

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 Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Wednesday, **September 22, 2004.**

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

Leg. Brian Foley, Seventh District
Leg. Vivian Vilorio•Fisher, Fifth District
Mea Knapp, Counsel to the Legislature
Alexandra Sullivan, Chief Deputy Clerk
Eric Brown, Aide to Leg. Schneiderman.
Lisa Grenci
Brian Vito
Kelly Platt
Cynthia Barnes
Vince Taldone
Ben Zwirn, Assistant Deputy County Executive
Paul Perillie, Aide to Leg. Foley
Thomas Isles, Director of Department of Planning
Jim Bagg, Department of Planning
Maria Ammirati, Aide to Legislator O'Leary.
Charlie Bender, PO aide

Kevin LaValle, Aide to Leg. Losquadro

Ron Foley, Commissioner of Parks

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING WAS CONVENED AT 1:20 PM)

CHAIRMAN LOSQUADRO:

I'm going to ask all Legislators to report to the horseshoe for the Environment, Planning and Agriculture Committee.

I call the meeting to order. Begin with the Pledge of Allegiance led by Legislator Schneiderman.

(SALUTATION)

CHAIRMAN LOSQUADRO:

Thank you. Good afternoon, everyone. I apologize for the delay. We'll go straight to the public portion. The first speaker is Kelly Platt.

MS. PLATT:

Good afternoon. My name is Kelly Platt. And I reside in Center Moriches. I just have a few questions that were brought to my attention from a couple community members in Center Moriches and the Moriches area. Mr. O'Leary, you might be able to answer these questions. There's a •• the parcel that's south of Montauk Highway, which is right by the Bypass, where are you now? We're not sure what's going on with the property. Is it going to be acquired and preserved at all?

CHAIRMAN LOSQUADRO:

Could you finish your comments?

MS. PLATT:

Oh, sure. And then he can answer?

CHAIRMAN LOSQUADRO:

This is not a question and answer period.

MS. PLATT:

Okay, no problem. Also, we also have concern about the Greenways acquisition that was proposed by Brookhaven Town and also agreed with on Suffolk County. These are the parcels on Montauk Highway and Bellview Avenue in Center Moriches. We were told that this property was about five acres large; will be acquired for the Greenways acquisition. We are now seeing posting signs that people are now planning to build on this lot. That's also going to be built for commercial use. And I believe Councilman Tullo from the Town of Brookhaven came down and spoke that this is being considered for acquisition. And we just •• the residents are concerned that this is going to be built up; it won't be preserved because the property on Montauk Highway and Bellview Avenue is right next to the Terrell River County Reserve. And we want to try to preserve this property as much as possible.

And also on the Moriches Bypass where the Breslin project is being proposed, this lot on the north side of Montauk Highway by the Moriches Bypass has been flagged for development. Rumor has it now that there will be a Lowe's Home Improvement Center, a Starbucks Coffee and a Kentucky Fried Chicken built on this property. Located behind the property is a newly developed school district for the Moriches schools. We are concerned more for the traffic conditions in that area as it is right now. And we're concerned for the children that have to enter the school district. You know, their safety is our main concern and as well as the traffic conditions. Thank you.

CHAIRMAN LOSQUADRO:

Thank you.

LEG. O'LEARY:

Point of personal privilege, if I may?

CHAIRMAN LOSQUADRO:

Yes. Legislator O'Leary.

LEG. O'LEARY:

Miss Platt, with respect to the first issue that you raised, the property at the triangle portion, that's currently in the hands of Real Estate Department, this planning steps resolution. They're making inquires as to whether or not the owner of the property is willing to go into some sort of negotiations for purchasing •• the assessment, etcetera, has not been fully actuated yet; but

that's just in the beginning stages of the process of acquiring those properties. And one of the first things that has to come realization is that the •• the owner of the property has to be a willing seller. That hasn't been determined as of yet with respect to that property. The piece that you're speaking of is the one that's south of Montauk Highway.

MS. PLATT:

The one south of Montauk Highway just ••

LEG. O'LEARY:

South of Montauk, yeah, that's the •• that's the Oak Neck Creek properties, I believe.

MS. PLATT:

Yes.

LEG. O'LEARY:

South of Montauk, west of the Waldbaum shopping center?

MS. PLATT:

Yes.

LEG. O'LEARY:

Yes. That's in the planning steps phase at this point. So, there hasn't been any •• any matters that have come to my attention with respect to the status of that particular thing. But during the planning steps resolution, that's what's done. Initially there's contact made by Real Estate and Planning to determine if there's a willing seller. And I haven't been apprised of that; of that particular situation.

The other •• the second area that you bring up Montauk Highway and Bellview ••

MS. PLATT:

Yes.

LEG. O'LEARY:

That's •• that's not in my district. That's in Legislator Caracciolo's district.

MS. PLATT:

Yes.

LEG. O'LEARY:

And perhaps he can comment on that after I finish with the •• the third •• the third one, the Moriches Bypass, which is on the north side of Montauk Highway contingent with the brand new middle school, I have heard no discussions whatsoever with respect to any development in that area. And if you know of any •• of any factual data that you can supply to me that this is going to be imminent or forthcoming, I would appreciate if you just supply my office with that information.

MS. PLATT:

That will be fine.

LEG. O'LEARY:

Thank you.

LEG. CARACCIOLO:

Kelly, while I was out of the room, I did hear through the speaker a reference to what is •• we refer to in the County as the Mahfar property. Okay. And I see Mr. Isles is in the audience in response to several e-mails earlier this year and as recently as a couple of months ago. Mr. Isles has indicated, our Planning Director, that Mr. Mahfar is not a willing seller.

MS. PLATT:

Okay.

LEG. CARACCIOLO:

So, that's where that matter stands. Has anything changed on that, Tom? In fact, yesterday I was in the area. I was in Center Moriches with Commissioner Foley on another matter. And this issue came up by another constituent. And we informed him. So, if anything has changed since that last communication in my office, kindly advise.

MR. ISLES:

The Legislature and the County Executive did approve an acquisition of that property by the County of Suffolk. The County moved to contract. We're in contract to purchase that property. The contract was canceled about a year ago by action of the property owner. And at that point in time they became an unwilling seller. Your resolution that you passed remains in effect. And if that circumstance changes where they do become interested, then, we could

reactivate it with the Real Estate Division. But we were ready to go with the contract. The contract was voided out.

LEG. CARACCIOLO:

Right. I should also add as a postscript that Councilman Hennessey, who has joined me yesterday on this other matter, mentioned to me that there is a zoning issue on the property. And that has resulted in litigation by Mr. Mahfar against the Town of Brookhaven. There was a representation, however, from the constituent that perhaps Mr. Mahfar would be willing to enter into a new round of discussion with the County, if the County was the purchaser. So, I will be contacting Pat Zielinski and Mr. Isles and attempt to set up a meeting in my office with Mr. Mahfar to see if that is his position; and if we can take subsequent action based on the previously approved resolution. So, that's where we stand.

MS. PLATT:

Okay. Thank you.

LEG. O'LEARY:

If I may, Mr. Chair, I'd like to take the opportunity to call Mr. Isles back up just to inquire, if you know, the status of my planning steps resolution for the Old Neck Creek properties.

MR. ISLES:

Yeah, I don't have the records in front of me. My recollection •• I probably shouldn't do this •• but there are two parcels that were in your resolution; the large parcel referred to by the speaker. My understanding is that we do not have an interested seller at this point; that we •• Real Estate has contacted them on at least one occasion, if not more. The second parcel, a much smaller parcel, I believe we do have a willing seller. What I will do, however, is verify that information with the Real Estate Division back in the actual office and send an update to the members of this Committee, if you'd like.

LEG. O'LEARY:

Okay. I'd appreciate that. And if you would, just keep me apprised of the status of the north parcel; if anything comes to your attention with respect to any development in that particular area?

MR. ISLES:

With the Home Lowe's Center that you spoke of?

LEG. O'LEARY:

Yes.

MR. ISLES:

Okay. That would be subject likely to review by the Suffolk County Planning Commission. We have not received anything.

LEG. O'LEARY:

Okay.

MR. ISLES:

Certainly if I do, I will certainly inform you.

LEG. O'LEARY:

Thank you so much.

CHAIRMAN LOSQUADRO:

Thank you. Next speaker Cynthia Barnes.

MS. BARNES:

Hi. My name is Cynthia Barnes. And I am Chairman •• or President of the Board of Trustees of the Three Village Community Trust. And I am here in support of resolution 1729•04, the planning resolution for Smoke Run Farm in Stony Brook. The Board of Trustees and founders of the Three Village Community Trust support the resolution for the planning steps; for implementing the Greenways Program in connection with the acquisition of Smoke Run Farm for active parkland. Smoke Run Farm has been an •• I mean has been an equestrian center for the past 35 years or more serving several generations of Suffolk County residents. There is strong support within the community to preserve this community asset for future generations. Training and horsemanship is not only important for its own sake, but teaches significant life skills including leadership. Smoke Run Farm has trained young people, including me when I was there, through its after•school horseback riding lessons, summer camp programs and programs in collaboration with Stony Brook University and local schools. In fact, there's an

equestrian club with the university, which is how I was •• I got introduced to Smoke Run Farm.

Furthermore, Smoke Run Farm is adjacent to the Suffolk County Nature Preserve that the community fought hard to preserve through county acquisition in 2000. Should we lose Smoke Run Farm to development, access to this important county access would be all but impossible because it would be virtually landlocked. However, preserving Smoke Run Farm is an equestrian center and provides important opportunities for a stewardship partnership that would enrich both the equestrian activities and the environmental •• and education programs of Suffolk County residents.

The Three Village Community Trust was founded by members of the Three Village Community as a land trust to preserve and serve as stewards for our local assets. Both are natural and cultural resources. The trust is founded on the premise that to truly protect a community asset, a local constituency needs to dedicate itself to that task. We are working to advance that mission through acquisition of property or interest in property and through stewardship including partnerships with private and public entities with the parallel missions. Because of Smoke Run's Farm's long history of service within the community, there is a constituency that is eager to work in partnership with Suffolk County and/or the Town of Brookhaven to preserve this important community asset. This property would also provide an important gateway to the adjacent 36 acre nature preserve which would become virtually landlocked should Smoke Run Farm be lost to development. Please support this resolution. Thank you.

