

ENVIRONMENT, PLANNING and AGRICULTURE COMMITTEE
of
SUFFOLK COUNTY LEGISLATURE

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 **March 21, 2005**.

MEMBERS PRESENT:

Leg. Daniel P. Losquadro, Chairman
Leg. Jay H. Schneiderman, Vice•Chairman
Leg. Allan Binder
Leg. David Bishop
Leg. Vloria•Fisher
Leg. John M. Kennedy, Jr.

ALSO IN ATTENDANCE:

Legislator Brian X. Foley, Seventh District
Legislator William J. Lindsay, Eighth District
Mea Knapp, Counsel to the Legislature
Ian Barry, Assistant Counsel
Alexandra Sullivan, Chief Deputy Clerk
Ben Zwirn, Assistant Deputy County Executive
Thomas Isles, Director of Department of Planning
Phyllis Seidman, Assistant County Attorney
Jim Morgo, Director of Economic Development and Workforce Housing
Vito Minei, Director of Division of Environmental Quality
Patricia Zielinski, Department of Real Estate
Janet Longo, Department of Real Estate
Kara Hahn, Aide to Legislator Vloria•Fisher
Charles Bender, PO Aide
Terrence Pearsall, Aide to Leg. Lindsay
Jim Bagg, Chief Environmental Analyst/Department of Planning

Lauretta Fischer, Department of Planning
Kevin LaValle, Aide to Leg. Losquadro
Maria Ammirati, Aide to Leg. O'Leary
Tom Carroll, Aide to Leg. Bishop.
Michael LoGrande, Suffolk County Water Authority
Lorraine Pace
Richard McNally
Lillian Ball
Chris O'Connor
S. Godfrey • Schindler
Gregory Schindler
Rita Palma

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING STARTED AT 1:45 PM)

CHAIRMAN LOSQUADRO:

We'll get started in just a moment. If I could ask all Legislators on the Environment, Planning and Agriculture Committee to report to the horseshoe. Thank you.

I call the meeting of Environment, Planning and Agriculture to order. Please stand for the salute to the flag led by Legislator Binder.

(SALUTATION)

CHAIRMAN LOSQUADRO:

Thank you and good afternoon. Excuse me just one moment. We have a distribution here. We have one piece of correspondence, which is •• I believe, has been distributed to members of the committee. Has it been distributed? Okay.

We'll go to public portion. I have several cards. The first card is Michael LoGrande representing himself.

MR. LOGRANDE:

Good morning. Thank you very much. I guess I'm later in the agenda. I didn't realize I was going to be called up. But I did want to thank you and the members of the Legislature for considering my application. This would be my fourth and probably final time as a member of the Board of the Suffolk County Water Authority.

I could also say that we have in the past 15 years changed the Water Authority where it had some serious problems back in 1990 to one where it is now leading not only in New York State but probably in the nation in terms of our service and how we've responded to the •• not only the needs of our citizens but the health and safety of our people in Suffolk County.

I have not too much to say except that whatever questions you may have, I'll be happy to answer them while I'm up here right now, if there are any. If not, this may be the shortest presentation I've ever made in my life. And I thank you very much for consideration. Thank you.

CHAIRMAN LOSQUADRO:

Thank you for coming. I know you're the first card. And I would just ask protocol•wise, having not served here for very long, only my first term, if it would be appropriate during the public portion if I could make a motion to take this out of order. I know you have work to continue.

MR. LOGRANDE:

Thank you.

CHAIRMAN LOSQUADRO:

So, I'll make a motion to take out of order.

LEG. VILORIA • FISHER:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator Viloría•Fisher. All those in favor? Opposed? 1188 is before us. **(IR**

1188 • Reappointing Chairman of the Suffolk County Water Authority Michael A. LoGrande)

I will make a motion to approve. Do I have a second?

LEG. SCHNEIDERMAN:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator Schneiderman. All those in favor? Opposed? 1188 is approved. **(Vote: 5•0•0•1. Leg. Kennedy not present)**

Congratulations. And I would just add for the record you have a lot of supporters out there. I received a lot of letters from various environmental groups, very respected individuals in the community, who support the work that you have done. And we look forward to you continuing it in the future. So, thank you.

MR. LOGRANDE:

I thank them as well as thank you for today's session. Thank you.

CHAIRMAN LOSQUADRO:

Thank you.

Next speaker Lorraine Pace.

MS. PACE:

It is with the utmost respect that I address this distinguished committee in support of the reappointment of Michael LoGrande as Chairman of the Suffolk County Water Authority.

In 1992, much to my shock and horror, I received a diagnosis of breast cancer. I had never smoked. I was not on hormonal replacement therapy. I gave birth to my children before the age of 30. I was in otherwise excellent health. Practiced good eating habits and exercised regularly. And up until my diagnosis, there was no history of breast cancer in my immediate family. Neither of my grandmothers nor my mom had breast cancer. Despite the fact that I

had none of the risk factors typically associated with breast cancer, I now face the challenge of overcoming this disease.

To my further dismay, I soon learned that 20 of my neighbors and friends all West Islip residents living south of Montauk Highway had also been diagnosed with breast cancer. As I pondered the question, every individual who was diagnosed with a life threatening or catastrophic disease asks why me, I also wondered why them. When I began to compare the similarities and contrasts, the differences, between my neighbors and me, another factor merged. Nearly all of us lived on dead end streets. Now, I had noticed on occasion my tap water ran brown and rusty. I began to consider a possible connection wondering if there were metals present in the water causing the rusty appearance, that somehow related to my breast cancer and that of my neighbors. Could something present in our water source be linked to this disease?

I posed this question during my testimony to the CDC two months after my diagnosis. When no one seemed to have answers to the questions I was asking, I began to evolve a theory. Could living on a dead end street where water supply pipes end preventing circulation expose residents to an accumulation of contaminants as compared to those residents who reside on through streets where water flows and flushes uninhibited through the water supply pipes.

I began to consider various methods that would allow me to ••

CHAIRMAN LOSQUADRO:

Ms. Pace, I apologize.

MS. PACE:

•• explore this theory.

CHAIRMAN LOSQUADRO:

But you're less than a third of the way through your presentation.

MS. PACE:

Could I go near the end?

CHAIRMAN LOSQUADRO:

If you could summarize, I know I have another card here. So, I don't want to cut you off. We try to keep the speakers three to five minutes.

MS. PACE:

Okay. I'll go really fast.

CHAIRMAN LOSQUADRO:

Thank you.

MS. PACE:

Mike initiated a meeting between then Suffolk County Health Commissioner, Dr. Mary Hibberd, her deputy, my Dr. Feinstein and me to discuss a map. Furthermore and most importantly Mr. LoGrande and the Water Authority pledged to mitigate any problems found with the water as a result of testing. When this testing led to the discovery of heavy metals present in the water, Mr. LoGrande initiated the installation of additional filtering systems at 25 pumping stations. While not required to meet drinking water standards, Mr. LoGrande felt they were an important additional effort to remove iron and manganese.

At this time 18 of the 25 units slated for installation have successfully been installed at a cost of the \$1.5 million per unit. When I was diagnosed with breast cancer in '92, there was no breast cancer awareness or activism in Suffolk County. The breast cancer awareness movement was underway in Nassau County from 1991 with regional discussions surrounding the issue, focusing heavily on that county and its residents. The ominous silence in Suffolk County gave our residents a false sense of security leading Suffolk women to believe they were safe. The truth of the matter was that Suffolk County had a higher mortality rate stemming from breast cancer than Nassau.

The map, my efforts and the efforts of a few individuals, including Mike LoGrande, ignited the breast cancer awareness movement and ultimately the breast cancer environmental movement in Suffolk County in inspiring countless others to join to raise awareness to promote early detection to advocate for access to screening and care to promote education and research into the cause and treatment of breast cancer and hopefully some day the eradication of breast cancer. The ground swelling resulted in an interest in mapping to pinpoint cancer clusters that went state wide and across the County. The movement caught the eye of CNN. And my

interview with them about mapping led to mapping projects around the world as far away as Great Britain, Australia and closer to home in places like _Marin_ County, California and cities in Massachusetts.

It is profound to realize that the awareness generated by the map has saved thousands of lives. And we all have Mike to thank. His willingness to become one of our earliest supporters helped me pioneer and create what has become the first breast cancer related geographic information system ever completed. To know Mike is to know he didn't stop there. He worked to implement ••

CHAIRMAN LOSQUADRO:

Ms. Pace, I'm very sorry.

MS. PACE:

•• a golf outing. And then gave us half and we split the money and gave the other half to Brentwood Bay Shore. And the rest is in the letter.

CHAIRMAN LOSQUADRO:

I will put the remainder of this in •• will become part of the permanent record. I thank you. Obviously you were here. You saw we believe in Chairman LoGrande as well. We already •• we took him out of order and approved his confirmation, his reappointment. So, I thank you for coming down. I thank you for adding this into the record today. And we're all very appreciative of his efforts.

MS. PACE:

And thousands of lives were saved because of it. Thank you.

CHAIRMAN LOSQUADRO:

I will just ask since we're on this subject I do have a card from Chris O'Connor on this subject. I also have a letter which will be added into the record.

Chris, would you like to say anything or would you defer your time being that we already approved the reappointment and we have your support on record?

MR. O'CONNOR:

I'll be happy to do that, but I have another one that I wanted to speak to.

CHAIRMAN LOSQUADRO:

All right. We'll leave you in the deck, then.

Next speak Rita DiPalma. Rita Palma. I'm sorry. I have a relative DiPalma. I just said that naturally.

MS. PALMA:

I represent a group of residents in Bayport that support resolution number 1194•2005. This is the acquisition of the property on South Snedecor Avenue. Some months ago a Zoning Board of Appeals application was submitted to build a single family residence on this piece of property. Plans for the single family residence and all the documents to which I refer are going to be included in a take•away that I will leave you with. Requires the land to be built up almost nine feet. The combination of leveling, the vegetation that now exists on the piece of property which is directly adjacent to wetlands, which serves to absorb water and creating a hill would increase the already severe flooding that the area is experiencing.

The run•off would have no where to go but in the surrounding neighbors' yards, basements and homes. Dozens of taxpaying residents would be compromised due to the building of this one single home. Suffolk County acquisition would remove the possibility that this piece would be built on now or in the future.

The following •• I'll cite a few examples of some of the severe flooding in the area. Mrs. Lorraine Cuomo, 245 Connetquot Road, needed to fill her basement up with three feet of rocks and cement in 1998 and equip it with two french drains due to flooding in her basement. This caused Mrs. Cuomo over \$6,000 and obviously half of her basement. You'll see attached photos in the hand•out.

Mr. Phil Rames built in cesspool •• built•in pool collapsed seven months after he bought his house because of the high water table. He lives at 235 Connetquot Road.

Ron and Pat Eckert, 217 Connetquot Road, need to install two additional cesspools and cannot run the washing machine on a high tide day.

Chris Gegan at 245 South Snedecor Avenue dumped forty yards of fill on his front yard and ducks still gather after a rain storm and high tide.

Mr. Robert Waldo, 223 Connetquot Road, has a 36-inch water table in his front yard and 30 inches in his backyard.

The garage of Pat Dowd, 250 South Snedecor Avenue collapsed due to water damage.

In the interest of space and time, I'm going to limit my examples to what I just mentioned. And also there's a Suffolk County news article that I'm going to leave you with that outlines some more specific examples. And there are numerous others.

The piece is adjacent, like I said, to 3.6 acres of Suffolk County wetland holdings. The piece appears to be wetlands. And the DEC is currently investigating its status to such. The approval, which I've enclosed two documents of non-jurisdiction approvals, was granted in 2002. A review of that approval is being called and a field trip will be carried out. Please refer to a memo from George Hammer to Karen Grolich dated March 7th of 2005 calling for that field trip.

Additionally, there exists quite a bit of diverse wildlife on this piece of property. Red tail hawks, frogs, snapping turtles, terns, muskrat all reside in this valuable piece of wetlands. Our wetlands are environmentally vital. I don't think I have to go into that so much right now because we all know that. And we've tragically lost so much of them. Acquisition of this property is an opportunity to permanently save this four-acre piece. It makes sense environmentally and financially. And that's it. Any questions?

CHAIRMAN LOSQUADRO:

Thank you, Ms. Palma. And if you have that documentation, you can provide it to the clerk.

MS. PALMA:

We do.

CHAIRMAN LOSQUADRO:

We have a card here from a representative from the Department of Labor. I understand that's

only for questions. If you could make yourself available; perhaps later if questions do come up when we address that bill, I will hold that.

Next speaker •• it just says S. Mr. And Mrs. Godfrey. Schindler. I'm sorry. Schindler. My apologies. I believe there are three cards on 1299. Greg Schindler and Terrence Pearsall as well. Turn the microphone on, please. It's the top switch.

MS. GODFREY•SCHINDLER:

Is that better?

CHAIRMAN LOSQUADRO:

Yes. Thank you.

MS. GODFREY•SCHINDLER:

Yes, I can hear it is.

Good afternoon.

CHAIRMAN LOSQUADRO:

When each of you speak, if you could just please identify yourselves for the record.

MS. GODFREY•SCHINDLER:

Sarah Godfrey•Schindler.

MR. PEARSALL:

Terrence Pearsall.

MR. SCHINDLER:

And Gregory Schindler.

CHAIRMAN LOSQUADRO:

Thank you.

MS. GODFREY • SCHINDLER:

Thank you. I am here to urge the County Legislators today to purchase the Harbor Cove property on Montauk Highway. I'm a resident of South Country Road, East Patchogue. And I'm here today to represent 213 signatures, which, I believe, Brian Foley already has but I'll make sure the board has today; that have been collected in the last two weeks against the development of the intersection of South Country Road and Montauk Highway in East Patchogue.

The Brookhaven Town Board was about to grant permission to the cornerstone group to rezone this intersection for a new Walgreen's. After much public opposition, they're no longer going to give their support. And we would like to see this intersection preserved, brought back to pristine condition and made into public lands.

As residents, we also have strong opposition to the development in part because of environmental issues. This borders onto the Swan Lake and the river estuary. I have been in contact this last week with an organization called the Art Flick Trout Unlimited Chapter. And they are currently collecting three more •• three hundred more signatures against this development and for the purchase of the land.

Thirdly, and lastly, South Country Road is a very historic part of East Patchogue. And I myself am a homeowner of an 1820's property. And so we don't want any more commercial development in this area. So, please give your vote for the purchase of the Harbor Cove property. Thank you. Have you any questions?

CHAIRMAN LOSQUADRO:

No. Sir, do you have a comment?

MR. SCHINDLER:

As I said, I'm Greg Schindler. Actually I'm an air traffic comptroller for the federal government. And I've taken time off of work today to come and speak about this. Took my only annual leave just to show my support for Brian Foley for the purchase of this property. And as my wife said, one of the things we'd like to limit obviously is the traffic congestion. I work multiple shifts. And sometimes you got to sleep at eleven in the morning to go to work the next evening at eleven. So, it would be a big help if we could save this property and keep it

a little more peaceful in the area. Thank you for listening.

CHAIRMAN LOSQUADRO:

Thank you.

MR. PEARSALL:

Thank you. I am going to present the committee with an additional 350 plus signatures that have been gathered primarily in the Swan Lake Park Community in East Patchogue as well as some other neighborhoods in East Patchogue. Just as a brief history in the early 1990's Suffolk County and the Town of Brookhaven began to restore and reclaim much of the area around Swan Lake. The southern portion at the corner of Montauk Highway and Lake Drive, there was a dilapidated, abandoned auto dealership called Park Dodge. That has become Swan Lake County Park. It is a very beautiful area now. And it has done a lot to improve the overall East Patchogue area.

Over the subsequent years we purchased another used car lot, an additional property on the north side of Montauk Highway. The acquisition under IR 1299 or the approval for planning steps for the acquisition would allow us to acquire four•plus acres south •• on the south side of Montauk Highway where a proposed Mega Walgreen's is being proposed. It should be noted that there are alternative areas in East Patchogue where a Walgreen's could move to because they want a drive•in pharmacy. One is in the current shopping center that they're located in; another is in an abandoned property in Patchogue at the corner of Grove Place and Montauk Highway, which was a True Value and hardware store and _Rolla_ clothing factory. Both areas would be excellent locations without disturbing the environment.

This property is located on Swan River. They want to put in a hundred plus parking spaces. And you know where run•off goes when that kind of area is black topped. I'm not going to keep talking. I am very pleased that you're going to consider this and hope that you will pass it. Thank you.

CHAIRMAN LOSQUADRO:

Thank you.

MR. PEARSALL:

I forgot to mention, by the way, full disclosure. I am a shareholder in Walgreen's and I'm opposed to it.

CHAIRMAN LOSQUADRO:

If I could just •• first of all, I thank Legislator Foley for joining us today. I think. And I will recognize him.

LEG. FOLEY:

It depends on the vote, Mr. Chairman. No.

I want to thank my constituents for coming down today. Just a slight amendment to what we had mentioned earlier. It is the planning steps resolution. If and when it's approved, and I hope it is approved in a bipartisan support, we can then move forward with the appraisals and surveys. And then there would be a follow•up reso for actual acquisition.

I don't know whether now, Mr. Chairman, or when we entertain the bill just to put on the record their support for this initiative at the Town level as well. Do you want me to make that part of the record now or later?

CHAIRMAN LOSQUADRO:

Please. You have the floor.

