5 million. The contract vendee just bought it for 2.4. What's going on here? It's not a question you can answer. But, I get very suspicious when I hear people talking about contract vendees and what they may or may not be able to do. The Town of Brookhaven hasn't allowed any consideration for any development on this

property. And, I'm not aware of any development pressure on this property. And, that's simple the point I'm making.

What type of properties surround this parcel?

MR. ISLES:

The property is boarded by three roads. The surrounding land uses would include a cemetery and church property and single family homes. I think generally to the north. There's also on the opposite side of State Route 25A a post office, a bank, undeveloped land that is, I think, zoned -- part of it's industrial, part of it's residential. And, then further to North Country Road, I believe, there's some light office and office building on the corner, a service shop, residential uses, houses directly abutting the property, telephone company switching station. The general character is a little bit of a transition that in the Setauket area, the Detmer Farm property forms at the edge of the commercial area along 25A, the two shopping -- the three shopping center sites. But it blends from the commercial to the residential character.

CHAIRMAN CARACCILO:

Legislator Losquadro.

LEG. LOSQUADRO:

That just was a good segue into my question that I had. What is the current zoning of the property that you based the appraisal on?

MR. BURKE:

It is one acre residence.

LEG. LOSQUADRO:

It is a one.

MR. BURKE:

Correct.

LEG. LOSQUADRO:

I just wanted to get that on the record. Thank you.

MR. BURKE:

Right.

CHAIRMAN CARACCIOLO:

Explain to the Committee the difference between simple fee PDR and what we're actually doing and buying here.

MR. MOORE:

I can explain that. The definition first off of simple fee or fee simple would be the full what they call bundle of rights in and to a piece of property. In this particular situation, the property as is today. All of the rights that exists there. The PDR value --

CHAIRMAN CARACCIOLO:

I know the answer, Dave. I'm just making a point there. Go ahead.

MR. MOORE:

The PDR value is a more limited property right. And, what that is, is the property interest, which takes from the subject property the rights for that subject property owner to develop the property, typically in a case such as this to its highest and best use, residential development, for example. And, I think those are the two factors -- you asked about? Not the agricultural use segment?

CHAIRMAN CARACCIOLO:

Well, that's the next question.

MR. MOORE:

Okay. The agricultural use segment of this three-part appraisal that we have in front of us is the value of the subject property were it to be limited, were it to have the PDR rights imposed on it or taken from it, rather, so that all that could be done with the property would be agricultural use.

CHAIRMAN CARACCIOLO:

Let me stop you there. What is the intention here of purchasing this property; for what purpose?

MR. MOORE:

The intention here as I understand it is to remove from the property the future development potential from it.

CHAIRMAN CARACCIOLO:

When you say development potential, you're talking about commercial or residential or whatever

the property is zoned, which in this instance is residential.

MR. MOORE:

That's correct.

CHAIRMAN CARACCILO:

Okay. And, this is the cheapest way that we can acquire this property? We can't just purchase this property as we do elsewhere by purchasing the ag rights? Instead of paying \$192,000 an acre, paying something significantly less?

MR. MOORE:

No. This is -- this is the way we do it consistently all over. We purchase from the property the value of the development rights, which is calculated as follows. It's the difference between the full fee valuation of the property and the agricultural use valuation of the property. And, there are market sales for both those sorts of properties.

CHAIRMAN CARACCILO:

Market sales are in the Town of Riverhead and Southold as far as farmland goes where -- where -- why didn't we use -- why don't we use something like Strobel, which was \$63,000 an acre? We have other farms. That was one of my lead questions to Mr. Isles, is how many properties do we have in western Suffolk. And perhaps use those. Why don't the appraisers use those as comparables instead of going out east where farmland is much cheaper?

MR. MOORE:

The appraisers choose their comparable sales as they see fit. As they weigh the properties.

CHAIRMAN CARACCILO:

Yeah. You know, I have to tell you. I have seen and witnessed what I believe is manipulation in this County to justify outcomes that are really sticking it to the taxpayers. My opinion; my opinion only. And, I think this is another example of that. Tom, when did the County purchase the Froehlich Farm and where is that located and what is the size of that property?

MR. ISLES:

It's located in the Town of Huntington. It was purchased quite a while ago, maybe 15 or so years ago. I'm not sure of the size of the parcel. That was a full fee, though, I believe. It was not a farmland development rights purchase. We do have the appraisers here today if you'd like

them to speak on how they determine the agricultural value. I'm not sure if it's so locational dependent and that comparing it to other areas may be appropriate. But, this was an acquisition that has gone through a pretty exhaustive review. The appraisals are quite exhausted. Review by our certified appraiser, Mr. Moore. So, here again we have them here today if you'd like them to comment on how they determine ag value.