And in addition I would like to say briefly that I noticed that Charla Bolton is on as a nominee for the Planning Commission. And I don't think you could choose a better candidate to serve the public interest of Suffolk County. Thank you.

CHAIRMAN LOSQUADRO:

Thank you, Cynthia. Okay. That's all the cards we have. Is there anyone else wishing to be heard? If not I'll make a motion to close public portion, second by Legislator O'Leary. All those in favor? Opposed? Public portion is closed.

Commissioner Isles, if you would like to come forward. Ms. Zielinski.

Good afternoon.

MR. ISLES:

Good afternoon.

CHAIRMAN LOSQUADRO:

How are you?

MR. ISLES:

I am well. Thank you. And you?

CHAIRMAN LOSQUADRO:

I'm very well. Before we get started, does anyone have any questions for the Commissioner?

LEG. SCHNEIDERMAN:

Commissioner Isles, can I inquire about the status on that northwest parcel; that one that formally held some kind of marina? Some water on it; near Cedar Point Park?

MR. ISLES:

Yes. That was approved by the Legislature and signed by the County Executive, I believe, in late August. So, the next step then once Real Estate receives the signed resolution is the •• the normal course is to do a last owner search with the County Clerk's Office. That's done by Real Estate Division staff. We will then contact the owner. I'm not sure if that's occurred yet, but probably at this point in time, no. And then proceed to see if we have an interested seller at that point. I'm not sure if Ms. Zielinski has a more recent update where she can check and then get back to you.

LEG. SCHNEIDERMAN:

Because my office has had several inquiries. My office has received some •• several inquiries as to the status of that. So, I just want to be able to report back. So, there's nothing to report, though.

MR. ISLES:

I don't think so. Here again, once the resolution is authorized, which I think was at the meeting in late August, that then triggers the involvement by Real Estate. So, at this point they would have done a last owner search most likely and contact the owner. And then if we get a positive response, we will then order appraisals at that point.

LEG. SCHNEIDERMAN:

Can I inquire about 1658, a tabled resolution. You had asked me to table it several times. This has to do with •• I think it's over a thousand acres in Southampton for water protection •• groundwater protection. And you had wanted to review it.

MR. ISLES:

Yes.

LEG. SCHNEIDERMAN:

And try to separate those that made sense for the County and those that were more just •• just town purchases.

MR. ISLES:

Right. Sure, I'll be happy to update you. On that one, what we had talked about on that as well is coordinating that with the Town of Southampton. And we've had discussions with Mary Wilson from the Town of Southampton asking from their perspective which they consider to be more important, which they consider to be those that the Town is already working on or planning to work on. We contacted Mary this Monday, two days ago. And she had indicated she's still doing that. So, we don't have a product back from them that we could •• then do our final review and then make recommendations to you.

LEG. SCHNEIDERMAN:

So, you need •• you need more time on that.

MR. ISLES:

But we did update it as of Monday.

LEG. SCHNEIDERMAN:

Thank you.

CHAIRMAN LOSQUADRO:

Okay. Legislators O'Leary, Caracciolo? Everyone's okay? All right.

Let's go to the agenda to Tabled Resolutions. **1402•04, Amending the 2004 Capital Program and Budget and appropriating funds for improvements to active parkland/recreation areas at Maxine Postal County Park (Town of Babylon).** I think I'd

asked Mr. Bagg to come forward, please. Is everything finally ••

MR. ISLES:

Well, if I could just •• Mr. Bagg could speak on CEQ.

CHAIRMAN LOSQUADRO:

Yeah.

MR. ISLES:

It does still •• it should probably go to, we believe, Parks Trustees at this point. Parks Trustees approved the actual acquisition of this property. We don't believe they approved the site plan. It did go to CEQ this morning and it was ••

CHAIRMAN LOSQUADRO:

Yeah.

MR. ISLES:

Jim could report this. It was approved by CEQ. But I believe it still has one more stop at Parks Trustees, which we could schedule for October.

CHAIRMAN LOSQUADRO:

Very well. So long as we know the CEQ portion ••

MR. BAGG:

CEQ reviewed it this morning with a recommendation for unlisted action negative declaration, which will be coming to you forthright ••

CHAIRMAN LOSQUADRO:

Yes.

MR. BAGG:

•• as soon as we can grab it.

CHAIRMAN LOSQUADRO:

Okay. Very good. One more hurdle to clear.

LEG. SCHNEIDERMAN:

Motion to table.

CHAIRMAN LOSQUADRO:

Motion to table by myself, second by Legislator Schneiderman. All those in favor? Opposed?

1402 is tabled. (Vote: 5•0)

MR. ISLES:

1402, Maxine Postal Park. It went to CEQ today. You will get that, I guess, in your •• this cycle. And then Parks Trustees, we can do in October. There is progress, though. There are steps that are happening.

CHAIRMAN LOSQUADRO:

1403•04, Amending the 2004 Capital Program and Budget and appropriating funds for improvements to active parkland at Our Lady of Grace, Roman Catholic Church property.

LEG. CARACCILO:

Explanation.

CHAIRMAN LOSQUADRO:

Explanation.

LEG. BISHOP:

This is the lengthy, lengthy wind up to the initiative to expand Van Bourgondien Park. There are two resolutions on the agenda today. They've gone through Parks Trustees. They've gone through CEQ. They've gone through bond counsel. They've winded their way through this lengthy process over the years. Essentially what it comes down to is the park •• this is land adjacent to the park. It's owned by the church, which is next door. And the church is leasing the land to the County, although it's not technically a lease any more. It's now a fee for years, which is •• fee on limitation, which you can see lawyers have been at it for a while. And that's what we've come up with as the legal method to do it.

The Legislature previously approved this in prior years only to get blocked by bond counsel •• you know what I mean? You've approved the underlying deal, but this is now technically correct.

The other aspect of it is that using the funds that we have for improvements in partnership on a Greenways property, the County will be putting up \$200,000 to the Town's \$280,000 for the creation of a turf field there. And that's important because that's the kind of field that can have

the most play, constant play without wearing down. This field will be home to lacrosse leagues from West Babylon and Babylon, which currently don't have a home.

LEG. SCHNEIDERMAN:

I'll make a motion.

CHAIRMAN LOSQUADRO:

Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you. The resolution I have unless it's been amended was laid on the table in April. Has it been ••

LEG. BISHOP:

•• probably 30 times.

LEG. CARACCIOLO:

Okay. Because the numbers cited in this resolution are \$348,000 in infrastructure improvements by the Town of Babylon. And 250,000 by the County.

LEG. BISHOP:

Right. Okay. 348. You're up to 348? Okay.

LEG. CARACCIOLO:

And we do have ••

CHAIRMAN LOSQUADRO:

We do have a match up to 250.

LEG. CARACCIOLO:

That's correct. 250 now. We increased that. But do we have, Mr. Isles, or, Counsel, do we have the Town Board Resolution?

MR. ISLES:

For the Greenways part of it? The infrastructure?

LEG. CARACCIOLO:

For the \$348,000 commitment.

MR. ISLES:

That's not something that I have. I'm not sure if •• the Parks Department probably has that.

LEG. BISHOP:

In fact, they've already bid it out.

LEG. CARACCIOLO:

Okay, counsel. We have it?

MS. KNAPP:

We have the ••

LEG. CARACCIOLO:

I just want to make sure that now we're not putting the County on the hook and then the town either reneges or doesn't follow through.

CHAIRMAN LOSQUADRO:

Actually they have to put the money up for us to match it.

LEG. BISHOP:

They're the ones who are actually on the hook if we don't ••

CHAIRMAN LOSQUADRO:

We don't spend a dime unless they put it up first.

LEG. CARACCIOLO:

Okay.

MS. KNAPP:

The most recent version of the bill, which is Monday probably, refers to resolution number 356 of the Town dated May 4th, 2004.

LEG. CARACCIOLO:

Okay. Very good. Thank you.

CHAIRMAN LOSQUADRO:

We had a motion and a second. We had a motion by Legislator Bishop and a second by

Legislator Schneiderman. All those in favor? Opposed? **1403 is approved. (Vote: 5•0)**

MR. ISLES:

I just add to that, Mr. Chairman, that would be county•wide access to the park under the Greenways Program, of course.

CHAIRMAN LOSQUADRO:

Yes.

1518•04, establish a task force to develop a Common Sense Plan to expedite Suffolk County's Land Acquisition Program.

LEG. SCHNEIDERMAN:

I'll move to table again.

CHAIRMAN LOSQUADRO:

Motion by the sponsor to table, second by Legislator O'Leary. All those in favor? Opposed?

1518 is tabled. (Vote: 5•0)

1570, planning steps for acquisition under the New Suffolk County Drinking Water Protection Program. This is the Williams property in Cold Spring Harbor. We have a request from the sponsor to table for another cycle. I will make that motion.

LEG. O'LEARY:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator O'Leary. All those in favor? Opposed? **1570 is tabled. (Vote: 5•0)**

1658 (authorizing planning steps for acquisition under the New Suffolk County Drinking Water Protection Program).

LEG. SCHNEIDERMAN:

Motion to table.

CHAIRMAN LOSQUADRO:

Okay. Motion by the sponsor to table, second by myself.

LEG. SCHNEIDERMAN:

This is upon the testimony by the Planning Commissioner.

MR. ISLES:

Right; what we talked about, yes.

CHAIRMAN LOSQUADRO:

All those in favor. Opposed? **1658 is tabled. (Vote: 5•0)**

1659, planning steps for acquisition under Suffolk County Drinking Water Protection Program, the WJF Realty property. Do I have a motion from the sponsor?