LEG. FOLEY:

Okay. Yes. True to some other partnerships that have occurred between the Town and the County throughout the Township, this particular resolution having spoken with Councilman Mazzei, I know that there's support on the Town to enter into a partnership with the County to acquire this property particularly for a hamlet park. There's a great need for a hamlet park in this part of the county, in this part of the Township. So, there is that kind of, let's say, intermunicipal cooperation for this acquisition. And it's my expectation that in the next several weeks the Town will pass a resolution affirmatively supporting this parcel for acquisition as parkland.

I would just finally say that this is the gateway to South Country Road. And as Mr. Schindler had mentioned, it's one of the most historic roadways in the County's inventory of County

roads. I've always in the past made a distinction between commercial County roads and residential County roads. South Country is not only residential but very historic. So, it makes sense that the gateway to that particular roadway not be one of a high intense commercial use; but in this case would be something complimentary to the whole roadway, which is to keep it green and also to enable neighbors to have a local park where they bring the children or grandchildren so they can get out and about and see each other. So, I thank you for your support.

CHAIRMAN LOSQUADRO:

Thank you for the comments. And perfect timing. I was just about to ask you to sum up.

Next speaker Chris O'Connor. I see here you did have •• where did Mr. O'Connor go? There he is. You did have two IR's written down here so •• thank you. Just make sure that microphone is turned on. Top switch. Thank you.

MR. O'CONNOR:

Thank you. It's always a pleasure to appear before this Committee. For the record my name is Christopher O'Connor. I am the Program Director for the Neighborhood Network. And today I'm here to speak on the resolution supporting the at large appointment to the Planning Commission for Lisa Greci.

This has been an appointment that I have and my organization supports because we have worked with Lisa. We have found that she is a person of integrity, a person who has communicated the needs and concerns of her community. She has been an environmental activist and a person who works to preserve the quality of life in her community and would do so throughout Long Island. And she has been someone who is of moral and ethical fiber. And this County would do well by appointing her to this position. So, I thank you for your time and hopefully this can get done.

CHAIRMAN LOSQUADRO:

Next speaker Lillian Ball.

MS. BALL:

I have a fellow speaker.

CHAIRMAN LOSQUADRO:

Is that Mr. McNally? If you would like to come up together.

MS. BALL:

Hello. I'm Lillian Ball. And I'm very excited to be here to tell you about a property which I hope that the County will purchase in Southold.

I am the Chairman of the Great Pond Wetland Preservation Committee of the Kenney's Beach Civic Association. And we have a very special property which is an extension of the Peconic Dunes County Park, which is already owned and maintained by the County where the Peconic Dunes Camp is every summer. The environmental camp run by Dick Colari. And it is a 12 •• approximately 11 to 12 acre area that is lots which are owned by six different property owners. 11 different lots that are owned by six different property owners. And they are extremely environmentally rare. We have had a botanical report done. It is including rare iris presmotico, which is a special blue flag iris, which is endangered. It includes cranberries; native cranberries. It includes all sorts of fish and wildlife that are connected to the lake. I don't know if you're familiar with the area but between Great Pond and Long Island Sound is this wetlands. It's an inter•dunal swale. It's called a marine freshwater inter•dunal swale. And it is a very, very fragile area which basically buffers the lake and the sound.

We have probably all of the eleven properties except for actually two lots which are •• unfortunately have been permitted in the past three years •• three years ago they were permitted. Those two lots actually are now being called into question. The Southold Town Trustees have decided to reconsider the permit that they gave because of our botanical information. The botanical information we came up with was strong enough to make them reconsider that. And I hope they will do the right thing and make it available for the County to purchase.

We have the support of the Peconic Land Trust. We have the support of the Southold Town Land Preservation Committee. We have the support of the Audubon Society, the Northfork Environmental Council. And we are going to save that land with your help, I hope.

So, thank you very much. And I have lots of reports and maps and things. And the Planning Commission, I guess, can give you information about that. But if there's any questions, I would

really be happy to talk to anybody personally because I'm passionate about saving this area. It is sound view property. And the real estate vultures are circling. So, please take this opportunity to preserve it.

CHAIRMAN LOSQUADRO:

Your passion for this is readily apparent to all of us. Thank you, Ms. Ball.

MS. BALL:

This is Mr. McNally.

CHAIRMAN LOSQUADRO:

Sir, if you could just state your name for the record. And if you have any additional comments to add to that, although I don't know how you could, I look forward to hearing them.

MR. McNALLY:

My name is Rich McNally. My sister and I are property owners on Lake Drive just down the street from Lillian Ball. I really didn't prepare anything today. I haven't been really active in any kind of interest such as this. But one of my neighbors about three years ago called me up and said, hey, Rich, you know, I'm Dr. George from down the block. And there's an application before the Southold Town Trustees about a fellow that wants to like fill in landfill in the wetlands area on the other side of the street on Lake Drive and essentially have an application to build a house. And that was alluded to by Lillian who I'd like to laud for taking the torch in this case and finding out about other options that are available including the Suffolk County option in helping us out here.

That application is, I believe, had been approved in 2002. But other entities started to look at it when certain residents in the Town said, hey, listen, you know, this wetlands areas used to have natural cranberry bogs. And now ••

MS. PACE:

Still does.

MR. McNALLY:

•• you want to let somebody dump all this landfill and build like a Hampton's style house here.

I asked the Southold Town Trustees at a meeting in 2002, you know, I prefaced it with the remark that when I was a kid growing up on the block, I was fortunate, my parents rented this summer house which we still own today. They told us as kids that they couldn't build over across the street because it was wetlands. And as wetlands meant no building. Well, I asked the Southold Town Trustees in 2000, I said to the Board, I said what has changed in the last fifty years. And nobody could answer the question. Everybody put their heads down and looked at their papers. But yet three or six months later they approved the application for this fellow who doesn't even own the property, who's under contract for property. He's an outside investor. He wants to come in and dump 650 cubic yards of fill on basically a sand lot which is low-lying and it's a filtration system for the Great Pond.

And, you know, we're here today because those two lots are not the only two lots. There are nine others that are still, you know, designated as wetlands, but that are under imminent threat of being developed after all these years. And I really don't know why other than I think it's big money that is bullying its way in from the Hamptons to try to you know, buy up whatever they can in Southold. And I feel blessed as a resident of both of Southold and of the Kenney's Beach area because of the special qualities that we have out there. When I was a kid ••

CHAIRMAN LOSQUADRO:

If I could just ask you to sum up. I'm sorry.

MR. McNALLY:

Yeah, okay. I'll try to make it brief.

CHAIRMAN LOSQUADRO:

Somebody finally hit the timer.

MR. McNALLY:

Okay. I just would like to say to everybody here that if there's any chance that there could be a land grant to some how help make this wetlands preserved because we suddenly find ourselves, you know, not seeing it preserved as we thought it was fifty years ago. Hopefully you'll take the right action. And that's it.

CHAIRMAN LOSQUADRO:

That is exactly what is before us today. And we're going to take that up. So, I thank you for

coming down.

MS. BALL:

Let us know if you need any more information.

CHAIRMAN LOSQUADRO:

Much appreciated.

MS. BALL:

Thank you.

CHAIRMAN LOSQUADRO:

I have no further cards. Is there anyone else wishing to be heard before this Committee? Seeing none, I close the public portion. And we'll move directly to the agenda.

Tabled Resolutions. Legislator Bishop's perennial favorite. **1954, Reorganizing and strengthening the Nassau • Suffolk Regional Planning Board and renaming the Board "The Long Island Regional Planning Council."**

LEG. BISHOP:

There are presentations.

CHAIRMAN LOSQUADRO:

My apologies. We do have •• I flipped the first page over. And we do have a presentation. I apologize. I jumped the gun there. You got me just in time. We didn't have a motion. We didn't have a second. We will proceed with our presentation. Thank you. Thank you. We have a presentation from Director Tom Isles. Proceed.

MR. ISLES:

Thank you very much. I realize that you have a very full agenda today and I will try to keep this as short and concise as possible. Joining me today is Phyllis Seidman, Assistant County Attorney with the Department of Law. To my left is Jim Morgo, Commissioner of Economic Development and Workforce Housing. And to his left is Vito Minei, the Director of the Division of Environmental Quality of the Department of Health Services.

We are here today to provide you with, as I indicated, a brief presentation regarding the proposed Transfer of Development Rights Program, the administrative policies and procedures, that were associated with the Save Open Space Bond Act that you approved last summer and the voters endorsed on November 2nd of 2004.

As part of that legislation, as part of what was brought before the voters in the ballot was a proposal for the first time in County open space history to permit through legislative approval the removal of credits for waste water purposes as part of the acquisition of open space specifically for the purpose of providing affordable workforce housing.

Also, as part of that legislation in that resolve clause, you directed the Department of Planning to prepare the report and subsequently to report back to you, which we are doing today.

As I indicated, joining me is a number of other departments. And the reason for that is that this has been an inter-disciplinary effort involving these county departments and others. And so we want to do our best to answer your questions today that you may have.

Essentially the purpose of our process of our report was to look at a system of managing the new TDR program in the Save Open Space bond act. I do have extra copies of the reports available if any of you need that today. They were sent out about a week and a half ago.

The process itself, here again, just keeping it brief, is a three-fold process. It consists of this process of creating credits of somehow determining yield off of property as we buy open space. The second is to store those credits and keep track of the credits as we're storing them. And the third is to actually use the credits for approved workforce housing sites.

I have more, too, beyond that if you need them. Okay. So, I'll just go very briefly through the three steps just to explain what's intended with that.

The portion of the Save Open Space Bond Act that allows the removal of credits would consist of the open space portion and the •• possibly the hamlet parks portion if it's used for passive recreational purposes. The program does not apply to the farmland portion. So, the open space is thirty million. The hamlet parks is about \$10 million.

What we have suggested is that as you consider planning steps resolutions for open space acquisitions under the SOS program, that you provide an authority to the Planning Department to do a yield analysis of that property. So, what we would then do is as Real Estate is doing an appraisal and so forth, we would also in Planning look at that particular property that's the subject of the planning steps resolution and do an actual sketch map, consult directly with the County Health Department on their requirements; and also consult with a municipality, if necessary, to determine the yield on the property.

I would like to make the point that it is a premise of the report that there would be no net increase in yield or development as a result of this process; meaning that we are going to look at the more restrictive requirements. So, in many cases that may be Health Department sanitary requirements; but there may be cases, for example, where Health Department regulations might allow one house per acre and local zoning only allows one house per five acres. Whatever that analysis may show, the yield would be based on the more restrictive yield determination.

So, the intent is not to create any more development than otherwise would have been allowed. Here, again, we will check with the towns as necessary, the villages depending on location and certainly work directly with Health Department on estimating yield.

Once the parcel is then ready for an actual authorization, we would then present to you in the resolution the estimated yield and then by legislative action and action of the County Executive, there would then be a determination of how many credits that open space acquisition could provide.

The second step in the process, here again, just a three-step process to actually store the credits. We are proposing the creation of a bank. But essentially just a mechanism to keep track of the credits. The intent here is that every credit that the County harvests from open space would have a cradle to create tracking so that we can know at any moment in time how many credits are available, where they came from and so forth.

It is proposed that that storage, that bank be operated by the County Planning Department. And certainly information would then be made available to all county departments to at least read that information.

And the last and what could be described as the most important step is to actually use the credits. This is a process that would be administered primarily through the Department of Economic Development and Workforce Housing and the Director of Affordable Housing within that department. An application to use the credits would be filed with that department. They would then do a couple of things. One, is to provide copies to both Planning and Health Department for respective reviews of those departments.

But also there would be an up front what we call fatal flaw analysis of the application, the actual site to build workforce housing on to see if it meets the basic principals of the TDR program. The first of that, the fatal flaw criteria would be is that the housing •• that the credits must only be used for affordable workforce housing. A bit of a no•brainer; but they're not to be used for expanding industrial buildings or strip malls or anything like that. Just strictly as per the legislation for workforce housing.

Secondly, that the maximum purchase price of the dwellings would not exceed \$250,000, at least, at the •• the net sale price if there are other affordable housing dollars coming in to get it to that amount, that's fine. And, then, similarly for rental units they would have to meet the requirements of the County's rental program.

Thirdly, is that there would have to be a limit on profit for any private sector for profit developers. So, if a town is contracting with a private developer, somehow working with that developer, the developer would have to limit their profits in accordance with New York State Affordable Housing Corporation guidelines.

Fourth point is that the units would have to be affordable in perpetuity. That would have to be insured in an adequate manner through different legal instruments.

Fifth is that the •• the receiving site cannot incorporate any parcel that's on an open space list, whether that be a County open space list, state or local open space list. If it's on the list, which is something Planning would review, it would not be a site that would be suitable then for receiving site for affordable workhouse housing.

And then lastly is that the credits would be used within groundwater management zones and within town or village jurisdictions. So, it's anticipated that, as we keep track of the credits, the

credits are made available within those municipalities where they came from. We're not closing the door on the possibility of a credit moving out of a jurisdiction, but we would suggest that that would be done with the consent of the jurisdictions involved. So, if one town agrees to give it up for another town, and that town agrees to it, then that could be done as well.

So, what we have then is a program is hopefully kept relatively simple in terms of a three step process of assessing how many credits are eligible for a particular parcel as resolutions are put forth to acquire those properties, a process for storing those credits and keeping track of them during that •• until they're actually used. And the third process primarily headed up through the Office of Economic Development and Workforce Housing to analyze projects for the suitability for •• used for affordable housing credits. And also trying to or encouraging and providing preference for smart growth developments in a sense that we do have within the report a suggested rating sheet similar to what you use for open space acquisitions to try to provide some sort of yard stick of objective measurement of a particular project. And preference is given to projects that are close to downtowns and represent redevelopment and so forth.

So, what we tried to do here is to cover the bases in terms of the issues that are likely to come up with this program, provide administrative policies and procedures that are predictable and organized and can operate within the systems in county government.

I will point out that there are at least two points of legislative oversight and decision making including when you determine the number of credits as part of an open space acquisition. And when a project is approved for actual use of the credits, both of those steps require legislative review and approval as well.

So, that sums up the program in just a simple manner as possible. Certainly if you have any further questions regarding the details of the program, we're prepared to answer those as best we can. We would like to, you know, continue the process to move this forward so that hopefully in the next couple of months this could be adopted. Real Estate is seeking to tap into the SOS money relatively soon at this point. Thank you.

CHAIRMAN LOSQUADRO:

And before I recognize Legislator Viloría•Fisher, I just wanted to point out one thing. I haven't had a chance to review this in its entirety yet. I would just ask ••

MS. SULLIVAN:

Mr. Chairman, could we just wait up one second.

CHAIRMAN LOSQUADRO:

Sure.

I would only ask one thing. And in •• just in looking at this briefly, this is a very important initiative. And I would not want to see it get caught in the middle of any wranglings between what department doesn't exist, what department does exist. And if there are any titles, positions or departments in here that do not include the force of law of this Legislature, I ask they be restored to the appropriate currently legal departments that do exist so we don't see important initiatives get held up because you have one person saying something does exist and you have another person saying something doesn't exist. Can we stick to the current legal structure that exists by law •• force of law of this Legislature? And this way we don't have things as has happened in the past in this very Committee and in others that we've had to wait for CN's or ask for amendments to things. And I just wouldn't want to see something like that happen with something as important as this. I haven't had a chance to go through it in its entirety; but just making mention of it. Legislator Viloría•Fisher.

MR. ISLES:

Comments noted.

LEG. VILORIA•FISHER:

Actually I didn't see any department mentioned that we haven't already •• that's not only on here. As far as my •• I read it when I received it at my office last week.

I had a question which you did answer, but I just want to underscore. On page seven, the no net increase clause. That's really, really important. And there was somebody from the public who asked a similar type of question at the Workforce Housing Commission, I believe, regarding which would be the determination of credits. And I think that what you said was that it would be •• that we would work within the parameters of the local municipality; right? And their ••

which is actually the most restrictive is how we would proceed.

MR. ISLES:

Well, it's not always the most restrictive actually. It depends. I think you're making a very good point about the no net increase from two stand points. One is that the •• all of this deals with waste water credits through Health Department use. This does not in any way involve local zoning or tamper with any local zoning prerogatives. And so we can have an example of the one I gave whereby the town zoning is more restrictive than the County Health Department standards. Here again the more restrictive would apply. But also the opposite happens, too, where there are towns that have lots that are, let's say, 5,000 or 7,000 square feet. The Health Department standards say you have to have 20,000 square feet. So, in that case the Health Department is more strict and, therefore, the yield is based on the Health Department standards instead of town health standards. Emphasizing once again, too, that ultimately any project that is approved, this is one aspect of it. The town will have full control over that. And so this is one component of it. And I mentioned the zoning obviously and I mentioned it a couple of times here. But in terms of the project itself, I think there's a lot of layers of control over that and still preserving the net increase in density.

LEG. VILORIA • FISHER:

But isn't the flow issue the way we use the TDR's where we can loosen our restrictions a little bit because of the use of transfer of development rights?

MR. ISLES:

Yeah. We're not actually loosening restrictions. I think we're providing an option. And here again the best example and the one I always go back to right now is Millbrook Gables in Riverhead, which is an excellent affordable housing project. Could have been a little bit better with the density if we had sewers, but we didn't. But that was a case where the Town was striving to provide affordable housing in a neighborhood, improvement situation. Their zoning allowed a pretty high density of development. They were building single•family homes. But they ran into a problem where they wanted to do density greater than one house per half acre. They could not do so due to Health Department standards.

