

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 May 8, 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
Michael Deering, Commissioner of the Department of Environment and

Energy

Ginny Suhr, Aide to Chairperson

Lisa Keys, Aide to Leg. Romaine

Deborah Harris, Aide to Leg. Stern

Carrie Meek Gallagher, Planning Department

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING COMMENCED AT 9:52 AM)

CHAIRPERSON VILORIA • FISHER:

We have a quorum here. Good morning and welcome to the moveable feast that we call the ELAP committee. And we will begin with the Pledge of Allegiance led by Legislator Lou D'Amaro.

(SALUTATION)

CHAIRPERSON VILORIA • FISHER:

Thank you. We have no cards but we do have correspondence. Yes, he said he decided not to speak so we have no cards. Ginny, the letter from the Water Authority, do I have it here or do you have it? Sorry. Please bear with us. We did have a letter from the Suffolk County Water Authority. And we will submit it to the record as soon as we get a hold of it.

Basically the Suffolk County Water Authority had been invited by this committee and by myself in particular to join us today because you may

recall that at our last meeting there were employees of the Water Authority who cited a variety of grievances here on the record. And I invited the Water Authority, Steve Jones, to come to the Legislature so that they could have equal time here.

And the basic message in the letter was that the Water Authority feels that these are issues that are •• that involve contract negotiations and that they did not feel those should be held here at the Legislature. And so they declined the invitation but did write their position in this letter. And we're submitting that for the record.

We're going to go •• we're going to move to the agenda unless there is any •• yes, come on up. And just so everyone knows before you leave after we have covered the agenda the members of this committee and I will be discussing the permanent time for this meeting. There has been a member of the committee who has indicated to me that this is not the best time for him. And so we will be having it on Monday perhaps a little bit later but we will discuss that on the record and set a time for this committee.

TABLED RESOLUTIONS

Okay. Tabled resolutions. **1172 (authorizing planning steps for acquisition of land under the New Suffolk County Drinking Water Protection Program, Terrell River/Havens Estate property, Town of Brookhaven) (Leg. Romaine)**

LEG. ROMAINE:

Motion to table. The Town of Brookhaven is still forwarding their resolution. It's pending. And we also have to change this resolution to reflect the new Department of Environment and Energy.

CHAIRPERSON VILORIA • FISHER:

Okay. I'll second that motion. All in favor? Opposed? **1172 is tabled.**
(Vote: 5•0)

1220, authorizing planning steps for acquisition of land under the New Suffolk County Drinking Water Protection Program, Governale property, Town of Brookhaven. (Romaine) Legislator Romaine.

LEG. ROMAINE:

Same reason, same motion. Table.

CHAIRPERSON VILORIA • FISHER:

Motion to table by Legislator Romaine. Is his mike on?

MS. KRAUS:

His mike's not on but that's okay.

CHAIRPERSON VILORIA • FISHER:

Ed does have a voice that carries. I'm sure you heard him. Seconded by the Chair. All in favor? Opposed? **1220 is tabled. (Vote: 5 • 0)**

1225, approving Master List IV and planning steps for environmentally sensitive land, farmland and recreationally important land acquisitions. (Romaine) Legislator Romaine.

LEG. ROMAINE:

Master List IV, where are we with this, Tom? We had forwarded to you for comment?

DIRECTOR ISLES:

We provided •• excuse me. We provided comment, I think, right before the last committee meeting. I just talked to your aide about it. And I haven't seen a revised copy. I guess that's what's happened now? There's been a revised draft?

LEG. ROMAINE:

Right. There's a revised copy. For the record, I'll make a motion to table this. And if between now and the General Meeting Tom agrees that the Master List is in order, I'll move it at the General Meeting. I'll move to discharge it at the General Meeting.

DIRECTOR ISLES:

Okay. So we'll get a copy today and we can look it over. Okay.