LEG. SCHNEIDERMAN:

Let me ask just ask the Commissioner on this one as well. We're not needed, I don't believe, on this. This is already in motion?

MR. ISLES:

Right. It's in motion with other parties.

LEG. SCHNEIDERMAN:

Okay.

CHAIRMAN LOSQUADRO:

Then we'll make a ••

LEG. SCHNEIDERMAN:

So, I'll make a motion to table and I'll withdraw the motion. Mea, would you withdraw this?

CHAIRMAN LOSQUADRO:

So, we have a motion to table.

LEG. CARACCILOLO:

Just withdraw your resolution.

LEG. SCHNEIDERMAN:

I don't think •• can we do it by motion?

LEG. CARACCIOLO:

Just inform Counsel ••

LEG. SCHNEIDERMAN:

All right. I'm informing Counsel that I'm withdrawing 1659.

CHAIRMAN LOSQUADRO:

Therefore, 1659 will no longer be acted on. That motion is withdrawn by the sponsor. **(1659 •04 withdrawn by the Sponsor)**

1683, to appoint member of County Planning Commission Lisa Greci. Do I have a motion?

LEG. BISHOP:

Motion to approve.

CHAIRMAN LOSQUADRO:

We have a motion to approve. Do we have a second?

LEG. BISHOP:

This is the East Hampton woman?

LEG. CARACCIOLO:

Yes.

LEG. BISHOP:

Do we have an update on the summits that were supposed to occur?

CHAIRMAN LOSQUADRO:

We don't have a second yet.

LEG. SCHNEIDERMAN:

I met with her.

CHAIRMAN LOSQUADRO:

We don't have a second.

LEG. BISHOP:

Is there no second?

CHAIRMAN LOSQUADRO:

Hearing no second ••

LEG. BISHOP:

Motion to table for one cycle.

CHAIRMAN LOSQUADRO:

We have a motion to table. Do we have a second?

LEG. CARACCIOLO:

No second.

CHAIRMAN LOSQUADRO:

No second. Motion fails for lack of a second.

LEG. FOLEY:

Mr. Chairman, if I may? Mr. Chairman?

CHAIRMAN LOSQUADRO:

Are you going to comment on the next resolution or on the ••

LEG. FOLEY:

Normally you give non•committee members the opportunity to speak on resolutions. I thought I heard a second from Legislator Caracciolo.

LEG. CARACCIOLO:

No, no, no. I said no second.

LEG. FOLEY:

We've normally honored a request to make •• to table motions particularly from Supervisors. And I would just add that we have two resolutions from two different Supervisors in eastern Suffolk County that have put forward names over a period of months. And they have in the good faith way attempted to, as had their nominees, attempted to reach out and speak with the Legislators in question concerning their nominations. And I would just like to state for the record that I think it's unfortunate the names have not been moved forward. I think there's been a good faith effort by the nominees to try to meet the concerns raised by different Legislators. And we're in a situation now particularly with the recent death of the Planning Commission member from Southold that three towns in eastern Suffolk County have no representation on the Planning Commission. So, I just wish there would be a different situation that what exists now. And I would have thought that some of the concerns raised at the last meeting would have •• have been met. And the credentials have been shown clearly to one and all that both nominees for Riverhead and Southold •• rather Riverhead and East Hampton more than meet the requirements of this particular •• these two particular positions.

CHAIRMAN LOSQUADRO:

Thank you. And for the record, I would very much like to see these positions filled as well. So thank you ••

LEG. FOLEY:

One of the nominees is here.

CHAIRMAN LOSQUADRO:

Thank you •• thank you for your comments. I appreciate them.

LEG. CARACCILO:

Mr. Chairman, I'd just like to correct the record. Unless this printout which was provided me recently by Planning is inaccurate, there are currently •• there's currently a vacancy as a result of a recent death in the Town of Southold of a Planning Commission member. Mr. Cichanowica passed away.

MR. ISLES:

Yes.

LEG. CARACCIOLO:

And I'm looking at that printout, Tom. There are two at large vacancies. And I think the County Executive's submitted a name for one of those that's in today's packet, which was not an east end appointment. There is according to your sheet a vacancy in Southampton?

MR. ISLES:

Yes.

LEG. CARACCIOLO:

And I have not seen any names come forward. How long has that vacancy been in place?

MR. ISLES:

Since January.

LEG. CARACCIOLO:

Okay. So, here we are in •• you know, almost October and we don't have a nominee for that. And the ••

LEG. FOLEY:

Well, perhaps he knows ••

LEG. CARACCIOLO:

•• the only other vacancy, Brian, is in Brookhaven. And I've written to the Supervisor of Brookhaven ••

LEG. FOLEY:

Right.

LEG. CARACCIOLO:

•• who's assured me we will be receiving a recommendation very shortly.

LEG. FOLEY:

I understand that. But normally when we have, particularly Supervisors, I would say even from

the Town of Brookhaven, if they have a name or some other Supervisor has a name, at the very least if people disagree with the ••

CHAIRMAN LOSQUADRO:

We've already discussed this.

LEG. FOLEY:

•• with the proposal to at least ••

CHAIRMAN LOSQUADRO:

We've already discussed this. We've already discussed this issue.

LEG. FOLEY:

•• to honor the tabling motion. I mean we really should honor the tabling motion.

CHAIRMAN LOSQUADRO:

Legislator Foley. Thank you.

LEG. BISHOP:

I •• if I can just say one thing, which is that I don't begrudge Legislators from districts blocking nominations. But what I do find troubling is that the unwillingness to put on the record what the objections are. If you're going to vote it down, vote it down; but, you know, let the public know what you're thinking. I think that's fair. And the way this was done, you know, with no seconds and, you know, no debate, does a disservice to ••

CHAIRMAN LOSQUADRO:

This issue has been debated extensively.

LEG. BISHOP:

It hasn't. Every time we debate it, there's going to be a meeting. Well, the meeting occurred.

CHAIRMAN LOSQUADRO:

Well, we already ••

LEG. BISHOP:

There's never a debate on the merits.

CHAIRMAN LOSQUADRO:

We've managed •• we've managed to discuss an issue we just said we weren't going to discuss. So, thank you for your comments.

LEG. BISHOP:

I'm sneaking in points.

CHAIRMAN LOSQUADRO:

Yes, you get our barbs in where you can.

1729, authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands at Smoke Run Farm, which we just heard the speaker talk about, **in Stony Brook, in the Town of Brookhaven.** I know we had some discussion on this last time, Mr. Isles. Could we just get an explanation on this again?

MR. ISLES:

Okay. This is, as you indicated, proposed for an acquisition under a Greenways Program active recreation. This is a property that's located next to other county property that's somewhat known as •• often known as Forsythes Meadow, which was purchased for drinking water protection purposes. The property itself is an active horse farm and did get a rating of 45 points on the County's active recreation rating form. The problem in particular, however, is that Greenways requires a partner. The sponsor, I know has been in discussions with a possible partner, Town of Brookhaven. I believe they're evaluating it. I'm not aware that there's been any affirmative response that they would participate in this.

I think at the last meeting there was also a question in terms of, I believe, relating to demand for park •• for horseback riding uses in this location. That was directed to the Parks Department; not to put them on the spot. But you're asking me to recount what the issue was at that point. So, at this point in time we do not have an active recreation partner identified, which would be required as part of the Greenways Program. And secondly, here again, there may have been an issue in terms of other county facilities in the area that may also have horseback riding available.

CHAIRMAN LOSQUADRO:

Legislator Caracciolo.

LEG. CARACCIOLO:

That is correct. And I believe I raised that issue. And Commissioner Foley, who is present, did make a statement at the previous committee meeting to this. And if he would be kind enough to maybe come up and make that statement again to this Committee, I think it would add to the conversation.

CHAIRMAN LOSQUADRO:

Please do.

COMMISSIONER FOLEY:

Mr. Chairman. What I said earlier and I will stick with is that given the location of this property is almost an inholding in other Suffolk County parklands. I think that makes it a very important acquisition regardless of whether or not the current use is sustained going forward.

I also stated that equestrian facilities were difficult to operate and sustain and find viable operators for today because of liability questions and insurance. I think that would necessitate having a good solid partner in this enterprise. But even without that, if we were to cease the horse activities, the equestrian activities, it's a valuable addition to Suffolk County's open space.

CHAIRMAN LOSQUADRO:

Thank you. Do we have a motion to table?

LEG. CARACCIOLO:

Motion to table since we don't have a willing partner

CHAIRMAN LOSQUADRO:

Right. Motion to table by Legislator Caracciolo.

LEG. SCHNEIDERMAN:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator Schneiderman. All those in favor? Opposed? **1729 is tabled. (Vote: 5 •0)**

1755, authorizing planning steps for acquisition of land under Pay•As•You•Go. The land of Sandford Pines. Is there a Sandford and Son Pine, Legislator Lindsay?

LEG. O'LEARY:

I make a motion to approve.

CHAIRMAN LOSQUADRO:

Motion to approve by Legislator O'Leary.

LEG. CARACCIOLO:

Do we have a rating form on this?

LEG. BISHOP:

It's 12•5 E, money; right?

LEG. LINDSAY:

Yes.

LEG. BISHOP:

It's Islip money?

LEG. LINDSAY:

Yes.

MR. ISLES:

We believe so. Now, at the time of the actual acquisition resolution, if we go forward, we have to make sure there's enough money there. But the resolution is proposed as the old 12•5 E money, yes.

CHAIRMAN LOSQUADRO:

I'll second the motion to approve by Legislator O'Leary, second by myself.

LEG. CARACCIOLO:

What is the rating on this property?

MR. ISLES:

Let me just correct one thing. It is actually indicated under the new Quarter Percent. Yeah. Hypothetically it could come in under old Quarter Percent, but here again, that could be done during the acquisition resolution time.

LEG. SCHNEIDERMAN:

Explain 12•5 E, please.

MR. ISLES:

12•5 E is the old Drinking Water Program that ended in 1999. And the left over funds were divided in 12•5 D for the Pine Barrens towns and 12•5 E for the non•Pine Barrens towns.