Those standards are suitable and sound and we don't want to tamper with those. But there is a provision for transfer of development rights currently within Article Six where you have to go

out and find land and sterilize it and make it available. That method can still work. It's still sound and so forth. This provides a readily •• hopefully a more readily assessable program where credits will then be stored on a shelf somewhere. And a bona fide suitable, appropriate project comes along that meets Town zoning requirements and so forth •• and there's this gap where they want to build 15 units, Health Department standards only allow 10 units, how are we going to get over that problem? And the issue is they can seek to get an award of five credits through legislative approval. And that's where it's going to make the difference in making it easier, faster and just more practical to actually use that program.

So, it's still preserving the interest of public health and environmental benefits in terms of waste water impact on groundwater. But providing this transferred development rights tool that's easier to use than previously hopefully.

LEG. VILORIA • FISHER:

Okay. I have another question regarding the \$250,000 ceiling and possible future profits that would come from resale. And I believe that it comes up a little later on. With the \$250,000, how do we adjust that for the future? Is there availability for adjustment of that number?

MR. MORGO:

Yeah. Jim Morgo.

LEG. VILORIA • FISHER:

I'm looking at page 13.

MR. MORGO:

Legislator, it can always be adjusted by the Legislature. As you know, affordability ••

LEG. VILORIA • FISHER:

It would be by legislative resolution? You would come back. Okay.

MR. MORGO:

Right. And it's tied to the median incomes. And under Article 36, affordability is defined by affordable to whom under the different percentages of the Nassau•Suffolk median income according to family size.

LEG. VILORIA • FISHER:

Okay. There's also another point which referred to income. And when we had the kick starting our affordable housing program, we had more flexibility on that income going to 115%. And I thought here that it didn't mention that level of income.

MR. MORGO:

Yeah, it's tied to Article 36.

LEG. VILORIA • FISHER:

Okay. And then Article 36, it has those ••

MR. MORGO:

Yes.

LEG. VILORIA • FISHER:

•• parameters.

MR. MORGO:

Right. It has to be affordable to •• a home to be defined as workforce has to be affordable to someone under 120%. If it's more than one home, then, half of the homes that are defined as workforce have to be affordable to someone under 80%.

LEG. VILORIA • FISHER:

Okay. Just one more question. Page fifteen where •• no, actually I have two more questions. But on page fifteen, where you have the rating system, I was hoping that we would have more green building represented in the rating system. You have some elements of green building. Transportation, pedestrian friendliness, close to shops, but I was under the impression that we were going to look a little bit more on the use of more energy efficient appliances •• might have given more points, you know, a little bit more green. I had asterisks where it will not adversely affect any environmentally sensitive habitats. It would minimize the use of fertilizers and pesticides. I applaud you on that. One half mile of a public bus stop or railroad station gives it points. And paths •• pedestrian friendly pathways. But as far as materials or energy use, did you consider those and how might we couch those?

MR. MORGO:

Let me just clarify something.

LEG. VILORIA • FISHER:

Sure.

MR. MORGO:

It is my hope that these criteria will be used because that will indicate that there's competition and folks want to use these transferred development rights. These will only kick in for you to judge a particular development. And if you look at the last sub-heading housing affordability 20 points, the ••

LEG. VILORIA • FISHER:

Oh, I see. Thank you. I didn't look under that category because it didn't jump out at me as something that was for the environment.

MR. MORGO:

Well, that was the thinking at the Commission, that's it's long range affordability ••

LEG. VILORIA • FISHER:

Yes.

MR. MORGO:

•• is what you're talking about.

LEG. VILORIA • FISHER:

Absolutely. Because it is sustainable. Last question. As you know, in the Workforce Housing Commission, there has been a lot of discussion as to how local does the local municipality get or the local sub-group get. There were, as you know, Mr. Morgo, there was discussion on •• from a school district that said, well, even if you were to make it the sending and receiving within the same town, it would impact some school districts adversely where they would be the receiver more than the sender. How did you approach that question?

MR. ISLES:

The way we've approached that question is that, here again, we want to make this, we feel, a program that can be made available; but not constraining it to the point where we tie everything down so tightly that you try to do something and it's impossible to do. We feel that with the oversight that's provided in the process by the two steps of where we get the credits from, how the process is for the release of the credits, there's direct legislative involvement obviously in the award of the credits. There's typically involvement with the County Department of Economic Development Workhouse if they're coming in for other county affordable benefits. So, we intend to get enmeshed in the projects. And there's also the local zoning and the land use review.

My point is that if we're running into a situation where we're facing a real imbalance where a fair number of credits are coming from one school district to another, and that's become an issue. That's an issue that could then be put on the table for consideration in weighing and decision making. We don't •• we didn't feel under the initial review at this point to bind the program that tightly. It was appropriate and beneficial considering that there are many other steps and safeguards in the process; just a point of view.

LEG. VILORIA • FISHER:

You know ••

MR. MORGO:

Also and •• in all honesty, that's not going to happen. This is not going to produce that many homes or even have an impact on school districts.

LEG. VILORIA • FISHER:

And I appreciate that. Thank you. And my last comment is that I really was very impressed by the work that was put into this thing. And I thank you for something very comprehensive. And I don't know if we could anticipate all those issues coming up, but I wanted to put the questions on the record because as a member of that Workhouse Housing Commission, I know that they were topics about which we did have lengthy discussions often. And so I did want them on the record. And I wanted to know what your response •• and how we planned on moving ahead and addressing all of those issues. Thank you very much for your work.

MR. MORGO:

Understood and appreciated.

LEG. SCHNEIDERMAN:

I have a list. Actually I'm next on it. So, first, again, as Legislator Fisher thanked you, I want to thank you for your work here. It's a very comprehensive •• kudos to you, Mr. Isles as well as all those who worked with you.

I have several questions. I want to go back to one of the things that Vivian touched on. And that had to do with zoning versus the Article Six, densities. You had mentioned that it would basically •• you would take the lesser of the two. And the way I see this •• and correct me if I'm wrong •• this is basically a bank within each town. So, whatever the Town is, if the County acquires land within that Town, we will set aside somewhere on a computer a data base with how many credits that they have. And it really will be up to the Town to make the request to transfer them to a property whether it's a town development or a private development. Nothing is going to happen without that municipal approval to transfer these credits; is that correct?

MR. ISLES:

I think that's generally correct. I think it's probably correct in most of the cases. There may be, you know, a rare case whereby someone else comes in seeking a credit. Obviously a village. Just trying to think, Jim, if a for-profit developer hypothetically could come in and request a credit if he or she were to agree to the conditions in here.

LEG. SCHNEIDERMAN:

But the Town would have to agree ••

MR. ISLES:

But •• yeah. Well, the Town would typically be involved in the zoning and the land use approval and so forth.

LEG. SCHNEIDERMAN:

Okay. Because here's what I'm getting at. It ought to benefit the Town. The more credits, the better. In other words, they don't have to release them, but the more that they have, the more affordable they can make a project. So, if you have a Town that maybe has a land •• piece of

land that's five-acre zoning to protect groundwater, but the Town would allow only one unit on five acres, maybe it's a •• let's say it's a five-acre parcel and let's say the County allows one unit per acre in that zone, there is five potential transferable credits. Why are we going to limit it to one, which would be the Town zoning, particularly since we've •• this program is about Article Six. It's not about town zoning. And once we start mixing that in, I think we start to confuse the program a little bit.

MR. ISLES:

Okay. Well, that's a policy question. It's the premise in the report, you know, one of the early building blocks in the report was that there be no net increase. In terms of beginning this and looking at this as being primarily an Open Space Program, the SOS Program, and looking at •• this was not intended to be producing more units than otherwise would have been allowed. So, we've taken, you might call it a conservative attitude in looking at this, but we didn't want to violate that fundamental principal that says that the number of units that otherwise would have been developed in Suffolk County had we not done this, is not different than if we did do it. But we think it may wash both ways, you know.

LEG. SCHNEIDERMAN:

I'd like you to look at that because some of the Towns have really done a terrific job in protecting their watersheds. And their aquifers are also suffering very much from the housing crisis and need relief. And, you know, I want to make sure we continue to protect those groundwater recharge areas. And many of these towns have put those properties in a zoning category with a lower density than the County recognizes in those areas. And I hate to punish the Towns for that. It's something that, I think, we really need to look at.

I want to get •• also looking at Article Six now, in terms of calculating and let's assume we get past that hurdle and we don't look at the zoning, we'll look just strictly at Article Six, I'm wondering when you do the analysis, what the potential credit •• transferable credits are, are wetlands deducted from lot area?

MR. ISLES:

I'll turn that over to Mr. Minei.

MR. MINEI:

Yes.

LEG. SCHNEIDERMAN:

Okay. So, if we picked up, let's say, a 50 acre parcel which had 50% wetlands, you don't look at the 25 acres? If it was a 50 acre parcel, half wetlands, 25 acres would be left then; and then you transfer only from there?

MR. MINEI:

That's correct.

LEG. SCHNEIDERMAN:

Okay. And you •• also, one other thing, Tom. You had said that anything on an open space list would not be eligible to receive the credit. We as a body have looked at some parcels, some particularly large parcels that we recognized had some strong environmental attributes; but certain areas were disturbed areas, maybe bordering a subdivision. Maybe it's a 100 acre parcel. And we all felt that, you know, most of it should be preserved. Maybe we could make the price more affordable if we allowed some of it to develop or transferred some of that density to a corner of it possibly for affordable housing. You may know which properties I'm talking about. I would hate to see those properties, particularly since we're negotiating potentially on some of them, that the housing component or the ability to transfer eliminated from our thinking, which may end up with the preservation of those properties.

MR. ISLES:

Well, here, again, it's another good point. It's another policy point. I think the way we were looking at this is that generally speaking we don't feel the County should be building higher density housing or receiving sites on land we're hoping to protect. So, just to avoid the fundamental inconsistency of county government whereby we're trying to identify a list of parcels we want to protect, then meanwhile we're developing •• encouraging development of those properties. So, there was that fundamental inconsistency the program should not undermine another program in county government. There may be exceptions to that that come up. I would guess that there could be. Here, again, we just think if it's on an open space list, then, it shouldn't be used. If it's not on a list, if for some reason the list changes overtime, then, I think, that would be reason to reopen it. But we don't want to, at least in our opinion •• obviously it's a policy decision •• the Legislature and the Executive, in terms of, here again, having these inconsistent policy potential where we're chasing our tails around the County

doing, you know, development on one side and preserving on the other and undermining the belief in the program. Here, again, this is the first time we've done this of taking credits for open space. And I think there's been some concern with how we do this and the perception of how this occurs and take it in a very caution manner and a manner that we think when all is said and done in terms of where the pieces came from and where they ended up, that we feel comfortable that we're not undermining other policy with it.

LEG. SCHNEIDERMAN:

No. I think the general principal is a good one. We are starting to see properties come before us with planning steps resolutions that are in what might otherwise be, you know, smart growth type of areas along bus routes, near post offices; that, you know, maybe could be partial park, partial housing or some kind of creative solutions. And I would hate to think that once we pass a planning steps resolution where your department is now taking a much closer look at that, that we're eliminating some of our options. Maybe there's a way that we can phrase it so that in general we would not do that, but we would, you know, reserve some right with legislative approval or something to be able to transfer to those properties or at least in part. Okay. I'm going to turn things back over to our Chair.

CHAIRMAN LOSQUADRO:

Thank you. Very brief presentation. We appreciate that. And not so brief comments as usual. Next speaker Legislator Bishop.

LEG. BISHOP:

Are the credits to be sold or given?

MR. ISLES:

The report does not propose the selling of credits. So, at this point in time, here again, that's another policy decision. We feel that the credits should be given by the County of Suffolk. We feel that's inconsistent to say well, we want to do affordable housing on one hand; on the other hand pay us for the credit. So, just as the County goes out and buys land for affordable housing and then transfers it over so called for free, for bona fide projects, we think the credits should be made available in this similar type basis. We think it should be done with care, though. And one of the jobs of the •• Jim Morgo's office will be to ensure that there's an equity that the value, so to speak, of the credit is represented in the commensurate value of

affordable housing benefit, which is also why this speaks to ••

LEG. BISHOP:

So, you're making Morgo the arbiter of fairness?

MR. MORGO:

Well, it also speaks of the program •• one of the principals, we feel, is that it should be in perpetuity. That this is not a windfall for someone, that it's not a one•shot hit; that this is a permanent benefit •• public benefit for an asset that the County is giving over. It also avoids the issue of having to value the credits in each transaction, which can be complicated, too.

LEG. BISHOP:

Okay. So, a person sells a property to the County that we want. The credit goes to that person or to your bank?

MR. ISLES:

Goes to the bank.

LEG. BISHOP:

And then your bank gives it away to affordable housing developers for however much •• however many credits they need to make their project come true.

MR. ISLES:

Right. Well, that's essentially it. But also looking at •• affordable housing, we'll be looking at the details of the project, you know, what is being proposed, what is the degree of affordability, how many units, what adequate assurances are there in terms of, you know, meeting the guidelines of the program, the perpetuity requirements. There would have to be something to •
• given to the County in order to get something from the County.

LEG. BISHOP:

Okay.

MR. ISLES:

And let me just add one other point.

LEG. BISHOP:

That's that fairness notion.

MR. ISLES:

The County has already done TDR's. I mentioned Millbrook Gables is one example, but we've done it indirectly. In that case based on current law and policy of the County, what we do is we do a 72H transfer to the municipality. They then go before the Board of Review at the Health Department, sterilize that property from development. And then the receiving parcel gets the additional waste water credits. So, we have been doing it already. So, that's one thing I just want to say. It's not a brand new program. It's just being structured in a more packaged way.

LEG. BISHOP:

How often are Health Department standards more strict than local zoning? Is that a significant

••

MR. ISLES:

Hard to say.

LEG. BISHOP:

•• number of parcels?

MR. MINEI:

I'd defer to your colleague. It depends on the town. Often times in Huntington our regulations for Article Six are stricter. On the east end in Southold, we're less strict, especially in Southampton and East Hampton, the Article Six densities are often times less strict than the town zoning.

LEG. BISHOP:

All right. So, the presumption of this plan is that we're never going to go less than the strictest standard. Okay. If we were to reverse that and say we will go to the lowest standard in order to encourage the most housing creation, is that a policy question that is in our control as Legislators?

MR. MINEI:

We would have some difficulties. Again, some of those towns that have very small lot zoning, the five and 10,000 square feet; because that would contradict the environmental protection regulations of Article Six. In some of the east end towns, if there was a cooperative effort, in fact, Legislator Schneiderman, it was discussed in Southampton to possibly incorporate the Article Six density instead of zoning. That plan in Southampton really hasn't been approved. But that discussion has come up with the overarching rationale you just applied.

LEG. BISHOP:

Article Six is created by whom?

MR. MINEI:

By the Board of Health.

LEG. BISHOP:

And the Board of Health trumps the County Legislature in those matters?

MR. MINEI:

I don't play poker that much, but the idea is that the sanitary code is held separate and distinct from local law established by this body, yes.

MR. ISLES:

That relates to state ••

MR. MINEI:

Yes. It's regulatory authority derived from the State Health Department through the State Sanitary Code.

LEG. BISHOP:

We don't provide the Board of Health that authorization. The State Legislature provides the Board of Health that authorization?

MR. MINEI:

Yes. And state law does as does the State Health Department. Suffolk County in essence is a health district of the state law.

LEG. BISHOP:

If the •• now I guess I'm asking you to speak for the Board of Health, but if the macro goals of the Board of Health are, I assume, you know an aquifer that's viable, clean aquifer, and if TDR's •• there's no net change. Then •• then there's no problem, right? So, if we went to the lowest standard, we would have a net change? Is that the bottom ••

MR. MINEI:

Yes. The way this •• the TDR's standards are now written consistent with the regulatory authority of the Health Department, is to assure that even on the receiving property, you will not exceed the groundwater standards established by the state. When you get down to some of these smaller lots like 5,000 square foot •• when you get beyond four units per acre, 30 to 35 years of groundwater data indicates that you do have the real possibility of exceeding the groundwater standard in that area. So, the answer is yes. And yes, again, that some zoning categories could exceed the groundwater standards if they were placed on septic systems.

LEG. BISHOP:

But if I have a development credit transfer, then, my macro is still the same even though I would exceed the ••

MR. MINEI:

Yeah. And, in fact, in the Comprehensive Water Resources Management Plan, and I believe the funding was approved to continue on in the Health Committee, we're going to look at the no net impact to the overall groundwater reservoir. But right now ••

LEG. BISHOP:

Okay. I would encourage you to do that.

MR. MINEI:

And we are. But the point is TDR is not mitigation to the receiving area. It's mitigation to the overall reservoir in a comprehensive plan.

LEG. BISHOP:

But the thrust of the Board of Health's action are macro; not micro.

MR. MINEI:

That's correct as well. But, again, to the constraint that state law does not allow us to approve a project that we know going in would exceed the discharge or the receiving water standards in that area.

LEG. BISHOP:

But you're the ones who create the standards.

MR. MINEI:

Yes, for the County Health Department. But keep in mind that in the state parlance, in the state realm, every drop of groundwater in Suffolk County has a best intended use for drinking water. So, every project approved by the Health Department ostensibly would meet drinking water standards.

LEG. BISHOP:

But, again, just to close it out. But the macro is neutral, then, there should be a lot of flexibility in the micro to ••

MR. MINEI:

Right.

LEG. BISHOP:

•• promote our policy of creating affordable housing.

MR. MINEI:

Right. And that's one of the reasons why I ••

LEG. BISHOP:

Rather arcane but it's ••

MR. MINEI:

•• serve for the •• I'm sorry. I missed the tail end of that. But again that's why I serve for the Commissioner of Health on the Workforce Housing Commission, the idea of being able to evaluate other, you know, pressing social needs with regard to groundwater protection as well. And that's the overarching rationale going into the comprehensive plan.

