

ENVIRONMENT, PLANNING and AGRICULTURE COMMITTEE

of the

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Environment, Planning and Agriculture Committee of the Suffolk County 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 October 12, 2006.

MEMBERS PRESENT:

Leg. Vivian Vilorio-Fisher, Chairperson
Leg. Lou D'Amaro, Vice Chairman
Leg. Daniel P. Losquadro
Leg. Edward P. Romaine
Leg. Steven H. Stern

ALSO IN ATTENDANCE:

George Nolan, Counsel to the Legislature
Ian Barry, Assistant Counsel
Renee Ortiz, Chief Deputy Clerk
Ben Zwirn, Assistant Deputy County Executive
Thomas Isles, Director of Department of Planning
Jim Bagg, Chief Environmental Analyst/Department of Planning
Patricia Zielenski, Department of Real Estate
Lauretta Fischer, Department of Planning
Janet Longo, Department of Real Estate
Dominick Ninivaggi, Vector Control
Vito Minei, Director Environmental Quality
Ginny Suhr, Aide to Chairperson
Lisa Keys, Aide to Leg. Romaine
Deborah Harris, Aide to Leg. Stern
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer
Alison Mahoney, Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

(THE MEETING COMMENCED AT 3:11 P.M.)

CHAIRPERSON VILORIA-FISHER:

Good afternoon. Please join us in the Pledge led by Legislator D'Amaro.

SALUTATION

CHAIRPERSON VILORIA-FISHER:

We have one card, Paul Matthews. Go ahead.

MR. MATTHEWS:

Hello. I am Paul Matthews. And I'm the Managing Director of Long Islanders for Environment, which is involved in the shellfish restoration through something called larva release which is basically the early release of shellfish. Whatever you call it, if you call it saturation spawning or veliger release, it's a technology that we at LIFE are currently developing and it holds the promise of large scale restoration of shellfish throughout these Long Island waters and eventually in other coastal areas.

It's been five years since the creation of the idea for this project. And in many ways we have had to help rewrite the book in order to include the larval and veliger release of shellfish in restoration strategy. During that time there has been much interest and encouragement from many sections but no actual dollar support; possibly because of the unique nature of the project, which is this boat, which you see a picture of on the back of that presentation.

Also I have found that the dollars available in the academic sections are for research. And this project is proactive and actually proposes that we put clam larvae back into the environment. And so this is a concept in the real world. And that is not something that academic funding is set up to do.

What we want to do is restore clams efficiently and add a much lower cost a masse and regenerate a resource for which these waters were once famous. This is the third year that I've been to this body. And for one reason or another haven't been able to quite connect the dots. We've gotten the technical support of Cornell Cooperative Extension and they're performing experiments to validate the proof of concept for this project.

Long Islanders For Environment, which has been largely funded by myself with the best of intentions went out-of-pocket for this vessel and \$40,000 in expenses, which are ongoing to enable the creation of the world's first ever mobile marine hatchery. So we have invented and proposed a new technology. It's most promising; indeed so promising in fact that Cornell has undertaken the research for the hard clam veliger release with its on resources. A veliger is just a little bit older than a larval clam.

So that's good news considering that the last time I was here was asking for money for them to do the proof of concept. They've gone and begun this work out of their own initiative without any funding required from this body or anywhere else.

So this is our third year. And we need to get some sort of relief for funding in order to be able to keep this boat afloat and do what we have to do to perform the research and development for this new technology. When the research concludes that veliger release is the right idea, I don't know

what the options will be without the well conceived plan, which I have constructed, which offers a valuable vessel into a fully dedicated public use as a Mobile Hatchery.

What's being invented here is not a product that can be marketed commercially but rather a process for the restoration of the marine environment, which is clearly in the public good. And this could be very much in keeping with the New York State mandate for Ecosystem Based Management. I don't know if many of you are aware of this on August 8th, the new approach towards this thing called Ecosystem Based Management.

So we're asking basically -- we have a budget and I've submitted it. That is a \$350,000 a year operating budget. This year we would be asking for \$150,000. That's a start up. LIFE is requesting the money, but in the alternative Cornell could be the not-for-profit conduit for an additional 15% management fee.

CHAIRPERSON VILORIA-FISHER:

Thank you.

MR. MATTHEWS:

Yes.

CHAIRPERSON VILORIA-FISHER:

Are there any questions?

LEG. ROMAINE:

Quick question.

CHAIRPERSON VILORIA-FISHER:

Legislator Romaine.

LEG. ROMAINE:

Yes. The benefit of this, let's just understand. You're looking for 350,000; A 150,000 of which would come this year. Obviously the County Executive has not included that in his proposed budget. So you'd be looking for the Legislature to include that.

MR. MATTHEWS:

Yes.

LEG. ROMAINE:

This project, what is the benefit of this project so we have a full understanding of the benefit? What, you know, what are we going to be getting for our money because I would like the other Legislators to know. I know you've been to my office several times, but just explain essentially what this -- the impact of this would be for Suffolk County for its shellfish industry, for its economy. So I'll turn that over to you.

MR. MATTHEWS:

There is an economic development aspect to it because if we can get a couple of billion clams into the environment here and they grow to be adults, they'll be a, I guess, a 25 cent each resource. So that's a fiscal concern.

Also the idea of supplying the types of food that the ecosystem needs at the bottom with this type of sort of food organism, which is also a bit of a pioneer species really helps the environment and cleans the water. And we're talking about --

LEG. ROMAINE:

Cleans the water? How does it clean the water? Just besides the economic benefit. If we put these larvae in and even if a fraction of them grow, we would be restoring waters that have been extremely depleted in terms of shellfish in the shellfishing industry both in Peconic and Great South --

CHAIRPERSON VILORIA-FISHER:

Legislator Romaine.

LEG. ROMAINE:

Yeah.

CHAIRPERSON VILORIA-FISHER:

I hate to interrupt you, excuse me. But we've -- I think that we know the value of shellfish and filtrating our water systems and we know the importance of it to our marine community. And we have the information, which I really appreciate your coming down and giving us all of this information.

MR. MATTHEWS:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Especially on short notice. And we will just, you know, consider this. I think it's very important. We've heard the presentation. It's very informative. But we do have a very long agenda and it's a very late hour.

MR. MATTHEWS:

Thank you for hearing me out.

CHAIRPERSON VILORIA-FISHER:

Thank you very much for coming down.

MR. MATTHEWS:

Appreciate it.

CHAIRPERSON VILORIA-FISHER:

Okay. We're going to the CEQ resolutions. Mr. Bagg, if you could please come up. I don't believe we have any presentations. Do we Ginny? Okay, Jim, just let me get to the right page. Okay. Whenever you're ready Mr. Bagg.

CEQ RESOLUTIONS

MR. BAGG:

Okay. **CEQ resolution number 81-06. This is the recommended SEQRA Classifications for Legislative Resolutions Laid on the Table August 22nd and September 19th, 2006.**

This recommends what the Type II actions and classifications are. It's fairly pro forma.

CHAIRPERSON VILORIA-FISHER:

Yes. Motion to approve and place on the consent calendar by myself.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? 81-06 is approved and placed on the consent calendar. **(Approved VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

MR. BAGG:

CEQ Resolution number 82-06, the Proposed Timber Point Police Marina Existing Bulkhead Refacing.

This project simply involves refacing the existing Timber Bulkhead in-kind because it's failing at this point in time. It's a Type II action. CEQ recommends --

CHAIRPERSON VILORIA-FISHER:

Can you just say what the material of that bulkhead will be because I remember that was an --

MR. BAGG:

I believe it's going to be a -- it's a type of plastic sheeting I believe.

CHAIRPERSON VILORIA-FISHER:

Right. It was a sheeting --

MR. BAGG:

Yes. Right.

CHAIRPERSON VILORIA-FISHER:

-- so that we wouldn't have the breakdown that we had in the past.

MR. BAGG:

Right. They're not going to replace it.

CHAIRPERSON VILORIA-FISHER:

Right.

MR. BAGG:

They're just going to go over the existing bulkhead and they will vibrate that into the substrate.

CHAIRPERSON VILORIA-FISHER:

Okay. Same motion, same second, same vote. **(Approved VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

MR. BAGG:

CEQ Resolution No. 83-06, is the Proposed Reconstruction of Spillways at Brookside County Park, CP #7099. Sayville, Town of Islip. (Type II action)

Project involves the installation of a four foot by four foot concrete auxiliary spillway next to the existing -- already existing spillway. And it also involves the burial of an 18 inch concrete reinforced pipe, which will flow only when water levels are high enough to reach it. It's like an escape valve. When the pond gets too high, this will come into effect to keep the water level where it's supposed to be.

CHAIRPERSON VILORIA-FISHER:

Would have been very useful last night.

MR. BAGG:

Yes. And the Council recommends that it's a Type II Action.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote. **(Approved VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

MR. BAGG:

CEQ Resolution No. 84-06 is the Proposed Improvements to CR 39, North Road from CR 27, Sunrise Highway to CR 38, North Sea Road, Town of Southampton. (Unlisted action; Negative Declaration)

CHAIRPERSON VILORIA-FISHER:

Jim, I just want to for the record, I'm just going to correct that you meant to say SR and not CR for 27.

MR. BAGG:

Oh, okay. This project will enable the County to progress with a widening of CR 39 North Road from CR 27 Sunrise Highway to CR 38 North Sea Road providing two eastbound and two westbound travel lanes while accompanied by continuous left turn lane where required. The shoulders and proposed pavement will be reconstructed with full depth pavement and the entire roadway will be resurfaced with asphalt. The bridge at St. Andrews Road will be replaced and widened. Curb and sidewalk will be installed where it currently exists. Problematic flooding areas will be corrected with the installation of leaching basins and modifications to existing drainage systems. New traffic signals will be installed at Tuckahoe Road, McGee Street and CR 52 Sandy Hollow Road. New pavement markings and signs will be provided as part of the project. This reconstruction will be contained within the existing 66 foot right-of-way. All work requiring lane closures will be performed during the night time hours.

Council recommends that this is an unlisted action that will not have impact on the environment. None of the criteria of SEORA will be exceeded. The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources identified in or regulated by the New York State Environmental Conservation Law and the Suffolk County Code and Charter. The parcel does not appear to suffer from any severe environmental developmental constraints.

Existing traffic congestion and safety will be significantly improved. Air quality along the corridor will be significantly improved. Indigenous trees will be planted along the road with the approval of adjacent property owners. All work that requires lane closures will be performed during nighttime hours to minimize traffic delays due to construction. All necessary New York State DEC permits will be obtained. The St. Andrews Bridge identification plaques and photos will be given to the Suffolk County Director of Historic Services. And the Town of Southampton Board Supervisor and Conservation Board support the project.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote. **(Approved VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

MR. BAGG:

CEQ Resolution No. 85-06, is the Proposed Installation of Sidewalks on CR 35, Park Avenue, from Lebkamp Avenue to CR 86, Broadway-Greenlawn Road, CP #5497, Town of Huntington. (Unlisted action; Negative Declaration)

Project involves the installation of curbs and sidewalks with handicapped ramps. On one side or both sides of the road connecting existing sidewalk segments. Council recommends it's an unlisted action that will not have a significant impact on the environment. If you'd like me to read the reasons I --

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote. **(Approved VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

MR. BAGG:

Now these next resolutions are all open space acquisitions. And I'll go over them, however the -- I'll read the first reasons but the rest of the reasons are all the same. This resolution 86 --

CEQ Resolution No. 86-06 is the Proposed Acquisition of Land for Open Space Purposes Known as the Mastic/Shirley Conservation Area Addition - the Estate of Plummer Property in the Town of Brookhaven. (Unlisted action; Negative Declaration)

Council recommends that it's an unlisted action and will not have a significant impact on the environment for the following reasons.

1. None of the SEQRA criteria will be exceeded and the property will be dedicated as Suffolk County Department of Parks Recreation and Conservation for passive recreational purposes.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote. **(Approved VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

MR. BAGG:

CEQ Resolution No. 87-06, for the Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Forge River Watershed Addition - The Estate of Derenzis Property in the Town of Brookhaven. (Unlisted action; Negative Declaration)

I might point out that all of these CEQ resolutions, except for the last one 95-06, have corresponding acquisition resolutions before you today. And those resolutions also contain a SEQRA clause. Just to let you know.

CHAIRPERSON VILORIA-FISHER:

Okay.

MR. BAGG:

Okay. This acquisition for open space preservation purposes known as the Forge River Watershed the Estate of Derenzis property in the Town of Brookhaven. Council recommends an unlisted action, negative declaration.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote. **(Approved VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

MR. BAGG:

CEQ Resolution No. 88-06 for the Proposed Acquisition of Land for Open Space Preservation Purposes Known as the San Remo Floodplain-Kings Park Boat Club, Inc. Property in the Town of Smithtown. (Unlisted action; Negative Declaration)

Council recommends an unlisted action, negative declaration.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote. **(Approved VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

MR. BAGG:

CEQ Resolution No. 89-06 for the Proposed Acquisition of Land for the Open Space Preservation Purposes Known as the Santapogue Creek Addition - New Allied Realty Corp. Property in the Town of Babylon. (Unlisted action; Negative Declaration)

Council recommend an unlisted action, negative declaration.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote. **(Approved VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

MR. BAGG:

CEQ Resolution No. 90-06 for the Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Hashamomuck Pond Addition - O'Doherty Property in the Town of Southold. (Unlisted action; Negative Declaration)

Council recommends an unlisted action, negative declaration.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote. **(Approved VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

MR. BAGG:

CEQ Resolution No. 91-06, for the Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Hashamomuck Pond Addition - O'Hara, Dalton, Estate of Freidman & Green Property in the Town of Southold. (Unlisted action; Negative Declaration)

Council recommends an unlisted action, negative declaration.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote. **(Approved VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

MR. BAGG:

CEQ Resolution No. 92-06 also Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Hashamomuck Pond Addition - Cardinale Property in the Town of Southold. (Unlisted action; Negative Declaration)

CEQ recommends an unlisted action, negative declaration.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote. **(Approved VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

MR. BAGG:

CEQ Resolution No. 93-06, for the Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Fresh Pond Addition - Carich Property in the Town of Huntington. (Unlisted action; Negative Declaration)

Council recommends an unlisted action, negative declaration.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote. **(Approved VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

MR. BAGG:

CEQ Resolution No. 94-06, for the Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Emerald Estates - Kummer Property in the Town of

Huntington. (Unlisted action; Negative Declaration). Council recommends an unlisted action, negative declaration.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote. **(Approved VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

MR. BAGG:

And **CEQ Resolution No. 95-06**, for the **Proposed Acquisition of Land for Hamlet Parks purposes Known as the Lake Ronkonkoma County Park Addition - Commerdinger Property in the Town of Smithtown. (Unlisted action; Negative Declaration)**

Council recommends an unlisted action, negative declaration.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote. **(Approved VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

Thank you very much, Mr. Bagg. We'll be moving to the tabled resolutions. Okay. We'll continue with the agenda. The tabled resolutions.

TABLED RESOLUTIONS

The first 1522, Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program (Peter's property Town of East Hampton) (Schneiderman)

And it's my understanding that we're having some reviews done on that property at the request of Legislator Schneiderman; or that the owner's having some reviewing done.

DIRECTOR ISLES:

Right. Our understanding is that the owner of the property is preparing additional information regarding this property. They've submitted one report to us. They say that they're going to submit another report, which we have not yet received.

CHAIRPERSON VILORIA-FISHER:

Okay. So I'm going to make a motion to table until we have the second report before us.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? 1522 is tabled. **(VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

IR 1527, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Oregon Avenue property) Town of Brookhaven (SCTM No. 0200-809.00-01.00-016.002). (Eddington)

Mr. Isles?

DIRECTOR ISLES:

There's no new information on this from prior meeting. This parcel rated three points in the County's rating system for open space. It is a one acre parcel located in the Hamlet of Medford. It does not posses any --

CHAIRPERSON VILORIA-FISHER:

Okay.

DIRECTOR ISLES:

-- environmental qualities that we've identified. And here again there's nothing new that I can bring forward to you that's a change to the original review.

CHAIRPERSON VILORIA-FISHER:

Well based on that we're going to keep the same motion. I'm making a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Second by Legislator D'Amaro. All in favor? Opposed? IR 1527 is tabled. **(VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

IR 1662, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Riverhead Meadows property) Town of Riverhead. (Romaine)

And this is the one that we were looking at; the River Club as well nearby?

DIRECTOR ISLES:

Right. This is one lot removed from the River Club property. That property's owned by the County or the town that separates it. From Planning Department's perspective, this parcel would have greater relevance if the River Club property is preserved. That's a question mark at this point. So our suggestion was to await the outcome of that process and then decide on this one.

CHAIRPERSON VILORIA-FISHER:

Sounds like a good suggestion. I'll make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? IR 1662 is tabled. **(VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

1683, Adopting Local Law No -2006, A Local Law to require the recycling of cellular phones. (Viloria-Fisher)

I'm going to make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? 1683 is tabled. **(VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

1878, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, the Jill Estates property, Town of Huntington (SCTM No. 0400-249.00-04.00-019.000 & 0400-263.00-02.00-072.000) (Stern)

That's Legislator Stern. And I understand, Legislator Stern, that you're working on an amendment to that?

LEG. STERN:

We continue to work with the owner of the property and the Town of Huntington. We're making great headway. So at this point we'll just make a motion to table and continue working on it.

CHAIRPERSON VILORIA-FISHER:

Okay. Motion to table by sponsor, seconded by Legislator D'Amaro. All in favor? Opposed? IR 1878 is tabled. **(VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

IR 1883, Adopting Local Law No. -2006, A Local Law changing the name of the Environmental Trust Review Board to the Real Property Acquisition Review Board and increasing the membership. (Co. Exec.)

I'm going to make a motion to table.

LEG. STERN:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Stern. All in favor? Opposed? 1883 is tabled. **(VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

IR 1979, Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program, Terrell River/Havens Estate property, Town of Brookhaven. (Romaine)

I understand that this is already an active piece of property.

MS. ZIELENSKI:

Yes.

CHAIRPERSON VILORIA-FISHER:

Okay. So there's no reason to revisit it through another piece of legislation. So I will make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? 1979 is tabled. **(VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

IR 1980, Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Governale Property, Town of Brookhaven. (Romaine)

I believe that that's the same status as the previous?

MS. ZIELENSKI:

Yes.

CHAIRPERSON VILORIA-FISHER:

I will then make a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? IR 1980 tabled. (VOTE: 4-0-0-1 Not Present: Legislator Losquadro)

1983, Amending the 2006 Capital Program and Budget and appropriating funds for Suffolk County Multifaceted Land Preservation Program (CP 7177). (Romaine)

I will make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor?

LEG. ROMAINE:

On the motion.

CHAIRPERSON VILORIA-FISHER:

On the motion, Legislator Romaine.

LEG. ROMAINE:

Yes. Just a quick comment. I believe that our land acquisition programs are going to run out of money. We are not going to keep pace with the commitments that were made earlier this year. At the last stand meeting where there was talk about preserving not a thousand but several thousand acres a year to meet that goal, it looks like our programs are going to run out of money.

This is a capital program. This deals with the sewer incinerator that is not going to be built. There was about originally 46 million in that program. I'm asking for 25 million to be set aside for multifaceted. We have an opportunity before the end of the year, if we adopt this to provide \$25 million in additional funding. The reason I'm making this mention now is because next year, shortly thereafter we will find that there will be accounts that will run low on money and all of these resolutions that we're passing, if even a 10th of them are successful in acquisition, we will not have sufficient funds.