CHAIRPERSON VILORIA • FISHER:

All right. So there is a motion to table again by Legislator Romaine, seconded by myself. All in favor? Opposed? **1225 is tabled. (Vote: Vote: 5•0)**

1288, creating a Homestead A•Syst Task Force to minimize the use of pesticides and fertilizers through a County•Wide Education program. (Viloria•Fisher) The County Executive's Office has indicated to me that they're trying to do some research and fact finding regarding this resolution. I'm going to table it for one more cycle. And then I hope to move it. I believe that that research and fact finding should be able to be completed before our next meeting. And I plan on moving ahead with it then with whatever revisions we would need to make in the charge to the task force members based on the information that we receive from the County Executive's Office. So I will make a motion to table for one cycle.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? **1288 is tabled. (Vote: 5•0)**

1352, appointing member in the Suffolk County Water Authority James Tripp (Losquadro) because there is not an opening at this point in time. I will make a motion to table. Oh, Legislator Losquadro, I did not see you.

LEG. LOSQUADRO:

I snuck in on you.

CHAIRPERSON VILORIA • FISHER:

Okay. So I will defer to your ••

LEG. LOSQUADRO:

Motion to table.

CHAIRPERSON VILORIA • FISHER:

Seconded by myself. All in favor? Opposed? **1352 is tabled. (Vote: 5 •0)**

1354, adopting local law number 2006, a local law to require sufficient notice of Planning Commission referrals and meetings.

(Stern) Legislator Stern, what is your pleasure?

LEG. STERN:

Madam Chair, I know we're going to hear from Mr. Isles on this proposal in just a moment, but I think that this legislation is certainly ready to move. Over development, of course, has gotten an awful lot of press lately; certainly in the last couple of weeks. Most recently this last Sunday's New York Times in the Long Island section which states in part to really solve the problem of over development Long Islander's will have to notice it first.

And I think that this legislation is an important first step anyway in planning a role towards that end. And I think this legislation goes to the heart of the matter and that is providing adequate notice to area residents who happen to live on the wrong side of some arbitrary town line. This legislation does nothing to usurp the authority of the towns and their zoning powers. But I think again is an important first step in providing adequate notice to those residents who are going to be adversely affected by big box development that goes on in their backyards or right across the street, again, who under the law right now are not entitled to notice again because they simply live on the wrong side of the line.

CHAIRPERSON VILORIA • FISHER:

And Newsday did have that big coverage on that last week. Mr. Isles, did you have comments on this local law?

DIRECTOR ISLES:

Yes. And thank you and thank Legislator Stern. We have been in discussion on this. A couple of points. There's some technical issues that I've discussed with Mr. Stern. And I don't really need, I don't think at this point to go into too much detail on that. Mr. Stern has graciously agreed to take those under advisement and any further amendments to this. But I guess, you know, certainly we don't quarrel with the intent of this; to provide further notification of County Planning Commission meetings. The •• obviously the decisions lie with the town so the County Planning Commission is advisory in most cases. So certainly a greater awareness of what's happening at the county planning commission level as well as a greater awareness at the town level. They should both be aware of it. But at least this takes care of our part of it; the county part of it.

It would require for commercial development in excess of 25,000 square feet within 500 feet of a municipal boundary. Notification by the applicant to all •• businesses and residents within a thousand feet of the subject parcel. So here, again, we understand that part of it. We don't quarrel with that per se. I'll make a different planning commission and we understand the intent to provide notification and sharing information. And we'll certainly do that.

We had some issues in terms of the exact form of notification whether property owners should be notified, how we identify residents and businesses. And here, again, we're working with Legislator Stern on that one.

CHAIRPERSON VILORIA • FISHER:

What are you recommending for that, Tom? For notification? Because generally for public hearings it's •• I know with the towns it's within a certain perimeter around the site. And the newspaper notices; right? So how could we handle this to make a wider •• what is your recommendation with this?

DIRECTOR ISLES:

Okay. Yeah, newspaper notice for a zoning change or a zoning amendment is required under state law. In addition most towns also require the posting of the property with a sign. And then they also do direct notification to property owners within 200 feet usually. Sometimes it's adjacent

properties.

This would require notification here, again, that larger area. And that's one of the things that would have to be ironed out. That potentially be done under the by-laws of the County Planning Commission upon adoption of this. They would actually define the form of that. And it could potentially be a notice with an affidavit from the applicant backing that up that they did provide the notice. So it's something that we just want to tweak that and make sure it's going to work okay. Since it is new for the County Planning Commission.