LEG. BISHOP:

We want to drink it, too.

CHAIRMAN LOSQUADRO:

Thank you. Legislator Kennedy.

LEG. KENNEDY:

Most of the questions that I had have already been answered, I guess, with dialogue with some others. I was going to ask for a little bit more explanation as far as how the TDR's would actually be able to be utilized. I have some familiarity with Pine Barrens credits, but really this is not like, I guess, what you would look at as far as part of a Pine Barren credit; even if you get an individual who's got a parcel in private hands who wants to go forward and says I'll agree to go ahead and construct some workforce housing, I can get a favorable split. If you were in zone three, though, where you've a got a minimum 40,000 square foot requirement, these credits will not allow that developer to be able to go ahead and get the benefit of the produced yield? Or they will? I'm confused. I don't know whether or not •• I'm not understanding what I'm hearing.

MR. MORGO:

They will.

CHAIRMAN LOSQUADRO:

Make sure the microphone is on.

MR. MORGO:

I said they will. He could get another unit.

LEG. KENNEDY:

He could.

MR. MORGO:

Yes.

LEG. KENNEDY:

Okay.

MR. MORGO:

As long as it meets all the criteria that are listed in what Tom called the fatal flaw. As long as it meets all those criteria.

LEG. KENNEDY:

Notwithstanding the fact that the sanitary code would have a more expansive requirement for permitting than the individual might be able to obtain out of the particular town? Yes or no? Simple lots split. You take a simple lot split.

MR. MORGO:

Right.

LEG. KENNEDY:

You get consent out of the town. You get approval to build. You get approval to develop. You're in zone three. Zone three has got that large •• am I correct? Where you need a minimum of what? Is it 40,000 feet or 20,000?

MR. MINEI:

The Article Six regulation says one lot per 40,000 square feet in zone three.

LEG. KENNEDY:

In zone three.

MR. MINEI:

However, the TDR standards says you can transfer development rights to double that density. So, you can get two dwelling units per acre with public water in zone three under our current regulations. If you wanted to go beyond that, you'd have to make an appeal before our Board of Review.

LEG. KENNEDY:

Notwithstanding participation in this workforce TDR?

MR. MINEI:

That's correct.

MR. ISLES:

So, this only allows a double density maximum except without Board of Review.

LEG. KENNEDY:

Oh.

MR. ISLES:

By the way, based on the Pine Barrens Act, any parcels we buy in the Pine Barrens, we can core. We not take yield off of that. Just FYI.

CHAIRMAN LOSQUADRO:

Thank you. Legislator Vioria•Fisher.

LEG. VILORIA • FISHER:

Just a little bit regarding the process. You have language here that we would have to include in planning steps. Subsequent to the passage of the plan. And I'm wondering about resolutions that are already in the planning stages. You do refer here to resolutions that have passed. The planning steps have passed. And you are now in negotiations for acquisition that they don't need to include this language. But were we to pass this program next month, and there are pending planning steps resolutions, would those have to be amended once this is passed? Or will they be allowed to pass •• I'm referring to page six in the report.

MR. ISLES:

Well, we think it would be good practice to include it in the planning steps resolution. We don't think it would be critical or fatal if it did not include it given the situation you're describing which is how do we apply this to ones that have already started under the SOS Program. And certainly in all cases the authorizing resolution would have to specifically identify that there's an interest in taking credits off; identify the credits.

LEG. VILORIA • FISHER:

It would determine the number of credits available.

MR. ISLES:

Yeah. So, I think that's the critical act that, you know, would require a duly adopted resolution of the County of Suffolk to remove the credits. We just think putting in the planning steps kind of sets the stage. So, we don't think that •• many of the things in planning steps are for the purpose of getting the ball rolling and so forth. And often times it's the precedent for Real Estate to actually spend money on it. Appraisal, they can't do that without a resolution. In the case of doing a yield analysis, we will not normally spend money on that. We'll do it internally. So, we think that for any future planning steps, put it in there to authorize that specifically. For anything in the pipeline, we don't think it's critical that it's not in there, but we would certainly ask that it be in the authorizing resolution. And we think that would help to accommodate this •• hopefully this short transition period we're in.

LEG. VILORIA • FISHER:

Okay. And as to what you just said regarding the Pine Barrens, that is the language of the resolution that the Pine Barrens were excluded.

MR. ISLES:

In the Pine Barrens plan, yes.

LEG. VILORIA • FISHER:

No. In the resolution that provided for the \$75 million bond.

MR. ISLES:

Okay. Yes, you're right. Okay. You're right.

CHAIRMAN LOSQUADRO:

Thank you. Legislator Schneiderman just has one more question.

LEG. SCHNEIDERMAN:

On page 14 under step three, number six, we talked before that you would not allow from town to town transfer. I have three towns within my legislative district. It also mentions that you will only be intra on GMZ Groundwater Management Zone transfers, too. And I'm thinking of GMZ for my district in •• even within towns. In general they follow contours •• what's the word I'm looking for •• where, you know, one would parallel the next. But there are some areas,

let's say, Montauk might have a GMZ that would match GMZ in a different part of the aquifer even though it's the same GMZ. Are you suggesting that you could transfer from that one GMZ to the another? Or when you say the same GMZ, you literally mean that contour within the map?

MR. MINEI:

I think I followed that.

LEG. SCHNEIDERMAN:

I'm sorry. It was a bad •• you know, I'm visualizing the map in my head.

MR. MINEI:

You've arrived at my problem when you're visualizing in your head. Things have crept into your memory. The answer to that is Groundwater Management Zone is a term of art utilized in Article Six. And those boundaries are delineated as shown on that map acceptable to the Commissioner. So, whether you're on a given highway, indeed, the Groundwater Management Zone changes as you move across the geography of Suffolk County. So, Groundwater Management Zone is as depicted on the Article Six map.

LEG. SCHNEIDERMAN:

I guess •• out in my district, we have different aquifers. Mostly the County is in that one big aquifer, the Pine Barrens aquifer. But I have ••

MR. MINEI:

Yes. We refer to them as insular areas.

LEG. SCHNEIDERMAN:

•• we've got the Stony Hill Aquifer, we've got a Montauk aquifer. And within those aquifers, we have GMZ's of different numbers. And I just •• I guess that's my question. If the numbers match, the transfer can happen where there's a •• it has to be within that ••

MR. MINEI:

Yes.

LEG. SCHNEIDERMAN:

•• GMZ.

MR. MINEI:

That was a good way of stating it. If the numbers match as per Article Six, at least the initial stages, that's the important criteria.

LEG. SCHNEIDERMAN:

Okay. Even if it's a different aquifer.

MR. MINEI:

Yes. Yes.

LEG. SCHNEIDERMAN:

And with that, why wouldn't you be allowed to transfer density or sanitary flow credits from an area that's say more protective by GMZ to an area that's less protective? Why does it have to be the same if you're trying to encourage the protection of that area?

MR. MINEI:

I think as the work group was crafting the report before you, we were trying to be conservative going into the initial stages of this program to garner as much support as you started out. That's why there's no inter•town transfers, inter•groundwater management zone transfers. But the technical and administrative issues you're making are well put and should be considered as the program, you know ••

LEG. SCHNEIDERMAN:

Right. Because it would be a groundwater benefit if we could get •• and rather than forcing it into the same higher level of protected status, we could take it and transfer it to an area where it's less sensitive from a groundwater management perspective. It seems to make good sense.

MR. MINEI:

That was the concept ••

LEG. SCHNEIDERMAN:

It would be prohibited ••

MR. MINEI:

Yeah. That was the concept of the Pine Barrens, to go from a core protection area to a compatible growth area. So, yes, what we're waiting on in large part are some town plans. We need to see some comprehensive planning out of the towns with regard to what areas should be protected, what areas will accept higher density. Then, I think, you always •• this body always has the ability to revisit the policies put forth.

LEG. SCHNEIDERMAN:

I think it would make sense to say it could be the same GMZ or GMZ with a •• that would allow a higher density; however you wanted to phrase that.

MR. MORGO:

Legislator Schneiderman, this speaks to your previous question about the jurisdiction that has a more restrictive lower density than the Health Department. If it were willing to have a higher density without jeopardizing any groundwater, then •• if you read this, the number six fatal flaw. It's not really all that restrictive. It allows for some flexibility based on the jurisdiction; based on the town or village.

LEG. SCHNEIDERMAN:

Yeah. I just don't want our own program to have limitations that don't need to be there, you know.

MR. MORGO:

Frankly, that was my feeling.

LEG. SCHNEIDERMAN:

So, really, it's just those two issues I brought up. That one where it shouldn't have to be just the same GMZ. It ought to be a GMZ that allows for more development within it. And also the issue I brought up earlier which would be to not use the •• necessarily the town zoning, but stick with Article Six and allow the town to determine when it should use the credits or not just to give them the highest number of credits per acquisition. If they don't want to use them,

they could sterilize those credits. But it would really be up to the town's discretion.

MR. ISLES:

Yeah. We wouldn't agree with that at this point in terms of the basic premise of the program county-wide, which is no net increase. We think it starts to open up the door to, well, maybe we're going to end up with more development, even though we're buying open space and we're avoiding that development. Obviously we're going to take your point into consideration.

LEG. SCHNEIDERMAN:

It's no net increase under Article Six. I'm saying I'm agreeing with that.

MR. ISLES:

I know. I know but ••

LEG. SCHNEIDERMAN:

So, you're taking •• you're not adding more sanitary credits than the town would already have. But you are allowing them to shift about as long as the town is willing to do that.

MR. ISLES:

Right. Okay. We'll obviously bring that back to the administration.

CHAIRMAN LOSQUADRO:

Thank you. Thank you for the presentation. Obviously it raised a number of questions that Legislators have. I hope some of those were helpful. And we look forward to working with you on this in the future.

MR. ISLES:

Likewise.

MR. MORGO:

Thank you.

CHAIRMAN LOSQUADRO:

So, I would ask the remaining Legislators to please return to the horseshoe. We're going to the agenda for the second time.

As I was in the middle of reading **1954, reorganizing and strengthening the Nassau •Suffolk Regional Planning Board**, I will be making a motion to table yet again. But I have •• I have the copy from Nassau County, which I just gave to Counsel. We are in the process of just hammering out the details to get identical pieces of legislation between Nassau and Suffolk Counties. But they have finally sent over their latest version, which incorporates most of the ideas that we have put forward. So, very shortly. Hopefully next cycle. We have a motion to table by myself, second by Legislator Binder. All those in favor? Opposed? **1954 is tabled. (Vote: 6•0)**

2102, a local law to promote the health of Suffolk County residents by limiting non •essential use of toxic chemical pesticides. Motion to table by Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Yeah, we have to change the name to the current there to, but •• the bill's name has changed. But I will make a motion to table it though •• let's see. The public hearing has not closed. So, SEQRA is now completed on it. So ••

CHAIRMAN LOSQUADRO:

The public hearing did close. But SEQRA's not done.

LEG. SCHNEIDERMAN:

Public hearing closed at the last meeting?

CHAIRMAN LOSQUADRO:

Yes.

LEG. SCHNEIDERMAN:

Okay.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Schneiderman, seconded by myself. All those in favor? Opposed? **2021 is tabled. (Vote: 6•0)**

2286, to appoint a member of Suffolk County Planning Commission John Nickles. I spoke with Mr. Nickles earlier. I'll be making a motion to table this. I thank him for his interest in serving Suffolk County in this way. We're looking forward to just getting a couple of final answers to a couple of questions. And he is nodding his head in agreement back there. So, I look forward to working with you, sir. There's a motion, second by Legislator Binder. Yes, Mr. Zwirn?

MR. ZWIRN:

I know this is Mr. Nickles' second time.

CHAIRMAN LOSQUADRO:

And he will not have to •• I wasn't anticipating him being here today. I did speak with him personally about this. And if •• when we address it at the next cycle, he will not have to be present. I'm looking forward to working with him in the future. And ••

MR. ZWIRN:

I mean, just for the record it's been a month since this was tabled the first time. He's made two trips down here. He testified, answered all the questions before this Commission. We are now in a desperate situation in the Suffolk County Planning Commission. We're virtually out of members. Few members there. Most of them are holdovers. You don't have a quorum anymore. We have had four names that •• where people have come down here on numerous occasions and have not just stuck. We've got Vincent Taldone from Riverhead. You've got John Nickles from Southold. Lisa Greci who is now at•large. We've taken her off from this •• as East Hampton representative as the County Executive's at•large representative. Ed Tuccio was rejected. I mean ••

CHAIRMAN LOSQUADRO:

We're well aware of the history of this, Mr. Zwirn. So, if you wouldn't mind, I would like to call the vote since we have a motion and a second.

MR. ZWIRN:

But we have people coming down here. There are other people here also.

CHAIRMAN LOSQUADRO:

All those in favor? Opposed? Motion is tabled. And I thank you for your commentary on it. I

spoke with Mr. Nickles. We •• he understands. We just need a little more time to get a little clarification on this. And I'll be happy to speak to you about it afterwards. And I think you'll understand. **2286 is tabled. (Vote: 6•0)**

IR 1006, establishing automobile and credit card policy for the Board of Suffolk County Water Authority. Do I have a motion?

LEG. SCHNEIDERMAN:

I make a motion to table.

CHAIRMAN LOSQUADRO:

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

LEG. VILORIA • FISHER:

On the motion. I just have a question for Counsel. Mea, the restrictions or the policies, does the Water Authority itself have policies regarding this?

MS. KNAPP:

I believe that the Water Authority does have policy certainly concerning both the use of automobiles and the use of credit cards. This would go well beyond what their own internal policies are in that it would require that when we interview Water Authority appointments, that they would agree that they would not accept a car or a credit card.

LEG. SCHNEIDERMAN:

Since we're discussing the motion, the Water Authority, how many meetings, does anybody know that? Do members attend? Where are those meetings? If they don't get a car from the County, would they be reimbursed for their mileage? How would that work?

MS. KNAPP:

The cars that do not come from the County, the Water Authority is •• it's a separate entity under state law. So, they're not County cars. And I'm not sure how many meetings they have. My guess is one a month. I don't see anybody here.

LEG. SCHNEIDERMAN:

Okay. So, it's actually Suffolk County Water Authority Policy, then. Okay.

CHAIRMAN LOSQUADRO:

No further questions. All those in favor? Opposed?

LEG. BINDER:

Opposed.

CHAIRMAN LOSQUADRO:

List Legislator Binder as opposed. **Motion is tabled. (Vote: 5•1•0•0. Legislator Binder opposed.)**

1078, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, the Robbins property. Mr. Isles, if you could just refresh our memory on this.

MR. ISLES:

Yes. This is a parcel on Portion Road in, I guess, Ronkonkoma, I believe, if not I'm incorrect on that, Mr. Lindsay. This has been before the Committee twice before. It's been tabled. It's a parcel at the corner of Holbrook Road and Portion Road. It's next to a church at the east. The parcel itself is about five acres. And I think the prior times that this has come up has been a question in terms of what's the intended use of the property or program. It's under SOS •• pardon me •• Multifaceted in a broad sense. It does have a dwelling on the property. I did put a call into Legislator Lindsay last week just to talk about it and get, you know, further information on it. And, so, I think we're just looking for a little more definition in terms of what the concept may be. I recognize it is a planning steps, but, I think, we're looking for more information.

CHAIRMAN LOSQUADRO:

Thank you. Legislator Lindsay, I see ••

LEG. LINDSAY:

That's why I'm here.

CHAIRMAN LOSQUADRO:

I'd like to recognize Legislator Lindsay for, I guess, purposes of clarification on this.

LEG. LINDSAY:

Thank you very much. This parcel is part of that whole Portion Road corridor; just went through what they call a visioning process with all the surrounding communities. Portion Road, as you know, is a county road. There's been plans to expand it for many years. There's been all kinds of uproar about it. And there's actually four Legislators involved. Or is it three, Brian? You, me and Joe.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

There's three of us involved that boarder on that corridor. And they've had this visioning process. And one of the recommendations that came out of visioning was to purchase this property. It's my understanding, and Public Works could clarify it, we have to purchase some of the property for a sump that has to do with the expansion. What the community is suggesting is that we purchase the whole piece of property and turn the building into a community center.

LEG. BISHOP:

Okay. So, the building is a community center. Wouldn't it be a hamlet park?

CHAIRMAN LOSQUADRO:

Legislator Bishop.

LEG. BISHOP:

Wouldn't this be more appropriate under the Hamlet Park Program, then?

LEG. SCHNEIDERMAN:

Who's the question for?

CHAIRMAN LOSQUADRO:

Who's that? Who's the question directed to?

LEG. BISHOP:

Whomever. Counsel.

CHAIRMAN LOSQUADRO:

The Commissioner of Planning.

LEG. BISHOP:

Commissioner of Planning. I don't know.

MS. KNAPP:

It sounds to me, and I wasn't aware that part of it was going to be purchased for a sump, and again we go back to it is planning steps, Multifaceted being the most general of all of our programs. However, if it were recommended that we proceed by having Public Works purchase a part of it for governmental purposes; and then depending upon whether the community wants to enter into an agreement, do you think, where the community organization will take it over? Is that what ••

LEG. BISHOP:

Do they envision that?

LEG. LINDSAY:

I hope so. You know, it's planning steps. I was hoping to move it today. But if there's a lot of questions, you know, I'll go along with the tabling and I'll get the visioning people down here to give us their vision.