You can table this today. I'm going to object to its tabling. But this prophecy is going to be fulfilled. Either that or we're going to have to slow down our acquisition program. One or the other. Look at what we're passing. Go back and look at what we've passed in terms of planning steps this year alone. Look what's in the pipeline. If just a fraction closes, will we have sufficient capital?

I was concerned enough, we looked at Mr. Deering's spread sheet where he talked about what was in the pipeline, that we would run a \$39.3 million deficit if only what was in the pipeline that's in negotiations now would close. So that is a problem. I'm not going to belabor the point. I'll just cast my opposing vote --

CHAIRPERSON VILORIA-FISHER:

Okay.

LEG. ROMAINE:

-- at the appropriate time. Thank you.

CHAIRPERSON VILORIA-FISHER:

Thank you for your input, Legislator Romaine. And certainly there's no one here who wants to slow down our acquisition program.

LEG. ROMAINE:

I didn't say that.

CHAIRPERSON VILORIA-FISHER:

And we will be looking at the numbers further at a later meeting. But there is a motion to table and a second. All in favor? Opposed? Please mark Mr. Romaine's opposition. **(VOTE: 3-1-0-1 Opposed: Legislator Romaine. Not Present: Legislator Losquadro)**

IR 2080, Authorizing acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund Open Space component for the O'Hara, Dalton, estate of Freidman and Green property - (Hashamomuck Pond) (Town of Southold SCTM No. 1000-056.00-06.00-001.000) (Co. Exec.)

This has gone through the CEQ approval and so now we are ready to make a motion to approve, Mr. Isles?

DIRECTOR ISLES:

We would request that -- at the last meeting it was tabled pending a review by CEQ. That has occurred. This is right on Pipes Cove --

CHAIRPERSON VILORIA-FISHER:

Right.

DIRECTOR ISLES:

-- in the Hashamomuck Creek pond area. So it is recommended to you today.

CHAIRPERSON VILORIA-FISHER:

Okay. I've made a motion to approve.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? IR 2080 is approved. **(VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

LEG. ROMAINE:

Would the Clerk please list me as a co-sponsor?

CHAIRPERSON VILORIA-FISHER:

IR 2081, Authorizing acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund Open Space component for the O'Doherty property - Hashamomuck Pond (Town of Southold SCTM No. 1000-056.00-01.00-005.001) (Co. Exec.)

And that's the same situation as the previous resolution. And so I will make the same motion. Seconded by Legislator D'Amaro. All in favor? Opposed? IR 2081 is approved. **(VOTE: 3-0-0-2 Not Present: Legislator Losquadro, Legislator Stern.**

LEG. ROMAINE:

Would the Clerk please list me as a co-sponsor.

CHAIRPERSON VILORIA-FISHER:

2082, Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open Space Preservation Program for the New Allied Realty Corp. Property - Santapogue Creek in the Town of Babylon - SCTM No. 0100-219.00-01.00-004.000. (Co. Exec.)

And that's the same situation where it has been approved by CEO.

DIRECTOR ISLES:

Right. In addition it was also required review by the Parks Trustees, which did occur. And they have recommended approval to you as well.

CHAIRPERSON VILORIA-FISHER:

Okay. Very good. While we're talking about the Parks Trustees, when is the next meeting of the Park Trustees?

DIRECTOR ISLES:

The next meeting is October 19th, a week from tomorrow.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you. And that's in Sayville?

DIRECTOR ISLES:

Yes, it is. West Sayville.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you. All right. I'll make a motion. Babylon would --

LEG. D'AMARO:

Yeah, I'll offer a motion to approve.

LEG. D'AMARO:

A motion to approve by Legislator D'Amaro, seconded by Legislator Romaine? Why not? Okay. All in favor? Opposed? IR 2082 is approved. **(VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

CHAIRPERSON VILORIA-FISHER:

To the Introductory Resolutions.

INTRODUCTORY RESOLUTIONS

IR 2096, Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks fund (Froelich/Wicks Farm Preserve property) Town of Huntington. (Cooper)

Is that connected to the Froelich Farm that has been County property for many years?

DIRECTOR ISLES:

It is adjacent to Froelich Farm.

CHAIRPERSON VILORIA-FISHER:

Thank you.

DIRECTOR ISLES:

Lauretta is handing out a aerial photograph of the map -- of the parcel in question. It consists of four lots that are basically flag lots that are outlined in red both in the inset map as well as the overall map. The parcels in green on the overall map show the County properties, which consist primarily of here again Froelich Farm.

In addition there's a farm parcel there that shows by the road called Valley View and that is what's known as White Post Farm, on which the County of Suffolk owns the development rights. The acquisition as proposed is indicated as being under the open space component of the SOS Program. The Planning Department has reviewed the acquisition. We have in addition to the aerial photograph for you, we've also attached a rating form.

This is a parcel we've frankly had a difficult time with in terms of assessing it. From the standpoint of enhancing a County ownership where we already have a significant County investment. We saw this as being a beneficial acquisition. The development of these lots would be some what intrusive; however, upon doing here again, the rating, the parcel scored points for being in a special groundwater protection area being adjacent to County land. And also having certain parcel size that gave it a few extra points. So the rating came to 18 points. Here again if you have questions, we'll try to answer those.

And I guess just a final point I'd make is that it is a little bit of an odd subdivision on this property As you can see with the four lots, pardon me three lots. And the fact that there is a somewhat of a separation between these lots. We were not able to get out to the site and look at this property. As you can see on the inset aerial photograph it appears that there's some part of this person's property that goes on to this property. We're not sure what that is used for. And exactly if the County were to require this, how that would work.

So that's our review. It's 18 points. It appears to be below what the standard guideline is used by the Legislature. And here again, if you have any questions we'll try to answer those questions.

CHAIRPERSON VILORIA-FISHER:

Actually, Tom, I'm concerned about the fact that you haven't looked at this. And I'm seeing between the most westerly lot and the one next to it. What's -- there seems to be an intrusion of something. What is that?

DIRECTOR ISLES:

Right. That's what we're not sure of. And it's part of the subdivision. So whenever they subdivided this and had it approved by Huntington, that was specifically carved out. It appears to be some of -- a part of that lot that is located to the north; whether it's just a lawn area that extends down, whether there are structures down there.

You know, usually we can tell an awful lot by just looking at aerial photographs and gathering other information we have. We've even talked about this one that actually getting on this site would be a little bit tricky unless we get permission from the owner. So it's a case where it may be helpful to actually do that since we really can't discern exactly what's going on with this.

I have not spoken to the sponsor on this and obviously he may have information that, you know, adds to the discussion as well. But what we've reviewed at this point, that's the information we've generated.

CHAIRPERSON VILORIA-FISHER:

How time sensitive is this?

DIRECTOR ISLES:

That I don't know.

CHAIRPERSON VILORIA-FISHER:

We don't know what the development pressure on it is?

DIRECTOR ISLES:

I personally don't know.

CHAIRPERSON VILORIA-FISHER:

I'm inclined to table it for one cycle to get more answers on it.

LEG. ROMAINE:

I'll second the motion.

CHAIRPERSON VILORIA-FISHER:

I know that, you know, being it -- that it's a west end piece, 18 points isn't really bad for that. But I would just like to know what that is more clearly. And there seems to be something intruding into that middle parcel again, coming off of that same intrusion that comes between them. So -- and we would not own that piece between those two parcels?

DIRECTOR ISLES:

Based on the resolution we reviewed, we would not own that piece in between.

CHAIRPERSON VILORIA-FISHER:

If you could --

DIRECTOR ISLES:

It's not included in the resolution.

CHAIRPERSON VILORIA-FISHER:

If we would be able to have more information on that for the next meeting, I would just feel more comfortable approving of the acquisition.

DIRECTOR ISLES:

Okay. We will contact the sponsor's office. And we will attempt to do a site inspection.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you. There's a motion to approve. I mean to table. And a second. All in favor? Opposed? Okay. 2096 is approved. **Tabled. (VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

Hopefully just for one cycle. Because we do know how quickly how parcels move on the west end.

2102, Making a recommendation concerning the review and comments on the proposed Vector Control and Wetlands Management Long Term Plan Draft Generic Environmental Impact Statement (DGEIS) and requiring the preparation of a Final Generic Environmental Impact Statement (FGEIS) (LINDSAY)

Mr. Ninivaggi, I saw that you were here. Did you want to speak to this? Is he here? Did you want to come up? Or did you just want to see how we voted on it?

MR. ZWIRN:

Well, we have a whole crew here to make a presentation if the committee wants it. But, they can answer questions or --

CHAIRPERSON VILORIA-FISHER:

It would be good to have -- you know, I've seen the presentations in CEQ. But I think it would be good for the benefit of the committee to get some more information because this is a very complex issue.

MR. NINIVAGGI:

Okay. Dominick Ninivaggi with the -- I'm Superintendent of Vector Control. This is a resolution that needs to be passed to continue on the EIS process for our long-term plan and generic environmental impact statement. Basically CEQ has determined that a final EIS is needed. And my understanding is that a resolution -- this resolution needs to be approved to continue the EIS process.

CHAIRPERSON VILORIA-FISHER:

Okay. And I know that in CEQ the determination that required it -- the final GEIS project was based on certain public comments and requests. Could you just enumerate a couple of them for the rest of the committee?

MR. NINIVAGGI:

There were a number of comments on the draft EIS relating to the assessment of impacts of some of the materials proposed in the project as well as some issues related to the proposed water management practices. In the intervening time again these comments were judged to be substantial and the County is in the process of drafting and putting together responses to those comments to put into the final EIS.

And in addition some changes have been made in terms of the -- particularly the process for improving wetlands management projects. So I think at this point we're ready to go forward once we have the legal steps such as this.

CHAIRPERSON VILORIA-FISHER:

Okay. Are there any questions? Okay.

LEG. D'AMARO:

So just -- let me just --

CHAIRPERSON VILORIA-FISHER:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

So if I understand, this is really a procedural requirement now for the County to take all the comments from the public hearing and incorporate them into a final document --

MR. NINIVAGGI:

That's correct.

LEG. D'AMARO:

-- which will then come before this body again? The Legislature again?

MR. NINIVAGGI:

Yeah. That's correct.

LEG. D'AMARO:

Okay. All right. Thank you.

CHAIRPERSON VILORIA-FISHER:

Well, thank you for coming down. There's a question from Legislator Romaine.

LEG. ROMAINE:

Yes. A very quick question. Essentially this plan deals with the open marsh plan. Or does part of it deal with the open marsh plan?

MR. NINIVAGGI:

Part of it has to do with wetlands best management practices. And in the revised plan, we will probably either down play or outright eliminate the use of the term Open Marsh Water Management because there seems to be a great deal of misunderstanding as to what that practice means. And different means different things to different people.

A preferred term we will be using is called Integrated Marsh Management, which captures the idea that mosquito control is not the primary purpose of wetlands management; it's one component of that. And in fact the natural resource issues are the primary factors to be considered in wetlands management.

LEG. ROMAINE:

Correct me if I'm wrong. But the Peconic Bay Keeper is -- has stated multiple times his opposition to this plan. I'll let you comment on that.

MR. NINIVAGGI:

We have -- we've taken -- we've looked at all the comments that the Bay Keeper and other intervenors have given. And those are being addressed and they will be addressed in the final EIS.

LEG. ROMAINE:

And all the comments, positive and negative particularly the negative comments of the opposition comments, will be addressed as to the content and issues that they raised?

MR. NINIVAGGI:

Yes. We've addressed all the comments. And again that's being finalized now, and it will be presented at the CEQ meeting in November.

LEG. ROMAINE:

Thank you.

CHAIRPERSON VILORIA-FISHER:

And the Bay Keeper was present at all of CEQ meetings where this was discussed, and so they not only expressed their opposition at CEQ meetings but at the public hearings as well. And so there was ample opportunity for -- the opportunity to --

LEG. ROMAINE:

For them to express themselves but nevertheless this program is going ahead.

CHAIRPERSON VILORIA-FISHER:

Well, the final GEIS is answering the questions. And the program will be based on the responses to the public input and the concept of OMWM not being used as a term of art here in the plan is critical because that has come to get -- taken a lot of connotations that perhaps are not intended in some of the plan. And so I think -- am I correct in saying that's why you're not really using that particular terminology? Because you don't want for bring in all the connotative meanings that that brings along with it?

MR. NINIVAGGI:

Yeah. If you look and I've been involved in these issues for about the last twenty years. And the word -- the term open marsh water management over the years has come to mean different things to different people. Ranging from very large scale intrusive projects to simple plugging of ditches. Given that this means so many different things to different people, I don't think it's a real worthwhile term to use any more.

What we have done in the plan is we've formulated some wetlands best management practices. We've assessed the potential impacts for those best management practices. And those are to be applied appropriately on a case by case basis, depending upon the situation in a particular wetland.

LEG. ROMAINE:

Could I ask just one more question? Where is the Citizens Campaign for the Environment on this plan? And possibly when you address that you can ask where the South Shore Estuary group is on this plan.

MR. NINIVAGGI:

Both Citizens Campaign for the Environment has put in a series of comments. We're addressing those comments both in terms of form and substance. And the South Shore Estuary Plan, I believe, has put in some comments. I don't have them in front of me but we will, of course, address all substantive comments. And where they have merit we'll address that. And if we think that they're mistaken, we'll point out why that is.

LEG. ROMAINE:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. And we'll keep in mind that we're not debating the plan at this point actually we're just approving the ability for you to do -- addressing all of the issues that we have in the -- in your preparation.

MR. NINIVAGGI:

I think if there's one thing that we all can agree on, is that a final Environmental Impact Statement should be prepared.

CHAIRPERSON VILORIA-FISHER:

Okay. I'll make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed?

LEG. ROMAINE:

I abstain.

CHAIRPERSON VILORIA-FISHER:

2102 is approved. Please note the abstention. **(VOTE: 3-0-1-1 Abstained: Legislator Romaine. Not Present: Legislator Losquadro)**

IR 2118, Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Union Cemetery Property, Town of Islip (SCTM No. 0500-357.00-03.00-019.000 p/o) (Lindsay)

Is the mike picking me up okay?

DIRECTOR ISLES:

Okay. We've circulated for you an aerial photograph as well as a rating form for this introductory resolution. It is for property located in the Hamlet of Sayville in what is a commercial area predominantly. And as indicated in the aerial photograph in the red line is the subject of the

resolution. The property of the subject of the resolution. And we've indicated in the dotted line, the hatched line, that portion of the site that we believe is going to be excluded from the acquisition. So essentially it's this western most one acre portion of the site.

You previously considered a resolution on the north side of Hanson Place which is outlined in the purple color. And I believe it was noted at that time that there is a private organization, a not-for-profit organization, that is proposing the development of a youth recreational facility in this location.

On the vacant land to the left or to the west side of your map, and where there's a house on the corner indicated in this aerial photograph, that house now been demolished. The intent as we understand it is the construction of an indoor facility that would house basketball courts, handball courts, and so forth; bathrooms. So essentially what's potentially going to happen here is the development of a recreational complex at this location.

We think it's a good location for this from the standpoint that it's, as I indicated, kind of a mixed use area at the moment. It's not in the middle of a neighborhood. It has good access for Main Street, Montauk Highway. So we think that there's a basic fundamental compatibility of land uses. It's also occurring on land that is obviously already developed. It's not Greenfields. So some of those basics seem to be in good condition on this site.

This is a planning steps resolution. So based upon the -- the information provided to the Planning Department, we've done the review. We've rated this parcel at a 34. Obviously further information would have to be developed as this goes along. If there's an interested seller, if the appraisals result in a successful negotiation of the property. Additional details as to the development of the park and the management would have to be addressed at that time. If you have any questions, we'll do our best to answer those.

LEG. ROMAINE:

Questions.

CHAIRPERSON VILORIA-FISHER:

Legislator Romaine.

LEG. ROMAINE:

Yes. Who is going to be developing this recreational complex? The Town of Islip, a not-for-profit, or the County of Suffolk?

DIRECTOR ISLES:

My understanding is that it would probably be a County of Suffolk development.

LEG. ROMAINE:

The County is going to build a neighborhood recreation facility?

DIRECTOR ISLES:

That's my understanding. In terms of my conversation with the sponsor's office. And as I indicated before I think those details have to be worked out, but that's my understanding.

LEG. ROMAINE:

Yeah. I don't serve on Parks but usually County recreational things are usually regional and not local. Most local recreational is done either by not-for-profits or by the townships or villages that they find themselves in. I find this to be an odd use at first blush. There may be a reasonable explanation but it doesn't seem apparent to me at this time.

DIRECTOR ISLES:

And let me just add to that here. Maybe I did not make it clear. There is a not-for-profit youth organization that is actively getting ready to develop their facility. I believe it's their intention to work out a cooperative arrangement with them. Here again, I don't know the details of that at this time. I'm not sure if they are known. But there will be substantial not-for-profit development occurring and I believe they've already purchased the land at this point.

LEG. ROMAINE:

Well, that would shed a different light --

DIRECTOR ISLES:

Yeah. Okay.

LEG. ROMAINE:

-- on it obviously because the County usually doesn't run local recreational facilities.

DIRECTOR ISLES:

Right. I understand. Yeah.

LEG. ROMAINE:

I can't think of --

CHAIRPERSON VILORIA-FISHER:

I recall that there was a component that was a not-for-profit component involved with this.

LEG. ROMAINE:

Right.

DIRECTOR ISLES:

Right. They may provide the bathrooms.

CHAIRPERSON VILORIA-FISHER:

That's at the adjacent property.

DIRECTOR ISLES:

The exact nature of who's going to provide the development of this facility, I don't know for certain at this point. But I believe the sponsor has in mind perhaps some County investment and working with this not-for-profit youth sports group.

LEG. ROMAINE:

Well, you know, I hate to delay any other Legislator's resolution. But I certainly would like to know a little bit more about this particular parcel because it should be clear if we're going to be moving towards acquisition for what purpose it's used for. I mean, it just should be clear to us. Maybe the details have been worked out and we're not aware of it. But I certainly would like to know a little bit more.

CHAIRPERSON VILORIA-FISHER:

Did you have a comment?

LEG. D'AMARO:

I do, Yeah.

CHAIRPERSON VILORIA-FISHER:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I wanted to ask Director Isles the -- just to clarify my mind. What is the dotted line? The red and white dotted line again?

DIRECTOR ISLES:

Okay. We're estimating that to be the portion of the parcel that would be excluded from an acquisition by Suffolk County. So that is used by the cemetery organization for their maintenance buildings and so forth. The cemetery of course is to the bottom of the map. So that would be a cutout. The portion that the County would acquire would be the portion without buildings on it, without current use.

LEG. D'AMARO:

All right. And the program or the source of funding for the acquisition is the SOS Farmland Preservation and Hamlet Parks Fund?

DIRECTOR ISLES:

Right. It's the SOS Program with the Hamlet Parks component, which is a sub component of the SOS Program.

LEG. D'AMARO:

So under that program, if the County were to be successful in negotiating and purchasing part of this parcel, and we did get a not-for-profit operator, let's say, to come in and run a facility, who builds the facility? And does the County retain ownership of the property?