LEG. SCHNEIDERMAN:

This property is how large?

LEG. CARACCIOLO.

Point four acres.

MR. ISLES:

Yes, it's a little less than half an acre. It is a small parcel.

LEG. SCHNEIDERMAN:

And it's in the middle of a residential neighborhood, is it not?

MR. ISLES:

Yes, it is.

LEG. LINDSAY:

If I might, Mr. Chairman. I'm not on the Committee, but if I could just ••

CHAIRMAN LOSQUADRO:

Legislator Lindsay.

LEG. SCHNEIDERMAN:

I'd like to hear what you have to say.

CHAIRMAN LOSQUADRO:

Please.

LEG. LINDSAY:

Please. The letter that I just passed out to you is from the Town. The parcel in question is in the Browns River watershed area. It's all wetlands in that whole vicinity. The County owns a recharge area just to the north of that. The reason for the acquisition, I think, is self explanatory in the letter from the Town. But admittedly it's a small parcel. We're trying to use the money that can only be spent in Islip that has been sitting there for sometime. And we have another request from the area •• from the residents in the area to purchase the property. And the Town does not recommend anymore development in that area because of the sensitive nature of the area.

LEG. SCHNEIDERMAN:

So, there will be a drainage structure placed on it, like a sump kind of thing? Placed on this property?

LEG. LINDSAY:

No, no. The County owns a sump just to the north of there, which is a recharge area. This is part of the Brown's River watershed area. And the Town is recommending not any further development in that area.

LEG. SCHNEIDERMAN:

So, when I looked at the aerial for this, it looks like there was quite a number of other parcels, you know, some larger parcels that were vacant in this neighborhood. Can I ask why this one was chosen?

LEG. LINDSAY:

Recommendation came about from the Town asking us to look at the possibility of buying it. And again it's planning steps. It isn't a purchase resolution.

CHAIRMAN LOSQUADRO:

Legislator Bishop. I'm sorry.

LEG. BISHOP:

I think there would really be no issue if it's coming from the 12•5 E program, which is Islip specific. Because in that case you'd have the Islip government, Town government and the Legislator from Islip, presumably the other Legislator from Islip all speaking to this and saying that they're in favor of it.

LEG. SCHNEIDERMAN:

They're spending their money, you're saying.

LEG. BISHOP:

Right, exactly.

LEG. SCHNEIDERMAN:

So, let them spend it the way they want to.

LEG. BISHOP:

But maybe my point is moot. Is there money in the 12•5 E account for them?

MR. ISLES:

Yes, there is. At the moment there is about 1.2 million and change.

LEG. BISHOP:

Well, this would be a prime candidate for that. So, I guess we can •• since it's planning steps, it would probably be prudent to proceed and then to make a notation that we probably all agree that this should come out of the 12•5 E funds.

CHAIRMAN LOSQUADRO:

Legislator O'Leary.

LEG. O'LEARY:

So, is it my understanding, then, that the cost of the acquisition will be borne by the Town of Islip; and not by the County?

MR. ISLES:

No. Well, at this point in time it's under the New Drinking Water; although there has obviously been discussion today about going back to the old Drinking Water, which could be accomplished at the authorization resolution. The old Drinking Water money, the 12•5 E we refer to is sales tax money that was collected by Suffolk County; is owned and controlled by Suffolk County. However, with the 12•5 E program, the money can only be spent in the respective towns that it's been divvied up on based on population. So, the money that's in the Islip account can only be spent in Islip upon your decision and the County Executive's decision. The money in Brookhaven can only be spent in Brookhaven. So, it's a dedicated pot of money that's controlled by you, but it can only be spent within the geographic boundary of the town.

LEG. O'LEARY:

And is that the instant case here before us, that this would be spent •• the 12•5 E money that is the balance, would be used for this particular area? This parcel?

MR. ISLES:

Well, I think that's what was discussed today; is that, I believe, it's the intent of the sponsor to tap into that assuming we have money at that point, whatever that may be.

LEG. O'LEARY:

Well, I thought we do have money. You just said we have ••

MR. ISLES:

Well, we have money now but ••

LEG. CARACCIOLO:

This resolution is not under that funding so ••

LEG. BISHOP:

It's planning steps. So, it's not •• it's not a resolution that's spending money. When the •• it would require a subsequent resolution. The sponsor is saying that when that subsequent resolution comes, he will file it under 12•5 E.

LEG. O'LEARY:

All right. Because it's a planning steps resolution, I'd be supportive of this particular resolution.

CHAIRMAN LOSQUADRO:

Legislator Caracciolo.

LEG. CARACCIOLO:

I'd like to hear from the Director of Real Estate; if the Department takes a position on this resolution.

MS. ZIELENSKI:

No, this department has no position.

LEG. CARACCIOLO:

No position. Okay. Because the letter from the Town makes it clear that it is really for drainage improvements. Now, what is this property currently zoned and what would be permitted to be built on it, if anything?

MR. ISLES:

The property is zoned for a single-family residential use. There is apparently an application pending before the Town of Islip, I believe the Board of Appeals, to develop this property. I don't know what the status of that is at this time. But so in answer to your answer is it likely that the property could be developed as a single-family dwelling, that would appear to be consistent with the nature and character of the surrounding development.

LEG. CARACCIOLO:

You know, I know you can't translate or interpret perhaps what the Town Planning Department is suggesting here, that the site would be maintained by the Town's DPW for drainage improvements. I mean, you were the former Planning Director in Islip. How would this property be converted for drainage improvements?

MR. ISLES:

My understanding is that probably what they want to do is leave it alone. It probably has a drainage benefit. The way it is, it's a low-lying area. One aspect that's pointed out in the letter from the Commissioner of Planning for the Town is that in order to develop the site, the groundwater table is about two-and-a-half feet below the ground elevation. To meet Health Department standards and other requirements, base flood elevations and so forth, the house

would have to be •• the first floor elevation would have to be raised up quite a distance above the grade. You then have to deal with doing a retaining wall around the sanitary system. It does have •• on such a small parcel, it has a severe effect on the •• on the site development and potentially on adjacent properties.

LEG. CARACCIOLO:

And the cost of that ••

MR. ISLES:

Water that's now flowing into that is now going to •• not flow into that because the elevation •• the grades will be higher and impound water on the public road and so forth. This is not a typical county park acquisition by any means. Whether you feel it is part of the drinking water program •• it is part of the Browns River corridor, that's true. In terms of the watershed, it warrants protection. That the Town's going to take care of the maintenance responsibility is another matter.

LEG. CARACCIOLO:

The appraisal •• when an appraisal •• this is a planning steps resolution, so they would order a survey, appraisal and so forth. Will the appraiser be advised of those conditions you just elaborated on; that, you know, the development costs associated with this property are going to be substantially more than an average lot developed in this area because of it being in a low ••lying area, which means the current owner, if he were to develop it, would have to incur those additional costs. And it would seem to me that somehow that has to be reflected in the appraisal because those additional development costs would not make this parcel as attractive to most buyers as it otherwise might be. Am I correct about that?

MS. ZIELENSKI:

Yes, you're correct. And that's sort of standard operating procedure for ••

LEG. CARACCIOLO:

So, we may come up with an appraisal value that the owner may reject because he may not feel what he's entitled to is what we determined the property to be.

MS. ZIELENSKI:

Well, it's hard to second guess ••

LEG. CARACCIOLO:

Yeah. No, I understand.

MS. ZIELENSKI:

•• the process. But it is the last developable, apparently, lot in that area.

LEG. CARACCIOLO:

It would seem to me ••

MS. ZIELENSKI:

Add to the price as the price would be reduced by certain environmental conditions.

LEG. CARACCIOLO:

Just repeat that, please.

MS. ZIELENSKI:

There are other impacts on the property that may increase the value of the property that may offset the decreases caused by it's elevation.

LEG. CARACCIOLO:

And what are those features?

MS. ZIELENSKI:

The fact that it's the last •• apparently the last developable lot in this area.

LEG. CARACCIOLO:

Okay. No other reason? I mean there are no natural resources? It doesn't back up to a watershed area?

MS. ZIELENSKI:

As planning steps, the Real Estate Department hasn't really been involved in this property at all?

LEG. CARACCIOLO:

But now you would become involved ••

MS. ZIELENSKI:

Yes.

LEG. CARACCIOLO:

•• if the resolution's approved.

MS. ZIELENSKI:

Correct.

LEG. CARACCIOLO:

What I'm getting to here is, you know, please direct the appraiser to take into account the pluses and minuses so he comes up with an accurate portrayal here of what this property is worth.

MS. ZIELENSKI:

Yes. They are directed by their two governing boards to do that as well.

LEG. CARACCIOLO:

Okay. Thank you.

CHAIRMAN LOSQUADRO:

Point well taken. There are obvious shortcomings to developing this property so that should be taken into account when doing an appraisal to reflect an accurate value. We have motion and a second. All those in favor? Opposed? **1755 is approved. (Vote: 5•0)**

1756, to prohibit the use of CCA treated lumber by the County of Suffolk. The sponsor, Legislator Schneiderman, you've spoken to Department of Public Works? Could you comment on that?

LEG. SCHNEIDERMAN:

Well, this is an amended bill for the first time. I have •• DPW had some concerns. We were able to work out those concerns. And they're reflected in the current version, which bans chemically treated lumber CCA, which contains chromium arsenate. It's entered in all applications where it puts it in marine environments, where it's in contact with the water in a

submerged state. The original bill also included creosole and it expanded the CCA prohibition to all uses. This is more specific to marine environments.

CHAIRMAN LOSQUADRO:

Thank you. Mr. Zwirn, you wish to comment on this?

MR. ZWIRN:

Yes, thank you, Mr. Chairman. The only comments in addition to what Legislator Schneiderman said, was that DPW was concerned about the title. As opposed to banning CCA, what it really is, it's submitting rules and regulations. And they wanted to make that clear. That's all.

CHAIRMAN LOSQUADRO:

Very good.