CHAIRMAN CARACCIOLO:

No, I would agree with you. I think, you know, based on the criteria that Mr. Moore enumerated, they did their job. But, what is the real purpose? We're going to buy this property so that someone can farm it and the taxpayers are going to foot a \$6 million bill so somebody else can farm this property and protect what some represent are vistas.

MR. ISLES:

It's a question of whether to buy it is, of course, your question as far as the Legislature. In this case we would be buying the ability to develop the property. So the owner -- the person who buys the ag rights would then have the ability to farm it. He's getting a benefit in that he's not buying full value land because then farming just doesn't work if that's the case. So, the program is that there's a view that there's sufficient public interest achieved by the protection of an agricultural industry in Suffolk County. We are the number one ag county in New York State; that we need a certain critical mass to support that industry; that most of our farms do happen to fall in the eastern end of the County, but not all of them. And, this is actually a case we've had a farm that is -- still remains a viable farm. It's still farmed. There's a farm stand. It is threatened by the development we've seen in other parts of western Suffolk County. So I think in terms of the County's intent, the County's goals, they are achieved in this property. Obviously whether we should pay the amount that's being suggested is your decision.

CHAIRMAN CARACCIOLO:

Are the economic goals or benefits of purchasing this property for almost \$6 million achieved? How long does it take us to achieve that benefit?

MR. ISLES:

We can always have a situation we look back and say, gee, we could have bought this land for X number of dollars in 1980, 1990 and so forth. The question of how much is it worth, we feel from the review of the valuation reports, the appraisals, that the number that we've suggested to you today is supported by professional, independent outside appraisers; appraisals who have

then been reviewed by our in house experts. So, in terms of is this number a fair market value, is it fair to the taxpayers of Suffolk County, we believe it is. In terms of should we as a County be spending this kind of money for the preservation of farmland, that's a more difficult question. I'm relying heavily on the Farmland Committee in balancing the question of is it worth it. And we are suggesting or recommending to you that it is worth it, that it's a diminishing resource that's important to protect.

CHAIRMAN CARACCIOLO:

This was approved by the Farmland Committee, I believe, last year. And, at that time the premise was, it was going to cost us a lot less money. Now, it's costing us almost twice as much. What was the rating that this property achieved? And, what is the minimum?

MR. ISLES:

Right. The Farmland uses a rating form that goes from zero to mid-twenties; 22, 24, somewhere around there. The rating that this parcel achieved was eleven. There is no hard and fast number in terms of a pass/fail; but generally speaking the Committee tries to hit a rating of 12 overall. The Committee does provide additional consideration in western Suffolk County. As we were talking about before in terms of putting in a population density factor, there's nothing formalized like that in the -- in what the Farmland Committee does. But, informally they tend to give a little more weight. As I indicated earlier, they had a farm in Sayville that came across the Committee a few months ago. And, just in the planning stages process Legislator Lindsay sponsored the bill. There's no other farm in the area whatsoever, but the Committee said, well, it's the last farm in that area. It's adjacent to County property. Let's look at it. It becomes a value judgement. It becomes a choice. I think this one has a number of advantages in terms of preserving agriculture. It's a viable farm. It's historic; a historic farm. And, it's also -- we buy open space for preserving an industry in this case, but we also buy in the sense that it has intangible community benefits. The half a mile of road frontage, the consistency with the hamlet plan for the three villages and so forth. So, it ends up having a number of benefits, a number of qualities that we think and the Farmland Committee recommended to you.

CHAIRMAN CARACCIOLO:

If you can take a moment and -- the hand-out you provided us earlier. Under the new rating form, could you tell me what this property would be ranked? What would the rating be?

MR. ISLES:

We would have to rate it. What the --

CHAIRMAN CARACCIOLO:

While you're doing that, Tom, I have a few questions for Pat.

Welcome. You have extensive experience and background in these matters.

MS. ZIELENSKI:

Yes, sir.

CHAIRMAN CARACCIOLO:

Which I appreciate. And, I would just like to hear your perspective over-- and the administration's perspective over the possible acquisition of this property, because as I understand it, this was actually completed at the end of last year. So, during the transition, if you will, I want to make sure the new administration agreed with the previous administration, which announced on December 31, 2003 in a Newsday story that they had reached an agreement to purchase this property -- and actually published for the first time I can remember the purchase price, which is a taboo, in the press before we actually consider and approve it. So I'd like to hear what the new administration's take is on this; this particular property.