CHAIRMAN LOSQUADRO:

If you could, please, we see a lot of planning steps before us. And we try to be somewhat specific as to the intended use for the parcel. So, I would appreciate that. I will make a motion to table, second by Legislator Schneiderman. All those in favor? Opposed?

LEG. VILORIA • FISHER:

Okay. I had a question on the motion, also, for Counsel.

CHAIRMAN LOSQUADRO:

Oh, you did. On the motion.

LEG. VILORIA • FISHER:

Or for the Planning Department. It sounds as if Counsel is suggesting that we're looking at it as two separate, because we're looking at one for a sump, environmental issues. And the other one for a community area which might be, as Legislator Bishop suggested, more appropriate in the hamlet park kind of view. But if there is a structure and there would then be management, maintenance and operation of that, don't we usually partner with a local entity? And might not that •• maybe reaching out to the town might be a good idea here?

MR. ISLES:

Yeah, I think that was a question possibly of Counsel, too, is that •• is there a group that's willing to come in and pay for the upgrade of the building, any remediation of asbestos or lead and things like that? It's typically a pretty big cost burden on the County. So, we do try to share that and partner with a locality on that. So, the town would be best ••

LEG. VILORIA • FISHER:

Okay. So, if I could suggest, Legislator Lindsay, looking at a partnership for that piece of the parcel. So, it'll be split into separate programs.

CHAIRMAN LOSQUADRO:

Thank you. We had a motion and a second. All those in favor? Opposed? **1078 is tabled.**
(Vote: 6•0)

1081, authorizing planning steps for acquisition under the Suffolk County Multifaceted Land Preservation Program. This is the North Fork Preserve property. The farmland component. This was turned down by the Farmland Committee?

MR. ISLES:

Twice.

CHAIRMAN LOSQUADRO:

If I remember correctly? Twice; correct?

MR. ISLES:

Yes.

CHAIRMAN LOSQUADRO:

I'm going to make a motion to continue to table this until we can get some additional information on it from the Farmland Committee.

LEG. VILORIA • FISHER:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator Vilorina•Fisher. All those in favor? Opposed? **1081 is tabled. (Vote: 6 •0)**

1109, adopting a local law, Charter Law, adopting the extension of smart government plan for environmental protection. This is for the quarter percent drinking water money. I have not had a chance to speak with the sponsor ••

LEG. VILORIA • FISHER:

Motion to table.

CHAIRMAN LOSQUADRO:

•• regarding this. I was just going to say I think this •• there are a number of questions that have to be answered here, not the least of which is how this money is going to •• if it were to be extended, how it would be broken up. So, motion by Legislator Vilorina•Fisher, seconded by myself to table. All those in favor? Opposed? **1109 is tabled. (Vote: 6•0)**

1186, authorizing acquisition under Suffolk County Multifaceted Land Preservation Program. This is the Elwood Greenlawn Woods property in the Town of Huntington.

LEG. BINDER:

Motion to table.

CHAIRMAN LOSQUADRO:

This is for the acquisition?

LEG. BINDER:

Right; acquisition.

CHAIRMAN LOSQUADRO:

Yes.

LEG. BINDER:

Motion to table. I'll explain.

CHAIRMAN LOSQUADRO:

Yes.

LEG. BINDER:

Let me explain.

CHAIRMAN LOSQUADRO:

Please, Legislator Binder.

LEG. BINDER:

On the motion.

CHAIRMAN LOSQUADRO:

Don't mean to look so perplexed.

LEG. BINDER:

That's okay. We did the planning steps. I'm waiting for, I guess, the County Exec's people and the planning people to get together and really close the deal. And, of course, I thought it better to put this in before anyone else, like the County Executive who put it in. So, I actually put it in. But I want it very clear that the amount of money that's put there is only a placeholder. It

reflects in no way on any real negotiations or basically any real world number other than it was printed in Newsday. So, you know it can't be a real world number. She's not looking. She's smiling. _Emio_.

But I used the number just as a placeholder because the form at which they're written does require that we put something in there. I fully expect when the numbers come out from the County Exec's negotiations and they finalize the question that I'll be able to get an actual and accurate number. But, of course, as I said, I wanted to placeholder a resolution, which I'll table until the actual work is done.

CHAIRMAN LOSQUADRO:

Very well. And Mr. Isles, being as I am a member of the Environmental Trust Review Board, as a matter of future policy, resolutions such as these by Legislators, would they impact our negotiation process at all?

MR. ISLES:

It certainly could, yes. We have to be careful on that. I know Mr. Zwirn might have a comment on that, too.

CHAIRMAN LOSQUADRO:

So, I would urge caution on the part of Legislators. I know this was an extraordinary circumstance being that it was put up for public consumption already in the media outlet. But as a matter of practice, I would ask that we not file these types of resolutions.

LEG. BINDER:

What had happened, Huntington passed a resolution supporting it; put a specific number in and put it in Newsday. So, this became a very •• it was already public with that particular number. I don't even know where they got the number and why they felt it necessary after •• the truth is it came to us years ago in 2001 or two we had this. I had it before the Legislature and it failed because the town pulled the rug out. They said they were going to be for it. And then the town said they're not for it. And it died. Now, they were for it again. So, I put it in again. This time they're for it. But we lost years. We've lost about 200 feet of trees that were cleared. The price is probably doubled what it would have been years ago unfortunately •• or whatever it would have been. It will be somewhere in the double range just because of appreciation in this area. And I think it's all unfortunate. And I don't know why the town found

it necessary to make this public. But because they did, I put this in just with the number that they mention. But •• and I want it for the record. And it should reflect in their negotiations. That number is only a reflection of Newday's number and nothing real that I know because I have no information.

CHAIRMAN LOSQUADRO:

Thank you. And just once •• was there a motion? Did I make the second on that motion? We had a motion by Legislator Binder to table. I will second that motion. On the motion. Well, we had a comment •• I believe Mr. Zwirn wanted to make a comment.

MR. ZWIRN:

Thank you, Mr. Chair. And we appreciate Legislator Binder's comments. And we believe that this was ••

CHAIRMAN LOSQUADRO:

•• a unique circumstance.

MR. ZWIRN:

•• a unique circumstance.

CHAIRMAN LOSQUADRO:

Yes.

MR. ZWIRN:

But there are two other circumstances on the calendar. You raised a very important point about handicapping the County Executive's Office from negotiating and the Department of Real Estate and Planning to negotiate these deals.

There are two more resolutions down here. And I know that there was some talk at the last general meeting about confidentiality of memos and things of that sort. And the Environmental Trust Review Board, which reviews •• which two of you members sit, the Chairman and also Legislator Schneiderman who sits on that committee, are privy to the numbers that are used for appraisal. Those numbers are to be kept confidential pursuant to the statute that this Legislature passed last year. They appear in •• we have an explanation. We perfectly

understand with respect to Legislator Binder; but there are two others where the contracts are in negotiation and yet the purchase price is listed in the resolutions.

Now, Legislator Binder and I spoke before this meeting. And we understand how we got those numbers. But we are very curious and have to find out, if possible, how Legislator Caracciolo's numbers appear in these acquisition resolutions. It's just •• I know he sits on this board. But the information on that board is to be kept confidential until the negotiations are complete and a contract is done. It will absolutely reek havoc with the County's ability to negotiate for these open space acquisitions as you pointed out and everybody else can well understand.

CHAIRMAN LOSQUADRO:

Absolutely, Mr. Zwirn. We will be addressing that. Thank you. We had a motion and a second. All those in favor? Opposed? **1186 is tabled. (Vote: 6•0)**

1187, authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program. This is the Gould's Pond property in the Village of Lake Grove.

LEG. KENNEDY:

Yes, Mr. Chairman. This is a property that's actually a •• approximately six acres of a pond. It was •• I was approached by the Village of Lake Grove by the Mayor, Mayor Milton. It has been the subject, I guess, of a variety of interests over the course of the years. As a matter of fact, going back to the late nineties or around 2000, there might have been a previous inquiry at one point for the County to take a look at it. It is a fairly unique parcel, though. And it looks like it might be one that would be •• fit well with our parameters under the Groundwater Drinking Protection Program.

CHAIRMAN LOSQUADRO:

Thank you. Mr. Isles, do we have any information on this?

MR. ISLES:

We do. The •• this was the subject of a resolution in 1999, resolution 1361. Apparently there's been on again, off again interest by the property owner. And actually more recently the

Division of Real Estate has been pursuing an appraisal of this property in negotiations. And in fact it did go before the Environmental Trust Board, I think, about two meetings ago. So, it is quite active at this time. So, we concur with Legislator Kennedy in terms of the importance based on the prior legislative resolution. We don't think a planning steps reso at this time is necessary. But it is something we have supported in the past. And we're at the process now of •• in negotiations. So, this one apparently got started in 1999. It laid dormant for a couple years due to lack of interest in the owner and is now more active. So, it is under consideration as we speak.

CHAIRMAN LOSQUADRO:

And the current planning steps and the current negotiations for the •• are for the same parcel?

MR. ISLES:

Yes.

CHAIRMAN LOSQUADRO:

The exact same parcel?

MR. ISLES:

Yes.

CHAIRMAN LOSQUADRO:

Could we table this?

LEG. KENNEDY:

Let me ••

CHAIRMAN LOSQUADRO:

It would be •• it would be duplicative, I guess. It's redundant.

LEG. KENNEDY:

What I'm not understanding, then, is, in other words you're continuing to conduct these negotiations? And there is a contemporaneous appraisal that's being sought based on the prior work?

MR. ISLES:

Yes. Based on the prior resolution of the Legislature on this parcel going back a few years at this point, there have been different attempts of the owner to see if they were interested. Now there is interest over the past several months, I guess.

LEG. KENNEDY:

Well, there's a new owner. As a matter of fact ••

MR. ISLES:

Okay. Maybe that's why. And based upon that, Real Estate has ordered appraisals. They've reviewed those appraisals and so forth. And if you want to add anything, Pat, to that but ••

MS. ZIELINSKI:

It's been approved by ETRB. It's been approved by the Environmental Trust Review Board. And we have active negotiation at this time with the owner; hopefully to be concluded shortly.

LEG. KENNEDY:

All right. Based on the fact that, I guess, there's active input, I'll make a motion to table it for one more cycle so we can see where things go.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Kennedy, second by Legislator Schneiderman. All those in favor? Opposed? **1187 is tabled. (Vote: 6•0)**

1188 was taken out of order and approved.

1194, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, property located on South Snedecor Avenue in Bayport. And I see we have the sponsor with us again. And I ask to first get a brief update from Planning on this. And then we'll take any questions we have on it.

MR. ISLES:

Okay. As you'll see in the aerial photograph, the County does own several parcels; three parcels to the south. We had picked those up through tax default back in the early eighties.

They were transferred to the Parks Department jurisdiction in the late nineties. The parcel itself is a parcel of less than an acre; about point six of an acre, but it is directly adjoining the County holdings. It is part of a small stream corridor that was formerly connected to tidal wetlands and is now principally freshwater wetlands and brackish water. So, it is a location that, we think, given the proximity to an existing County holding, given the presence of freshwater wetlands in the back portion of the property, that it would be worthy of consideration of a planning steps resolution.

We did a rating. And the rating came in at 28 points; just typically deemed to be adequate. That is advisory of course to you. In terms of the price of the property, that may be a whole other matter. But that's •• but that's later on when you see that.

CHAIRMAN LOSQUADRO:

Is this •• would this be considered a buildable lot?

MR. ISLES:

I believe it would. There was testimony earlier about a Board of Appeals application. I think that's still up in the air. But if you look at the nature and character of surrounding lots, certainly it would seem to be a case that could be considered. But without a definitive decision of the Board of Appeals, it's hard to say at this point.

CHAIRMAN LOSQUADRO:

Thank you. Legislator Lindsay, if you want to make a comment.

LEG. LINDSAY:

Just that there's an active attempt currently to build on this property. They're looking for a variance on it; whether they'll grant it or not, I really don't know. But there is an active presence to try to build there.

LEG. VILORIA • FISHER:

Motion to approve.

CHAIRMAN LOSQUADRO:

Motion to approve by Legislator Vilorina•Fisher, seconded by Legislator Bishop. All those in

favor? Opposed? **1194 is approved. (Vote: 6•0)**

1195, authorizing planning steps Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund. This is the Richter's Orchard property. Do we have anything from Planning on this or no?

MR. ISLES:

Yes. This is a farmland acquisition. We don't have an aerial on that today, I'm sorry to say. We normally don't do them for farmland, but in this case it is 21 acres of farmland. It's got a small fringe of woods along the south side of the property. As far as the parcel itself, it would appear to conform to the County's farmland program. To my knowledge, it has not been reviewed by the County Farmland Committee yet, although they are meeting in April and we could bring it to them. Typically the Committee looks to have the Farmland Committee's review before planning steps. But obviously that wouldn't be necessary at the very least before final authorization, if that's the way you want to go.

LEG. BINDER:

Motion to approve.

LEG. VILORIA • FISHER:

Mr. Chair?

CHAIRMAN LOSQUADRO:

Yes. Hold on. We have a motion by Legislator Binder, seconded by Legislator Kennedy. On the motion, Legislator Vilorina•Fisher.

LEG. VILORIA • FISHER:

I was going to ask to make a motion to table for two reasons. Number one, I would prefer to wait for the Farmland Committee's recommendation. Number two, farmland preservation, we do farmland development, we do like to partner with the town. Is there any indication on the part of Huntington Town that they would be interested in partnering with us?

MR. ISLES:

I do not know at this point.

LEG. VILORIA • FISHER:

Okay. Those might be two important issues to consider before we pass this.

CHAIRMAN LOSQUADRO:

We have a motion to table by Legislator Vilorina•Fisher. Do we have a second to that motion?

LEG. BISHOP:

Sure.

CHAIRMAN LOSQUADRO:

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

LEG. BINDER:

I just want to be listed as a co•sponsor.

CHAIRMAN LOSQUADRO:

Motion is tabled.

LEG. BINDER:

I'm against tabling.

CHAIRMAN LOSQUADRO:

We had a motion and a second to table. So we have an opposition to table by Legislator Binder. Any others opposed to tabling? Motion is tabled. Get it before the Farmland Committee and we will address it very shortly. We would like to try to keep consistency.

(1195 Tabled. (Vote: 5•1•0•0)

1226 (making a SEQRA determination in connection with the proposed planning and construction of alterations to Labor Department Buildings,CP# 1608, North County Complex, Hauppauge, Town of Smithtown.) We have a number of SEQRA determinations ahead of us. Is there anything that we may think we need an explanation on, if you would make yourself available, Jim, just in case there are any questions. Hopefully, we'll go through these rather quickly. Yes.

MR. BAGG:

As the Committee may recall, these were reviewed by the Committee and approved in your January and February meetings.

CHAIRMAN LOSQUADRO:

Just in case anyone did bring something up, I didn't want to slow the process up any more than as necessary.

MR. BAGG:

Okay.

LEG. VILORIA • FISHER:

Motion to approve.

CHAIRMAN LOSQUADRO:

IR 1226, we have motion to approve by Legislator Viloría•Fisher, seconded by myself. All those in favor? Opposed? **1226 is approved. (Vote: 6•0)**

1227, (making a SEQRA determination in connection with the proposed planning and construction phases for the expansion of the Sheriff's Enforcement Division at the Criminal Courts Building, CP#13, Riverhead, Town of Southampton.) Same motion, same second, same vote. **(Approved. Vote: 6•0)**

1228, (making a SEQRA determination in connection with the proposed planning and installation of fire, security and emergency systems at various County facilities) Same motion, same second, same vote. **(Approved. Vote: 6•0)**

1229, (making a SEQRA determination in connection with the proposed replacement of major building operations equipment at various County facilities, CP#1737, Suffolk County) Same motion, same second, same vote. **(Approved. Vote: 6•0).**

1230, (making a SEQRA determination in connection with the proposed investigation and removal of toxic and hazardous building materials and components at various County facilities) Same motion, same second, same vote. **(Approved. Vote: 6•0)**

1231, (making a SEQRA determination in connection with the proposed planning phase for the improvements to the Normandy Manor, CP#7430, Centerport, Town of Huntington) Same motion, same second, same vote. **(Approved. Vote: 6•0)**

1232, (making a SEQRA determination in connection with the proposed planning and construction of the Riverhead County Center Power Plant Upgrade, CP#1715, Town of Southampton) Same motion, same second, same vote. **(Approved. Vote: 6•0)**

1233, (making a SEQRA determination in connection with the proposed planning of modification for compliance with the American Disabilities Act, Suffolk County) Same motion, same second, same vote. **(Approved. Vote: 6•0)**

1234, (making a SEQRA determination in connection with the proposed planning and construction for weather proofing County buildings, CP#1762, Suffolk County) Same motion, same second, same vote. **(Approved. Vote: 6•0)**

1235, (making a SEQRA determination in connection with the proposed planning for improvement to the Water Supply System, CP#1724, Suffolk County) Same Motion, same second, same vote. **(Approved. Vote: 6•0)**

1236, (making a SEQRA determination in connection with the proposed planning and installation of uninterruptible power supply replacement, CP#1775, Suffolk County) Same motion, same second, same vote. **(Approved. Vote: 6•0)**

1237, (making a SEQRA determination in connection with the proposed planning and construction of Police Headquarters Operations Center renovations, CP#3231, Town of Brookhaven) Same motion, same second, same vote. **(Approved. Vote: 6•0)**

1238, (making a SEQRA determination in connection with the proposed planning phase of the Firearms Training Section Drainage Project, CP#3161, Town of Brookhaven) Same motion, same second, same vote. **(Approved. Vote: 6•0)**

1239, (making a SEQRA determination in connection with the proposed planning and construction at Sewer District #14, C#8118 and #8151, Parkland, Town of Islip)

Same motion, same second, same vote. **(Approved. 6•0)**

1240, (making a SEQRA determination in connection with the proposed planning for improvements to sewer district #3, CP#8132, Southwest, Towns of Islip and Babylon) Same motion, same second, same vote. **(Approved. 6•0)**

1241, (making a SEQRA determination in connection with the proposed planning and construction for improvements to Sewer District #7, CP#8119, Medford, Town of Brookhaven) Same motion, same second, same vote. **(Approved. 6•0)**

1242, (making a SEQRA determination in connection with the proposed stormwater remediation to Carll's River at Phelp's Lane, CP#8710, Town of Babylon) Same motion, same second, same vote. **(Approved. 6•0)**

1243, (making a SEQRA determination in connection with the proposed Police Department additional data storage, CP#3236, Suffolk County) Same motion, same second, same vote. **(Approved. 6•0)**

1244, (making a SEQRA determination in connection with the proposed Police Department Laser Measuring Equipment, CP#3505, Suffolk County) Same motion, same second, same vote. **(Approved. 6•0)**

1245, (making a SEQRA determination in connection with the proposed Suffolk County Sewer District Laboratory, CP#8166, Suffolk County) Same motion, same second, same vote. **(Approved. 6•0)**

1246, (making a SEQRA determination in connection with the proposed improvements to Sewer District #10, Stony Brook, CP#8175, Town of Brookhaven) Same motion, same second, same vote. **(Approved. 6•0)**

Thank you for that enlightening testimony, Mr. Bagg. Your presence is appreciated.