LEG. SCHNEIDERMAN:

Make a motion.

CHAIRMAN LOSQUADRO:

Motion to approve by the sponsor, second by Legislator O'Leary. All those in favor? Opposed?
1756 is approved. (Vote: 5•0)

1771, appoint member of the County Planning Commission, Charla Bolton. Counsel •• where did Counsel go? If we just hold on for one •• this is the individual who had come before us. Counsel •• I just wanted Counsel to comment that all of ••

MS. KNAPP:

I had several telephone conversations back and forth with Miss Bolton who described in detail to me her activities. Mr. Isles and I spoke at least once and probably more than that about it. I was perfectly satisfied that if she had a conflict in terms of individual votes, they would be minimal; that she would have to abstain. There's no inherent conflict between the voluntary position that she holds or that paid position. Virtually none with the paid position. And I checked with Legislator Losquadro, who is Chairman, and he indicated that she did not have to appear today and I told her that.

LEG. CARACCILO:

Motion.

CHAIRMAN LOSQUADRO:

And I applaud Miss Bolton for even bringing these matters to our attention, which she did not even have to do at that time. She •• this was of her own volition. Motion to approve by Legislator Caracciolo, second by Legislator O'Leary. All those in favor? Opposed? Miss. Bolton, who is not present, congratulations.

LEG. CARACCIOLO:

That's the at large position?

MR. ISLES:

Yes, it is.

CHAIRMAN LOSQUADRO:

1793, to appoint member of the County Planning Commission, a Vincent Taldone, I will make a motion to table for one more cycle.

LEG. CARACCIOLO:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator Caracciolo. All those in favor? Opposed?

MR. ISLES:

He's present, I believe, too.

CHAIRMAN LOSQUADRO:

Yes. And we spoke.

MR. ISLES:

I just wanted to make sure you were all aware of that.

CHAIRMAN LOSQUADRO:

Yes. And I appreciate him being here. And I had •• several of us had spoken to him earlier.

LEG. CARACCIOLO:

Right. And I'd just like to make certain for the record that the holdover, Mr. Dick O'Dea, he still attends the meetings?

MR. ISLES:

Mr. O'Dea was at the last meeting. I can't speak for him his terms •• he has indicated he's interest in resigning from the Commission as has Mr. Thorsen for East Hampton. They both were at the last meeting. I can't state whether they're going to be at future meetings or not. But that's what I know.

LEG. CARACCIOLO:

I mean I just wanted to make sure the Town was not without representation.

MR. ISLES:

Well, I appreciate your point because the County Planning Commission at this point has ten members. And ••

LEG. CARACCIOLO:

And there are five vacancies. Well, you had five up until a minute ago.

MR. ISLES:

Yeah, subject to next week's action. So, at the last meeting we had eight members present. We just barely had a quorum. We had nine applications that we could not move on because one member had to recuse himself. So, it is •• it is an impact to us.

LEG. CARACCIOLO:

Which member was that?

MR. ISLES:

It was Mr. Tantone from the Town of Islip.

LEG. CARACCIOLO:

Okay.

CHAIRMAN LOSQUADRO:

I'll recognize Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. Mr. Isles, you mentioned ••

CHAIRMAN LOSQUADRO:

Please keep the comments on point, please.

LEG. FOLEY:

They always are, Mr. Chairman, especially when you run the committee. We'll make sure of that. And if they're slightly off point, it is to re-emphasize the main point that I'll make later in the statement. But at any rate, Mr. Isles, is it •• is it not the case that there have been a number of meetings that I would say would have had to have been cancelled by the Planning Commission for lack of a quorum?

MR. ISLES:

There have been some. I think we've had one or two this year that were cancelled. And then we had it where we've been right on the money. And it's been touch and go whether •• you know, the day before the meeting whether we could conduct the meeting.

LEG. FOLEY:

Right.

MR. ISLES:

So, it has been a problem. And your consideration of the request for appointments is very much appreciated. So, here again, I just explained the situation in the September meeting ••

LEG. FOLEY:

I understand that. But it's my understanding, and you answered it in a very diplomatic way, it's my understanding, as you always do •• it's my understanding that there have been some real problems at the Commission meetings because of either a lack of quorum or the fact of not knowing until the day of whether or not there would even be enough members in attendance. That's the reason why a number of these appointments that have been tabled over a period of time has been problematic. Because we need to move them forward in order for the Commission to do the work that it's supposed to do as part and parcel of the County's responsibility when it comes to land use.

CHAIRMAN LOSQUADRO:

I could not agree more. Thank you. We certainly need to get these positions filled. Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you. You know, to make this conversation complete, we have to go back to last fall

when upon the insistence of the minority members of this Legislature, there was agreement that we would hold off on the appointments not only to the Planning Commission, but a number of others including Park Trustees and others. And I did not agree with that concept. Well, and we still don't agree. And that's the point I want to make here. These appointments are not unilateral Executive appointments. They are subject to ratification of this Legislature. And when the Executive puts forth individuals that a majority feels should be considered favorably, that will happen. I think that's really what's going on. That's the byplay here that nobody's really speaking to. So, I will. And I think the Executive has to extend not an olive branch, but he really has to extend himself to some conversation with those of us who may have reservations about some of the nominees. That's all.

LEG. FOLEY:

Well, I think as Legislator Bishop said earlier if you have these reservations, harboring these reservations over a number of months, you got to lay them out onto the table and see how they can be addressed.

LEG. CARACCIOLO:

Well, privately, Brian, I've done that with the Executive.

LEG. FOLEY:

And I can tell you at least in one case we have the unanimous decision by a Town Board on a bipartisan basis supporting that Town's nominee. That has never been turned down before. So, we can go back and forth, Mr. Chairman.

CHAIRMAN LOSQUADRO:

Yes, as we've proved. Thank you.

1795, authorizing planning steps for the acquisition under Pay•As•You•Go for the Slowiks Property, Town of Brookhaven. I will make a motion to approve. Do we have a second?

LEG. O'LEARY:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator O'Leary.

LEG. CARACCIOLO:

On the motion.

CHAIRMAN LOSQUADRO:

On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

What's the rating on this property?

MR. ISLES:

These parcels were considered at the last meeting, but under the New Drinking Water Protection Program. I believe there's been a resolution submitted to do a corrected copy to change them to the Multifaceted Program. I became aware of that yesterday. So, therefore, they would have to be evaluated under that program, which I think is for general park purposes. I'm not sure ••

LEG. CARACCIOLO:

They have not been evaluated?

MR. ISLES:

No.

LEG. CARACCIOLO:

Okay. Would it be premature to take action in view of that?

MR. ISLES:

Well, it's up to you. If you want our recommendation, last month the problem with this parcel was that it was very small. It didn't meet the criteria of the New Drinking Water Program. In terms of •• so we have not done a rating on the Multifaceted. It may have some of the same problems. I don't want to mislead you. These are smaller lots that are scattered in the community. You did recommend and then the Legislature approved the Cenacle property, which the sponsor put forward; and we are moving on that. Real Estate ••

LEG. CARACCIOLO:

That's a much larger piece of property.

MR. ISLES:

Much larger piece of property. So, these are •• you know, potentially they're doable as parks

properties. Certainly it would seem that they would qualify under the program. And then it's just a matter of, here again, doing the specific ratings for each one.

LEG. CARACCIOLO:

I would suggest, Mr. Chairman, that we have those ratings because if we're going to start violating, you know, all the time our own criteria, not even consider it, that's what this Committee is charged to do. And I would suggest that these resolutions be held in abeyance until we know which program. I don't know that there's a corrected copy. My copy doesn't reflect that but maybe I don't have the corrected ••

MR. ISLES:

I believe there is, yeah.

LEG. CARACCIOLO:

Okay. But these are very, very small parcels. And I know historically and I know maybe you don't want to speak to it directly, but, you know, I know these are very difficult for you to deal with given the volume of work that exists in both Planning and Real Estate. And I think it's incumbent upon us as elected officials to be cognizant of what our real •• what our real priorities are; and more importantly that we meet our own criteria before we take these up. That's my position.

CHAIRMAN LOSQUADRO:

Thank you. Mr. Presiding Officer would like to join us in committee today, Mr. Caracappa.

P.O. CARACAPPA:

Thank you, Mr. Chairman. Obviously I'm not a permanent member of this Committee. I do appreciate the ability to say a few words. I just want my colleagues to keep in mind that we're talking about the greater Ronkonkoma area here; not the north fork or the south fork, first or second district of the County. Very limited space available. And the space that is available, obviously an acre or two in size. These parcels, of course, may not be environmentally sensitive as we know environmental •• sensitive lands to be out east and along estuaries and things of that nature. But these are quality of life acquisitions that mean so much to the people that pay the taxes to see land preserved throughout the entire County. I'd ask you to keep that in mind. There have been corrected copies to clear up the problems that arose at the Committee as it related to structures being on some of the maps and things of that nature.

And, again, I ask you to keep in mind that the taxpayer of the Ronkonkomas looks to preserve the small pieces of land in their communities just as much as you look to preserve the large tracts of pieces of open space in farmland in points east. Thank you.

CHAIRMAN LOSQUADRO:

Thank you. We have a motion and a second to approve. All those in favor? Opposed? Abstentions?

LEG. CARACCIOLO:

One abstention.

CHAIRMAN LOSQUADRO:

List Legislator Caracciolo as an abstention. **Motion is approved. (Vote: 4•0•1•0. Legislator Caracciolo abstained.)**

1796, authorizing planning steps under Pay•As•You•Go for the Sullivan Street and Ackerly Lane Property, Town of Brookhaven. This was also addressed before us. I believe similar situation. A corrected copy has been filed; is that correct, Mr. Isles?

MR. ISLES:

The only point I'd like to make I believe all the resolutions have been changed to Multifaceted in this series. Right. So, it's not Pay•As•You•Go at this point. I'm not •• and I believe it's under parks category. I believe so, yes.

CHAIRMAN LOSQUADRO:

Okay. I will make a motion to approve, second by Legislator O'Leary. All those in favor? Opposed? Abstentions?