MS. ZIELENSKI:

I can only speak for myself. I've read the appraisals. I think the value is sustainable. I think that the property is terribly important. I know from personal experience that DEC through the State of New York has been looking at that property over the years. They've done appraisals, too. They -- the different levels of community pressure go up and down as the owners of the property have had viable proponents to develop the property. It's an ongoing quest to keep the property from being -- from being developed. I think we're very fortunate to have waited this long and still have the property available.

CHAIRMAN CARACCIOLO:

The sellers, are they individuals or are they members of the Detmer family and an estate they represent?

MS. ZIELENSKI:

If I understand it, they are heirs of Halliday.

CHAIRMAN CARACCIOLO:

So, essentially what you had is a family that waited until the deceased heired this property to them. And, some sixteen years later we're buying it for a heck of a lot more money than we could have bought it before. Why didn't we buy it before? Who can answer that question?

MR. ISLES:

I don't know the answer to that.

CHAIRMAN CARACCILOLO:

Okay, ma'am, if you would come up, I'd be happy to entertain your answer to that question. But, you have to come up and speak on a microphone, identify yourself.

MS. HALLIDAY:

My legs don't go.

CHAIRMAN CARACCILOLO:

Oh, okay. I don't know if we can get a microphone back to you. Is that -- It's not a wireless, okay.

MS. HALLIDAY:

The property was not for sale.

CHAIRMAN CARACCILOLO:

So, you're saying the property was not for sale.

MS. HALLIDAY:

No.

CHAIRMAN CARACCILOLO:

Are you a member of the Detmer family?

MS. HALLIDAY:

Yes, I am.

CHAIRMAN CARACCILOLO:

Okay. And it was never for sale before last year? When?

MS. HALLIDAY:

The first time it was for sale is when the congregate people came and offered a reasonable price. Congregate care.

MR. ISLES:

You have to repeat that.

CHAIRMAN CARACCILO:

Yeah. The first time it was for sale is when the congregate people came and offered a reasonable price?

LEG. SCHNEIDERMAN:

Congregate care.

CHAIRMAN CARACCILO:

Congregate care. What year was that?

MS. HALLIDAY:

1998.

CHAIRMAN CARACCILO:

Okay. Well, let's call the vote.

LEG. SCHNEIDERMAN:

I'm not sure we're done with discussion.

LEG. VILORIA-FISHER:

Mr. Chair, I just wanted to put a couple of remarks on the record.

CHAIRMAN CARACCILO:

Go right ahead.

LEG. SCHNEIDERMAN:

I have one question and one comment as well.

LEG. VILORIA-FISHER:

Because I think it's critically important when we ask the question what are we protecting here? I believe, there are a number of tangible and intangible items that we're protecting. The first and foremost as a Legislature, I believe, that what we're protecting is the credibility of our program. My community has looked at this piece of property as a valuable focal point of our community for many years and has looked to the County for the acquisition of this property and the

protection of this precious open space in our area. And, the County has represented that we have been interested in buying this property. We thought that the retirement living project in 1999 -- and represented that if we had the opportunity, we would step up to the plate and protect this property.

I'd like to thank Mr. Moore for the time you spent with me explaining the appraisal process. I'd like to thank Jim Burke for the time you spent on this. I'd like to thank you, also, Tom Isles for your professional input. This is a matter of public interest. This is a matter of credibility of our program. And, we often say, Mr. Chair, that we resent the amount of money that we on Long Island send to Albany and have very little returned to us. While those of us who live in the five western towns who have precious few pieces of lands that we can protect, it must be represented in this program. So, that the County will respond to the needs of every community preserving the quality of life. And the density is an important element when we look at this. I hope that the members of the Committee will approve this resolution unanimously. It has been passed in the past by the ELAP Committee last year. We have been looking at this for many years. And it's valuable. It's important. It's beautiful in vista. Although you may treat it as a laughable word, it is a very critical piece when we look at the value of our open space. And, the value of our quality of life vista is very important. And, it does, by the way, have a monetary component on it because when we look at tourism -- people don't come here to look at asphalt. They come to look at our vistas. So there is a quantifiable value in vista. So, I thank everybody who really has helped a great deal with this. And, I thank the family for being willing sellers.

LEG. SCHNEIDERMAN:

I have one question and one comment. My question is for Mr. Isles. In terms of the money that we have available for farmland preservation, the funds that are assigned to that, how will this affect it; in other words, is this taking most of the money away? Will there be sufficient monies left to pursue other properties?

MR. ISLES:

When I provided the information earlier today in terms of the current status of accounts and I gave some overall numbers in terms of what's in contract, accepted offers and so forth, this figure is included in that -- in the accepted offer category. Obviously, we don't have a contract, and obviously the owner is not compelled to sell to us at the moment. So, in terms of all the numbers I gave you, they are factored into this.