1284, approving acquisition under Suffolk County Multifaceted Land Preservation Program. This is the Third Creek Woods property.

MR. ZWIRN:

The negotiations are not ••

CHAIRMAN LOSQUADRO:

This is one of the two ••

MR. ZWIRN:

Right.

CHAIRMAN LOSQUADRO:

•• resolutions to which you referred?

MR. ZWIRN:

Right. And the purchase price is listed. And we don't know where that number came from. There's no contract. So, to approve authorizing the sale, we don't have a contract signed. And it's disturbing because there is •• and as you gentlemen are well aware and ladies are well aware that when you serve on that committee that was set up, that these numbers had to be kept confidential.

CHAIRMAN LOSQUADRO:

Strictly confidential. Just one moment. I just, like, have to ask Counsel a question.

I'll make a motion to table this resolution, seconded by Legislator Schneiderman. All those in favor? Opposed? **1284 is tabled. (Vote: 6•0)**

1286, authorizing planning steps for acquisition? Is that a mis•print? Or is that just the way it's written? **Planning steps for acquisition under Suffolk County SOS, Farmland Preservation, Hamlet Parks. This is for the Molteno property, Town of Huntington.**

LEG. BINDER:

Did this go before the Farmland Review Committee?

MR. ISLES:

It has not. I'm not sure what the intended use is. It's next to Froehlich Farm, which is no longer a farm. It's county owned open space. I read an article in the paper that said it was

contemplated for active recreation. So, it's under SOS, which has the ability for farmland, open space or active recreation, hamlet parks. I'm not clear as to what the sponsor's intent is. If it is farmland, it should go to the Farmland Committee. If it's active recreation •• it would just help us to know what it is so we can evaluate it.

CHAIRMAN LOSQUADRO:

Counsel, did you have a ••

MS. KNAPP:

On Legislator Cooper's resolution, it does say whereas the Town of Huntington has indicated a willingness to enter into an agreement to approve the property for athletic fields. And in the first resolve, at the end of it, it says it's for active parkland purposes. So, it's clear to me that it's for hamlet park. And if you look at the second whereas, the revenues are coming out of the hamlet greens, hamlet park or pocket park section.

MS. FISCHER:

Yes. On the first resolve, the last part, for inclusion in the Suffolk County Save Open Space Farmland and hamlet Parks Fund for active parkland purposes. Do you want it under hamlet greens? Is that the intention? Because I'm a little confused. You have it in the second whereas clause as hamlet greens, hamlet parks.

CHAIRMAN LOSQUADRO:

You have to direct that to the sponsor.

MS. FISCHER:

Okay.

CHAIRMAN LOSQUADRO:

Whatever his intention is. We have a motion to table by Legislator Viloría•Fisher, second by Legislator Bishop. All those in favor? Opposed? **1286 is tabled. (Vote: 6•0)** I suggest that the sponsor contact Planning and get some of these questions answered. The burden is not on the Planning Department here; it's on the sponsor.

LEG. VILORIA•FISHER:

I just have a question.

CHAIRMAN LOSQUADRO:

Yes. Legislator Viloría•Fisher.

LEG. VILORIA • FISHER:

Because this was not the intent of the hamlet parks, this type of parcel. Hamlet parks, we were looking more for downtown and not really active parkland, you know. Large ten •• I don't know. It seems large. Do we have any more Greenways active parkland monies left?

MR. ISLES:

(Shook head no)

LEG. VILORIA • FISHER:

No. Okay. So, then that would be the only place that this could go.

MR. ISLES:

Well, this and Multifaceted, I guess, yes.

LEG. BISHOP:

Well, it's Multifaceted.

LEG. VILORIA • FISHER:

Multifaceted, yes.

LEG. BISHOP:

If you have an active park, you can go ••

LEG. VILORIA • FISHER:

It just seems to me with the amount of money that we set aside for hamlet parks under the \$75 million bond, buying ten acres in West Hills could be a little pricey and would really put a big impact on that program, wouldn't it?

CHAIRMAN LOSQUADRO:

One at a time here.

LEG. VILORIA • FISHER:

I know we don't want to put numbers on any of the resolutions, but generally speaking it's not a huge program.

MR. ISLES:

I think you're bringing up an important issue in terms of what is intended with hamlet parks, you know, when you created it. When the Legislature and the County Executive created it, what did you mean by it? So, I think that's an answer we need to get at some point ••

LEG. VILORIA • FISHER:

Okay.

MR. ISLES:

•• for everybody to operate under this.

LEG. VILORIA • FISHER:

All right.

CHAIRMAN LOSQUADRO:

Thank you. We already tabled this, but I believe Counsel just has one thing she wants to add before we move on.

MS. KNAPP:

And to the extent that there's a policy discussion here, the one other factor, I think, that the Legislature needs to consider is that the SOS program has got a short time limit on it while something like the Multifaceted has no time limit. So, it •• again, it takes a while.

LEG. VILORIA • FISHER:

Spend the money faster.

MS. KNAPP:

Again, it's entirely a policy determination of each individual Legislator and the body as a whole.

LEG. VILORIA • FISHER:

Thank you.

CHAIRMAN LOSQUADRO:

Thank you. So, **1286 is tabled. (Vote: 6•0)**

1294, amending 2005 Capital Budget and Program and appropriating funds in connection with improvements to active parkland and recreation areas. Can we get an explanation.

LEG. BISHOP:

Yes. I sent it to all my colleagues in an e•mail. I was hoping that you would have read it. It's understandable. I don't see all my e•mails, also.

LEG. VILORIA • FISHER:

Can I ask to be a co•sponsor?

CHAIRMAN LOSQUADRO:

What?

LEG. VILORIA • FISHER:

I was asking if I could be a co•sponsor.

LEG. BISHOP:

The resolution restores a program that we had for the last five years, which was a matching grant fund for Greenways active park/recreation development. Under the Greenways Program, the County buys; and then the partner has the obligation of taking the parcel from its state that it's purchased in.

CHAIRMAN LOSQUADRO:

I think we're all familiar with the program. If you recall, I was a co•sponsor with you to increase it from 100 to 250,000.

LEG. BISHOP:

Right. Exactly. You were.

CHAIRMAN LOSQUADRO:

My question is •• my real question of explanation was, why take this money from the jail utilization study new replacement facility?

LEG. BISHOP:

Because that's what BRO ••

CHAIRMAN LOSQUADRO:

That was BRO's ••

LEG. BISHOP:

That's not my choice. That was their choice.

CHAIRMAN LOSQUADRO:

Budget Review, if you could comment on that?

MR. DUFFY:

I would have to check on that. I was not involved with that.

LEG. VILORIA • FISHER:

What to do about nothing.

MR. DUFFY:

I'll check on it right now. I'll be back.

LEG. BISHOP:

Please. But it was their choice. It wasn't coming from me. I know it looks like •• anything with jail ••

CHAIRMAN LOSQUADRO:

That's a remarkable coincidence, Legislator Bishop.

LEG. BISHOP:

Right. It is just that. It is a coincidence. But if you want, why don't you •• if you're uncomfortable with it, discharge it without recommendation to confirm that it is a BRO recommendation.

CHAIRMAN LOSQUADRO:

I would like to skip over it for the moment until we can get an answer from BRO.

1297, authorization planning steps for acquisition of land under the New Suffolk County Drinking Water Protection Program. This is for the Great Ponds Wetlands property in the Town of Southold.

LEG. VILORIA • FISHER:

Where's Jay? How do they get permission to build on wetlands out there on the east? I'll wait until I'm recognized.

CHAIRMAN LOSQUADRO:

And I just want to put on for the record, Legislator Schneiderman, that someone did just relate to me that this looks like a really great pond.

LEG. SCHNEIDERMAN:

It's not my district, actually. It's Mike's.

LEG. VILORIA • FISHER:

No, it's not your district. I was just being a wise guy.

CHAIRMAN LOSQUADRO:

Mr. Isles.

LEG. SCHNEIDERMAN:

Yes. We have a great pond out in my district, too. Several of them.

MR. ISLES:

There is a parcel located in the Town of Southold. There was prior public testimony on this. This is that same parcel. It is adjacent to Peconic Dunes County Park. It is an area of about

ten acres that extends easterly in the same back dune system. We did do a rating on this in terms of the County's rating forms at this point for open space purpose. And it did come in pretty high at about 78 points.

CHAIRMAN LOSQUADRO:

That is a remarkable number, yes.

MR. ISLES:

Yeah, that is pretty remarkable. There are a couple of issues with the resolution itself. It indicates that it's within a special groundwater protection area, which it is not. It would qualify under the New Drinking Water Program as freshwater and tidal wetlands. That's okay if they were to change that. There are some errors in the tax map numbers, too, that we could pass along to the sponsor as well.

CHAIRMAN LOSQUADRO:

A motion to discharge without recommendation by Legislator Binder, second by Legislator Schneiderman. All those in favor? Opposed? Motion is discharged.

LEG. VILORIA • FISHER:

I would just like to ask a question, Mr. Chair. I'm sorry.

CHAIRMAN LOSQUADRO:

Yes, Legislator Vilorina • Fisher.

LEG. VILORIA • FISHER:

I know it's getting late. But the members of public who spoke, might I say in a very articulate manner earlier, did mention that this was a wetlands. And yet there were •• they were going through a permitting process, that there was a •• that it seemed like the town was going to be giving approval for development. Can you speak to that issue? Why would there be a wetlands where development would be permissible?

MR. ISLES:

It is still private property. And wetlands, like for example, in New York, DEC wetland regulations, Article 24 and Article 25 regulate the use of property that's affected by wetlands.

It doesn't automatically prohibit use. And, in fact, that's a potential constitutional takings issue. And then •• so what basically, it then requires an application on the respective section. DEC will then review it. The town may review it for their own wetlands laws. They often seek to minimize or actually avoid impact on wetlands. The next step is to minimize impact. And the last step is to mitigate impact. So, the fact that we've gone through this quite a bit on this Committee where it's wetlands, why do we need to buy it, that is a level of regulatory protection. It is not complete protection. So, the mere fact that it's wetlands doesn't mean it can never be developed. There can be applications filed. And based on the specific case, DEC, the locality and so forth determine the type of development that could be allowed.

CHAIRMAN LOSQUADRO:

I was going to just add this issue has come before us on the Environmental Trust Review Board on a number of occasions. And the level of protection that the public ownership of these types of properties affords us not only for management restoration and usage, certainly holds a public benefit even if it is deemed to be completely unbuildable, which we've heard is not always the case. So, when it does get to that point where the appraisal is done, all of those factors are taken into account as to whether or not the site would be buildable, what type of processes it would have to go through to get to the point where it would be buildable. So, they do more than their due diligence on these type of proposals.

LEG. BISHOP:

I have a question.

CHAIRMAN LOSQUADRO:

Legislator Bishop.

LEG. BISHOP:

Thank you. How is it appraised? Highest and best use, does that anticipate that it will be eligible to be developed upon?

MS. ZIELINSKI:

This particular group is a series of lots. And each lot individually would have to be looked at carefully to decide if highest and best use and whether or not it's regulated out of a development.

LEG. BISHOP:

Okay. There seems to be an area where if you're in a wetland, there is at least a •• on the books a possibility that you'll be allowed to develop. But it's highly unlikely in actuality. Is that accurate?

MS. ZIELINSKI:

It's really difficult to generalize. First, there's different kinds of wetlands that have different regulations. If it's tidal wetlands, it has a more restrictive regulation than if it's freshwater wetland. It has different setbacks.

LEG. BISHOP:

Right.

MS. ZIELINSKI:

It has different areas that make it ••

LEG. BISHOP:

Well, let me tell you where I'm going here; then you can tell me if that's some place I want to go.

MS. ZIELINSKI:

Okay.

LEG. BISHOP:

Is it better for the County to wait for the DEC to consider the particular applications and rule on them and then make an offer or to make an offer prior to that? My theory is that DEC is never going to let them develop these lots. It seems highly unlikely to me intuitively, but I can be wrong.

MS. ZIELINSKI:

I don't know that •• what DEC will do on it. The public comment did mention the fact that two of these lots were permitted. And the phrase were permitted sounded as if that had already been accomplished. It may have only been partially accomplished. It may have been permitted by the town. DEC may or may not have ruled on it. But all those things would be

taken into consideration and documented in an appraisal.

LEG. BISHOP:

And we don't have a rule of thumb on these. Not these particular, but in general when there's wetland ••

MS. ZIELINSKI:

In general, we can't. But we can pre•determine in many cases due to the regulation whether or not a property that has not been under application for development would, in fact, be or not be allowed to develop by applying the regulation to the property.

LEG. BISHOP:

Right. I understand. Thank you.

LEG. VILORIA • FISHER:

We just want to know if we can get a bargain because they can't build on it.

MR. ISLES:

I think it becomes a little trickier on the smaller lots. A large parcel of a hundred acres, you can pull back away from the wetlands and build in the upland. On a smaller parcel, single and separate ownership and so forth, it's a lot more likely they'll have some sort of right of development. Maybe heavily restricted. They'll have much more likely, I think, a right of development.

CHAIRMAN LOSQUADRO:

Thank you. The vote was already called. Right, Madam Clerk?

MS. SULLIVAN:

Yes.

CHAIRMAN LOSQUADRO:

Okay. Motion was discharged without recommendation. We will get the appropriate changes

made. Before we move on to the next resolution, I have the unfortunate job of delivering a bit of bad news for those of you who knew her. Betty Taibbi, former clerk of the Legislature, has passed away today. The arrangements can be found •• we'll have them up front and they'll be distributed for anyone who is interested. But I just wanted to pass that bit of information along. It was just handed to me.

On with the agenda. **1298, authorizing planning steps under SOS Farmland Preservation Hamlet Parks. This is the Coffey property in the Town of Smithtown.**

LEG. KENNEDY:

I'll make a motion, Mr. Chairman.

LEG. BINDER:

Second.

CHAIRMAN LOSQUADRO:

We already have a motion. Motion by Legislator Kennedy, second by Legislator Binder. Mr. Isles, nice chunk of property there in Smithtown.

MR. ISLES:

Well, it's a nice chunk of property. And it's surrounded by development. It's interesting in that perspective. I haven't had a chance to speak to the sponsor on this one. We had done a rating based on Open Space. And it came out on the low side based on the criteria of not having wetlands and things like that. If there's some more information to have, Mr. Kennedy, certainly we'd be happy to entertain that. But that's where it came at this point. And we have a piece this large in western Suffolk, here again, is not •• is a factor but ••

LEG. KENNEDY:

Well, that's one of the first things, I think, that I would point out in just basically articulating the unique aspect of this. And certainly as it goes to the hamlet protection, the hamlet park protection aspect of it. It is probably •• actually I can say with fact it is the largest contiguous undeveloped portion of property not in public hands in the hamlet of Nesconset. And probably one of the largest throughout the township of Smithtown. Heavily wooded. Would make an excellent candidate for passive park. Certainly not an active park, but heavily wooded. Lots of wildlife and activity on it. Bird sanctuary perhaps or something along those lines. In that

respect, maybe there's something that we can talk about as far as taking a look at the glowing rating.

MR. ISLES:

If there's more information that you have or the town has in terms of any species or something like that, we need to know.

LEG. VILORIA • FISHER:

Yeah, we'll go look for some tiger salamanders.

LEG. KENNEDY:

I withdraw my motion to approve and I'll make a motion to table to go ahead and engage in some further dialogue with Planning.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Kennedy. I'll second that motion for the time being. It looks like a promising parcel being that it is in western Suffolk. Now, Mr. Isles, while we're still on this, there does appear to be a feature towards Townline Road. Is that a ••

MR. ISLES:

Yeah. It looks like an old house or something like that; yeah.

CHAIRMAN LOSQUADRO:

Oh, it is ••

MR. ISLES:

Is it occupied? Or you're not sure?

CHAIRMAN LOSQUADRO:

Use the mike, please.