DIRECTOR ISLES:

Yeah, I don't think it's specified in the SOS Program as to who builds it --

LEG. D'AMARO:

Okay.

DIRECTOR ISLES:

-- to my knowledge.

LEG. D'AMARO:

So in other words once -- if the -- if you go through planning steps, we acquire the property, there's still no specific -- I mean the County can choose to do nothing with the property at that point. We're not bound to do anything. But at least now we have the property for an intended use where we're looking to construct a facility or have one constructed and have it operated for a certain purpose that falls within the criteria of the Hamlet Parks Fund component; is that correct?

DIRECTOR ISLES:

That's correct.

LEG. D'AMARO:

So in other words in you acquire this property through this funding source, there's a limitation on how the property can further -- be further used down the road --

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

-- even the County owns it.

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

All right. And what -- so what would be the next step? Let's say we acquire this property. And then the sponsor of these -- of this resolution says, okay, the next step is to construct the facility. Okay. How is that done? Or is that something that you don't really deal with that goes to, you know, flipped over to another department within the County? How does that happen?

DIRECTOR ISLES:

Okay. Number one the Hamlet Parks Program is relatively new. In terms of past, you know, certainly we have the Greenways Active Recreation Program where the County oftentimes partnered with other entities, community organizations or municipal governments.

LEG. D'AMARO:

Okay.

DIRECTOR ISLES:

And that's how that proceeded. I think this is following a similar path and in the several Hamlet Park proposals that have come before the Legislature, they have been done with the anticipation of some sort of partnership arrangement. I don't think that's a requirement that it be partnership, but I think that's what is often happened. I think that's usually works best for the County.

So at this point it's the first stage of the game. My understanding is that the sponsor has been working with this not-for-profit, Has a vision for an improvement to this area as a focused recreational area. And in terms of dotting all the I's and crossing the T's, I agree that that would have to be further spelled out.

LEG. D'AMARO:

Now if we acquire the property and it goes forward for a recreational center, and however that's put together whether partnership with the municipality or perhaps a not-for-profit and who constructs it, at some point to take that next step, does that come back to this Legislature?

CHAIRPERSON VILORIA-FISHER:

Well, for acquisition it does.

LEG. D'AMARO:

No, no. I'm not talking about it. Let's assuming we have the acquisition. Then we would -- I mean I'm a little -- it's a little vague in my mind who's going to build this building or how that's going to work.

CHAIRPERSON VILORIA-FISHER:

Would you yield? I'm sorry.

LEG. D'AMARO:

Sure.

CHAIRPERSON VILORIA-FISHER:

Because having worked with Greenways -- this is a planning steps.

LEG. D'AMARO:

Right.

CHAIRPERSON VILORIA-FISHER:

And it would seem to me that before we would get to the acquisition, if we were going to do a partnering we wouldn't -- we would want to know that there was a commitment before the

acquisition actually occurs. And as I recall with Greenways, and certainly when we were working on the Wedge --

DIRECTOR ISLES:

Right.

CHAIRPERSON VILORIA-FISHER:

-- there was a three way -- there were three partners involved there because the Town of Brookhaven was involved as well as the Mount Sinai Heritage Organization. And we were very scrupulously reviewing the funds that the organization was coming in with, their ability to, you know, for M and O of the operation there, their ability to maintain it, conforming to the town regulations. But that was at the time of acquisition, not in the planning steps. So we would have some time between the planning and the acquisition. And I think that we would want to have all those I's dotted and, you know, T's crossed before we sign the, you know, for the actual acquisition.

LEG. D'AMARO:

So I guess it makes sense from the point of view if you don't even have the planning steps authorized, why would you even be planning ahead on who's going to build what and who has what responsibility and who's going to operate and things like that. So if we were to approve this bill today, it just says you're really authorized to go and negotiate with the owner and see if you could acquire the property?

DIRECTOR ISLES:

Right.

LEG. D'AMARO:

Then if you're successful in that, it would have to come back here for the actual acquisition. At that time we would have all the details and then we'd be in a position to decide whether or not we wanted to go forward at that point. So I don't really see a need to hold this bill up today because we will have another bite at the apple and we'll have those details in due course.

CHAIRPERSON VILORIA-FISHER:

So can I take that as a motion to approve?

LEG. D'AMARO:

Sure.

CHAIRPERSON VILORIA-FISHER:

Okay.

LEG. STERN:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Stern.

LEG. ROMAINE:

Madam Chairlady?

CHAIRPERSON VILORIA-FISHER:

On the motion, Legislator Romaine.

LEG. ROMAINE:

Yes. Actually the motion is contained with the backup of an evaluation sheet. I see under community values, that the scoring received 19 points. Received the maximum under number one, C

one site and proposed recreational value have community support. Mr. Isles, that's -- you gave them the maximum of 10 points. What was that maximum based on? Do you have letters of support from the community?

DIRECTOR ISLES:

Number one is, we don't scale those so if it gets -- it either gets it or it doesn't get it. So we don't say if it's one to five that it gets a one, two or three.

LEG. ROMAINE:

Right.

DIRECTOR ISLES:

So it either gets it or it doesn't get it.

LEG. ROMAINE:

And you base the ten points on?

DIRECTOR ISLES:

The basis on that was the -- there's been a long standing effort actually since I -- before I got the County to develop these types of recreational facilities in the County. In Sayville, West Sayville area. I've been involved in those. And a lot of that has centered around a community skateboard park. So we've had a lot of involvement with that. And --

LEG. ROMAINE:

But this is not for a skateboard park. Do you have correspondence directly related to this site showing community support for this resolution?

DIRECTOR ISLES:

That's not how we measure that, sir.

LEG. ROMAINE:

Okay. How do you measure? Maybe educate me a little bit.

DIRECTOR ISLES:

We measure by our understanding of past community involvement. Other indicators, is the community aware of this? Is the community interested in this facility? And we take that from the sources that the Planning Department has.

LEG. ROMAINE:

Right.

DIRECTOR ISLES:

Whether it be our direct involvement or information provided by the sponsors.

CHAIRPERSON VILORIA-FISHER:

Excuse me, wouldn't the not-for-profit activity across the street be an indicator that there's a community support to have this recreational area in this particular site? I would take that as another indicator that there's community support for this.

DIRECTOR ISLES:

This has been swirling around this community for at least five years; if not longer. And finding a location to have youth sport facilities and the County's been involved in that as well as the town.

LEG. ROMAINE:

I just note that I was happy to yield the floor to Legislator Vilorina-Fisher.

CHAIRPERSON VILORIA-FISHER:

Oh, thank you.

LEG. ROMAINE:

But back to the question. Have there been any news articles that appear either in Suffolk Life or the Suffolk County News or the Islip Bulletin or any of the local papers that cover that area discussing this and where there were community leaders that were quoted as supporting this? Are you aware? I know you live in the area, sir.

DIRECTOR ISLES:

Right. I'm certainly -- I do recall extensive discussions at community meetings. I've actually attended community meetings regarding the idea of placing additional youth sports facilities including a skate park somewhere in the Sayville, West Sayville area. There certainly have been articles about it. So, yes, it has been a topic of community concern for some time.

CHAIRPERSON VILORIA-FISHER:

Okay. Any other questions? Legislator Romaine?

LEG. ROMAINE:

No. I just wanted to know where the 19 points came from.

DIRECTOR ISLES:

Okay.

CHAIRPERSON VILORIA-FISHER:

Okay.

LEG. D'AMARO:

Can I just follow up on that?

CHAIRPERSON VILORIA-FISHER:

Okay. Briefly? Yes.

LEG. D'AMARO:

Yeah. Very briefly.

CHAIRPERSON VILORIA-FISHER:

Legislator D'Amaro.

LEG. D'AMARO:

So just from my own information because in Huntington Station an area I represent, we are looking into something very similar to do a project for a recreational youth facility. Let's say, it's in very early stages, talking stages. So when it comes to the rating form, in order to get the ten points for community support, the criteria is not that you have a written letter from a community organization. It's really more about whether or not -- let's say I can represent that I've met with community groups and there is support for this, excuse me, type of facility. I mean, you know. So I just want to understand how that rating form is use because I intend on doing something very similar in future.

DIRECTOR ISLES:

Here again the Planning Department gathers the information that it has, that it discerns that we're aware of. Lauretta Fischer, one of our Principal Environmental Analysts, does a lot of that groundwork gathering information. Whether it is letters, whether it's newspaper articles, whether it's

the department's direct involvement with community groups and so forth. We use everything we have at our disposal to discern and make that determination.

LEG. D'AMARO:

So if I'm putting together a working group for my community center, I best put you on the committee.

DIRECTOR ISLES:

Well, you certainly can. And certainly we'd be happy to participate.

LEG. D'AMARO:

Or someone from your office.

DIRECTOR ISLES:

Or others forms of evidence of popular support, yeah.

LEG. D'AMARO:

Right. Okay. Thank you.

DIRECTOR ISLES:

Thank you.

CHAIRPERSON VILORIA-FISHER:

There is motion and a second. All in favor? Opposed?

LEG. ROMAINE:

Abstention.

CHAIRPERSON VILORIA-FISHER:

Please note the abstention. 2118 is approved. (**VOTE: 3-0-1-1 Abstained: Legislator Romaine. Not Present: Legislator Losquadro**)

IR 2129, Amending the 2006 Capital Budget and Program by accepting and appropriating up to 75% grant funds in the amount of \$1,000,000 from the New York State Department of Agriculture and Markets (Grant C800589) to the Suffolk County Farmland Preservation Program for the Acquisition of Agricultural Development Rights. (CP 8704) (Co. Exec.)

Take the money.

LEG. D'AMARO:

Motion to approve.

CHAIRPERSON VILORIA-FISHER:

Motion to approve by Legislator D'Amaro.

LEG. STERN:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Stern. All in favor? Opposed? IR 2129 is approved. (**VOTE: 4-0-0-1 Not Present: Legislator Losquadro**)

IR 2136, Accepting a donation of Real Property for Open Space purposes - A (SCDHS) Board of Review Transfer of Development Rights (File No. S02-05-0027) (Co. Exec.)

Did you want to explain this or -- it's fairly straight forward. It's a clear TDR.

DIRECTOR ISLES:

Right. These are parcels that are located within areas where the County has acquired land or assembled land for various environmental protection purposes. In this case this is a property located in the Mastic/Shirley area in an area where the County has targeted for preservation in the flood plain, in the wetlands areas and so forth. So as part of this proposal, then, this parcel would be donated to the County in a matter that is handled through the Suffolk County Department of Health Service's Board of Review.

So what you're seeing in the next several resolutions would be, here again, the process whereby you as the County Legislative body would have to authorize the acceptance. Our review is based upon, here again, does this fit into a County acquisition program? And our recommendation to you is that it does. And in the first instance of 2136, I said it's in Mastic/Shirley, it's .41 acres. It's four separate lots. And we feel it's consistent with the County's goals of preservation in that area.

CHAIRPERSON VILORIA-FISHER:

And the sending and receiving are in the same town?

DIRECTOR ISLES:

Here again, that's a determination of the Board of Review. The -- let me just make one thing clear on that; is under the Board of Review -- what they're looking at is the amount of land for the development of a property. Whether that land that's being protected or sterilized, as they call it, is donated to the County or donated to the town or donated to a private nature group or something, really is immaterial. So a lot of these things happen and you never see them because they're going to other entities. The ones that you see are the ones that are then coming into the County's ownership.

We do have the information on the receiving and sending. I'll just turn it over to Laretta since she's handling this directly.

MS. FISCHER:

The receiving property is just located just north of here in the Mastic/Shirley relocation area.

CHAIRPERSON VILORIA-FISHER:

Okay.

MS. FISCHER:

So it's a really good connection obviously --

CHAIRPERSON VILORIA-FISHER:

Perfect.

MS. FISCHER:

-- in the same town obviously as well.

CHAIRPERSON VILORIA-FISHER:

Okay good. Thank you, Laretta.

LEG. ROMAINE:

Point of information.

CHAIRPERSON VILORIA-FISHER:

Okay. Shall we get a motion? Or -- do you want to do it on the motion? Or --

LEG. ROMAINE:

I'll do after the motion is made.

CHAIRPERSON VILORIA-FISHER:

Okay.

LEG. D'AMARO:

Yeah. Me too.

CHAIRPERSON VILORIA-FISHER:

Did you have a motion?

LEG. D'AMARO:

No. I wanted to ask a question.

CHAIRPERSON VILORIA-FISHER:

You wanted to ask a question.

LEG. D'AMARO:

But I'll defer to Legislator Romaine.

CHAIRPERSON VILORIA-FISHER:

Okay.

LEG. ROMAINE:

This is in a flood plain zone?

DIRECTOR ISLES:

Yes.

LEG. ROMAINE:

Could you tell me what is directly across the street from this?

MS. FISCHER:

Across the street from the properties that we're acquiring?

LEG. ROMAINE:

Yeah. I'll fill you in, it's a Home Depot. It's a huge shopping center in Home Depot.

MS. FISCHER:

The ones that --

LEG. ROMAINE:

So I guess that must have --

DIRECTOR ISLES:

The one that we're receiving you're saying?

LEG. ROMAINE:

No. No. The --

DIRECTOR ISLES:

The sending site.

MS. FISCHER:

The receiving you mean?

LEG. ROMAINE:

This is on the green. The properties are on the green. Directly across --

MS. FISCHER:

Green.

LEG. ROMAINE:

-- the street from that is a Home Depot.

MS. FISCHER:

Right. And those are the ones --

LEG. ROMAINE:

And a King Kullen shopping center.

MS. FISCHER:

Yeah. Right.

LEG. ROMAINE:

So this is in the flood plain zone? I just want to --

MS. FISCHER:

No. No. These -- this is the receiving sites. These are -- schedule A --

LEG. ROMAINE:

Okay.

MS. FISCHER:

-- is where the development rights are going to.

LEG. ROMAINE:

Oh, and schedule B is the --

MS. FISCHER:

Schedule B are the properties that we're getting --

LEG. ROMAINE:

Off Riviera Drive. Okay.

MS. FISCHER:

-- acquiring and getting donated to us.

LEG. ROMAINE:

Okay. I got it.

MS. FISCHER:

Okay.

LEG. ROMAINE:

Thank you. That is in a flood plain zone. Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

All right. So we're accepting property --

CHAIRPERSON VILORIA-FISHER:

Sending and receiving.

LEG. D'AMARO:

-- and it's being sterilized is the term of art that we're using.

DIRECTOR ISLES:

Right.

LEG. D'AMARO:

So, to preserve it.

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

And in exchange for that, we're taking the development rights or the credits that go towards the development rights and putting into this other location. That other location is the receiving location?

DIRECTOR ISLES:

Yeah. Essentially that's what happening even though we're not doing that. So a private land owner has come forward to the Board of Health.

LEG. D'AMARO:

Wait. Could you just go a little slower?

DIRECTOR ISLES:

I'm sorry. Okay. I'm sorry.

LEG. D'AMARO:

Essentially that's not happening because -- why is that?

DIRECTOR ISLES:

Okay. Well, yes it's happening. Here again, that's happening privately. In the sense that a private individual owns both of these properties.

LEG. D'AMARO:

Right.

DIRECTOR ISLES:

And has gone to the Board of Review of the Department of Health Services to seek permission to build on the receiving site behind the Home Depot. And the Board of Review has said, well, if you sterilize, agree not to develop this other land, then you can develop the houses behind Home Depot in terms of meeting density requirements under Article 6 of Health Department regulations.

LEG. D'AMARO:

Right.

DIRECTOR ISLES:

The other issue, however, the Board of Review has to address is well, what's going to happen to these lands that are sterilized? Are they going to become tax defaulted? There has to be some resting place for them to end up. So the Board of Review requires that they have some sort of solution for the land. And whether it being going the County, the town, the Nature Conservancy or something like that.

LEG. D'AMARO:

Okay.

DIRECTOR ISLES:

So you wouldn't even see this except for the fact, of course, that it is -- they're asking the County to accept the property as ownership.

LEG. D'AMARO:

By accepting the property we're de facto approving a higher density at another location?

DIRECTOR ISLES:

De facto, you probably are. Just keep in mind two things. One is that they could also -- if you said, you know what, we don't want to do this. And that's certainly your prerogative. They could then find another parcel potentially and do it through the town or something like that. Or donate the property to the town. And just keep in mind, too, this is -- the County has no -- the County Health Department has no jurisdiction over local zoning.

LEG. D'AMARO:

Wait. Let me just go -- let me go back to what you said.

DIRECTOR ISLES:

Okay.

LEG. D'AMARO:

So if we -- let's say for some reason we didn't approve this bill.

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

And now the developer or the applicant says, "well, I still need to meet this Health Department variance requirement, I assume it is, by getting some development rights. The only way I can do that is to preserve other property."

DIRECTOR ISLES:

Correct.

LEG. D'AMARO:

That -- to sanitize it. So you could then go -- if I were the applicant to the Health Department, I could go to a town and ask them to accept the donation of the property.

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

Okay. But right now this one is here before us. And in my mind by accepting this property we're improving a higher density at another location.

DIRECTOR ISLES:

Here again, it's a transfer of the density. And just so you know too, is that the town zoning is not affected by this. So if the town allows that many houses -- so you're not actually increasing the density at another site because it would still have to conform to local zoning.

LEG. D'AMARO:

Wait, wait, wait.

DIRECTOR ISLES:

I'm not obviously making myself clear. And I apologize.

LEG. D'AMARO:

No. No. It's -- I'm trying to understand it fully. So the receiving property -- this is -- these are not requirements under a zoning code of course.

DIRECTOR ISLES:

Right.

LEG. D'AMARO:

Theses are requirements of the Health Department standards.

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

All right. The zoning review is completely separate.

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

But the Health Department requirement is not being met. So you need to get further density rights --

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

Or development rights from another location.

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

So it's kind of interesting because we don't have zoning power. But then it does give us an opportunity to look at what's going on at the receiving property. And do we agree with the development of that property? Do you think that's an impermissible inquiry?

DIRECTOR ISLES:

No. Vito Minei is here who's from the County Health Department.

MR. MINEI:

You were doing so well, Tom, I didn't want to interrupt.

DIRECTOR ISLES:

I need help. Perhaps Vito can shed a better light on it than I attempted to do.

LEG. D'AMARO:

Sure. Sure.

MR. MINEI:

Hopefully everyone understands the term Board of Review. As Tom explained, these properties are before you because an application was denied by the staff of the Department of Health Services. And as part of the Suffolk County Sanitary Code an applicant has the opportunity to appeal it. And about a little over 10 years ago, the Health Department included the concept of transfer of development rights. We've already coined our own term of transfer of sanitary density because often times development rights are transferred for different purposes.

LEG. D'AMARO:

Let me ask you this. I understand all that.

MR. MINEI:

Okay.

LEG. D'AMARO:

When you transfer sanitary density, when you transfer that --

MR. MINEI:

Yes.

LEG. D'AMARO:

-- is it within the same jurisdiction of -- I don't know how the Health Department breaks up their jurisdictions but, you know, if you're taking the density from -- if a jurisdiction has a limited amount of density --

MR. MINEI:

Right.

LEG. D'AMARO:

-- to transfer it within the district, I think, is one scenario. To transfer beyond that district is another.

MR. MINEI:

That's part of the compelling case an applicant has to make. The other one, your issue of zoning, when they come before us typically they're not meeting the requirements of the sanitary density of Article 6. But part of their case was, I'm meeting the town zoning. And the character of the neighborhood is consistent to what I'm applying for but because we require so many septic tanks per given unit area --

LEG. D'AMARO:

Right.