Roughly speaking, in terms of what I see if we take aside everything that's in contract for farms and accepted offers and in negotiation, for the balance of this year, if the money is appropriated for multifaceted and the quarter percent money comes in, we have about \$10 million left over. That gets replenished next year as well. But, here again, it is including that -- the funds for here.

LEG. SCHNEIDERMAN:

\$10 million left over. So this would take a sizable chunk out of what we have. It would leave us enough to do maybe one or two more of this size farm; this price farm.

MR. ISLES:

Well, this size, yeah. But the average is usually a little bit less than this, yeah.

LEG. SCHNEIDERMAN:

Well, I just wanted to make a general comment, too, most of it relating to things that the Chair said as well as Legislator Fisher. In terms of the value of preserving a property like this, if we use the perspective that the Chair put out in terms of this subsidy for farming, it does become hard to justify a \$5 or \$6 million expense to keep a particular commercial operation going. There's very few industries where we're giving those kinds of subsidies, a \$5 or \$6 million subsidy. So, in terms of the Chair's question about what do we get back here, besides the industry, what I think we get here is certainly as Legislator Fisher said, the open vista. But, I think the County also gets return in what happens to property values. When we maintain that rural character, every property that's around us for a wide region benefits by having some of that history protected, some of that open space protected. And, so, as property values go up, assessments go up, the County does collect property taxes so there is a benefit there. I don't know if anybody's done the numbers, but certainly the real estate market has been driving a force behind our local economy. And, we want to make sure it stays viable.

The one concern I have that I raised earlier because I do believe that this subsidy largely -- it goes far beyond subsidizing agriculture, it really is protecting property values. I think we have to be honest with that -- is that these properties don't over time migrate to other uses, whether it's a fallow field, you know, overgrown with weeds because the owner has walked away from it having gotten most of their value out or a big sod farm or Christmas tree farm. Because then I feel like we -- we then -- we lose that, that piece of our history, that part of our rural character. So, I'm comfortable with this because the Peconic Land Trust is involved. And, I

know their commitment to traditional farming. But, again, I just ask you to continue in the future to look toward this program to see if we can build system measures into this to protect that component because otherwise we're subsidizing tree farms for estates. And, I just don't believe that that's what this program is meant to do.

MR. ISLES:

Certainly I'll be happy to look at it from the a departmental standpoint and also talk to the Farm Committee at their next meeting as well as a policy question.

LEG. SCHNEIDERMAN:

Thank you. I'd appreciate it if you can get back to me with it.

MR. ISLES:

I will.

CHAIRMAN CARACCIOLO:

Okay. We have a motion by Legislator Bishop, second by Legislator O'Leary. All in favor? Opposed? Abstentions? Unanimous. **(Approved Vote: 5-0)**

(APPLAUSE)

CHAIRMAN CARACCIOLO:

We have one **Sense Resolution - memorializing resolution. This is Sense Resolution 11 - memorializing resolution requesting United States Congress to restore fund the Army Corps of Engineers projects along the south shore of Suffolk County.**

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

That concludes the business before the committee.

LEG. SCHNEIDERMAN:

Tabled prime.

CHAIRMAN CARACCIOLO:

Tabled Resolution - 1011 - implementing Brownfield Policy for Poulos property in

Eastport, Town of Brookhaven. This is my resolution. I'm going to make a motion to table just one more cycle.

LEG. LOSQUADRO:

Second.

CHAIRMAN CARACCILOLO:

Second by legislator Losquadro. **Approved. (Vote: 5 - 0)**

1033- adopting a charter law to ensure integrity in Suffolk County land transactions by disclosing campaign contributions. I make a motion to approve.

LEG. SCHNEIDERMAN:

I was going to make a motion to table.

CHAIRMAN CARACCILOLO:

Is there a second?

LEG. O'LEARY:

Second.

CHAIRMAN CARACCILOLO:

Motion to table and second? All in favor? Opposed? Abstentions?

LEG. BISHOP:

Opposed.

CHAIRMAN CARACCILOLO:

Tabled. One Opposed, Legislator Bishop. **(Vote: 4 - 1)**

1064 - authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program. Motion to approve by Legislator O'Leary, second by the Chair. All in favor? Abstentions? **Approved. (Vote: 5 - 0)**

It's a planning steps resolution.

LEG. SCHNEIDERMAN:

Worth the wait. Motion to adjourn.

(THE MEETING WAS ADJOURNED AT 4:12 PM)