CHAIRPERSON VILORIA • FISHER:

But would that be in the resolution or in the by-laws as you just indicated?

DIRECTOR ISLES:

Well, right now I think the resolution speaks of requiring the applicant to provide notice for all businesses and residents within the thousand feet. So that has the broad requirement. Exactly how that's implemented would either be on subsequent clarification on the legislation or if not then in the by-laws the Commission would take it up and then actually specify how they would interpret the law.

CHAIRPERSON VILORIA • FISHER:

I see. So then, Legislator Stern, you would be tabling today and making changes in your resolution or not?

LEG. STERN:

No. I think it's ready to move. And the actual form of notification is something that I would look forward to speaking with Mr. Isles about. And how we go about that; whether it's by future resolution or something in the by-laws, is something that we can work out I think in the short term. But I think that the legislation is ready to move.

CHAIRPERSON VILORIA • FISHER:

Okay. That's why I asked the question about whether it needed to be in the resolution. And clearly it can be in by-laws or a subsequent resolution then

that's fine. So you're making a motion to approve?

LEG. STERN:

Motion to approve.

CHAIRPERSON VILORIA • FISHER:

Okay. Second?

LEG. D'AMARO:

I'll second.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? **1354 is approved. (Vote: 5•0)**

1390, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Treemont Avenue property, Town of Brookhaven) (Eddington) Mr. Isles, any comment on this? We had tabled it but I don't ••

DIRECTOR ISLES:

We had commented at the previous meeting •• it was tabled. And we had expressed a concern that a part of this property is developed as what appears to be a business, I assume. It's a house that was converted to a business.

CHAIRPERSON VILORIA • FISHER:

And there was that little triangle piece of it which seemed to have some buildings on it; something on it.

DIRECTOR ISLES:

Right. Right. I did speak to the sponsor a couple of weeks ago. And it was my understanding he was going to request that this be tabled today. Obviously I don't speak for him today but I had expressed to him the issue on what's the proposal for the building, number one. And number two under the recreation, I think this is under Hamlet Parks Program •• no, pardon me •• Multifaceted •• there usually has to be a partner such as the town or a

community organization that will then maintain this. So it would be a small vest pocket park which is typically not something County Parks has the ability to manage. So we still have those concerns. I had expressed those to the sponsor and we haven't heard anything further at this point.

CHAIRPERSON VILORIA • FISHER:

Okay. So, I'll •• Mr. Romaine?

LEG. ROMAINE:

Has the sponsor been in touch with the Town of Brookhaven possibly it could be given as a 72•H to the town to be maintained or something of that nature. Has he talked at all? What?

LEG. LOSQUADRO:

Partner on the acquisition.

LEG. ROMAINE:

Yeah, partner on the acquisition with the town having a responsibility for maintaining the property? Has he reviewed that at all?

DIRECTOR ISLES:

To my knowledge, no, it didn't come up in conversation. What he did mention to me is that there's a school across the street and said possibly the school would be involved in some manner.

LEG. ROMAINE:

I don't think Patchogue Medford School District is going to be involved. They have their own problems. But ••

CHAIRPERSON VILORIA • FISHER:

Well, Mr. Romaine, I'll reach out to Mr. Eddington and that way ••

LEG. ROMAINE:

Because that way ••

CHAIRPERSON VILORIA • FISHER:

We'll table it here; then we'll move forward with the rest of the agenda. I'll

make a motion to table 1390. Second?

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? **1390 is tabled.**
(Vote: 5•0)

INTRODUCTORY RESOLUTIONS

1412, reappointing member of the Council on Environmental Quality Lawrence Swanson. (Viloria • Fisher) He is not here today. This is a reappointment. He's out of town. And I'll make a motion to approve. He has been the Chair of CEQ for the past year at least that I know of. Is there a second on the motion?

LEG. STERN:

Second.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator Stern. All in favor? Opposed? **1412 is approved.**
(Vote: Vote: 5•0)

1446, to set a public hearing for the review and modification of Agricultural District Number 3 in the Towns of Babylon, Brookhaven, Huntington, Islip and Smithtown. (County Executive)

Can you just explain though the setting of the agricultural district a little bit, Mr. Isles, because some of our new legislators haven't encountered this before. And it's interesting to see how that affects an area.