MR. MINEI:

-- they don't meet our requirements. But to answer your question to make it more persuasive to the Board of Review, it typically is within a groundwater management zone. There are eight of those in Suffolk County. And they have different characteristics.

LEG. D'AMARO:

Okay. So is the bill before us transferring or are we accepting property within the same -- what did you call it? Zone?

MR. MINEI:

Yes. It's groundwater management zone six.

LEG. D'AMARO:

Groundwater management. It's the same zone.

MR. MINEI:

Which is a shallow flow area that the groundwater impacts eastern Great South Bay and Moriches Bay.

LEG. D'AMARO:

Now the density requirements, are they in place just from a philosophical level, in place to protect a groundwater density zone or to protect parcel by parcel?

MR. MINEI:

No. It's a regional concept to protect groundwater. And the housing densities are based on the use of the groundwater, whether to protect surface waters or in the Pine Barrens deep flow recharge for future public supply. And the answer to Legislator Vilorio-Fisher is, the applicant also has to provide acceptance in the case of the sending town area as well as the receiving town area.

CHAIRPERSON VILORIO-FISHER:

That was my first question.

MR. MINEI:

There has been a sign off from designated authorized town officials to that effect.

LEG. D'AMARO:

But have there been requests where the transfer of the sanitary density -- I forgot what you called it.

MR. MINEI:

Yes.

LEG. D'AMARO:

Where it's gone from one zone to another?

MR. MINEI:

It has happened on occasion. And in those the instances the case has to be made that the offset still is consistent with regional groundwater management interests. So it gets more difficult as you get further away in separation distance between the sending and receiving area. So the case of the applicants gets tougher. The closer they are, the more straightforward the determination is.

LEG. D'AMARO:

I understand. I appreciate your explanation and it makes sense to me. But I still feel that by accepting this donation, if I vote for in favor of that, that I am then in effect permitting this other use to go forward. This other development to go forward. So my point is, that I want to know a little bit more about what's happening on the accepting property.

MR. MINEI:

Right.

LEG. D'AMARO:

I mean --

MR. MINEI:

We can provide you the Board of Review determinations but it's my understanding the County Legislature is not in the position of permitting it. The determination is really housed within the

regulations of the Suffolk County Sanitary Code and the standards of the Department of Health Services. What you're authorizing is the acceptance of this open space, which again by provisions of the Board of Review says it will be left as open space for the protection of groundwater.

CHAIRPERSON VILORIA-FISHER:

May -- would you --

LEG. D'AMARO:

Well, that's form over substance, with all due respect.

MR. MINEI:

But we can provide -- no. But we can provide that as --

LEG. D'AMARO:

What I'm authorizing is a higher sanitary use on another property. So we can say all day that I'm just preserving open space, but I'm not.

MR. MINEI:

Well I guess semantically we could debate that but to --

LEG. D'AMARO:

Well I'd be happy to debate it with you right now.

MR. MINEI:

Oh, Okay. But to get to the heart of your concern, I think if it's okay with Planning, we can provide the Board of Review determination as backup for the Legislators.

LEG. D'AMARO:

I mean, if you're concerned about the environment and we're preserving this land --

MR. MINEI:

Right.

LEG. D'AMARO:

-- under the auspices of protecting our environment --

MR. MINEI:

Right. Right.

LEG. D'AMARO:

-- but giving higher sanitary densities to other properties, and I'm being asked to vote on that, I think, it's completely within my purview --

MR. MINEI:

Right.

LEG. D'AMARO:

-- to know what's happening on these other properties.

MR. MINEI:

I'm not challenging. What I'm saying is the determination and the science and the math are all contained within the Board of Review determination, which I think will assuage your concerns. What you're in essence approving is accepting of property as donation for an offset. It is not increasing

density in the regional sense. It is indeed in this case increasing it above our requirements, the Health Department's requirements, for that groundwater management zone. But it is consistent with the towns' interest because they have it in their zoning already or a ZBA determination is presented as proof that the town is accepting this density. But again, I think if there's concerns about what you're authorizing, we'll gladly provide the Board of Review determination. We're trying to keep the packages thinner, but --

LEG. D'AMARO:

Well, you know, keeping the package thinner is great. But you're asking me to make an informed decision.

MR. MINEI:

Okay.

LEG. D'AMARO:

All right. So I appreciate that effort but it really doesn't help me in any way.

MR. MINEI:

Well, the Board of Review determination goes through the rationale behind accepting the TDR. I think this whole concept is an excellent case of two County Departments cooperating for more than a decade. It happens very quickly upon request to Lauretta of evaluating the County interests with -- as it pertains to the properties being offered by applicants. And it's been a process in place --

LEG. D'AMARO:

Let me ask you one more thing.

MR. MINEI:

Sure.

LEG. D'AMARO:

And I appreciate that. Is there ever a time within a -- within that zone, groundwater protection zone --

MR. MINEI:

Right.

LEG. D'AMARO:

-- that you would or the Board of Review would say even though you're transferring from one area of the zone to another, this does not protect the regional zone itself. Or this could hurt the regional zone. Has the Board of Review ever said no within the zone?

MR. MINEI:

Yes, it has. And what we're doing now, Legislator, is we're redoing the entire comprehensive water resources plan because that is a recurring question. We started 20 years ago with let's protect this regional resource in terms of these groundwater management zones and we'll allow these offsets.

But the question is still lingering as to are we indeed providing an overall protection? In fact, the Pine Barrens and others have asked us from time to time to be bolder, to go town to town. And that's caused a little bit of concern and more communication.

But the answer in general is the carrying capacity of groundwater management zone six was determined several years ago. And these are offsets. These are not increasing density within groundwater management zone six. But there are indeed instances where they say, you know, your packing in too much density along that stream or too close to that well or those other localized issues

come into the determination. But it's an offset. We're not trying to increase density in a regional perspective.

LEG. D'AMARO:

What would be the result if the County did not want to accept the donation of this property?

MR. MINEI:

They would do what you outlined before. They would have to go seek other properties. Because in essence they're denied without an acceptable transfer of development rights or sanitary density.

DIRECTOR ISLES:

Or they could donate to the town, I assume.

MR. MINEI:

They could donate it to others and that would be acceptable. Yes, I'm sorry. The properties in this instance, that's right, they're privately owned now.

DIRECTOR ISLES:

Right.

MR. MINEI:

The applicant is looking to donate it. So whether he donates it to us, the County or he donates it to Town of Brookhaven or to the Nature Conservancy, there are several other entities that would be acceptable to the Board of Review.

LEG. D'AMARO:

What's the benefit of coming to the town -- to the County first? If any?

MS. FISCHER:

These are just properties. There's many of these determinations that are made. I only look and review and bring before you those that I feel that the County has an interest in that area. Either they're on our Master Lists already or they're in areas that we own 90 percent of the lots. And we want to try to consolidate our holdings. So I am discretionary in what I accept and then bring before you for, you know, your approval.

LEG. D'AMARO:

So when the Board of Review approves a higher density conditioned on getting the rights from another parcel? You can review many proposals --

MS. FISCHER:

Yes.

LEG. D'AMARO:

-- but then you have your own criteria to decide --

MS. FISCHER:

That's correct.

LEG. D'AMARO:

-- whether or not do we want to wind up owning this parcel?

MS. FISCHER:

That's right.

LEG. D'AMARO:

And does it fit into our criteria?

MS. FISCHER:

Exactly.

LEG. D'AMARO:

Right.

MS. FISCHER:

Exactly.

LEG. D'AMARO:

Okay. All right. Thank you very much.

MR. MINEI:

And a letter to that effect is sent from Laretta to the Board of Review.

LEG. D'AMARO:

All right. Well, the only thing that I ask is that when we're going to be looking at a property that's being donated and there's a receiving property, I just think it's important, at least to myself, I can't speak for anyone else, but I think it's important to know what's happening on the other property. And how do we make that information available to us.

DIRECTOR ISLES:

Okay. We can certainly provide you with a copy of the Board of Review decision. I'm not sure is that's going to give you the information you want. Fundamentally when you say, what's happening with other property, you want to know the development that's proposed --

LEG. D'AMARO:

Yeah.

DIRECTOR ISLES:

-- or how much do you want know? What do you want to know? And we'll try to provide it to you.

MS. FISCHER:

And we can talk to you.

DIRECTOR ISLES:

Yeah. We can talk to you if you want more -- off the record.

LEG. D'AMARO:

Yeah. Just in my mind I feel that when we accept the donation we are in effect holding out to the public, if you will, that we understand the ramifications of what we're doing. And the ramifications of what we're doing are, in the real world, is permitting this other parcel to be developed in a certain way. So I want to be able to say that, yes, I'm aware of the impact of what I'm voting on.

DIRECTOR ISLES:

Okay.

LEG. D'AMARO:

That's where I'm coming from.

DIRECTOR ISLES:

Okay. We'll see what we can put together that helps to provide that information to you.

LEG. D'AMARO:

Okay. Thank you. Thank you -- all of you for answering my questions. I appreciate it.

MR. MINEI:

We can highlight those salient points, too. Is it consistent with zoning? What is the determination and the rationale for the determination? And it's that point. That it's in harmony with the sanitary code and protects drinking water and the groundwater resources. So those can be highlighted in a multipage determination.

CHAIRPERSON VILORIA-FISHER:

And Vito, what you said I think bears underscoring, which is that we're not increasing the aggregate; that in the aggregate we're not increasing --

MR. MINEI:

Right. It's an offset.

CHAIRPERSON VILORIA-FISHER:

-- density. It's an offset. And that's very critical. So we're not harming the environment by providing this because it is an offset. And if I recall from other years when I've sat on EPA, anecdotally sometimes we would be told it's an expansion of a restaurant or, you know, we would just happen to be upon that -- happen upon that information because of knowledge of the area. And these two are very close. Sending and receiving in this particular Mastic/Shirley are very close to one another.

MS. FISCHER:

In fact, this was identified in our Narrow Bay Study in the fact that this is a relocation area that we actually identified to do the -- actually a land exchange with the conservation area, the very vulnerable area and these -- what we considered acceptable relocation area.

CHAIRPERSON VILORIA-FISHER:

And just to say one more thing about the TDR programs. Nationally it's accepted as a way of smart growth. You build where density is workable and you preserve where it's appropriate to preserve. And this is precisely what this particular legislation is doing. I'm going to make a motion to approve.

LEG. STERN:

Make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Would you be willing to have a motion to discharge without recommendation so that you can see that information before you vote on it at the general meeting? Legislator Romaine, would you entertain a --

LEG. ROMAINE:

I'm in favor of the resolution. I understand the concept. I know the area. I think it's within keeping of the Health Department's mission and I support the resolution.

LEG. D'AMARO:

Which resolution is that? To approve or table?

LEG. ROMAINE:

To approve.

LEG. D'AMARO:

Oh. Okay.

CHAIRPERSON VILORIA-FISHER:

Well, I made a motion to approve. But obviously there are some who would like more information. Would you be willing to make a -- do a second on a discharge without recommendation so that Legislator D'Amaro --

LEG. ROMAINE:

Yes. Absolutely. You know, I --

LEG. D'AMARO:

Well can I --

LEG. ROMAINE:

-- understand the Health Department's mission. The land that we're saving is wetlands off Riviera Drive, which I'm very familiar with. The property that we're transferring it to is property directly across the street from the King Kullen/Home Depot shopping center. I know the area very well. And I understand the mission.

CHAIRPERSON VILORIA-FISHER:

It's consistent with the mission --

LEG. ROMAINE:

Right.

CHAIRPERSON VILORIA-FISHER:

-- of preserving where it should be preserved.

LEG. ROMAINE:

It's probably zoned properly. And if it's not, it's single and separate so they're are going to get it in any event. So, I mean, what are we beating our gums about? They'll donate it to the town.

The bottom line is what the Health Department is trying to do is preserve sanitary flow of credits by establishing this and allowing some preservation to take place. It's no different than a commercial establishment like a diner or something like that; buying property. They went out actually. They probably didn't own these properties. They went out and bought these properties so they could sanitize them so they could do this.

LEG. D'AMARO:

Sure.

CHAIRPERSON VILORIA-FISHER:

Right.

LEG. D'AMARO:

Absolutely. I don't disagree with anything you said. And as far as what Planning is representing are the advantage to preserving the property. I take no issue with that at all. None. But I do take issue -- I don't have the same precise knowledge that Legislator Romaine has of the area. And I think what I'm saying is not this particular bill, but on a going forward basis when these types of resolutions come up, that we need more information. We need to know what is the effect of our vote.

LEG. ROMAINE:

Right. The effect of our vote -- if we can deny this, the effect of our vote in my view is that we'd probably be challenged because we'd be exercising powers above and beyond because there was a relief that was given. And if we don't provide relief there will be an appeal. I don't know, I'm not attorney, but I don't think that we'd prevail on the appeal.

LEG. D'AMARO:

I'm just asking for more information. That's all.

LEG. ROMAINE:

Right.

CHAIRPERSON VILORIA-FISHER:

Okay.

LEG. D'AMARO:

I didn't say I would vote against it. I just said I wanted more information.

CHAIRPERSON VILORIA-FISHER:

Okay. I'm going to ask Vito Minei, is it possible to have more information by Tuesday?

MR. MINEI:

Yes. Absolutely. Your meeting by Tuesday. There's a series of these, Laretta, six of them today?

CHAIRPERSON VILORIA-FISHER:

Yes.

MR. MINEI:

We'll have you the Board of Review determinations. I know the points of concern. We'll try to even highlight them so you don't have to pour through the entire -- you'll see the format of the Board of Review determination. But you'll see those aspects you're concerned about. Are we adding density? I think I understand. I think we can get the homework assignment done.

LEG. D'AMARO:

What's the time element here? Why not just table it for one cycle so we can get the information and review it?

CHAIRPERSON VILORIA-FISHER:

Because these particular TDR's, as far as I know, have been floundering for months and months, waiting for these --

LEG. ROMAINE:

Years sounds better.

LEG. D'AMARO:

So what's another two weeks then?

MS. FISCHER:

These -- well, these people have been calling me every week. This has been a long arduous process for them. And I'm -- unfortunately, you know, they are biting at the bit to move forward on their proposals. And with winter coming up they are really, really hurting right now.

CHAIRPERSON VILORIA-FISHER:

Yes. I've been getting calls, too, Laretta.

MS. FISCHER:

And I would really feel very bad if I cannot move these through. I don't know what I would say to them anymore.

CHAIRPERSON VILORIA-FISHER:

Lauretta, I agree with you. Because I've been getting calls as Chair of this Committee. I have not seen any reason for these not to move forward because they're almost pro forma. They're valuable pieces that are being donated to the County. And these are business people and some of them not very large business people. And we're holding them up and it's really an unfair --

LEG. D'AMARO:

Well, wait a minute. Just if I could respond to that? You know, I am not holding anyone up. I am asking for information to cast my vote; all right? In the interest of moving this forward a motion to discharge without recommendation is acceptable to me. All right. But the bottom line here is that, you know, I've said it three times, maybe one more time I have to say it, but there is a result of the vote that I cast if I approve this. And I want to know what the result is. What the impact of casting that vote is.

CHAIRPERSON VILORIA-FISHER:

And that's why I made the motion to discharge.

LEG. D'AMARO:

I'm only asking for information. I am not holding anyone from developing their property. I think it's great that we're preserving property. But, you know, I don't think that I need to be attacked for asking for more information. I don't think that's appropriate.

CHAIRPERSON VILORIA-FISHER:

Okay. Well, I don't think that anyone intended to attack you. We're saying why there is a -- you asked why there was a sense of urgency. And it's because the Planning Department has been getting calls. I've been getting calls for many months, maybe even a year, asking what the delay is. And it was caught up, I don't know where.

Now we have it before us and I'm -- and if you need information no one will say that you shouldn't have the information. That's why I made the motion to discharge without recommendation. And Mr. Minei has made a commitment to get the information to you.

MR. MINEI:

And we have -- obviously we have this in digital format. I'm thinking my secretary can get it to the members of this committee tomorrow on these six. And also, Madam Chairwoman, we have a standing offer on issues. We have these overarching concerns. We can make a brief presentation sometime at the Committee Just to get this whole concept of what we've been doing for the last 10, 12 years. Thank you.

CHAIRPERSON VILORIA-FISHER:

Legislator Stern, I believe you wanted to --

LEG. STERN:

Yes. Thank you, Madam Chair. And, yes, I get it as well and all the benefits that will derive with this transfer. But I share Legislator D'Amaro's concerns. And a little time, I think, wouldn't necessarily hurt anything. And so I'll agree to the motion. But let me just say that I share those concerns. And perhaps these types of transfers in the past were pro forma. But I think that's the problem. That's the concern that we have. And that going forward they really shouldn't be and hopefully we can change the process as we do go forward.

DIRECTOR ISLES:

Okay. We've heard what you've said today and we will try to provide additional information in the future.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion to discharge without recommendation by myself. Seconded by Legislator Romaine. All in favor? Opposed? IR 2136 is discharged without recommendation. **(VOTE: 4-0-0-1**

Not Present: Legislator Losquadro)

IR 2137, Accepting a donation of Real Property for Open Space purposes - A SCDHS Board of Review Transfer of Development Rights (File No. S02-05-0059) (County Executive)

And I will just ask again, Ms. Fischer, is -- does this go, the sending and receiving within the same town?

MS. FISCHER:

Yes. The sending sites that we're going to be -- that are going to be donated to us are along the Forge River in, again, the Mastic/Shirley area in the Town of Brookhaven. The receiving site is located also just north of Northern Boulevard nearby in Shirley in the Town of Brookhaven.

CHAIRPERSON VILORIA-FISHER:

Okay. And we're accepting the properties. It's along the Forge River where we've been spending a great deal of money to protect that area.

MS. FISCHER:

Yes. Exactly it's on our Master List, II.

CHAIRPERSON VILORIA-FISHER:

Okay. So I will again make motion to discharge without recommendation. May I have a second?

LEG. D'AMARO:

I'll second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro.

LEG. D'AMARO:

Just on the motion very quickly.

CHAIRPERSON VILORIA-FISHER:

Yes.

LEG. D'AMARO:

Now is the transfer of these sanitary credits or -- I'm coming up with the lingo here, I'm trying.

MS. FISCHER:

That's fine. Sanitary's fine.

LEG. D'AMARO:

Is that within the same --

MR. MINEI:

We have vacant positions, Legislator.

MS. FISCHER:

Same hydro geologic zone. If you look at my exhibit C, my letter --

LEG. D'AMARO:

Right.

MS. FISCHER:

-- in the back of your packet. The memorandum that I sent to Steve {Kosta} --

LEG. D'AMARO:

Yes.

MS. FISCHER:

-- you'll see that I identified both properties are located within hydro geologic zone six and within the Town of Brookhaven. I minimally, at least, put that information in for you to identify and clarify where they are. That is the base information of which these things are generated.

MR. MINEI:

Yeah. If I could just try to quickly clarify one point. You raised it again. This has been a lingering one for a long time. One of the main reasons and the impetus behind us getting into the TDR business several years ago were -- people were referring to the Health Department as the super zoning agency. This TDR concept, to my way of thinking, helps us be more consistent with town zoning because that's the information the applicant has to bring.