LEG. KENNEDY:

Elderly individual who is residing on the property. There have been a number of attempts, I

think, to go ahead and acquire this for development. One of the fears, I think, is that because as I had indicated there are so few parcels, as you well know, I mean for all intent and purposes, Town of Smithtown is 97% built out. But for •• and that's part of the conversation, I guess, I'm going to have with you. As a matter of fact, as we look at the valuation criteria, perhaps maybe I'm •• this parcel would be better suited under one of the other programs. But clearly, I think, passive park, it would be an excellent candidate for, and just by virtue of the fact that there is such scarcity, it is inevitable that it's going to go and it will wind up being built out with McMansions.

MR. ISLES:

Different programs have different rating forms. So that's ••

CHAIRMAN LOSQUADRO:

Thank you. So, we had a motion and a second to table. All those in favor? Opposed? **1298 is tabled. (Vote: 6•0)**

Before we proceed, did we have an answer from Budget Review as to 1294?

MR. DUFFY:

Jim is going to come in and describe it himself.

CHAIRMAN LOSQUADRO:

Okay. We'll hold off on that. **1299, authorizing planning steps for acquisition under Suffolk County SOS for the Harbor Cove Restaurant property.**

LEG. BISHOP:

Motion to approve.

LEG. BINDER:

Has this gone to formal presentation?

LEG. FOLEY:

Hamlet parks.

MR. ISLES:

No. It's not a farmland, no.

LEG. BINDER:

It says •• is this farmland? What is this for?

MS. ZIELINSKI:

No. That's the whole title.

MR. ISLES:

It's confusing.

LEG. BINDER:

So what is this?

LEG. FOLEY:

It's hamlet parks. Hamlet parks. It's for a hamlet park.

LEG. BINDER:

This is for a hamlet park.

LEG. FOLEY:

Right. It's not for farmland. You arrived late.

MS. ZIELINSKI:

Actually, it says open space.

CHAIRMAN LOSQUADRO:

One moment, please. We had a motion by Legislator Bishop, second by Legislator Vilorio
•Fisher.

LEG. FOLEY:

On the motion.

CHAIRMAN LOSQUADRO:

On the motion I recognize Legislator Foley.

LEG. FOLEY:

That you, Mr. Chairman. I think Legislator Binder may have arrived late. This is more of a hamlet parks initiative. We had a number of residents who spoke. There's over 400 signatures on petitions to acquire this property for a hamlet park. It's the gateway to an historic county road. And the town, the local councilman, council person, Councilman Mazzei is supporting this initiative. So, there'll be a town and county partnership to create a hamlet park in this area that's in dire need of a hamlet park.

North side of the roadway there is passive park where both the county and the town over the last 15 years have undertaken some initiatives to recreate green space along the southern rim of Swan Lake. And this will take south side of South Country Road along the embankment of Swan River to preserve this •• to acquire the property in order to have a more active park in this area where there's a real, real need for that kind of recreational ••

CHAIRMAN LOSQUADRO:

Brevity. People are losing interest.

LEG. FOLEY:

•• that kind of recreational need for the area. So, thank you.

CHAIRMAN LOSQUADRO:

I just want to ask a question of Planning. The structures at the north or •• are those structures? I see a parking area there. Is there a structure on the property? Or ••

MR. ISLES:

We understand that to be a trailer. Then, there are cars that are surrounded that are for sale, I guess.

CHAIRMAN LOSQUADRO:

So, like no permanent structures on the parcel?

MS. ZIELINSKI:

Not that we know of.

LEG. FOLEY:

Just to be clear, that's a separate parcel. The green line is slightly off center.

CHAIRMAN LOSQUADRO:

Oh, okay.

LEG. FOLEY:

That's a separate •• that's a single and separate lot.

CHAIRMAN LOSQUADRO:

And I hope the blue line is off as well because to the west it appears they've paved paradise and put up a parking lot over the freshwater wetlands.

LEG. FOLEY:

That bad? They did. Actually they did about 30 years ago. No, that's actually a car dealership to the west side of Swan River semi•abandoned. It'll be an initiative probably for the next Legislator.

CHAIRMAN LOSQUADRO:

We have a ••

LEG. VILORIA • FISHER:

Motion to approve.

CHAIRMAN LOSQUADRO:

We have a motion and a second to approve. All those in favor? Opposed? I'm sorry. Mr. Isles?

MR. ISLES:

Just to add to that, Mr. Chairman, we looked at this as being an open space acquisition. Perhaps we can have a discussion with the sponsor. You're now making it hamlet parks.

LEG. FOLEY:

Don't complicate it.

MR. ISLES:

I don't want to complicate it either.

LEG. FOLEY:

Let's move forward with the planning steps. Then, we can clarify it when we get to the point that we're going to acquire it.

CHAIRMAN LOSQUADRO:

And we have interest on the part of the town ••

LEG. FOLEY:

Absolutely. Yep.

CHAIRMAN LOSQUADRO:

•• as indicated. I will speak with Councilman Mazzei about that as well. Yes, Legislator Binder.

LEG. BINDER:

Let me just ask a question. If it were, let's say open space, is that the form that you use? In other words, the form is based on open space?

MR. ISLES:

Yeah. And it came out with 30 points, which wasn't bad. Because the County owns a lot of land in this corridor.

LEG. FOLEY:

It actually should be over 40 points. And that's something else we can talk about.

MR. ISLES:

I'm just asking for clarification as to which program; then we'll rate it in that program.

LEG. BINDER:

If it's going to be hamlet parks, you're going to do another rating at some point after the planning steps?

MR. ISLES:

Yes. Yeah.

CHAIRMAN LOSQUADRO:

We had a motion and a second. All those in favor? Opposed? 1299 is approved. I see we have •• Budget Review now has come back.

LEG. BISHOP:

What I'm going to have to do is change the offset. That offset was selected by them. But they thought they were •• they were in my mode. But, I don't want that.

CHAIRMAN LOSQUADRO:

We have a motion.

LEG. BISHOP:

There is an offset available that they have identified. And I will change that •• I have time this cycle, right? Monday. So, if I can have this discharged, if you support the concept, discharge without recommendation. And then I'll make the change.

LEG. VILORIA • FISHER:

I have no problem with that.

CHAIRMAN LOSQUADRO:

Then we can address it on the floor as to whether or not we agree with the offset. We have a motion to discharge without recommendation on 1294, second by Legislator Schneiderman. All those in favor? Opposed? **1294 is discharged without recommendation. (Vote: 6•0)**

Continuing with the agenda, **1306, authorizing planning steps for acquisition of Farmland Development Rights by the County of Suffolk, under the New Save Open Space, Farmland Preservation and Hamlet Parks Fund Program.** This is •• this is what, a mini •master plan?

MR. ISLES:

These are the recommendations that came out of the Farmland Committee meeting in January.

LEG. VILORIA • FISHER:

Motion to approve.

CHAIRMAN LOSQUADRO:

Do we have a breakdown of these? This is 252 acres.

MR. ISLES:

Right.

CHAIRMAN LOSQUADRO:

Do we have a breakdown of what these parcels are?

LEG. VILORIA • FISHER:

In exhibit A.

CHAIRMAN LOSQUADRO:

Because this is planning steps in bulk. We've had the opportunity to review and scrutinize all the other planning steps that come before us. And when we did the master list, I'm sure we all recall not very fondly how long it took for us to move that forward because everyone had to have a chance and opportunity to look at each of those and make sure they agree with them. That •• and I know this is only nine parcels, but is this going to be •• or perhaps I should direct this to the County Executive's Office •• is this going to be a common practice and then back to Planning? How will this affect the workload and the time frame in which planning steps are being completed? So, I have a few different questions there. First, was, do we have a breakdown of these parcels?

MR. ISLES:

Although these parcels have been reviewed by the Farmland Committee, and typically this is how it's done. It goes to the Farmland Committee first. They do a very complete review; then,

it comes to you with their recommendation. We typically don't do it on a case by case individual basis; although that's been happening with a little more frequency lately. And, here again, this is just planning steps.

CHAIRMAN LOSQUADRO:

This is •• I'm sorry. This is just for farmland development; right?

MR. ISLES:

Yes, that's all it's for.

CHAIRMAN LOSQUADRO:

Okay.

MR. ISLES:

It's not for any open space. Any specific acquisition would be subject to a specific resolution before you. So, this is pretty much the standard way that it's done.

CHAIRMAN LOSQUADRO:

Okay. I just have a••

MR. ISLES:

We respectfully request your ••

CHAIRMAN LOSQUADRO:

I just have a question from Legislator Schneiderman. If you could just provide the locations. If you could even just read them off.

LEG. VILORIA • FISHER:

Was there a second on my motion, Mr. Chair?

CHAIRMAN LOSQUADRO:

Motion by •• yes. There was a motion by Legislator Vilorina•Fisher, second by Legislator Bishop. And on the motion, Legislator Schneiderman had a question as to where the parcels were.

LEG. VILORIA • FISHER:

Attached to the resolution.

LEG. SCHNEIDERMAN:

I think Commissioner Isles heard the question.

MR. ISLES:

Yeah. They're identified in exhibit A. And they generally follow where the name of the property owner is. But we have a couple in Yaphank, East Moriches. A couple •• one, two in Riverhead. One in East Northport. Pardon me. That's in Riverhead, also.

LEG. BINDER:

The guy in East Northport is not •• he's not ••

MR. ISLES:

That's the name of the address of the owner so I correct myself on that one. So, that's in Riverhead, also. Calverton. And then we have one in Bridgehampton in the Town of Southampton. And then one in the Town of Southold in Peconic.

LEG. BINDER:

Mr. Chairman.

CHAIRMAN LOSQUADRO:

Legislator Binder, but I understand that we do have a difficulty with this. And unfortunately as I made mention before about the TDR program, it appears as though we have a conflict in this resolution as to some of the language with a department that has not been created by this Legislature. So, I am going to make a motion to table. Second by Legislator Binder. On the motion, do you still have a comment, Legislator Binder?

LEG. BINDER:

Yes. A question. How did these nine get picked?

MR. ISLES:

These are solicitations and interests expressed by farmers. So, it comes in two ways. One is direct interest to the County either through Planning or Real Estate saying I'm interesting in selling my development rights. We say, fine, we'll bring you before the Farm Committee. The second way is our other sources which would include the Farm Bureau, Peconic Land Trust, other agencies that have ideas and suggestions. They will then nominate or suggest parcels with the consent of the property owner. So, anything that happens to be proposed is then put in the hopper and then reviewed by the Farm Committee. They can come from legislators, too, sometimes but ••

LEG. SCHNEIDERMAN:

We had •• Tom.

CHAIRMAN LOSQUADRO:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Am I correct when we did the earlier master list, there was an appendix for farming. I thought we had done quite a bit of farmland on it. So, this is adding onto that?

MR. ISLES:

Yes. We would expect, you know, in future master lists to also, you know, do another round of farms. The Farm Committee meets four times a year. And every meeting they have additional farms. It can be a couple. It can be a couple of sheets. But they've been doing this for 25 years in this manner.

CHAIRMAN LOSQUADRO:

So, it's not a separate master list? It's being added to the ••

MR. ISLES:

No, I don't think we ever said with the master list that we'd close the door on anything else.

CHAIRMAN LOSQUADRO:

Not at all. And I must admit I did not realize this was for farmland development rights when I first read it. That's •• I honestly have no problem with that process. But as I said for reasons that I just stated earlier about deficiencies in the language in this bill, I have made a motion to table, seconded by Legislator Binder.

MR. ZWIRN:

Mr. Chairman, if I might?

CHAIRMAN LOSQUADRO:

Mr. Zwirn, yes.

MR. ZWIRN:

I heard there's some technical differences with the language. I mean, we can make •• we can change that. And if it doesn't get discharged without recommendation, I'll represent to the Committee that I will have those changes made.

CHAIRMAN LOSQUADRO:

I do feel this is very important. I'm disappointed to see that we're still dealing with the same sort of thing on issues like this that can be extremely time sensitive in terms of the acquisitions of land. Would there be an aversion amongst this Committee to discharge and take it into consideration if the language is changed?

LEG. VILORIA • FISHER:

It's only a one word change; right?

MR. ZWIRN:

Maybe two words.

LEG. VILORIA • FISHER:

Two word change.

MR. ZWIRN:

We don't want to hold up the County's business here. This is a good project. It's gone through all the ••

CHAIRMAN LOSQUADRO:

I absolutely agree. It's a good project. And that's why I'm disappointed that we even have to debate as to whether or not we're going to make these changes.

LEG. VILORIA • FISHER:

I'd like to make a motion to discharge.

CHAIRMAN LOSQUADRO:

If Mr. Zwirn is representing that those changes will be made ••

LEG. BINDER:

Mr. Chairman, and I would suggest ••

LEG. BINDER:

I'm uncomfortable with it, but if we would discharge with the knowledge that there will be a motion to re•commit if it's not. And it'll just come back to committee.

CHAIRMAN LOSQUADRO:

Yes.

LEG. BINDER:

Because I think the votes will be ••

CHAIRMAN LOSQUADRO:

So, I will make that motion to discharge without recommendation, second by Legislator Binder with that same provision. All those in favor? Opposed? **1306 is discharged without recommendation. (Vote: 6•0)**

LEG. SCHNEIDERMAN:

Mr. Isles, is it possible to prepare some aerials so we can see or some maps so we can see where these farmland parcels are?

MR. ISLES:

Yeah. Just a matter of time. But if you want it •• it's not something we can do constantly.

LEG. SCHNEIDERMAN:

If it's not too much trouble, I would not mind that.

CHAIRMAN LOSQUADRO:

1309, authorizing the acquisition of Farmland Development Rights under the Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund for the Abess property, Town of Riverhead. Mr. Isles, this was before ••

MR. ISLES:

This was before the Environmental Trust Review Board.

CHAIRMAN LOSQUADRO:

ETRB. And it was approved.

MR. ISLES:

It is in contract.

LEG. BISHOP:

Motion.

CHAIRMAN LOSQUADRO:

We have a motion by Legislator Bishop, second by Legislator Vioria•Fisher. All those in favor? Opposed? On the motion, Legislator Binder. All those in favor? Opposed? **1309 is approved.**
(Vote: 6•0)

1310, authorizing the inclusion of new parcels into existing agricultural districts in the County of Suffolk. Explanation, please.

MR. ISLES:

Okay. The County of Suffolk participates in the New York State Agricultural Districts Program. Ag districts provide two primary benefits to property owners. Tax assessment reductions for the agricultural use, number one. And, number two, nuisance protection in terms of that right to farm protection. So, it's something that farmers consider to be very important. And we agree with that. So, what you have here is that the Ag and Markets law was amended about a year ago. Typically agricultural districts last for eight years. Once you get in, you can't get out unless you pay all your back taxes. If you're not in that eight-year period, you can't get in 'til the next opening happens. Ag and Markets Law was changed last year to enable an annual opportunity to opt into the district.

So, what this reflects, then, is there's an Agricultural and Farmland Protection Board in the County. They have reviewed and done a solicitation of any other farmers and property owners that want to come into the district. This represents those additional property owners that now want to come into the district. There is an exhibit A attached that indicates about 500 acres of land that would then come into the respective •• we have four ag districts in the County. They would join the ag district program.

LEG. VILORIA • FISHER:

Motion to approve. Some of the people here, you know, I know the farms involved. And this is really terrific.

CHAIRMAN LOSQUADRO:

Absolutely. Motion to approve by Legislator Vilorina•Fisher, second by Legislator Schneiderman. All those in favor? Opposed? **1310 is approved. (Vote: 6•0)**

1313, to appoint member of County Planning Commission, Lisa Greci. Do I have a motion?

LEG. BISHOP:

On the motion. Motion to approve.

CHAIRMAN LOSQUADRO:

Motion to approve by Legislator Bishop.

LEG. VILORIA • FISHER:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator Viloría•Fisher. All those in favor? Opposed?

LEG. BINDER:

Opposed.

LEG. SCHNEIDERMAN:

Abstain.

LEG. KENNEDY:

Abstain.

CHAIRMAN LOSQUADRO:

We have two opposed, two abstentions. **1313 fails. (Motion fails. 2•2•2•0. Legislators Bishop and Viloría•Fisher approve. Legislators Losquadro and Binder opposed. Legislators Kennedy and Schneiderman abstain.)**

MR. ISLES:

Mr. Chairman. I understand you did the vote. But if I can just make one point. I go to every single Planning Commission meeting. And I will •• just want to pass along to you that it was the subject of extensive discussion at the last meeting of the Commission in terms of the difficulty that they're having in conducting their business.

CHAIRMAN LOSQUADRO:

Mr. Isles.

MR. ISLES:

I'm sorry.

CHAIRMAN LOSQUADRO:

We are well aware of that. And I will just say for the record that this •• just because this is now an at•large appointment versus a town appointment does not change the view of those on this

Committee or in this Legislature. It is our prerogative and our view as to whether or not we feel •• and it is nothing personally against the individual. It is just whether or not we feel ••

LEG. BISHOP:

Yes, it's personal.

CHAIRMAN LOSQUADRO:

•• we feel that they are best suited to be on the Planning Commission. And I think you will be happy with the next motion.

MR. ZWIRN:

Mr. Chairman, might I just add Ms. Greci ••

CHAIRMAN LOSQUADRO:

Yes, Mr. Zwirn.

MR. ZWIRN:

•• has been here a number of times. She attends the Planning Commission meetings as a private citizen. She was approved not just by a Supervisor's recommendation, but by a bipartisan resolution of the Town Board of East Hampton. And what this Legislature is saying is that that doesn't count for a whole lot.