LEG. CARACCIOLO:

Abstain.

CHAIRMAN LOSQUADRO:

Legislator Caracciolo is an abstention. **1796 is approved. (Vote: 4•0•1•0. Legislator Caracciolo abstained.)**

1797, authorizing planning steps again, under Multifaceted now, is it?

MR. ISLES:

Yes.

CHAIRMAN LOSQUADRO:

I'm sorry.

MR. ISLES:

The next several are Multifaceted.

CHAIRMAN LOSQUADRO:

The estate of Pearl Link. I will again make a motion to approve. Second by Legislator O'Leary. All those in favor? Opposed? Abstentions?

LEG. CARACCIOLO:

I'm going to support this. It's a much larger piece of property.

CHAIRMAN LOSQUADRO:

1797 is approved. (Vote: 5•0)

1798, authorizing planning steps again under Multifaceted for the Maplecrest Drive and Warren Avenue Property in the Town of Brookhaven.

I will, again, make the motion to approve. Second by Legislator O'Leary. All those in favor? Opposed? Abstentions?

LEG. CARACCIOLO:

Abstain.

CHAIRMAN LOSQUADRO:

Abstention by Legislator Caracciolo.

LEG. SCHNEIDERMAN:

Can I ask a question of the Commissioner? Because unfortunately I don't have these ••

CHAIRMAN LOSQUADRO:

On the motion.

LEG. SCHNEIDERMAN:

•• aerials in front of me. I had raised a concern the last time about meeting other needs within Ronkonkoma, the township, whatever they might be, of affordable housing, whatever potentials as Ronkonkoma develops they might need. Have these properties been evaluated? I

remember that some of these were across from parking areas, some of them were in •• along bus routes. They might fall into kind of Smart Growth scenarios where some might be preserved •• areas might be preserved and others might be able to meet some municipal type of purpose. Is ••

MR. ISLES:

We have worked with the Town of Brookhaven with the Work Force Housing Commission on identifying sites. And the Town has put forth certain sites that they feel would be good.

LEG. SCHNEIDERMAN:

These were not on that list?

MR. ISLES:

This one is not on the list.

LEG. SCHNEIDERMAN:

Were any of these on the list?

MR. ISLES:

No.

LEG. SCHNEIDERMAN:

Okay, thank you.

LEG. CARACCIOLO:

On that point.

CHAIRMAN LOSQUADRO:

Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you. I would re•consider my position on these small parcels if, in fact, they could be incorporated into some type of smart growth, affordable work force housing initiative because I think they're suitable for that purpose; except the very smallest one here which I think was three point •• or a third of an acre. But not being familiar with the zoning, not being familiar with whether or not that's even a doable concept ••

MR. ISLES:

Right.

LEG. CARACCIOLO:

•• I'm going to maintain my position. But I think Legislator Schneiderman, who's been very consistent on trying to help us identify properties for work force housing, you know, once again, brings that very valid point up. And it's something that we as sponsors of these small property potential acquisitions should keep in mind that there's more than one way to provide a public benefit here rather than •• yeah, I don't know if you could even provide a pocket park on something so small •• on parcels that are so small as some of these. But if that can be done, you know, in the future I'll re•consider what has been a steadfast position against acquisitions of very, very small properties.

CHAIRMAN LOSQUADRO:

Very good. So, that was on •• Miss Clerk, that was on 98; correct?

MR. ISLES:

Yes, 1798.

CHAIRMAN LOSQUADRO:

Yes. So we had a •• all those in favor? Opposed? Abstentions?

LEG. CARACCIOLO:

This is on which one?

CHAIRMAN LOSQUADRO:

98. 1798.

LEG. CARACCIOLO:

I'm in favor.

CHAIRMAN LOSQUADRO:

Okay. **1798 is approved. (Vote: 5•0)**

1799, planning steps on the Multifaceted for the Hawkins Avenue property in the Town of Brookhaven. I will again make the motion to approve.

LEG. O'LEARY:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator O'Leary. All those in favor? Opposed? Abstentions?

LEG. CARACCIOLO:

Abstain.

CHAIRMAN LOSQUADRO:

One abstention by Legislator Caracciolo. **(Vote: 4•0•1•0. Legislator Caracciolo abstained.)**

1800, planning steps, again, under Multifaceted for the Dehe property in the Town of Brookhaven. Motion to approve by myself, again seconded by Legislator O'Leary. All those in favor? Opposed? Abstentions?

1800 is approved. (Vote: 5•0)

1807, implementing Greeways Programs in connection with acquisitions of active parklands at Our Lady of Grace Roman Catholic Church, Town of Babylon. Legislator Bishop, if you would •• if you would just enlighten us on the details •• what the details ••

LEG. BISHOP:

That's the companion to the other one.

CHAIRMAN LOSQUADRO:

•• what the details on the new language of the lease or user, how was that •• Counsel?

MS. KNAPP:

The resolution that was previously approved on this property was basically the money resolution as we went through it with the Town of Babylon contribution and the County contribution. This approves what was •• what is in essence a lease. But for terms of complying with bond requirements, we refer to as a fee on limitation, which means that we are acquiring a limited fee interest in this property for the periods of years. I believe it's ••

CHAIRMAN LOSQUADRO:

What is the period of years?

MS. KNAPP:

Mr. Nolan in the County Attorney's Office actually negotiated the agreement. I'm not sure that

Miss Harrington is going to be able to help me with it. It was at least 20 years and •• 20? 20.

CHAIRMAN LOSQUADRO:

And what is the total cost over the life of that? Lease for that usage?

MS. KNAPP:

Yeah.

CHAIRMAN LOSQUADRO:

And that is •• what I have here \$653,000?

MS. KNAPP:

That's exactly right.

LEG. BISHOP:

One time payment up front.

CHAIRMAN LOSQUADRO:

What does that work out to be annually?

LEG. BISHOP:

30,000.

CHAIRMAN LOSQUADRO:

And this is a fair market value for this type of usage for this amount of land for the fields?

MR. ISLES:

Yeah, it was definitely based on an appraisal, yes.

CHAIRMAN LOSQUADRO:

Okay.

MR. ISLES:

And discounted for time and so forth.

CHAIRMAN LOSQUADRO:

Legislator Caracciolo.

LEG. CARACCIOLO:

Yes. That was an excellent question, Mr. Chairman. However, does this break any new ground in terms of •• I've never heard of this arrangement before. I never heard of this.

LEG. BISHOP:

It breaks new ground in that •• the question of whether you could lease under Greenways has been •• has been answered. You can. What was the problem?

MS. KNAPP:

It's church property. And because it was church property, it raised legal issues that were more difficult to address. And ultimately ••

MR. ISLES:

Yeah, this was previously approved as a lease. And there was an issue there in terms of it's better to have full fee, which, of course, it's better and I guess Mr. Bishop felt that it's better to have 20 years than zero years is what the issue came down to.

LEG. CARACCIOLO:

So, under this agreement or arrangement, the County would be providing a church with \$653,000 up front, a one•time up front fee, which equates to the fair market value.

MR. ISLES:

Yeah.

LEG. CARACCIOLO:

And from a real estate perspective, from a policy making initiative perspective, everybody's comfortable with this?

MS. ZIELENSKI:

Well ••

LEG. CARACCIOLO:

Does it open the flood gates for other not•for•profits to come ••

MS. ZIELENSKI:

The County should always be in the forefront of innovation.

LEG. CARACCIOLO:

What's that?

MS. ZIELENSKI:

I said Suffolk County should always be in the forefront of innovation.

LEG. CARACCIOLO:

But are we really bailing out a church? I mean let me be blunt.

MS. ZIELENSKI:

No, no, we're not bailing out the church.

LEG. BISHOP:

What we're doing is we're responding to the unique circumstances of Babylon. If you look at a map of Babylon, you see vacant lands. It's almost inevitably owned by the church. Usually it's future cemetery property. So, there's no place to put fields in the Town of Babylon.

It's been a problem for now about 20 years. The town's built out. There's no more space.

This is not future cemetery property. This just happens to be owned by the parish there, which is next door to the park. And they're willing to lease it to us for a 20-year period.

LEG. CARACCIOLO:

Okay. And what happens at the end of twenty years and ••

LEG. BISHOP:

Hopefully we renew.

LEG. CARACCIOLO:

Because we're making a substantial financial investment both the Town and the County.

LEG. BISHOP:

Yes.

CHAIRMAN LOSQUADRO:

And the Town, I assume, is going to maintain it? I see in here that there is an automatic reversion clause.

LEG. CARACCIOLO:

It goes back to the church.

CHAIRMAN LOSQUADRO:

Yeah, because it is just essentially a lease.

LEG. BISHOP:

The Town is making a significant investment. They're responsible for maintaining the park once it's created.

LEG. CARACCIOLO:

Okay. Everybody over there is comfortable with it?

CHAIRMAN LOSQUADRO:

So, we have a motion to approve by Legislator Bishop.

LEG. O'LEARY:

Second.

CHAIRMAN LOSQUADRO:

Seconded by Legislator O'Leary. All those in favor? Opposed? Abstentions? **1807 is approved. (Vote: 5•0)**

Unto Introductory Resolutions. **1810, make a SEQRA determination in connection with the proposed planning and design improvements to Sewer District #21 (SUNY, CP #8121 and CP #8127, Town of Brookhaven).** I'll make a motion to approve.

LEG. O'LEARY:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator O'Leary. All those in favor? Opposed? **1810 is approved. (Vote: 5•0)**

1832, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program. This is the Captain Bartlett Ross Property in the Town of Brookhaven. We're having that handed out right now. Would Real Estate and Planning care to comment on this?