LEG. D'AMARO:

Right.

MR. MINEI:

Not that we're overruling zoning.

LEG. D'AMARO:

Don't misconstrue it.

MR. MINEI:

So if we would disabuse that.

LEG. D'AMARO:

I am not against the concept --

MR. MINEI:

Okay.

LEG. D'AMARO:

-- of the transfer, at all.

MR. MINEI:

But that issue just keeps getting raised, that's all.

LEG. D'AMARO:

I think it's a positive thing. But again, I feel that when I do de facto authorize that transfer by accepting a donation of property --

MR. MINEI:

Yeah.

LEG. D'AMARO:

-- there's a result on the receiving property. And I would like to know more about it.

MR. MINEI:

Right. The mitigation is -- you're absolutely correct. The mitigation we have to think regionally. The mitigation isn't on the receiving property. The mitigation is overall to the resource. You're absolutely correct. But the one point was people think that we're trying to go above and beyond and be the zoning agency. TDR has helped us be more consistent over the years with zoning.

LEG. D'AMARO:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion and second. All in favor? Opposed? I'm not sure if I called the vote on that. Yeah. I'm doing it again, IR 2137 is discharged without recommendation. **(VOTE: 3-0-0-2 Not Present: Legislator Losquadro, Legislator Stern)**

IR 2138, Accepting a donation of Real Property for Open Space purposes - A SCDHS Board of Review Transfer of Development Rights (File No. R02-05-0677) (County Executive)

Again in schedule C, it says that they're both -- sending and receiving are within the Town of Brookhaven, but I don't know if it's within the same hydrological zone.

MS. FISCHER:

These are a little bit disjointed. One is I believe in zone three. And the other is in -- I can't remember offhand, but it's just north of the zone -- north of zone three.

CHAIRPERSON VILORIA-FISHER:

Looks like they're very close.

MS. FISCHER:

They're very close. And again, this is at the discretion of the Board of Review. Generally, if they are close to one another, and Vito can back me up, they give discretionary consideration there. This was determined by the Board of Review. And the locations -- the piece that we're acquiring is in our Miller Place, Yaphank Road Nature Preserve area. So this again was on our Master List II. The parcel that is the receiving parcel is located -- let me just verify -- in Crystal Brook Hollow area north of 25 in Mt. Sinai.

LEG. D'AMARO:

So that's a different hydro geographical zone.

MS. FISCHER:

Hydro geologic zone.

LEG. D'AMARO:

Geological, I'm sorry. Hydro geological zone.

MS. FISCHER:

Yeah.

LEG. D'AMARO:

Now the Board of Review. Though, has said --

MS. FISCHER:

It's okay.

LEG. D'AMARO:

-- okay. Well, it's okay to increase to the density beyond the permitted density in the receiving zone.

DIRECTOR ISLES:

Permitted health --

MR. MINEI:

In essence, it is.

LEG. D'AMARO:

Right.

MR. MINEI:

And to clarify one step further. Typically it's allowed to cross zone boundaries when you're going from a more sensitive area --

MS. FISCHER:

Right.

MR. MINEI:

-- like the deep recharge area of zone three to a less sensitive area of zone eight, which might flowing into Long Island Sound. But again, your line of reasoning is accurate in that you are indeed increasing density on the application -- on the applicant's property in that locale.

LEG. D'AMARO:

Excuse my ignorance on this, but this Board of Review --

MR. MINEI:

Yes.

LEG. D'AMARO:

-- who are they? When do they meet?

MR. MINEI:

Okay.

LEG. D'AMARO:

And how do they get there?

MR. MINEI:

Okay. Okay.

LEG. D'AMARO:

Yeah.

MR. MINEI:

In Article II of the Sanitary Code, it authorizes the Commission to establish a pool of employees of the Health Department of 20 people. The Board of Review as constituted every month, using the third Thursday of the month, is comprised of three individuals; a Chairman and two other voting members. And they usually hear anywhere from about 8 to 12 variance hearings, you know, at a time. Some -- we increase that when some are just marginally above the stands. They're called screenings. But there are usually about 8 to 12 formal hearings every month before the Board of Review.

MS. FISCHER:

Also just for clarification, if we go beyond a town boundary we require that both towns send us letters consenting to the swap --

CHAIRPERSON VILORIA-FISHER:

Okay.

MS. FISCHER:

-- between towns if that does occur. So we -- there is a level of comfort on the fact that we do require that if it goes inter municipal. But within a town they generally -- it, you know, it's -- and it's -- if it's within a certain parameter that the Board of Review approves, then, we feel it's acceptable.

LEG. D'AMARO:

What is the receiving zone? What is it? You said zone seven; was it?

MS. FISCHER:

The receiving hydro geologic zone is the north -- I can't remember the number, Vito.

MR. MINEI:

It's north of three?

MS. FISCHER:

Yeah.

MR. MINEI:

Then it's probably eight.

MS. FISCHER:

Eight. I would say. Yeah. I can verify.

MR. MINEI:

It's either eight or four. It's either eight or four.

CHAIRPERSON VILORIA-FISHER:

Looks like Port Jeff to me.

MS. FISCHER:

It's Port Jeff area. I think that's zone eight. The hydro geologic --

LEG. D'AMARO:

Okay. I don't need to know the number. I just --

CHAIRPERSON VILORIA-FISHER:

It's my district.

LEG. D'AMARO:

It's a different zone --

MR. MINEI:

It's either four or eight.

LEG. D'AMARO:

-- than the donated property.

MS. FISCHER:

It's a less restrictive zone. So you're actually protecting more of what you want to protect. Protecting the property in hydro geologic zone three.

LEG. D'AMARO:

So how many zone -- how many transfers into the receiving zone will the Board of Review allow before they say no that's enough? Or how do we know the answer to that question? Or how many have been done in the past? How do we know when that zone is saturated to a point because it cannot accept anymore transfers from adjoining zones, lets say, or other zones?

MS. FISCHER:

Vito?

MR. MINEI:

He was looking at you, Laretta.

LEG. D'AMARO:

I'll just throw it out there, you know, you guys are great. Whoever wants to answer.

MR. MINEI:

It's a valid, and again a persistent question we've had.

LEG. D'AMARO:

Let me just follow-up before you answer it. So, if I were sitting on the Board of Review --

MR. MINEI:

Yes.

LEG. D'AMARO:

-- and you came to me and said, hey, you know, there's this property we can get donated. It's in a very sensitive area. We should grab this. Part of my job on the Board of Review is to say. Well, what's the effect to the receiving zone?

MR. MINEI:

Absolutely.

LEG. D'AMARO:

Do they track this?

MR. MINEI:

Absolutely.

LEG. D'AMARO:

Do they have statistics? Do we know?

MR. MINEI:

Well, basically by tracking it is our groundwater monitoring network. And about 25 years of groundwater computer modeling and now the update we're doing is to make sure that we have a handle on what -- the term of art is usually "carrying capacity", whether you're talking about traffic reasons -- but for us it's groundwater quality carrying capacity that you're getting to the heart of the issue.

One of the things that they look at is precedence setting. They ask the applicant to bring in a series of tax maps and to show what kind of a precedent they would be setting. Typically, as I mentioned before, the persuasive case is, no, I'm consistent with the character of the neighborhood; and look the town zoning is what I'm consistent with. But your answer is really rooted in literally 25 to 30 years of groundwater monitoring and our projections of how many houses can be allowed in an area. But right now we're trying to improve that ability to project carrying capacity.

LEG. D'AMARO:

Now when an adjoining or another zone -- it doesn't have to be adjoining. When another zone accepts this higher density because we've donated, let's say, a property we need to have or want to have, does that preclude -- you know, carrying this to a logical conclusion -- does that preclude eventually someone within the zone of increasing density? In other words, if the zone reaches saturation from taking outside the zone, aren't you in effect eliminating the chance for others within the zone to transfer?

MR. MINEI:

No. Again, we're going to refine and better support our response that I'm going to give you. The answer now is no, based on again, from the mid 70's forward, our planning and evaluation of groundwater conditions and the zoning in the area.

The receiving zones typically when we move across zone boundaries are what we consider less sensitive zones. Instead of protecting deep recharge public supply areas of three and going in to either -- and I'm thinking might be zone four, not zone eight, but this shallow flow into the Long Island Sound is that we've made a determination that that can have higher capacity. Even in Article Six itself, it allows greater density. You're allowed to split property to 20,000 square foot lots in those other zones. Where zone three and that zone six we were talking about, you're only allowed to split property to 40,000 square foot.

So we've already made the overarching decision that those areas don't have the carrying capacity of those outlying areas. But to answer more definitively, again, it's -- you're right on. What is the absolute carrying capacity and how close are we approaching it with these approvals of the Board of Review? We felt comfortable and confident based on our planning and monitoring and modeling to this point, but we're about to give you all a better answer in the next year or so with this update of our Comprehensive Water Resources Plan.

LEG. D'AMARO:

And that's based on your in the field monitoring of groundwater or --

MR. MINEI:

It's monitoring. It's evaluation of stream water quality, the bay of receiving quality. The zoning in the area.

LEG. D'AMARO:

What are you going to do if the receiving zone is way beyond its limits?

MR. MINEI:

Then we're going to talk regional sewerage situations with the Legislature and how to fund it all. I mean, that's really at the heart of a lot of the Workforce Housing and smart growth discussions; is TDR only gets us to a point. But if we're going to accommodate all these other, you know, valuable social needs, we're going to have to really seriously consider subregional sewerage alternatives. And that would be the response technically and administratively from us.

LEG. D'AMARO:

All right. One final thing, and I apologize for taking so much time. But sitting here today again voting on this resolution, I do not know if that receiving zone has the capacity to accept these -- this increased density.

MR. MINEI:

Yeah.

LEG. D'AMARO:

I really don't know and neither do you.

MR. MINEI:

Well, in Mastic/Shirley in some areas we've indicated that it really hasn't, but we're not exacerbating the situation by having the sending and receiving zones in such close proximity that it's an offset. So that's really legitimately the best answer I can give you at this point. There are some cases where on a regional groundwater protection, maybe 30 years ago we should have said no more development.

LEG. D'AMARO:

I'm just wondering though, how does the Board of -- if I were on the Board of Review, and an interzone transfer --

MR. MINEI:

Right.

LEG. D'AMARO:

-- is proposed, how do I make a decision then whether to say yes --

MR. MINEI:

Based on the environment.

LEG. D'AMARO:

-- this won't hurt the environment or it won't -- it will meet our criteria in the receiving zone? They really don't know.

MR. MINEI:

Well, it's based on -- and you'll see it in the language when I send it to you, that's it's a determination of the Board that it's consistent and in harmony with Article Six of the Sanitary Code. Article Six of the Sanitary Code is based on work we did in the mid 70's forward that says these are housing densities that are allowable. And what we're hearing from around the country, we've actually been correct for a number of years in what we've been allowing.

So it's on that basis. And it isn't just a matter of faith at this point. It's rooted in considerable science. And we can discuss that some more. We're just going to improve the science, that's all.

DIRECTOR ISLES:

And it's all rooted on protection of drinking water and those standards.

MR. MINEI:

And surface waters as well.

DIRECTOR ISLES:

And surface water. Right. Yeah. In those coastal areas.

CHAIRPERSON VILORIA-FISHER:

Vito, when you continue with the modeling of, you know, with the water modeling throughout the County, then that could also -- eventually, I'm assuming, that you could do projections and you could do analysis based on almost realtime status?

MR. MINEI:

Yes. Yes. And one of the things we've asked the towns for suggestions on where they wanted to possibly increase housing density for Workforce Housing or for smart growth considerations. And we're going to have these as pilot studies of this comprehensive plan to evaluate it.

This is very sophisticated computer modeling. It's going to give us details of water quality contributing to every public water supply well in Suffolk County, to private water supply areas of the County and to all the surface streams and bays of the County. So it's going to be real time. And what the computer models do then is allow you to project from today forward. And that's the real power of computer modeling is to be able to do these planning studies.

CHAIRPERSON VILORIA-FISHER:

And those of us who have been here longer had the opportunity to hear more about this. So I think your questions are very relevant, Legislator D'Amaro. And on target. We're on 2148?

MS. FISCHER:

2138.

CHAIRPERSON VILORIA-FISHER:

Okay.

MS. FISCHER:

2138.

CHAIRPERSON VILORIA-FISHER:

Okay. We're not going to be able to vote on 2148 yet because we don't have a quorum.

LEG. D'AMARO:

We don't?

MS. FISCHER:

It's 2138 --

LEG. D'AMARO:

Where's Ed?

MS. FISCHER:

-- I believe that you're on.

CHAIRPERSON VILORIA-FISHER:

I thought we voted on 2138 already. No. I'm sorry. I missed a page. I turned the page to see how far we had to go before the end of the evening. We will talk about 2140 and then go back to 2138.

MS. FISCHER:

Okay.

CHAIRPERSON VILORIA-FISHER:

2140, Authorizing acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks fund Open Space component Carich

**property-Fresh Pond addition, Town of Huntington (SCTM No. 0400-015.00-02.00-039.000)
(County Executive)**

LEG. D'AMARO:

Did we vote on the other one?

CHAIRPERSON VILORIA-FISHER:

No. We're going back to it. We don't have a quorum.

LEG. D'AMARO:

We don't have a quorum? What's up with that?

DIRECTOR ISLES:

Would you like a brief summary of this one then?

CHAIRPERSON VILORIA-FISHER:

Yes, please.

DIRECTOR ISLES:

Okay. This is a parcel of a little over an acre that was on Master List I in the Fresh Pond area of the Town of Huntington just heading north towards Long Island Sound. The parcel itself was approved under the Master List as I indicated, number one. Real Estate has conducted appraisals and gone through the Environmental Trust Review Board and at this time has successfully negotiated the acquisition. Certainly if you have any questions either on the planning or environmental side or the real estate side, we'll do our best to answer those questions.

CHAIRPERSON VILORIA-FISHER:

Whose district is this in? Are they listed as a cosponsor?

DIRECTOR ISLES:

I'm not sure.

CHAIRPERSON VILORIA-FISHER:

Oh, Nowick. Okay. I see. In Huntington? Okay. All right. Well, it looks good but we can't make a motion right now.

DIRECTOR ISLES:

Okay.

LEG. D'AMARO:

We don't get the little map on this one?

DIRECTOR ISLES:

We do have a little map. We hand them out when we do planning steps.

LEG. D'AMARO:

Oh, you don't get them?

DIRECTOR ISLES:

We always -- we do have them. If you'd like to see it, we have extras today. So we'd be happy to --

LEG. D'AMARO:

Just -- I would like to see it if you have it.

DIRECTOR ISLES:

Sure. Actually yeah, this one -- this was in Master List I so it was part of those maps.

LEG. D'AMARO:

But what you're saying is we had already authorized the planning steps so.

DIRECTOR ISLES:

Yes. Right. But doesn't mean you can't take a look at it again in authorization. No question about it.

LEG. D'AMARO:

Well, you know, we always talk about, well this is just the planning steps.

DIRECTOR ISLES:

I know. Right.

LEG. D'AMARO:

You know, we'll have another bite at the apple. But when --

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

-- another bite at the apple comes it's like, you know zero information.

DIRECTOR ISLES:

That's true. Right. That's true.

CHAIRPERSON VILORIA-FISHER:

Okay. We're going to go back to 2138. I'm going to make a motion to discharge without recommendation. Do I have a second?

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? 2138 is discharged without recommendation. **(VOTE: 3-0-0-2 Not Present: Legislator Losquadro, Legislator Stern)**

And 2140, was described as having been on Master List I. It's County Executive resolution with a cosponsor with Legislator Nowick. A little over one acre. And, Legislator Romaine, would you also like to take a look at the map? We have a copy of it here.

LEG. ROMAINE:

It's okay.

CHAIRPERSON VILORIA-FISHER:

Okay. I'm going to make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? 2140 is approved. **(VOTE: 3-0-0-2 Not Present: Legislator Losquadro, Legislator Stern)**

2141, Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open Space Preservation Program - for the Cooper property - Emerald Estates (Town of Huntington SCTM No. 0400-168.00-02.00-114.000) (County Executive)

We've seen Emerald Estates before us before. And this was in Master List I?

MS. FISCHER:

No. This is a separate resolution.

CHAIRPERSON VILORIA-FISHER:

Oh, Okay.

DIRECTOR ISLES:

Right. But this does include a number of properties and you have, as you indicated, seen several of these already. Real Estate has negotiated the acquisition of this entire area of what's known as Emerald Estates. It will attach to previously acquired properties owned by the Town of Huntington in the County of Suffolk. Christian City Church property, that's it.

So this is basically a completing or continuing those acquisitions. As I said, there are partial pieces that are being added to a larger whole. And here again, if you have any questions, Real Estate has completed the appraisal process, the Environmental Trust Review Board, and the negotiation process so we will do our best to answer any questions you may have.

CHAIRPERSON VILORIA-FISHER:

Such a good price too.

DIRECTOR ISLES:

We do have a map I think if you need it.

CHAIRPERSON VILORIA-FISHER:

Okay.

DIRECTOR ISLES:

Oh. Sorry.

CHAIRPERSON VILORIA-FISHER:

I'll make a motion to approve. Would you like to second that? It's Huntington.

LEG. D'AMARO:

Yes. Yes.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? 2141 is approved. **(VOTE: 3-0-0-2 Not Present: Legislator Losquadro, Legislator Stern)**

2142, another acquisition. This is (Authorizing acquisition of land) under the Suffolk County Multifaceted Land Preservation Program Open Space Preservation Program for the Kummer property - Emerald Estates (Town of Huntington SCTM No. 0400-168.00-02.00-083.000p/o) (County Executive)

DIRECTOR ISLES:

Okay. Similar to the prior resolution, this is a part of the Emerald Estates area. This parcel's 1.25 acres and once again, Real Estate has completed their process. If you have questions, we'll be -- do our best to answer those questions. It's a part of the property.

CHAIRPERSON VILORIA-FISHER:

Okay. I'm going to make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? 2142 is approved. **(VOTE: 3-0-0-2 Not Present: Legislator Losquadro, Legislator Stern)**

2143, Authorizing acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks fund Open Space component Estate of Plummer property Mastic/Shirley Conservation area, Town of Brookhaven (SCTM No. 0200-980.70-06.00-038.000) (County Executive)

DIRECTOR ISLES:

Okay. This is a parcel located on Lawrence Creek in Mastic/Shirley. This was done by an individual resolution that came in about two years ago incorporating what was known then as Phase I of Mastic/Shirley acquisitions. This parcel is a waterfront parcel. Actually it's opposite the -- on the other side of Lawrence Creek is the William Floyd Estate. There's County property on either side of this property; to the north and south. There's County property to the east, pardon me, to the west.

We do have an aerial if you'd like to look at it. But here again, it's consistent with the County's efforts to consolidate fragmented holdings in the Mastic/Shirley area. And we would recommend it to you today. Here again, Real Estate has information on the acquisition details if you'd like any of that.

CHAIRPERSON VILORIA-FISHER:

Okay. I'm going to make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? 2143 is approved. **(VOTE: 3-0-0-2 Not Present: Legislator Losquadro, Legislator Stern)**

2144, Authorizing the acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E) (1) (A)] - Kings Park Boat Club, Inc. Property - San Remo Floodplain - Town of Smithtown (SCTM No. 0800-019.00-02.00-016.000) (County Executive)

Pricey little piece isn't it?