CHAIRMAN LOSQUADRO:

Mr. Zwirn, she was not approved by this Committee.

So, 1315, to appoint a member of the Suffolk County Planning Commission, Vincent Taldone. I will make a motion to approve.

LEG. BINDER:

Mr. Chairman.

CHAIRMAN LOSQUADRO:

Second by Legislator Bishop.

LEG. BINDER:

Well, it's more on the general concept. I think that the County Executive needs to communicate with the Legislature. I mean it's easy to say that, well, they really need the people and it's a real problem. But when you put people up that you know are not going to be able to go through here, have not gone through here before and then afterwards say I can't believe it, we didn't get it again, I think that's a problem. I think what has to happen is there has to be communication before the resolution comes in and see if there is some meeting of the minds between Legislators here and the County Exec. And instead what keeps happening is we keep getting names that, you know, cause conflict. You can do that and then you can blame us for not •• for doing it that way. But the other way is to communicate.

LEG. VILORIA • FISHER:

Mr. Chairman, Mr. Gaffney never consulted me when he put in nominations.

CHAIRMAN LOSQUADRO:

One at a time. Legislator Binder still has the floor.

LEG. VILORIA • FISHER:

Oh, I thought he was finished.

LEG. BINDER:

Mr. Gaffney didn't •• he didn't have problems. If he was having problems getting nominations through, then, I am sure, I would hope, he would have opened up lines of communication with Legislators to see what would work and what wouldn't. If you're not having problems, then, there's probably no reason to have those communications.

CHAIRMAN LOSQUADRO:

As the Chair, I would ask that we please keep our commentary to 1315, which is the item before us. 1313 has already been addressed.

Does anyone have any comments on 1315?

LEG. VILORIA • FISHER:

Yes.

CHAIRMAN LOSQUADRO:

Legislator Viloría•Fisher.

LEG. VILORIA • FISHER:

My comment is that I haven't had direct communication from the County Executive on this just as I didn't have direct communication when Mr. Gaffney had appointees. And I judge them on the merits. This is why we have people submit resumes. And this is why we have people come for interviews so that we can judge on the merits. It's not all about back room discussion.

CHAIRMAN LOSQUADRO:

And I believe we have, Legislator Viloría•Fisher. This has nothing to do with back room. I believe that ••

LEG. VILORIA • FISHER:

The comment was made •• excuse me, I still have the floor. The comment by Mr. Binder was that the County Executive did not reach out to him. So, I am saying that when the previous County Executive was across the street, he did not need to reach out to us at every instance. What we do is we base our judgement not on whether or not someone has reached out to us, but on the basis of the resume and the interview and our own good judgement.

CHAIRMAN LOSQUADRO:

Legislator Viloría•Fisher, as Chairman of this Committee, I can tell you the County Executive has not reached out to me personally on a single appointment. And I judge them based on what I feel is the best decision. And I feel I have done that.

Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. Just to the point of the County Executive's prerogative, based on 1315 now and also on the history of the at•large appointments, I would stand ready to be corrected, but it's my understanding over a period of years when the former administration would put forward, particularly at large appointments, that I would say on almost every case, there's been bipartisan unanimous support for those appointments. Now, where there's been a difference has been at times when an appointment comes out of a particular township. But

when it's been the County Executive's at-large appointment resolution, there has been over the years support for those individuals. And it's usually been on a bipartisan basis that I can recall.

So, just as we're supporting Mr. Taldone for 1315, I would hope that we can re-visit other appointments that are at-large in that same spirit of bipartisanship and support. We did it under the Gaffney administration. Again, the townships that have been more contentious, the ones that have been •• the at-large appointments, almost to a resolution, after review by the appropriate committee, the Legislature has almost every time supported the at-large appointments submitted by the County Executive.

Especially what's sensitive, Mr. Chairman, is the fact that there's not even a quorum •• I don't believe there's a quorum for the Planning Commission meeting. All the more reason we should move forward with the at-large appointments in order to reach that number of a quorum in order for them to do their work.

CHAIRMAN LOSQUADRO:

Thank you. We have a motion and a second on 1315. All those in favor? Opposed?

LEG. BINDER:

Abstain.

CHAIRMAN LOSQUADRO:

We have an abstention from Legislator Binder. **1315 is approved. (Vote: 5•0•1•0. Legislator Binder abstains)**

1316, amending the 2005 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Cornell Cooperative Extension of Suffolk County for "Development of an Interactive Educational Turfgrass Integrated Pest Management Website."

LEG. BISHOP:

On the motion.

CHAIRMAN LOSQUADRO:

That sounds riveting.

LEG. BISHOP:

On the motion.

CHAIRMAN LOSQUADRO:

On the motion, Legislator Bishop.

LEG. BISHOP:

I really should be kinder to Cornell because they're good to me. But is there anything that they don't put in money for 477? And I don't know how Legislator Schneiderman feels about this because aren't they opposing his pesticide ban?

LEG. VILORIA • FISHER:

Let's just stay on the issue.

CHAIRMAN LOSQUADRO:

Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Yeah. I don't know that they as a group are. But I will say, you know, integrated pest management, though, you know, some may think it's, you know, a wonderful thing. There is not across the board support in the environmental community for IPM and some people go on intensified pesticide management. So, I think we need a little more time to understand before we start applying •• before we start applying 477 funds to an IPM program rather than to promoting organics and alternatives to pesticides. I think we ought to at least get a presentation by those who are asking for this money as to why our water quality funds are going toward a website and not some other public education, not some other program.

LEG. BISHOP:

Yes. You're an excellent witness, Jay. I'll second.

CHAIRMAN LOSQUADRO:

Do we have a motion?

LEG. SCHNEIDERMAN:

Motion to table.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Schneiderman, second by Legislator Bishop. All those in favor? Opposed? **1316 is tabled. (Vote: 6•0)**

1325, authorizing planning steps for acquisition under Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund. This is the Nelin property in the Town of Smithtown.

LEG. KENNEDY:

Mr. Chairman, at the risk of getting •• I'm going to make a motion ••

LEG. BINDER:

I'm going to second.

LEG. KENNEDY:

Thank you.

CHAIRMAN LOSQUADRO:

Do we have any information?

MS. FISCHER:

This is on the master list.

CHAIRMAN LOSQUADRO:

I'm sorry. Please.

MR. ISLES:

It was on the master list, just so you know.

CHAIRMAN LOSQUADRO:

Oh, this was already approved on the master list.

MR. ISLES:

Yeah. Yeah.

CHAIRMAN LOSQUADRO:

We beat you to the punch, Legislator Kennedy.

MS. FISCHER:

Give us a ring.

MR. ISLES:

This cycle went real fast. Sorry.

LEG. SCHNEIDERMAN:

Well, let's approve it again.

CHAIRMAN LOSQUADRO:

I can tell, Legislator Kennedy, from experience they are an extremely helpful group. The real master list. So, we'll make a motion to table subject to call by Legislator Kennedy, seconded by myself. All those in favor? Opposed? **1325 is tabled subject to call. (Vote: 6•0)**

1330, authorizing the acquisition of Farmland Development Rights under the New Drinking Water Protection Program • Farmland Development Rights component. This is for the Westmoreland Farm in the Town of Shelter Island. Mr. Zwirn, is this the second ••

MR. ZWIRN:

This is the third parcel ••

CHAIRMAN LOSQUADRO:

Third? I believe •• I'm sorry.

MR. ZWIRN:

•• third parcel that we've had today. And with a purchase price where the contract has not been negotiated.

CHAIRMAN LOSQUADRO:

Well, I will not be ••

MR. ZWIRN:

And I just want to •• can I just read the last paragraph in the statute.

CHAIRMAN LOSQUADRO:

Please do not mention a dollar figure.

MR. ZWIRN:

No, no. But this is what it goes to. And I know that you're aware of it because you sit on this •
• on the Environmental Trust Review Board. "Any discussion of appraised value shall be conducted at an executive session, which proceeding shall remain confidential at which the members of the Environmental Trust Review Board shall participate and any Legislator shall be permitted to be present."

And, you know, where Legislator Caracciolo who sits as Presiding Officer Caracappa's representative on that board, you know, it's just not a healthy ••

CHAIRMAN LOSQUADRO:

As I said before, we will •• I made the comments before this was brought up unsolicited.

MR. ZWIRN:

I appreciate it.

CHAIRMAN LOSQUADRO:

So, we will be addressing this. I'll make a motion to table, second by Legislator Schneiderman. All those in favor? Opposed? **1330 is tabled. (Vote: 6•0)**

1332, authorizing planning steps for acquisition under Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund for Dosiak Farm. Is this the same •• no, this is planning steps. I'm sorry. Under SOS for Dosiak Farms, in the Town of Brookhaven. Do we have information on this?

MS. FISCHER:

Actually it's for acquisition, I believe, as written in the title. 1332 says authorizing acquisition of farmland development rights.

CHAIRMAN LOSQUADRO:

Oh, I have planning steps for acquisition on mine. I'm sorry. Do I have a mis•print? This says planning steps.

MS. FISCHER:

Was it revised? Was there a revision on that? Because I have ••

LEG. SCHNEIDERMAN:

Why? Is this one that's in active negotiation?

CHAIRMAN LOSQUADRO:

Oh, no. This is ••

LEG. SCHNEIDERMAN:

This is a planning steps?

CHAIRMAN LOSQUADRO:

No, this is acquisition.

LEG. SCHNEIDERMAN:

All right. Then, we'll have to table this as well.

CHAIRMAN LOSQUADRO:

Same situation.

MS. FISCHER:

Yes. This is already on our master list. And ••

CHAIRMAN LOSQUADRO:

Is this something that's currently under negotiation as well?

MS. FISCHER:

Yes.

CHAIRMAN LOSQUADRO:

Motion to table. Same motion, same second, same vote as 1330. **Motion is tabled. (Vote: 6•0)**

LEG. VILORIA • FISHER:

Mr. Chair?

CHAIRMAN LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

I was just looking back at 1316?

CHAIRMAN LOSQUADRO:

Which was?

LEG. VILORIA • FISHER:

I'm just going to ask that we take a second look and perhaps consider reconsidering it. If we could just go to the backup.

CHAIRMAN LOSQUADRO:

Reconsidering what?

LEG. VILORIA • FISHER:

1316. I know we just tabled it. I'm just asking us to look back because when I was looking at the backup, I thought I remembered something from it that reminded me of some conversations that we had at the public hearing regarding Legislator Schneiderman's pesticide reduction program.

CHAIRMAN LOSQUADRO:

Well, all right. We have an motion to reconsider by Legislator Vilorina•Fisher. Do we have a

second?

LEG. VILORIA • FISHER:

Nobody wants to look at it?

LEG. SCHNEIDERMAN:

We're just tabling it. I want a full presentation on it.

CHAIRMAN LOSQUADRO:

We will get an in depth presentation on this.

LEG. VILORIA • FISHER:

You want a full •• okay.

LEG. SCHNEIDERMAN:

Yes. I'm not saying I'm against it. I'm saying I need more information. I think those who are behind it need to tell us what they plan on doing.

LEG. VILORIA • FISHER:

Okay. The backup is very lengthy. And so may I recommend that we all read the backup as well.

CHAIRMAN LOSQUADRO:

Motion to reconsider fails for lack of a second.

LEG. VILORIA • FISHER:

You have homework.

CHAIRMAN LOSQUADRO:

Sense resolution, Sense 15, memorializing resolution requesting United States Congress to restore funding to the Environmental Protection Agency projects for the Long Island Sound. It sounds good on its face. I'll make a motion to table. I believe there

was some language in here that needs to be amended or removed. I'll be happy to speak with the sponsor about that to make it truly non-partisan and in the best interest of the environment. And I would then be happy to support it.

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

LEG. BISHOP:

I'm opposed.

CHAIRMAN LOSQUADRO:

Sense 15 is tabled. (Vote: 5•1•0•0. Legislator Bishop opposed.)

Sense 19, Sense of the Legislature in opposition to reductions in Federal Clean Water Act Section 319 Nonpoint Source Management Program Funds. I'll make a motion to approve.

LEG. BISHOP:

I'll second that and ask to be a co-sponsor.

LEG. SCHNEIDERMAN:

I'm sorry.

CHAIRMAN LOSQUADRO:

Hold on.

LEG. SCHNEIDERMAN:

You tabled S 15. I'm opposed to tabling S 15.

CHAIRMAN LOSQUADRO:

We're just tabling it for some clarification of the language.

LEG. SCHNEIDERMAN:

Okay.

CHAIRMAN LOSQUADRO:

So, we're not reconsidering Sense 15. There's no motion to reconsider Sense 15.

Sense 19. Counsel?

LEG. BISHOP:

I asked Counsel to put on the record what the cut that the federal government is proposing is.

MS. KNAPP:

It looks like it's a 13.6 % cut.

CHAIRMAN LOSQUADRO:

Just over a million dollars.

MS. KNAPP:

One million point 07.

LEG. BISHOP:

To us.

CHAIRMAN LOSQUADRO:

Yes, to us.

LEG. BISHOP:

Oh, that's terrible. Okay. Co•sponsor.

CHAIRMAN LOSQUADRO:

Co•sponsor by Legislator Bishop. All those in favor? Opposed?

Sense 19 is approved. (Vote: 6•0)

LEG. SCHNEIDERMAN:

I'll co•sponsor as well. Sandy, put me down as a co•sponsor as well.

CHAIRMAN LOSQUADRO:

On very quickly to CEQ resolutions, and I hope it'll be just as quick as the last time we asked

you up here.

LEG. SCHNEIDERMAN:

It's like Alice's Restaurant.

CHAIRMAN LOSQUADRO:

Resolution 24•05, proposed SEQRA classifications of legislative resolutions laid on the table on March 15, 2005.

MR. BAGG:

This is CEQ'S recommendation for mostly Type II Actions.

CHAIRMAN LOSQUADRO:

Motion to approve by Legislator Bishop, second by Legislator Schneiderman. All those in favor? Opposed? **24•05 is approved. (Vote: 6•0)**

25•05, proposed improvements to Armed Forces Plaza, CP#1756, front of H. Lee Dennison Building, Veterans Memorial Highway, Hauppauge, Suffolk County.

MR. BAGG:

This basically is for restoration of the monument, fixing the granite and the _spawls_ , Type II Action.

CHAIRMAN LOSQUADRO:

Same motion, same second, same vote. **(Approved. 6•0)**

26•05, proposed intersection improvements on CR 97, Nicolls Road at Lower Sheep Pasture Road, CF #5137, Stony Brook, Town of Brookhaven.

MR. BAGG:

This project involves a realignment of CR 97 Nicolls Road, Sheep Pasure Road to provide a better movement and line of sight to traffic entering SUNY at Stony Brook.

CHAIRMAN LOSQUADRO:

I was just going to ask •• I'm a graduate of SUNY Stony Brook myself.

MR. BAGG:

Yes.

CHAIRMAN LOSQUADRO:

I was going to ask if it addresses the concerns of the traffic flow at the college.

MR. BAGG:

Yes, it does. Council recommends an unlisted action negative declaration.

CHAIRMAN LOSQUADRO:

Same motion, same second, same vote. **(Approved. Vote: 6•0)**

27•05, proposed reconstruction of CR 7, Wicks Road from CR 67 Motor Parkway to CR 13, Crooked Hill Road, Phases I and II, CP #5040, Towns of Islip and Smithtown.

MR. BAGG:

This project involves the two phases. They want to have capacity improvements at Wicks Road Motor Parkway. And Wicks Road Long Island Expressway South Service Road intersections.

CHAIRMAN LOSQUADRO:

Neg dec; correct?

MR. BAGG:

Unlisted action negative declaration.

CHAIRMAN LOSQUADRO:

Same motion, same second, same vote.

28•05, proposed reconstruction of County Road 57, Bay Shore Road from NYS 231 to NYS 27, CP#5523.110, Towns of Babylon and Islip.

MR. BAGG:

This project involves upgrading the existing pavement, drainage system, traffic control devices

and other safety items along the roadway. Council recommends an unlisted action negative declaration.

CHAIRMAN LOSQUADRO:

Same motion, same second, same vote.

29•05, proposed program to administer and implement a Transfer of Development Rights Program in conjunction with the Save Open Space Bond Act, Suffolk County.

MR. BAGG:

This basically was what you had reviewed what Mr. Isles discussed. This is the report from the Planning Department. Council reviewed it and they recommend that it's a Type I Action because it's a new program to take development rights from county open space. But they also recommend •• they feel like it is permissible segmentation for the reasons quoted in the CEQ resolution; and that basically it warrants a negative declaration because SEQRA will be covered by the Legislature when they acquire properties, review the development rights to be severed and also assign the credits to the development at that time. We'll have to do SEQRA as well.

CHAIRMAN LOSQUADRO:

Okay. Same motion, same second, same vote. **(Approved. Vote: 6•0)**

30•05, proposed local law to promote the health of Suffolk County residents by restricting the use of toxic lawn chemicals by unlicensed applicators in Suffolk County; Intro Reso. Number 2102•2004.

MR. BAGG:

And this bill is before you put on the table by Legislator Schneiderman. Council recommends that it's Type I Action that will not have a significant impact on the environment because basically it prevents pollutants from getting to the groundwater table and sole source aquifer.

CHAIRMAN LOSQUADRO:

So, from a SEQRA standpoint. Same motion, same second, same vote.

(Approved. Vote: 6•0)

Thank you. No further business before us, meeting is adjourned.

(THE MEETING CONCLUDED AT 4:56 PM)

DENOTES SPELLED PHONETICALLY