MR. ISLES:

What we provided to you is a copy of the aerial photograph of the parcel, which is outlined in

green. It's on the north side of Montauk Highway. There is no other county lands surrounding it or in the immediate vicinity. The parcel itself is a little bit over five acres. And as you can see does include a number of structures on it. We have done a rating based on the active park criteria that you've reviewed and adopted; and it came in as a rating of 27. Our concern with this would be, here again, what the purposes of this acquisition and, you know, in terms of the park usage, we certainly would want to discuss this with the Parks Department, the Parks Commissioner. And then the intent of the actual buildings and the cost impacts and use questions and things of that nature.

CHAIRMAN LOSQUADRO:

Legislator O'Leary.

LEG. O'LEARY:

Yeah. This is predominantly and primarily an acquisition for purposes of preserving historical sites and locations. Does that come under the program that is being acquired under Multifaceted?

MR. ISLES:

Yeah, it definitely does. Does it have any historic •• it is in a historic district, I guess, in the Town of Brookhaven.

LEG. O'LEARY:

Yes.

MR. ISLES:

And we would want to check and see if it's on a state register or national register or something like that as well. And then, here again, the next question would be what is the County going to do with it and how much is that going to cost; those type of questions.

LEG. O'LEARY:

All right.

CHAIRMAN LOSQUADRO:

Legislator Caracciolo.

LEG. CARACCIOLO:

Just a question. The resolution or the information attached indicates it's currently owned by an estate?

MR. ISLES:

Yes.

LEG. CARACCIOLO:

And the large vacant property to the east and northeast even to the northwest, the none•farm, looks like open space, is that currently any •• is that currently public property or not?

MR. ISLES:

It is not. It is private property.

LEG. CARACCIOLO:

Okay. Thank you.

CHAIRMAN LOSQUADRO:

We have a motion by Legislator O'Leary, seconded by Legislator Caracciolo. All those in favor? Opposed? **1832 is approved. (Vote: 5•0)**

1833, authorizing planning steps under the New Suffolk County Drinking Water Protection Program for the Gerrato Property in the Town of Brookhaven. We're just waiting for the maps on that one.

MR. ISLES:

Mr. Chairman, we've circulated to you a copy of the aerial photograph, a summary sheet and rating form. What the aerial photograph indicates in the green outline are the parcels that are included in this resolution for planning steps. But I'll point out also that there's a yellow dotted line that indicates •• it's labeled conservation area boundary. This parcel is located in the Mastic•Shirley, what we call, conservation area. It's the result of a study done by the County Planning Department a few years ago known as the Narrow Base Study. And what was identified here is that this is a very low•lying section of Mastic•Shirley. It is at the Narrow Bay portion of the Great South Bay, Moriches Bay system. This is one of the few locations in Suffolk County actually on the main land where you have what we call velocity zones, flood hazard velocity zones. It's common on the beach with a barrier beach, but you don't find it very often over here. Based upon that, the County Planning Department study at that time had

recommended that the County take efforts to limit and avoid the development within the conservation area. This •• these parcels certainly fall within that. And a reminder that we had last week in terms of the impact of development in this area would be Pensacola, Florida where the day may come, and we certainly hope it doesn't come, but this is an area that if that kind of event happens, you will see that kind of severe damage at this location based on the topography and so forth. So, its location we have ranked. And it came out to a 32 and it's one we would recommend approval of this resolution.

LEG. O'LEARY:

Motion.

CHAIRMAN LOSQUADRO:

Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you.

CHAIRMAN LOSQUADRO:

Well, first hold on. Motion by Legislator O'Leary, seconded by Legislator Schneiderman. On the motion.

LEG. CARACCIOLO:

Tom, I recall that Flood Plain Study when Legislator Towle was representing the area. And as I recall a large area; Mastic, Shirley would be effected by storm surge. I think almost all the way •• depending on the category, all the way up to Montauk Highway and in some places even north of that. Given all the development that has taken place here, I appreciate your comments; that I think we should endeavor to protect potentially future home buyers from buying land in a zone like this. Is there not another way to do that?

MR. ISLES:

There are other ways. One other way that the County has done, which actually won a American Planning Association award, is transferring and exchanging land with property owners that own land within the conservation area with surplus county parcels outside of the conservation area. We have done that. Laretta Fischer's overseeing that program. So, we use that when it's available, when it is a tool. Beyond that, there would be regulatory controls such as FEMA

regulations, DEC regulations. However, those will still result in development within the conservation area. Mastic•Shirley is a pretty densely developed community. This area is much less developed. And I'll remind you, too, that there was a resolution sponsored by Mr. O'Leary earlier this year, I guess, in June that was done.

LEG. O'LEARY:

Yeah, I was going to point that out.

MR. ISLES:

Also a large area. So, combined it could avoid a fair amount of development. I don't have the exact numbers right now within this hazard location.

LEG. CARACCIOLO:

Okay. I guess what crosses my mind is what obligation does town government have since they have land use, zoning power and regulation to even allow for any development in an area with a designation like this?

MR. ISLES:

Well, I believe, number one, they do have a moratorium in effect in this area. But that's, here again, a temporary measure. The Town of Brookhaven's •• does have funding that they've been applying towards acquisitions as well. In terms of your question on point in terms of their obligations, their obligations are to enforce codes including FEMA regulations pertaining to flood hazards as well as local building codes; New York State Building Code. So, that can take action to mitigate the impact of storm damage. FEMA has base flood elevations where you have to build it to a certain height. They have structural construction requirements and so forth; but there's still will be structures on the properties. So, that's better than not having the structures protected in some form. Ideally, however, in these locations we feel it would best not to have development here; to move the development out of the way. In the event we do not have a willing seller, in the event the acquisition does not go forward, then Brookhaven would have to regulate it based on those laws. They would minimize the extent of public harm and property damage. But, here again, you still have an exposure •• a risk exposure that exists.

LEG. CARACCIOLO:

And the final question is, as I mentioned earlier, would the instructions to the appraisal inform them of these issues because it would seem to me it makes these properties less desirable from a property •• a new property owner purchase perspective than they might otherwise be if they

weren't in this area.

MS. ZIELENSKI:

Yes.

LEG. CARACCIOLO:

Okay. I just want to make sure that we do things like that.

LEG. O'LEARY:

Mr. Chair?

CHAIRMAN LOSQUADRO:

Yes, I believe Legislator Bishop was already •• did you wish to comment?

MR. ISLES:

It's a high wind location. So, you have flood zones in terms of, you know rising seas and so forth; you have a velocity zone that's subject to high wind and wind damage as a result of that. So, you see V zones on the flood hazard maps, you know, up and down Fire Island, for example. You don't see them on the mainland as often and that's what that category is based on the narrow dimension of Narrow Bay.

LEG. BISHOP:

The follow•up is, if it's in something that's already marked off as a priority for the County, why is it always 432? It would seem ••

MR. ISLES:

Probably based on the size because it isn't a large parcel. It's not next to other county holdings at the present time. And we all know that the rating system is •• I think it's the best rating system we've ever had. But it is •• it's a guide in that sense.

CHAIRMAN LOSQUADRO:

Very good. Legislator O'Leary.

LEG. O'LEARY:

Yeah. As you mentioned, Mr. Isles, I have a planning steps resolution that's in the pipeline so to speak with respect to this particular area, which encompasses some, I believe, 47 or 48 acres or so. Is there a reason why this particular parcel was not included in that particular

planning steps?

MR. ISLES:

Yeah, I might turn that over to Ms. Fischer, but we had sectioned off an area trying to take a manageable amount. We identified •• I think we called it at that time phase I with the idea that we're dealing with a very large area of probably several hundred acres when you get done with it and taking off pieces that we can handle at one time. Do you want to add to that?

MS. FISCHER:

Sure. When we identified the phase I, we had those large lots that were identified, those dredge spoil areas, we kind of grew onto that area and created like a mini watershed for phase I. However, there are five areas within this Mastic•Shirley conservation area that we would eventually like to acquire. They're all very vulnerable. But we wanted to start somewhere. And we started with the area with the largest lots originally intact.

LEG. O'LEARY:

Yeah. I would request that in the future, if, you know, something like this is being considered, that it be larger tracts of pieces of land rather than the two acres. For example, the planning steps I submitted in June ••

MR. ISLES:

Right.

LEG. O'LEARY:

As I said before, some 48, 50 acres.

MR. ISLES:

Yeah, where we can, we like to do that.

LEG. O'LEARY:

Yeah.

MR. ISLES:

There's no question about it.

LEG. O'LEARY:

Okay.

MR. ISLES:

It's not always possible.

LEG. O'LEARY:

Not always possible. Understandable.

MS. FISCHER:

We'll probably be getting back to you for the phase II.

LEG. O'LEARY:

All right. Thank you.

CHAIRMAN LOSQUADRO:

I believe we had a motion and a second. All those in favor? Opposed? **1833 is approved.**
(Vote: 5•0)

1835, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation for the Vassaloro property in Miller Place. I will make a motion to approve, seconded by Legislator O'Leary. Mr. Isles?

MR. ISLES:

The Planning Department has reviewed this •• this resolution. And note that the parcel totals about 64, almost 65 acres. As you can see by the aerial photograph, two points I'd like to bring to your attention, number one it's in predominantly a built•up portion of the County. You can see single•family homes dotted around this property at a pretty good density, especially going to the east.

The second point I'd like to make is that to the north of the parcel is a school complex that is directly adjacent to the site that also includes athletic fields. So, it's provided the •• the opportunity provided open space next to existing school property and open space. So, it does provide better accessibility. We think that there is a possibility here, too, that perhaps the sponsor may want to consider that a portion of this property could be used for active recreation

with the balance for open space. That's something that could be investigated further.

CHAIRMAN LOSQUADRO:

Absolutely. I know we've discussed that.

MR. ISLES:

Okay. So, we feel that the acquisition is one that's good given the density of the area. I will point out the site doesn't have any particular wetlands on it. It's not in an SGPA. So, here again, in terms of some of those standard criteria, it's not going to rank high. But the fact that it's 64 acres in western Suffolk County or central western Suffolk County, it's a rare opportunity to get a decent amount of open space in one clip.