DIRECTOR ISLES:

Okay. This is a parcel that was included in Master List I. It is a parcel in the watershed, essentially at the Nissequogue River. It's an extremely low lying area. There are a number of properties in this area that are proposed for acquisition. There are a number of properties that are currently protected. This is continuing in that effort to accumulate these scattered holdings into a more significant county

preservation presence at this location. Once again, if you have any questions we'll try to answer those questions.

CHAIRPERSON VILORIA-FISHER:

Yes, Legislator D'Amaro.

LEG. D'AMARO:

So the process here, of course, there was an appraisal done and --

DIRECTOR ISLES:

Yes.

MS. LONGO:

Approved by ETRB.

LEG. D'AMARO:

Excuse me?

MS LONGO:

Approved by ETRB. The Environmental Trust Review Board.

LEG. D'AMARO:

The Environmental Trust -- see, I knew that one.

DIRECTOR ISLES:

There you go.

LEG. D'AMARO:

We are making headway here. And they're reviewing the appraisals. And do we know if the negotiated price is the appraisal price?

MS. LONGO:

Yeah. The negotiated price is the approved price by ETRB.

LEG. D'AMARO:

Right. Is that the same as the appraised price?

MS. LONGO:

Yes.

LEG. D'AMARO:

It is?

MS. LONGO:

Yes.

LEG. D'AMARO:

So just why --

MS. LONGO:

It is a buildable lot.

LEG. D'AMARO:

It's a buildable lot?

MS. LONGO:

It's a buildable lot.

LEG. D'AMARO:

That's why -- well, it's a fifth of an acre.

MS. LONGO:

It's a -- yeah. Do you have a copy of the map?

LEG. D'AMARO:

No. I'm not allowed to see the map.

DIRECTOR ISLES:

Sure you are.

LEG. D'AMARO:

I mean there's development adjoining this property.

MS. LONGO:

Yes. Yes.

LEG. D'AMARO:

I mean, is this the best bang for our buck, so to speak?

MS. LONGO:

Is this the best bang for our buck? Well, I have planning steps and when I'm directed to buy something, I do it.

LEG. D'AMARO:

Okay. That's fair enough.

DIRECTOR ISLES:

Lauretta could speak on the environmental stuff.

MS. FISCHER:

This is a very low lying area and a flooding, you know, high flooding area in Kings Park just along Nissequogue. So it's been an area of interest both by the Town of Smithtown and the County to acquire properties. In fact, we've picked up or are going to pick up a few more over to the east here.

These are, you know, a little bit -- you know, the area's got wetland and, you know, it is developable to the extent that there might be, you know, that ability; but it's very low lying so a flooding issue always comes into the picture with these kinds of areas. So if it's in, you know, near or within, you know, these wetland areas, low lying flood plain areas, we're very concerned to not have them developed because what ultimately happens is that, you know, if it is developed, they can't put basements. And if they do have basements they get flooded on a continual basis.

LEG. D'AMARO:

Right. But putting aside whether or not a homeowner would have that problem if they developed it, are we -- how are we protecting the environment?

MS. FISCHER:

From restricting development and allowing a buffer area for the flood plain to absorb any kind of flooding that does occur. If you have a house there with a structure, it opposes that kind of natural buffering ability of just a natural open area.

LEG. D'AMARO:

So a natural open area would be more effective?

MS. FISCHER:

Yes, for flood plain protection. Wetlands are well-known for that. And this is just near and adjacent to those wetlands. And they're all low lying areas. When you look at a watershed, one of the criteria you look at is the topography and the elevation from the surface water to a ground level where, you know, that flooding issue won't be of -- as much a concern.

So when you look at areas where you want protection, you look at the lowest lying areas within a watershed and their relation to a water body and the flood control or lack of flood control on that water body. And, you know, the tidal influences you look at, you know, the differences in the elevations from tidal and flood flow. So you're buffering an area in the best way possible to avert any potential flooding as well as protecting natural habitat. It's the best way to go barring putting up a bulkhead.

LEG. D'AMARO:

Well, we're protecting the developed area to the south from flooding; right?

MS. FISCHER:

Yes. To a certain degree; yes.

LEG. D'AMARO:

And -- but we're not going to -- I'm really not understanding how -- you know, I understand protecting homes from flooding, but I don't understand how we're protecting the environment. I'm just lost on that.

CHAIRPERSON VILORIA-FISHER:

Okay. Can I?

MS. FISCHER:

If you want to continue.

CHAIRPERSON VILORIA-FISHER:

If you have a permeable surface, it's much more able to absorb runoff storm water runoff and act as a buffer to the wetlands than if you have an impermeable surface, which is where a house would be.

LEG. D'AMARO:

So this is a buffer to the wetlands?

MS. FISCHER:

Yes. And to the water, the river itself. The wetlands -- the river --

LEG. D'AMARO:

Which is to the north?

MS. FISCHER:

Yes. The Nissequogue River -- see where it says Nissequogue, that's the river there. Right there. Yes.

LEG. D'AMARO:

We're worried about flooding the Nissequoque River?

MS. FISCHER:

On the Nissequoque. There are flooding issues. When you have storm events -- when you have, you know, there's -- it's not only coming from the water itself, it's also coming from the higher areas flowing down into --

LEG. D'AMARO:

Right.

MS. FISCHER:

-- the river.

LEG. D'AMARO:

Okay.

MS. FISCHER:

So your river elevation of water, will it rise?

LEG. D'AMARO:

So this is a buffer in effect. This is a buffer area that if it's left more permeable can absorb that kind of run off or --

MS. FISCHER:

Will the absorb the influences of the storm water and the flooding potential that an area can have in this -- in a low lying area.

LEG. D'AMARO:

In order to accomplish that purpose before we spend \$230,000, if we purchase this property but not all the other properties in the area, are we really accomplishing anything?

MS. FISCHER:

The more property you protect and leave in a natural state, the more buffer -- natural buffer that you're providing. And it might even, you know, tip the scales to saying that you don't have to put in any kind of structural improvements to, you know, avoid those problems.

So in essence you're saving money -- yeah, you know, you'd have to do a very detailed cost analysis of whether this one particular property -- but I know what we're trying to do is acquire all those parcels along that area and keep a buffer.

LEG. D'AMARO:

So planning steps have been authorized for the other --

MS. FISCHER:

Yes.

LEG. D'AMARO:

-- tax map in yellow areas.

MS. FISCHER:

See the one's -- yes. Yes.

LEG. D'AMARO:

And there's a possibility of acquiring those to have a complete buffer? That's what we're doing?

MS. FISCHER:

Yeah. We're actually moving ahead on a number of them as we speak.

LEG. D'AMARO:

Okay. Okay. I understand. Thank you.

MS. FISCHER:

Yeah.

LEG. D'AMARO:

Very good.

CHAIRPERSON VILORIA-FISHER:

Well, actually -- go ahead.

DIRECTOR ISLES:

I'd just add one point, not to prolong this. But just so you know, this is under 12 (5) E, too, which is Town of Smithtown, designated money.

MS. FISCHER:

There is an area that they --

DIRECTOR ISLES:

The town recommended.

MS. FISCHER:

-- the town actually -- this was an area the town also recommended for acquisition as well. So we're in tandem with their concerns and their interests.

CHAIRPERSON VILORIA-FISHER:

But they're not paying part of it?

MS. FISCHER:

No.

DIRECTOR ISLES:

No.

CHAIRPERSON VILORIA-FISHER:

Okay. This is a question that I think, Legislator D'Amaro, you might be interested in this because I brought this up in ETRB but that wasn't the appropriate place. This is the appropriate place. We're looking at .2 acres for about \$250,000? \$230,000?

MS. FISCHER:

230,000.

CHAIRPERSON VILORIA-FISHER:

And my question, if this is prone to flooding and homeowners would be at risk in building here, we do have a County Planning Commission and the towns have zoning ability. Can't we use our Planning Commission and wouldn't they look at this and vote this as -- and be on record in opposition to any building permits in this area? If we have such a high level flooding area, can't we prevent the building in that area?

DIRECTOR ISLES:

Not necessarily. And zoning codes subdivision regulations and so forth can regulate development. On a single and separate parcel like this an application came in for a building permit for a municipality or a County Planning Commission, which is only advisory on these matters anyway, to say that you can't develop it, chances are there may be a constitutional question that that may be a taking of the property through a regulation of the property.

LEG. ROMAINE:

Eminent domain taking.

DIRECTOR ISLES:

So typically, you know, municipalities would often have to seek to mitigate the impact development by setting certain base flood elevations, setting -- limiting the clearing on the property and so forth. But an absolute, you can't develop it, is usually not an option open to most municipalities if it otherwise meets town zoning and subdivision standards and so forth.

So the best protection, in some of these cases, is a complete protection. Sometimes you can cluster if you have a large site, you can preserve the sensitive area and build on the upland area. But in a parcel of this size, it's either going to be developed or not developed and the amount of mitigation you can do is going to be very limited.

CHAIRPERSON VILORIA-FISHER:

What do you mean by that, Tom? The amount of the mitigation?

DIRECTOR ISLES:

Well, what I mean by that is, it's -- to develop a house and you're pretty much going to clear the entire property by putting in the house, by putting in the driveway, putting in the sanitary system, the utility lines, and so forth. My point is that the extent of the mitigation that the town could do here would be to raise the elevation of the first floor of the house so that in the event of a flood --

CHAIRPERSON VILORIA-FISHER:

So they couldn't deny construction here, you say?

DIRECTOR ISLES:

No, they couldn't deny. Here again I'm not --

CHAIRPERSON VILORIA-FISHER:

Is this DEC designated?

DIRECTOR ISLES:

DEC would not even have jurisdiction to my knowledge in this case. Pardon me? They may enter the Scenic Wild and Recreational Rivers Act.

MS. FISCHER:

Yeah, actually they will, that's true.

DIRECTOR ISLES:

Here again, that's not to the point where they can deny development though.

CHAIRPERSON VILORIA-FISHER:

Oh. Okay.

DIRECTOR ISLES:

They can regulate development. They can try to control it and restrict it. But to the point of totally prohibiting it, would be very, very difficult to do in my experience.

LEG. D'AMARO:

Although the -- if it has a high water table and you had -- it's not in a sewer area.

DIRECTOR ISLES:

Right.

LEG. D'AMARO:

You would have to probably build a retaining wall to make the property so unattractive for development that as a practical matter it wouldn't go forward. Although I've seen it done.

MS. FISCHER:

We have seen a lot of that.

DIRECTOR ISLES:

Yeah. I've seen a lot of them --

CHAIRPERSON VILORIA-FISHER:

I've seen it done.

DIRECTOR ISLES:

-- in Oakdale and so forth.

LEG. D'AMARO:

Yeah. Yeah.

DIRECTOR ISLES:

And the first full elevation is made very high so you have the gravity down to the sanitary system.

CHAIRPERSON VILORIA-FISHER:

I think Janet Longo is trying to say something.

MS. LONGO:

Yeah. Vivian, if you remember at the ETRB we did -- when the appraisals were done they did discuss all that. And they did go to the DEC and find out if in fact a permit would be likely to be issued. And they did go to the town. And the town said, you know, they don't ever give you anything in writing. But they did say that the chances of development on that lot were great, which is why the appraisals came in at the numbers that they came in at.

CHAIRPERSON VILORIA-FISHER:

Okay. Well, since we see so many of these in ETRB, and that has crossed my mind on so many of the wetlands that we're trying to protect, but I thought this was a better forum to discuss that.

MS. LONGO:

Absolutely. Yeah.

LEG. D'AMARO:

Could I ask, does the town consider chipping in to this type of acquisition?

CHAIRPERSON VILORIA-FISHER:

They should be.

MS. LONGO:

Well, most towns do. Smithtown we haven't had great success with; however, this is being funded out of 12(5)E money which is the nine Pine Barrens Smithtown money.

MR. ZWIRN:

Designated for that.

MS. LONGO:

So we're using that pot for this acquisition.

LEG. D'AMARO:

All right. And even if we're not successful in acquiring the adjoining properties, you feel -- I don't know who I should ask this question to, but we believe that this is going to protect the river, the environment; not so much the neighboring properties but the environment however -- whatever concerns you have about the environment. Even without the other adjoining properties?

DIRECTOR ISLES:

Yes, we do.

LEG. D'AMARO:

There's no guarantee we'll get them.

DIRECTOR ISLES:

We know it's incremental. But yes, we do. And we'd like to get as much as we can protected in what is otherwise an impacted area with development. We have this small fringe around the river that is either going to be developed or is not going to be developed. And we think that can make a difference to water quality, to the quality of the river and to potential flooding problems in the future.

LEG. D'AMARO:

So it's really its proximity to the river that's heightening --

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

-- the sensitivity -- the environmental sensitivity?

MS. FISCHER:

Absolutely.

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

Yeah. Okay.

MS. LONGO:

And we are in active negotiations with the other surrounding properties. The one's outlined in yellow.

LEG. D'AMARO:

Did the other -- when you're in negotiation, are they privy to our appraisal?

MS. LONGO:

Individually, I always invite the property owner. If we make an offer and they don't like it, I will always invite them to come in and review the appraisals with us. We don't give them our appraisals

at all. And they can't copy them or anything like that, but they can come in and review what we have.

LEG. D'AMARO:

Okay. Thank you very much.

CHAIRPERSON VILORIA-FISHER:

Well, since we can't stop them from building, I'm going to make a motion to approve. No second? Nobody else wants to approve?

LEG. ROMAINE:

I'll move to approve.

CHAIRPERSON VILORIA-FISHER:

Thank you. Seconded by Legislator Romaine. All in favor? Opposed? 2144 is approved. **(VOTE: 3-0-0-2 Not Present: Legislator Losquadro, Legislator Stern)**

IR 2145, Authorizing acquisition of land under the Suffolk County Save Open Space (SOS), Preservation Program, Estate of Derenzis property, Forge River Watershed, Town of Brookhaven (SCTM No. 0200-750.00-06.00-024.000) (County Executive)

And so we continue to save the watershed. But this is an acquisition. Okay. Good.

DIRECTOR ISLES:

Okay. Another acquisition this one is in the Forge River watershed corridor. The parcel itself was on the Master List, and so once again it's picking up the scattered pieces where there is already a substantial County participation and ownership in this location. And there certainly has been concerted effort to maximize protection of Forge River, which has been documented as being impacted.

So here again we're facing the potential final build out of the Forge River watershed. And we are seeking to acquire under Master List as many of those properties as we can often in conjunction with the Town of Brookhaven. If you have any questions, we'll try to answer those.

CHAIRPERSON VILORIA-FISHER:

Okay. All right.

LEG. ROMAINE:

I'll approve.

CHAIRPERSON VILORIA-FISHER:

Okay. Motion to approve by Legislator Romaine.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? 2145 is approved. **(VOTE: 3-0-0-2 Not Present: Legislator Losquadro, Legislator Stern)**

IR 2146, Authorizing acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks fund Open Space component - Irwin property - Patchogue River Wetlands addition, Town of Brookhaven (SCTM No. 0200-865.00-03.00-054.000) (County Executive)

LEG. ROMAINE:
Motion to approve.

CHAIRPERSON VILORIA-FISHER:
Motion to approve by Legislator Romaine, seconded by myself.

LEG. D'AMARO:
On the motion.

CHAIRPERSON VILORIA-FISHER:
Legislator D'Amaro.

LEG. D'AMARO:
Just, Director Isles, if you can just give me a brief reason as to what we're protecting.

DIRECTOR ISLES:
Okay. This is as indicated, the Patchogue River watershed. We do have a map, which we can show to you. This is a parcel that was also included, I believe, in the earlier Master List. As you'll see this is multi-color map indicating that there are several jurisdictions that have ownership. The County of Suffolk already owns a number of properties. The Town of Brookhaven owns properties and what's outlined in the cross hatching are parcels that are identified in Master List I.

This is a situation where in relatively built up portion of western Suffolk County in the Town of Brookhaven in Patchogue, there are still significant properties and significant acreage that can be protected in the Patchogue River watershed. This is an ongoing acquisition effort here again by both the town and the County. It is consistent with the recommendations of the South Shore Estuary Plan, so it's a continuant pattern of seeking to protect the remaining privately owned developable parcels.

LEG. ROMAINE:
Call the question.

CHAIRPERSON VILORIA-FISHER:
Did you have a question on that?

LEG. D'AMARO:
Well, I just see that looking at the map it shows a potential acquisition. I see that. And all the other green parcels have been previously preserved by the County?

DIRECTOR ISLES:
Yes.

LEG. D'AMARO:
All in the same area?

DIRECTOR ISLES:
Yes. And in the magenta colored are the Town of Brookhaven. And then the cross hatched are the Master List parcels that we're seeking to acquire. But as you look below the line work at the aerial you can see a significant amount of wooded area. And here again, this is all part of the watershed, the drainage way, the flood basin of the Patchogue River watershed.

So it's rather amazing it's still undeveloped. It would help if I looked at the right map here. Yeah. Okay. Let me just digest this. Yeah.

MS. FISCHER:

And the question was? I'm sorry.

DIRECTOR ISLES:

Yeah. Well, here again, we have the County properties in the green. You know, what this map doesn't show as well is a broader perspective, I think, in terms of giving you the sense -- by the way the blue is the New York State fresh water wetlands line. So here again, showing the two branches of the Patchogue River corridor.

And these are fundamental policy questions. And I respect your questions and I respect overall the Legislature. These are ones that we've identified and recommend in terms of their environmental value, their flood protection value. And here again they're an impacted locations in western Suffolk County. We've had parcels in Babylon today on, parcels in Brookhaven. And now we've also had parcels in the Town of Smithtown.

So I think the County's making a good effort to preserve these before further development encroaches and further stresses these watersheds. If there's anything further that I'm missing, I'll be happy to try to address that.

LEG. ROMAINE:

Call the question.

CHAIRPERSON VILORIA-FISHER:

Okay. Did you have another question?

LEG. D'AMARO:

No.

CHAIRPERSON VILORIA-FISHER:

We have a motion and a second to approve. All in favor? Opposed? 2146 is approved. **(VOTE: 3-0-0-2 Not Present: Legislator Losquadro, Legislator Stern)**

2147, Authorizing acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks fund - Open Space component - Cardinale property - Hashamomuck Pond, Town of Southold (SCTM No. 1000-056.00-05.00-009.000) (County Executive)

LEG. ROMAINE:

Motion.

CHAIRPERSON VILORIA-FISHER:

Motion by Legislator Romaine to approve, seconded by myself. On the motion, are there any questions?

LEG. D'AMARO:

Just very briefly. What environmental hazard are we mitigating by acquiring this property?

DIRECTOR ISLES:

These are parcels that are in the vicinity of Pipes Cove in Hashamomuck Pond in the Town of Southold. Very low lying parcels. An earlier resolution you had on under the tabled resolution, Hashamomuck Pond was directly adjacent to this. That has extensive wetlands, here again low lying flood prone, protecting the coastal environment of Pipes Cove.

Both the Town of Southold and the County of Suffolk have targeted this area for protection so it's a continuing pattern. And it's assembling the jigsaw puzzle of pieces to here again, protect these parcels.

So we're dealing with a coastal location. We're dealing with wetlands. We're dealing with flood plain. Not to mention it's also located along Main Road in Southold. So it also has scenic value as well as a wooded parcel. So it scores relatively high in terms of a number of attributes of protection.

LEG. D'AMARO:

And in the surrounding area, have we acquired other properties in order to achieve that purpose? I'm sure this property standing alone is not going to achieve that.

MS. FISCHER:

It's part of a whole area that we identified under Master List II for this entire watershed. It's a very large --

LEG. D'AMARO:

Right. But at some point don't we have to ask how successful are we being in acquiring?

MS. FISCHER:

Yes.

LEG. D'AMARO:

You know, to acquire one or two parcels it's not going to --

LEG. ROMAINE:

No, we are.

MS. FISCHER:

No. We have at least two on right as we speak today.

LEG. D'AMARO:

Right.

MS. FISCHER:

And there's more being --

LEG. ROMAINE:

Coming.

MS. FISCHER:

-- investigated as we speak. So this is an ongoing area of very high concern for acquisition. So we are pursuing this.

LEG. D'AMARO:

All right. But sitting here I don't really know how many parcels we've acquired in this area. How successful we are. And I'm being asked to vote on a \$400,000 acquisition for less than an acre.

LEG. ROMAINE:

Vote no then.

LEG. D'AMARO:

Excuse me, Legislator Romaine. You know, I'm just asking for information. I'm trying to decide how I'd like to vote.

LEG. ROMAINE:

Okay.

LEG. D'AMARO:

And I just don't think I have sufficient information. And if that upsets you, well, just too bad. Deal with it.

LEG. ROMAINE:

It doesn't upset me but this is part of -- with the Chair's permission, this is part --

LEG. D'AMARO:

If you want to join the debate and give me information, I would welcome that. But the comments I can do without.

CHAIRPERSON VILORIA-FISHER:

Okay. All right. Legislator D'Amaro has the floor. I'll be happy to recognize you when he's finished with his questioning, Legislator Romaine.

LEG. D'AMARO:

No. I'd be happy to yield for the information.

CHAIRPERSON VILORIA-FISHER:

Okay.

LEG. ROMAINE:

Let me just say, please for give me and I apologize for the comment. I felt that you were asking these questions because there may be some concern and there may be some opposition. I apologize. I really did not mean to offend you in the least. Sorry.

CHAIRPERSON VILORIA-FISHER:

Okay.

LEG. D'AMARO:

Okay. Anyway, just very quickly. What I'm questioning here is whether or not, you know, again being asked to vote and spend hundreds of thousands of dollars. I appreciate the objectives. I agree with the objectives. But my question is are we meeting the objectives? And I don't have any of that information in front of me. I don't know.

CHAIRPERSON VILORIA-FISHER:

I believe Janet Longo wants to respond.

MS. LONGO:

The one piece that we're bringing before you we have in contract. That's why we're here.

LEG. D'AMARO:

Right.

MS. LONGO:

The other pieces behind it, the checker boarded, we are actively negotiating. And we're actually quite successful. We're just not in contract yet. That's why we're not coming before you for the authorization.

LEG. D'AMARO:

So there are other planning steps authorized in the surrounding area?

MS. LONGO:

Yes. And these checker boarded ones surrounding this property, we are in negotiation. We've made offers to the owners on those properties also. Some of them we have accepted offers on. We're just not in contract. Others we're almost there. So we're doing very well in Hashamomuck Pond area.

LEG. D'AMARO:

Okay. Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. We have a motion and a second. All in favor? Opposed? 2147 is approved. **(VOTE: 3-0-0-2 Not Present: Legislator Losquadro, Legislator Stern)**

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

CHAIRPERSON VILORIA-FISHER:

The next one's also Southold, Ed.

2148, Authorizing planning steps for acquisition under the Suffolk County Multifaceted Land Preservation Program - Open Space component (Sterling Creek, Town of Southold) (County Executive)

How close is this to Hashamomuck Pond?

MS. FISCHER:

Sterling Creek is in Greenport.

DIRECTOR ISLES:

Right. It's in Greenport.

CHAIRPERSON VILORIA-FISHER:

Oh, Greenport. It's the Town of Southold. Okay. We're ready whenever you are.

DIRECTOR ISLES:

Okay. As you see in the aerial photograph, the two parcels in question are outlined in red. This is just north of Sterling Cove. It's just east of Greenport Village. The property consists of about 19 acres; or pardon me 18.6 acres. And as you can see it's relatively pristine. The parcel is suggested for planning steps under Multifaceted Open Space Component. And I think that's about it. Oh, we did do a rating, which is attached. And the rating came to 26 points. So it is a acquisition we would recommend to you today for planning steps at this time.

CHAIRPERSON VILORIA-FISHER:

Ed, do you have a motion on that?

LEG. ROMAINE:

Yes. Motion to approve.

CHAIRPERSON VILORIA-FISHER:

Second.

LEG. D'AMARO:

Just very quickly. What is the environmental concern or the underlying purpose?

DIRECTOR ISLES:

Sure. This parcel, you know, there's a number of criteria for acquisitions in the County of Suffolk. And we deal with open space, we're often dealing with resource protection such as drinking water supply protection. And that's much of what the Pine Barrens is for.

Other categories, however, include in your legislation, the legislation of the Legislature, for example under the sales tax program, the protection of wetlands, protection of watersheds. In this case we've got properties and as you can see there are two actual branches here of tributaries to Sterling Cove. So there's actual wetlands on this property. There's actually woodland on this property. There's an adjacent buffer area.

So in the case of the County's criteria, which is something we take very seriously when we look at these properties and we appreciate your concerns today, we feel this parcel would represent a legitimate County interest in the protection of this system. And here again that's why we did the rating and came with the score that we've come up with today.

LEG. D'AMARO:

Thank you.

MR. ZWIRN:

Madam Chair?

CHAIRPERSON VILORIA-FISHER:

Legislator Romaine.

LEG. ROMAINE:

No, Ben.

CHAIRPERSON VILORIA-FISHER:

Oh, who spoke?

MR. ZWIRN:

I did.

CHAIRPERSON VILORIA-FISHER:

Oh, Ben.

MR. ZWIRN:

I just want to put on the record for full disclosure. This property is owned by the Director of the Budget's brother. His family, Fred Pollert, if you notice the name on the resolution.

CHAIRPERSON VILORIA-FISHER:

Yes.

MR. ZWIRN:

I just want to make sure that everybody knows that and for full disclosure. Just when you vote on it, when you do the analysis and evaluate the Planning Department's critique of the property, just something that should be always kept in mind.

CHAIRPERSON VILORIA-FISHER:

While we're looking at this, Tom, just to the north of the property that looks like a -- is there a home on that property? That large wooded area?

DIRECTOR ISLES:

Right. Peconic Landing.

LEG. ROMAINE:

That's Peconic Landing.

MS. FISCHER:

Brecknock Hall.

CHAIRPERSON VILORIA-FISHER:

Oh, it is. Okay.

LEG. ROMAINE:

Brecknock Hall. It's a planned retirement community.

DIRECTOR ISLES:

Right.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you. Okay. There's a motion to approve by Legislator Romaine, seconded by myself. All in favor? Opposed? 2148 is approved. **(VOTE: 3-0-0-2 Not Present: Legislator Losquadro, Legislator Stern)**

LEG. ROMAINE:

Could the Clerk please list me as a cosponsor?

CHAIRPERSON VILORIA-FISHER:

Okay. **2169, Authorizing planning steps for the acquisition under the Suffolk County Multifaceted Land Preservation Program, Manngard/Kleet Revocable Trust property, Town of Brookhaven. (Schneiderman)**

LEG. ROMAINE:

Motion to approve.

LEG. D'AMARO:

Do we have a rating on this?

DIRECTOR ISLES:

We do.

CHAIRPERSON VILORIA-FISHER:

It's coming. Oh, here we go.

LEG. D'AMARO:

Oh. Thank you, Vivian.

CHAIRPERSON VILORIA-FISHER:

I'm seconding the motion to approve.

LEG. D'AMARO:

All right. Just on the motion. I'm more inclined to table this only because of the rating. Can you tell me is there any other significance that we're missing or any other compelling reason why the rating should be disregarded?

DIRECTOR ISLES:

No. We have done the rating. We've come up with a score of 17 based on the information we had available at this time. We did broaden out the aerial photograph because we did note that obviously there's federal property; the Coast Guard Station to the south. There's town property. So we found

that interesting in terms of the preserved area. We then looked at this piece in terms of the impact of the development of the site and so forth.

At this point in time, you know, looking at is as an eight acre parcel not adjacent to other County property, we're a little weak on this. We -- I have spoken to the sponsor's Legislative Aide today on another resolution he has in. And I was hoping to get a little more information on this property if there's something else that, here again we're missing on this one. But as it stands right now, this is a case where probably some sort of cluster subdivision would be appropriate in our opinion to preserve the coastal area.

If it were purchased by the County, you know, it would have limited public access. You could possibly do a little driveway to get into it. But at this point from our perspective we'll stand behind the 17. And it's not something we'd recommend at this time. But we're open for other information if we're missing something.

LEG. ROMAINE:

I will make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Okay. We have a motion and a second to table. All in favor? Opposed? 2169 is tabled. **(VOTE: 3-0-0-2 Not Present: Legislator Losquadro, Legislator Stern)**

May I just ask a question, Tom? When I looked at the aerial on this --

DIRECTOR ISLES:

Yes.

CHAIRPERSON VILORIA-FISHER:

When you have a number of parcels that are owned by various municipalities, could that be considered a Greenbelt?

DIRECTOR ISLES:

Yes. And hopefully there's a management agreement someday.

CHAIRPERSON VILORIA-FISHER:

Okay. So when I looked at this aerial I thought of it as a Greenbelt area. But because it's not contiguous is that why?

DIRECTOR ISLES:

Right. Yeah. I think as you get down to that southern part from that baseball diamond and heading --

CHAIRPERSON VILORIA-FISHER:

Right.

DIRECTOR ISLES:

-- south east you do. And we tried to look at that. Too. And that's why we did a broader scale aerial. But anyway that's -- we still -- it's not connected and it's still an issue with us.

CHAIRPERSON VILORIA-FISHER:

Right. That was my question.

DIRECTOR ISLES:

Right.

CHAIRPERSON VILORIA-FISHER:

It was because of the lack of contiguous --

MS. FISCHER:

Yes.

DIRECTOR ISLES:

Yes.

CHAIRPERSON VILORIA-FISHER:

Thank you. All right.

IR 2170, Authorizing planning steps for the acquisition of land under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund (Cuomo/Ors Corp. Property) Town of Brookhaven. (Schneiderman)

LEG. ROMAINE:

Motion to approve.

DIRECTOR ISLES:

When you're looking at the aerial photograph, of course, the parcels outlined in red, it's a farm. And I guess the question we had is that the acquisition resolutions were put in under the SOS open space component -- the question I had is that, is it intended to be open space? For what purpose? Or is this better off as being a farmland purchase of development rights acquisition? The answer I got from the Legislative Aide was that she understood it to be an open space acquisition and that's what we rated this on as a 21.

LEG. ROMAINE:

We don't have a rating sheet.

CHAIRPERSON VILORIA-FISHER:

Yeah. We don't have a rating sheet attached.

MS. FISCHER:

I'm sorry.

LEG. D'AMARO:

What is it; 21?

DIRECTOR ISLES:

Yeah. Okay. We'll give you the rating sheet. But we rated it based on open space and that's the number we came up with. So at this point as open space as a farm, we don't see environmental value to this in terms of open space purposes.

CHAIRPERSON VILORIA-FISHER:

Thank you, Laretta.

LEG. D'AMARO:

I'll offer a motion to table.

DIRECTOR ISLES:

I don't know if it was intended to be a PDR but --

LEG. D'AMARO:

It was intended to be what?

MS. FISCHER:

Farmland development, you know, purchase of farmland development rights versus open space.

DIRECTOR ISLES:

It would certainly score a lot higher if it was that, but --

CHAIRPERSON VILORIA-FISHER:

If it were farmland development rights.

DIRECTOR ISLES:

Right.

LEG. ROMAINE:

There's been a motion to table. I'll second it. And we'll talk to the sponsor and get the --

LEG. D'AMARO:

Right.

LEG. ROMAINE:

-- sponsor to change this.

LEG. D'AMARO:

Okay. Call the vote?

CHAIRPERSON VILORIA-FISHER:

Yes. Motion to table by Legislator D'Amaro, seconded by Legislator Romaine. Do I have that right? All in favor? Opposed? 2170 -- No, I'm sorry. Was that 2170? I'm getting a little tired, sorry -- is tabled. (**VOTE: 3-0-0-2 Not Present: Legislator Losquadro, Legislator Stern**)

2172, Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program, Lorenzen property in the Town of Brookhaven. (Schneiderman)

DIRECTOR ISLES:

This is a parcel of about eight acres of land. It's outlined in the aerial paragraph in red. The adjacent property outlined in purple is owned by the State of the New York. We did do a rating and we did rate it as 26 points. However, we think that this would be a great State acquisition since the State owns all the other land. And that's what we'd like to recommend to you today. We think that's the logical outcome of this piece.

LEG. D'AMARO:

The State of New York, did you say?

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

State?

DIRECTOR ISLES:

Yes.

LEG. ROMAINE:

Mr. Isles, have you contacted anyone from the State to see if they have any money, any interest or if they've pursued this acquisition?

DIRECTOR ISLES:

We have not. We've just begun the, you know, the review process based on the information we had.

LEG. ROMAINE:

And this is simply a planning steps resolution. This does not in any way encumber the County to purchase this property.

DIRECTOR ISLES:

It is planning steps, yes.

LEG. ROMAINE:

Well, I would strongly suggest we adopt this resolution. In the meantime you can call the State and find out their interest. Because the fact that it's a planning steps resolution doesn't mean it's an acquisition resolution and at any point our process can stop if the State steps in.

DIRECTOR ISLES:

Right. Just understand that once we start the planning steps it often times puts a fair amount of effort and costs upon the County. I'm not sure if the sponsor has discussed or considered the State involvement in this. That's the only consideration I would pass along to you is that they're not free planning steps resolutions.

LEG. ROMAINE:

How long ago did the State acquire the lands that we're talking about?

DIRECTOR ISLES:

I'm not sure.

LEG. ROMAINE:

Could it be 20 or 30 years ago?

MS. LONGO:

Yeah. I can tell you. That's Havens Point. And that was acquired by DEC many, many years ago.

LEG. ROMAINE:

20, 30 years ago?

MS. LONGO:

Probably 20 years ago.

LEG. ROMAINE:

Right. So obviously if 20 years have gone by and they haven't expressed any interest to the property in the north, us saying this today isn't going to make it happen.

MS. LONGO:

They -- well, I worked at DEC before I came here for many years. And we did have an interest in this property. We -- DEC.

LEG. ROMAINE:

Never pursued?

MS. LONGO:

We did pursue it. We never had an interested seller.

LEG. ROMAINE:

Well, maybe we should try now from a County perspective. Times change constantly. People who don't have an interest at one stage in life may have an interest in the another stage.

MS. LONGO:

And we can always go back to DEC at some point if we do have an interested seller and we are successful in negotiations and then partner with --

LEG. ROMAINE:

Correct me if --

MS. LONGO:

DEC and/or the Town of Brookhaven.

LEG. ROMAINE:

Right.

CHAIRPERSON VILORIA-FISHER:

How often have we partnered with the State on acquisitions?

MS. LONGO:

We actually did a very large one with --

CHAIRPERSON VILORIA-FISHER:

The Duke Property? Was that --

MR. ZWIRN:

No. Amsterdam Beach.

MS. LONGO:

WJF was --

CHAIRPERSON VILORIA-FISHER:

Oh. Okay.

MS. LONGO:

-- DEC. That was 300 acres.

LEG. ROMAINE:

All right. Well, we -- while we're doing this, the first step in a planning steps resolution once it passes is to determine if there's an interest on behalf of the seller. So our interest may be moot because the seller may not have the interest. But at least we find out if the seller comes back, the owner of the property says, yeah, I have an interest. At that point before we even do our appraisals we have -- what does it take to pick up a phone? Call Peter Scully at the DEC. It doesn't take a lot of effort. I would say we pass this.

MR. ZWIRN:

The only thing I would suggest is that and we've talked about this about planning steps and maybe this -- we should contact the State before we go -- because it costs -- it costs the taxpayers money. We get appraisals.

LEG. ROMAINE:

Only if we do appraisals. Not if we ask the seller -- if the owner of the property if he's interested in selling.

MR. ZWIRN:

Well, you don't have to have a planning steps to pick up the phone and do that. But it's the -- because of the way the reforms were done under the last Legislature to streamline the process, a planning steps resolution sets the Planning Department in Real Estate in fast motion. I mean they are ready to go. They do appraisals. They have title reports done. All this stuff is done.

LEG. ROMAINE:

You could have surprised me.

MR. ZWIRN:

Look at all the acquisitions that are being done and the ones that you're cosponsoring.

CHAIRPERSON VILORIA-FISHER:

Okay. We're going to make a motion. Do I have a motion?

LEG. D'AMARO:

Motion to table.

CHAIRPERSON VILORIA-FISHER:

Motion to table.

LEG. ROMAINE:

Motion to approve.

CHAIRPERSON VILORIA-FISHER:

Well, I'll second the motion to table.

LEG. ROMAINE:

All right.

CHAIRPERSON VILORIA-FISHER:

All in favor? Opposed? Motion to -- 2172 is tabled. **(VOTE: 3-0-0-2 Not Present: Legislator Losquadro, Legislator Stern)**

And I -- it's obviously a valuable piece. And if we could approach the State to see if they would be interested in it or a partnership. Right?

LEG. ROMAINE:

Can we get an answer to that by next committee meeting?

CHAIRPERSON VILORIA-FISHER:

Well, I'm asking.

LEG. ROMAINE:

Whatever the State says. Maybe they'll say nothing. Maybe --

CHAIRPERSON VILORIA-FISHER:

Well, I'm going to ask our, you know, our department as professionals, you know, if they could make an overture to the State. And I don't think I have to give you a deadline. I'm just going to ask you if you could reach out.

MS. LONGO:

Right. It is on the State's open space plan. There is an interest as far as DEC goes for this property. The State has pursued this property in the past.

The question is if there's a willing seller. With planning steps normally I wouldn't order an appraisal unless I had an interested seller. I just don't go out and order --

CHAIRPERSON VILORIA-FISHER:

Right.

MS. LONGO:

-- appraisals unless somebody tells me they may be interested in selling their property to me. If they say absolutely not, no way, no how, I'm not going to spend the money or the time doing it.

CHAIRPERSON VILORIA-FISHER:

So what are you saying, Janet? That you're going to see first if you have a willing seller? But do you need planning steps to go --

MS. LONGO:

Normally I don't do that until I have planning steps. But whatever you want me to do, I'll do.

CHAIRPERSON VILORIA-FISHER:

Maybe we should have approved the planning steps so that you could go to that.

MS. LONGO:

I'm happy to call the State and the town and whoever.

LEG. ROMAINE:

She isn't authorized to call the seller now to ask if he has an interest --

CHAIRPERSON VILORIA-FISHER:

Right.

LEG. ROMAINE:

-- because we didn't pass the planning steps. That's why the planning steps resolution would have been harmless because we could have determined the interest of the seller. And then if he had an interest, talk to the State about partnering. You know, it is what it is.

LEG. D'AMARO:

Are we weakening our position for the State to even look at this if the County has already approved planning steps; would be my question.