CHAIRMAN LOSQUADRO:

I agree. And for those familiar with the Miller Place area, we know the type of development pressure that they're undergoing right now with the few remaining sod farms and agricultural lands, really under going tremendous bidding wars right now; that this parcel in an area that is •• is densely developed and has been built•out for sometime, is a fantastic opportunity.

Legislator Caracciolo.

LEG. CARACCIOLO:

Just a couple of quick questions. Do we know who the property owner is, what this entity ••

MR. ISLES:

I believe the property owner is indicated as PEFCOS Realty Corp.

LEG. CARACCIOLO:

Any idea who that might be? What their address is?

CHAIRMAN LOSQUADRO:

I believe they're in Queens.

LEG. CARACCIOLO:

They're in Queens?

CHAIRMAN LOSQUADRO:

PEFCOS is the owner. I believe they're located out of Queens.

LEG. CARACCIOLO:

Okay. And do we have any knowledge as to whether or not there is a development subdivision request before the Town?

CHAIRMAN LOSQUADRO:

No.

LEG. CARACCIOLO:

We don't know?

CHAIRMAN LOSQUADRO:

No. No, there is not.

LEG. CARACCIOLO:

Okay. Good.

CHAIRMAN LOSQUADRO:

So, this is a good opportunity.

LEG. CARACCIOLO:

I'll second the motion.

CHAIRMAN LOSQUADRO:

So, we have a motion and a second. All those in favor? Opposed? **1835 is approved.**

(Vote: 5•0)

1836, authorizing planning steps for acquisition under Multifaceted. We have a map coming. Thank you very much. We're just going to take a two•second break for our wonderful stenographer.

(STENOGRAPHER CHANGING PAPER)

CHAIRMAN LOSQUADRO:

We're back on the record. Now, this parcel I know we didn't have a chance to update the map,

but I believe we added a number of parcels in just to the west of it for a potential acquisition also. We do have county-owned property immediately to the west also.

MR. ISLES:

Okay. The property that is •• right. The property that's outlined in blue which is •• that has a tall structure on it is actually owned by the Suffolk County Water Authority. And that is a well field and stand pipe that the Water Authority owns. The parcel that's the subject of the resolution is outlined in green. And then in between the two are various lots that are shown in red ink there. And I believe there was an indication that those perhaps would be included. When we looked at this from a planning stand point, we saw what this is •• this is located in Sound Beach, by the way, in the northern part of Brookhaven Town; also a very densely developed former bungalow/second-home area that's now year round. So, what we saw here is that the primary thought towards the •• this resolution, as we can see, is the protection of groundwater. In this case there is a well field as indicated in the aerial photograph a short distance to the west. It would seem to us to be an acquisition that is •• worth consideration given that it does provide a direct benefit to water supply. However, the lots in between, if they were developed as houses, it would kind of defeat the purpose. So, I think the thought was that perhaps the resolution be modified.

CHAIRMAN LOSQUADRO:

To my understanding, most, if not all of those lots, are owned •• there are some different first names, but they all seem to be the same family ownership.

MR. ISLES:

Okay.

CHAIRMAN LOSQUADRO:

So, I think we do stand a good possibility if we can work with that family •• it's not like we're dealing with ••

MR. ISLES:

Right, scattered ownership.

CHAIRMAN LOSQUADRO:

•• 20 different owners in those remaining parcels in between. So •• and then immediately to

the east of it is a Town of Brookhaven property, which is a community park. So, again, intensely high density area. This is •• this is really one of the main areas that caused the Town of Brookhaven to focus on their small lot ordinances. And really another opportunity •• a rare opportunity to preserve a parcel in such a high density area in northern Brookhaven.

MS. FISCHER:

Just a further note, the area that you included in between, it's about five acres more which also would bump up your number in your ratings.

LEG. BISHOP:

Going to get it above 20.

MS. FISCHER:

Maybe about eight more.

MR. ISLES:

It's still kind of a low rating in terms of the numbers, but ••

MS. FISCHER:

Fourteen.

CHAIRMAN LOSQUADRO:

Do we have a •• so, I will make a motion to approve, second by Legislator Schneiderman. All those in favor? Opposed?

LEG. BISHOP:

I'll oppose.

CHAIRMAN LOSQUADRO:

Abstention? List Legislator Bishop as opposed. **1836 is approved. (Vote: 4•1•0•0. Legislator Bishop opposed.)**

1837, (authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection), as I understand it before you get up, that we did have a

previous approved planning resolution step on this from several years ago. And that can be reactivated without the need to go back through this. So, I am going to withdraw this motion at this time and no further action will be needed •• taken on it. **(1837 withdrawn)**

1841, reappropriating funds from an active New York State Department of Environmental Conservation Grant to the Suffolk County Department of Health Services for the purpose of conducting and completing a Long Island Sound Study.

Explanation.

MR. ISLES:

There applies to a portion of the study that the Health Department had that was being conducted by the County Planning Department. The original amount was \$70,000. 16,000 remaining that needs to be reappropriated so we can complete the work. This is associated with ••

LEG. BISHOP:

Motion.

MR. ISLES:

If we don't spend the money, it goes back to DEC is my understanding, too.

CHAIRMAN LOSQUADRO:

Motion by Legislator Bishop, seconded by Legislator O'Leary. All those in favor? Opposed?

1841 is approved. (Vote: 5•0)

1865, designating site for Suffolk County Community Greenways Fund Education and Interpretive Center. The sponsor has asked me to table this for one cycle. I will make that motion to table.

LEG. O'LEARY:

Second.

CHAIRMAN LOSQUADRO:

Second about Legislator O'Leary. On the motion.

MR. ISLES:

What's the question? I'm sorry.

CHAIRMAN LOSQUADRO:

Well, on the motion I think Legislator Caracciolo asked the first question. Can you repeat that for the record, please?

LEG. CARACCIOLO:

Name and location of the plot.

MR. ISLES:

The location is the property that the County purchased in June of this year from the National Audubon Society in Islip that is otherwise known as the Scully Preserve.

CHAIRMAN LOSQUADRO:

Legislator Bishop.

LEG. BISHOP:

I would like to know what is the administration's position on finding a home for this interpretative center?

CHAIRMAN LOSQUADRO:

Mr. Zwirn, could you please •• can you or will you comment on that?

LEG. BISHOP:

When we passed Greenways, it's almost going to be a decade soon.

MR. ZWIRN:

I think there's •• they just asked •• the County Exec was going to ask this be tabled one cycle as well. The site that's •• that the sponsor has here is not •• may very well be the site. But there's a committee set up. They're just going to make the recommendations.

LEG. BISHOP:

Oh, okay.

MR. ZWIRN:

The next cycle this should all be resolved.

LEG. BISHOP:

Oh, really?

MR. ZWIRN:

Yes.

LEG. BISHOP:

All right.

CHAIRMAN LOSQUADRO:

Very good. We had a motion and a second to table. All those in favor? Opposed? **1865 is tabled. (Vote: 5•0)**

Mr. Bagg, if we could ask you to return, please. Good afternoon. Onto CEQ resolutions. **47•04, proposed SEQRA classifications of legislative resolutions laid on the table on August 10, 2004. (Type II action)**

Motion by Legislator Bishop, seconded by Legislator O'Leary. All those in favor? Opposed? **47•04 is approved. (Vote: 5•0)**

48•04, proposed renovation and reconstruction of facilities at Francis S. Gabreski Airport, Town of Southampton. Mr. Bagg?

MR. BAGG:

This resolution, the project includes funding to allow the department to renovate the airport terminal bathroom, repair and repave perimeter roads and repair and replace the flight line lighting. Council recommends that it is a Type II action pursuant to 617.5 C (1), (2) and (27).

CHAIRMAN LOSQUADRO:

Same motion, same second, same vote. **(Approved. Vote: 5•0)**

49•04, proposed FRES Communications Tower Removal at the County Building at the

Yaphank County Complex on Yaphank Avenue.

MR. BAGG:

This project involves the demolition of the existing tower because it is unsafe. Council feels it's a Type II action.

CHAIRMAN LOSQUADRO:

Very good. Same motion, same second, same vote. **(Approved. Vote: 5•0)**

50•04, proposed replacement of ITT Radio Tower Structure in Hampton Park, Town of Southampton.

MR. BAGG:

This project involves replacing a structurally unsound radio communication tower with a new tower. It is part of the Suffolk County Public Safety 800 megahertz trunk radio system, microwave system and MDC system. Council feels that it is a Type I action because it exceeds the height for which a negative declaration should be issued because none of the criteria exceeded. And it's a replacement, in essence.

CHAIRMAN LOSQUADRO:

Well, we're all for structurally sound towers. Same motion, same second, same vote.

(Approved. Vote: 5•0)

51•04, proposed donation of property to Suffolk County for Park purposes • 0.6 acres in the Carll's River Watershed Area. (James Gerrian, Sweetwater, Town of Babylon)

MR. BAGG:

This is simply a donation of property. It is in an area which currently has Suffolk County parkland. The Council recommends that it's an unlisted action that will not have an impact on the environment because it will not exceed any of the criteria.

CHAIRMAN LOSQUADRO:

Legislator Bishop.

LEG. BISHOP:

What's the donation?

MR. BAGG:

Pardon?

LEG. BISHOP:

What's the property? Who's donating it?

MR. BAGG:

The property is being donated by James Gerrian. It's part of a Suffolk County Health Department Transferred Development Rights Program.

CHAIRMAN LOSQUADRO:

Do you have any further questions Legislator Bishop?

LEG. BISHOP:

It's all right. I'll figure it out afterwards.

CHAIRMAN LOSQUADRO:

Do you wish to make a motion on this one as well? Same motion, same second, same vote.

51•04 is approved. (Vote: 5•0)

Thank you, Mr. Bagg. If there's no further business before this •• Jim, can you give me a map on that?

MR. BAGG:

I didn't bring it. I can get you one. It was sent in the packet. It should be in the EAF.

CHAIRMAN LOSQUADRO:

No further business before this Committee, we stand adjourned. Thank you.

(THE MEETING CONCLUDED AT 2:47 PM)