MS. LONGO:

(Shook head no)

LEG. ROMAINE:

No, not at all.

MS. FISCHER:

Can't we just contact the State first to see if they're willing -- can't we just contact the State to see if they're just even willing --

DIRECTOR ISLES:

Well, you're saying they are willing.

CHAIRPERSON VILORIA-FISHER:

No. They can contact the State.

MS. LONGO:

I'm saying they are willing.

MS. FISCHER:

This actually should have been possibly done by -- been done by the --

DIRECTOR ISLES:

Yeah.

MS. FISCHER:

-- sponsor just to reach out to the State and ask them, you know, because of the fact that it is such a piece.

CHAIRPERSON VILORIA-FISHER:

It's on their master list.

MS. FISCHER:

Yeah.

MS. LONGO:

It's always been on their list. I think the problem right now with DEC is that -- to my -- it's my understanding that they don't have a lot of money, if any. You know, the administration's changing. I think they just haven't actively pursued a lot of no-brainer acquisitions, you know, that they could have, probably because of funding.

LEG. D'AMARO:

Would you classify this one as one of those?

MS. LONGO:

Do I classify?

LEG. D'AMARO:

This is an obvious acquisition for the State of New York?

MS. LONGO:

Well, you have to understand I worked on this when I was at the State so --

LEG. D'AMARO:

Okay.

MS. LONGO:

-- to me it is.

LEG. D'AMARO:

That's good. So you bring that to the table. So they need to acquire this property.

MS. LONGO:

It would be nice if they could. There are many acquisitions that we pursue and some that --

LEG. D'AMARO:

So -- So --

MS. LONGO:

-- the towns pursue because we don't for one reason or another. It's adjacent to State property though. It is, you know --

CHAIRPERSON VILORIA-FISHER:

Okay. Let's move on because it is rather late.

IR 2174, Accepting a donation of real property for Open Space purposes - A SCDHS Board of Review Transfer of Development Rights (File No. R02-03-0866 and 0867) (Viloria-Fisher)

I'll follow what we did earlier in the agenda, which is make a motion to discharge without recommendation.

LEG. D'AMARO:

Okay. Go ahead.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Romaine.

LEG. D'AMARO:

Just on the motion. I'd like to know if this is within the same geograph -- what is it?

DIRECTOR ISLES:

Hydro geological.

MR. MINEI:

We call them groundwater management zones.

DIRECTOR ISLES:

GMZ.

MR. MINEI:

We couldn't pronounce the other technical terms.

MS. FISCHER:

Yes, it is. They're within the same hydro geologic zone six. And both within the same Town of Brookhaven.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion and a second. All in favor? Opposed? 2172 is -- I'm sorry, 2174 is discharged without recommendation. **(VOTE: 3-0-0-2 Not Present: Legislator Losquadro, Legislator Stern)**

2175, Accepting a donation of real property for Open Space purposes - A SCDHS Board of Review Transfer of Development Rights (File No. S02-99-049) (A Re-Submission for Correction 8-16-2006.) (Losquadro)

And we have the same question. I believe that it is -- it's certainly within the same town.

DIRECTOR ISLES:

Yes.

MS. FISCHER:

Yes. These are both within the same Town of Brookhaven. And I'm just -- give me one second to get my backup letter.

CHAIRPERSON VILORIA-FISHER:

I don't think I have a schedule C and D here. Do I?

MS. FISCHER:

I have this awful feeling that it was not --

MR. MINEI:

Properties in groundwater management zone three.

LEG. D'AMARO:

Three. Mr. Minei, could I also ask for the backup on these? Similar to our prior discussion.

MR. MINEI:

Yeah. All six we're going to provide you. I'm just trying to think of --

MS. FISCHER:

Oh. Yeah.

MR. MINEI:

-- a quick way of electronically getting you the background and article six with the map. I may have a little difficulty but I'll have someone bring it Tuesday so you can see the groundwater management zones. But certainly the determinations for all six you'll see. We'll get those to you tomorrow.

CHAIRPERSON VILORIA-FISHER:

Lauretta.

MS. FISCHER:

Yes. They're all located within hydro geologic zone three and within the Town of Brookhaven.

CHAIRPERSON VILORIA-FISHER:

Okay. All right. So 2175, motion to discharge without recommendation. Second?

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? 2175 is approved. Discharged without recommendation. **(VOTE: 3-0-0-2 Not Present: Legislator Losquadro, Legislator Stern)**

2176, Accepting a donation of real property for Open Space purposes - A SCDHS Board of Review Transfer of Development Rights (File No. S02-99-0182) (Losquadro)

Same motion, same second, same vote. Discharged without recommendation. **(VOTE: 3-0-0-2 Not Present: Legislator Losquadro, Legislator Stern)**

LEG. D'AMARO:

Same request on the record.

CHAIRPERSON VILORIA-FISHER:

And same request on the record.

MS. FISCHER:

These are all again located within hydro geologic zone three. And within -- all within the Town of Brookhaven.

CHAIRPERSON VILORIA-FISHER:

2190, To promote land acquisitions for open space and farmland preservation in underserved communities. (Cooper)

Counsel, explanation on this because I wasn't certain.

MR. BARRY:

This resolution would direct the Department of Planning to identify communities in the County that have been "underserved by the County's open space and farmland preservation programs." The department would have 90 days to identify all the properties. And once those properties are identified, they'd be instructed to add an additional ten points to each rating sheet for those programs and those properties. So once they identify a property in a "underserved community" they would add ten points to that property on the rating sheet.

CHAIRPERSON VILORIA-FISHER:

Okay. I just want to ask our planning professionals. Is there a standard criteria for underserved communities in the planning field? I just -- I was just wondering how you would go about achieving this?

DIRECTOR ISLES:

There are certainly criteria available nationally in terms of the amount of parkland for communities; certainly for water protection, groundwater protection in our 208 plans in the County. I think that's one of the points -- we have a couple of points with this resolution. But the one point we have is that understanding the fact that the County provides in many cases regional parkland facilities and regional resource protection, whether that's drinking water protection, farmland protection.

So as I read this I don't interpret it, and maybe I'm wrong, to mean that there has to be a County park in every community in Suffolk County. That maybe there are town parks, or village parks; that many communities in the County enjoy Smith Point County Park, or other large County facilities.

So certainly if directed by the Legislature to do this, we would have to come up with a method -- a methodology to answer that question; to define what's an underserved community. And getting back to your point, Madam Chairman, is the criteria. And as I said, there are certainly planning standards that exist. But I think we have to recognize the fact that we're not a local government. We're not a town or a village; that we're a regional government and where those needs not served from a regional government's standpoint.

So that's one we'd like to look at carefully. And if I could just a couple of other quick points is, just so you know, the current rating form for general parkland purposes, hamlet parks, does include an active parkland, does include a number of points. I think it's four points for certain higher density communities. So typically in a western Suffolk County community we have a high population density. And maybe not as much land available where these facilities are needed. There is some provision provided for that.

And then lastly just so you know, too, that the farmland rating form is not on the same scale as the other rating forms. A high score on the farmland program is a 10, you know; a passable score in the

other programs is 25. So just so you know the 10 points would be kind of astronomical in the farmland program. I haven't spoken to a -- had a conversation with any of the sponsors on this resolution. We have begun to review it. But those are some of my questions and certainly we'll, you know, do what we can to accommodate the resolution. But those are some considerations that we would be facing if we were asked to do this.

CHAIRPERSON VILORIA-FISHER:

When I look at the evaluation sheet for a recreational parcel that we talked about earlier in Sayville, I do that see that it's -- the site at its proposed use will provide a recreational opportunity in an area that is presently deficient in this use or similar -- is that what you were referring to earlier? Is that one of the criteria that you were talking about?

DIRECTOR ISLES:

Well, that's one of the criteria. What I was referring to actually specifically was the criteria that talks about -- I'm sorry -- under community values, which is item C on the form number --

CHAIRPERSON VILORIA-FISHER:

Right.

DIRECTOR ISLES:

-- four site located within a census designated place with the population density greater than 2,000 people per square mile.

CHAIRPERSON VILORIA-FISHER:

So in other words, under heading C, community values, if you take two and four it provides nine points and this resolution is looking for ten points.

DIRECTOR ISLES:

Right.

CHAIRPERSON VILORIA-FISHER:

So, in other words we're providing this already.

DIRECTOR ISLES:

Well, least in this example.

CHAIRPERSON VILORIA-FISHER:

But only in terms of recreational acquisition.

DIRECTOR ISLES:

Exactly. It doesn't apply to farmland. And it doesn't apply to open space.

CHAIRPERSON VILORIA-FISHER:

To open space.

DIRECTOR ISLES:

I will tell you, the Farmland Committee does take a different perspective on farmland in western Suffolk County because they know that it's -- it may not be the broad open spaces in Riverhead or Southold but they understand that it's diminishing farmland and may be last farmland in the community. So, you know, they seem to do it informally where they'll say it's maybe only a five or a six. But it's the last farm in the community and therefore they recommend it. So they -- I think they internally try to do that, but certainly I understand the interest in the Legislature in this resolution at least to try to formalize that.

CHAIRPERSON VILORIA-FISHER:

Well this would codify it.

DIRECTOR ISLES:

Yeah.

CHAIRPERSON VILORIA-FISHER:

I think that's what, you know -- I was a little concerned about the language of the legislation. If you had said to me that there was not a standard criteria for determining under -- I wasn't exactly sure of what we were looking for here. Is it just geographic area? Or is it density? What does underserved mean? In planning terminology and in a professional view what does it mean? How are you defining it? And ten would be, you know, adding ten points to it, I think would have to be defined within the criteria where you look at each unique parcel rather than just saying add ten points once you've designated it that. I don't know. Are -- is it a problem for you? Because as the professionals it may not be.

DIRECTOR ISLES:

Well, let me make just one point on the national standards that are out there. They're certainly out there. However, whether they're applicable to Suffolk County precisely and what we're trying to do, that I'm not so sure of. And that's something we would have to try figure out as best we could.

And my point on that I can go to a book and I can look up in a community of 5,000 people how much parkland are you supposed to have. And that's very simple. However, in looking at, you know, the different types of open space and park needs we have, the different amount of parkland we already have, that whole inventory is a whole other matter in terms of what already exist and then what's considered to be a served community. So I live in the Town of Islip and I go to Smith Point County Park once in a while, you know, so that's serving my community.

Obviously I think the intent is also within the local communities. And here again that's when we're starting to get into local parks and playgrounds and things like that. That is often more of a town thing.

So we would try to assess and come up with a fair methodology. I will tell you too, that the 90 days would be a little tight for us and, you know, here again depending on how complex this project becomes. We will try to work with you and this committee as much as possible, to make it as worth while as possible. But those are some of our concerns as we're just beginning to dissect this and what does this mean and how do we accomplish this and give you a worth while product.

CHAIRPERSON VILORIA-FISHER:

I believe Legislator D'Amaro has a question.

LEG. D'AMARO:

Yeah. Doesn't -- I understand what you are trying to do and that is an extremely, I think, sophisticated way of approaching the word underserved.

DIRECTOR ISLES:

Okay.

LEG. D'AMARO:

And, you know, I'm not -- I think if you could -- I don't know if you could actually do it, you know, I understand what you are trying to do. To me underserved means we have a program. Well, we have several, but we have -- let's take a program that provides funding for open space acquisition or environmental preservation, whatever it may be. You're underserved if one area has, let's say, one transaction or one acre preserved under that program whereas another area has a thousand acres. You're not -- it's not a malicious kind of word underserved. It's just that you are underserved by that program by virtue of the fact that simply not the same amount of land has been acquired in one area

as opposed to another. To me I think that's probably the intent of what the sponsor was thinking about.

In other words, so then what you're saying is obviously if you have one acre purchased in one area and a thousand acres in another, therefore the one acre area has been underserved. We want to somehow promote or give more points for preservation in that underserved area. To me that's what underserved means.

DIRECTOR ISLES:

Okay. I understand that. As said, it may be very difficult to take the several hundred communities in Suffolk County and slice it up and say everybody must -- each community must be equally represented by all the programs in Suffolk County.

LEG. D'AMARO:

Well, no. It doesn't have to be equally represented.

DIRECTOR ISLES:

Okay. Proportionately?

LEG. D'AMARO:

It just means what areas are going to get the ten points.

DIRECTOR ISLES:

Yeah.

LEG. D'AMARO:

That's what we're saying.

DIRECTOR ISLES:

And I think one problem with that is that, and I understand the intent I think the intent is fair; I understand that. But just one potential problem is that it may tend to encourage more of this fragmented piecemeal. I think if that fits into a corridor like Forge River and so forth where it's more cohesive and it's part of a County objective. And that's where everything starts, is the objective you set as a Legislature when you adopt programs such as the Drinking Water Protection Program, the SOS Program. And that's where we start with in terms of what are we trying to achieve and how do we achieve that.

So my concern then is if it's driven or too much weighted by a consideration of community, we're going to end up being more like a town parks system rather than a regional County park system. And I'm not sure how to reconcile that.

The only point, and here again we would work on the methodology, is I think you have tried to address this in the sense you have a variety of programs. You have programs that are oriented to developed areas downtowns and active parkland and so forth that perhaps provides facilities in more developed communities than open space can be provided in those communities.

We certainly understand what you're trying to do here and we respect the will of the sponsors in this resolution. We have a few issues with it that I've tried to explain today. And here again we'd like to -- if this resolution's passed, certainly we will work diligently on a methodology that we can then present back to you a good product. But I wanted to be honest with you in terms of these are the things that we reacted to and we saw this and we'd like you to just be aware of that at this time.

LEG. D'AMARO:

Just to respond very quickly.

DIRECTOR ISLES:

Okay.

LEG. D'AMARO:

The rating form, although it tries very hard and it's a great form to be objective, and clearly when you get more points for larger parcels -- is that true?

MS. FISCHER:

Yes.

LEG. D'AMARO:

You are going to have some areas that have an abundance of larger parcels and areas that do not.

DIRECTOR ISLES:

Right.

LEG. D'AMARO:

So as objective as we're trying to be --

DIRECTOR ISLES:

Right.

LEG. D'AMARO:

-- we are ascribing points for non environmental reasons, which is basing it on the size of the property.

DIRECTOR ISLES:

No. I would disagree with the non environmental in the sense that the larger tracks would be more of a regional County park system.

LEG. D'AMARO:

We just spent \$230,000 on a fifth of an acre.

DIRECTOR ISLES:

Right.

LEG. D'AMARO:

So, you know, the smaller parcels have environmental significance also.

DIRECTOR ISLES:

Right.

LEG. D'AMARO:

But they don't get those points.

DIRECTOR ISLES:

They don't, because we're not encouraging the County to buy, you know, scattered holdings around the County. We believe in those cases you saw today that they were a part of a system where there isn't County investment or town investment that it makes sense.

What we're broaching on today are the core issues of how the County's open space program should exist. And I've sat in my office thinking it is better for us to buy a 100 acres in the Pine Barrens or 10 acres in western Suffolk County. That's on an SGPA.

LEG. D'AMARO:

Right.

DIRECTOR ISLES:

And those are tough decisions to make. And we wrestle with these all the time.

LEG. D'AMARO:

Right.

DIRECTOR ISLES:

When we developed these ratings forms, we did a whole report that backed up this rating form --

LEG. D'AMARO:

Sure.

DIRECTOR ISLES:

-- development. We tried to, here again, begin with the Legislative intent. What is it the Legislature is trying to achieve? And then how do we articulate that into a program. We know it's not perfect. And we know the points you're making are excellent points in trying to shape something that will in the future, in the decades to come of the citizens of Suffolk County to say, we did the right thing. We didn't squander money. And we didn't buy pieces that made no sense in terms of the big picture and we tried to channel into logical programs at County level.

Believe me, it's a large task and it's one that I respect any comment that you've made in terms of the difficulties. And we share all interest in trying to make this as valuable and productive as possible.

CHAIRPERSON VILORIA-FISHER:

I really have to leave.

DIRECTOR ISLES:

Okay.

CHAIRPERSON VILORIA-FISHER:

I'm making a motion to table because I'm not comfortable with the wording in this either. Is there a second? Okay. I don't have a second for the tabling motion. Is there a motion?

LEG. D'AMARO:

I'll offer a motion to approve.

CHAIRPERSON VILORIA-FISHER:

Well, I don't want to kill it. So I'll make a motion to approve.

LEG. D'AMARO:

All right.

CHAIRPERSON VILORIA-FISHER:

But I really --

LEG. D'AMARO:

All right. Then I'll withdraw the motion. Are you going to support the motion?

CHAIRPERSON VILORIA-FISHER:

Yeah. I'm really --

LEG. D'AMARO:

No?

CHAIRPERSON VILORIA-FISHER:

-- probably Tuesday I won't.

LEG. D'AMARO:

All right. I'll offer a motion to table then.

CHAIRPERSON VILORIA-FISHER:

Okay.

LEG. D'AMARO:

Or I'll second your motion to table rather.

CHAIRPERSON VILORIA-FISHER:

Thank you.

LEG. D'AMARO:

Call the vote?

DIRECTOR ISLES:

We'd be happy to work with any member of this committee or any sponsor.

Whatever systems we could --

LEG. D'AMARO:

Well, you know, just on the motion. I just feel that, you know, it's a regional view. I understand that. But, you know, frankly taxpayers in every area are paying the same amount into these funds. And there are areas that are benefitting more than others although regionally we all do benefit. I understand that. But the argument could be made why preserve one area when if the other area is not going to be equally preserved -- your whole regional concept flies out the window really. So it does go to this core question of how do you run the program and I appreciate that.

DIRECTOR ISLES:

Okay. Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion to table and a second. All in favor? Opposed? **(VOTE: 3-0-0-2 Not Present: Legislator Losquadro, Legislator Stern)**

LEG. ROMAINE:

I'm opposed.

LEG. D'AMARO:

Okay. That was interesting. Tabling still carries.

CHAIRPERSON VILORIA-FISHER:

It still carries.

LEG. D'AMARO:

Yeah.

CHAIRPERSON VILORIA-FISHER:

Okay.

LEG. ROMAINE:
It carries?

LEG. D'AMARO:
Yeah.

LEG. D'AMARO:
With two votes?

LEG. D'AMARO:
Majority present.

CHAIRPERSON VILORIA-FISHER:
Oh, for tabling. It's majority present. Okay. Motion --

LEG. D'AMARO:
We have one more thing.

CHAIRPERSON VILORIA-FISHER:
Oh, we have one more thing.

LEG. D'AMARO:
Memorializing resolution.

CHAIRPERSON VILORIA-FISHER:
Could you just read it please?

LEG. D'AMARO:
Yeah.

Memorializing Resolutions:

Memorializing Resolution No. M071 Memorializing Resolution in support of the Community Preservation Act. (Horsley)

I spoke with the sponsor. He asked that this be tabled. I'll offer a motion to table.

CHAIRPERSON VILORIA-FISHER:
Second.

LEG. D'AMARO:
Seconded. All in favor? Opposed? Abstentions? **(VOTE: 3-0-0-2 Not Present: Legislator Losquadro, Legislator Stern)**

We're adjourned.

CHAIRPERSON VILORIA-FISHER:
Okay. And I'll make a motion to adjourn. We stand adjourned. Bye, bye.

**(The meeting was adjourned at 5:50pm)
{ } DENOTES SPELLED PHONETICALLY**