DIRECTOR ISLES:

Okay. New York State law permits under Agricultural and Markets Law counties to establish agricultural districts. The County of Suffolk has done

so over twenty years ago. And it's one of the tools in the tool box, so to speak, of methods of helping to preserve agricultural as an industry in Suffolk County. At this time we have four agricultural districts. There's been some consolidation of districts that occurred over the years. So we have agricultural district one which is Southold and Shelter Island. Three, five and seven.

So today we have on for you is number three which takes in the five western towns. Agricultural district number one was approved within the past few months by you and is now pending with the Commissioner of Agricultural and Markets in New York State.

Agricultural districts extend for a period of eight years and provide property owners that are doing bona fide agricultural production with both incentives as well as protections. Incentives are in the form of tax assessments that are made available. They can also be accessed without getting into a district but here again this puts it as part of that larger ag district proposal.

And then secondly and what's equally important are the protections that are afforded farmers. Protections from nuisance lawsuits, protections from certain local laws that may conflict with farming. For example, if somebody is complaining about a tractor operating at seven in the morning and puts in a noise complaint, under New York State law there would be provisions to have certain right to farm privileges for farmers in an agricultural district.

It also provides benefits such as if a municipality's contemplating a condemnation of property or if a municipality contemplating the adoption of a comprehensive plan, all those things must take into consideration the status as a protected agricultural district property. So we find that it is very well used. And as a matter of fact with the Southold/Shelter island ag district it actually, I think, hit 7,000 acres since last time around. So it's actually increasing, not decreasing. We are now doing the solicitation for ag district three. We've contacted all the existing ag district properties owners as well as any other farms that we've been able to identify to see if they would be interested in attending as well. So that's essentially what the ag districts are and what this would then set as ••

CHAIRPERSON VILORIA • FISHER:

So this is modifying it because we already have ag districts in Brookhaven Town.

DIRECTOR ISLES:

Right.

CHAIRPERSON VILORIA • FISHER:

And so what we're doing is modifying this?

DIRECTOR ISLES:

Well, what we're doing is every eight years it comes up for renewal. And so the district is expiring at the end of August of this year. So you as the Legislature body then have the ability to continue the agricultural district by going through this process. So it's a process of enabling property owners to exit the district if they want to, to come into the district. And then you reconcile all that. We prepare maps. The Agricultural and Farmland Protection Board issues a report and recommendation. The County Planning Commission does the same. And then ultimately it comes back to you for a final resolution to authorize the continuation of the ag district another eight years.

CHAIRPERSON VILORIA • FISHER:

Are there any questions on this? I'll make a motion to approve.

LEG. ROMAINE:

Second.

CHAIRPERSON VILORIA • FISHER:

Okay. Sure. There's a question by Counsel.

MR. NOLAN:

Tom, I just raised this with you before the meeting. Should this resolution be amended before the General Meeting to reflect the date for the hearing we're going to hold? Is it typically done in this resolution?

DIRECTOR ISLES:

Not to my knowledge. I mean certainly I wouldn't have an objection to that. We're never certain exactly when it's going to hit the legislative cycle so it's hard for us to do that. The law requires a hearing so we would ask for that. I'll defer to the County Attorney in terms of whether they feel that's something that should be add on at this or not. From Planning's perspective we wouldn't have an objection either way.

MR. NOLAN:

Okay.

CHAIRPERSON VILORIA • FISHER:

Would you let us know in answer to that by Tuesday so that we can be informed?

DIRECTOR ISLES:

Okay. We'll check on it.

CHAIRPERSON VILORIA • FISHER:

Actually Mr. Nolan is indicating that he'll let us know. He'll speak with the County Attorney and let us know. I believe Legislator Romaine seconded the motion. All in favor? Opposed. **1446 is approved. (Vote: 5•0)**

1451, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Richards property, Town of Shelter Island sponsored by Mr. Romaine. And we're getting some information on it.

LEG. ROMAINE:

Motion.

CHAIRPERSON VILORIA • FISHER:

And these get prettier and prettier. You just keep refining the programs here. These are beautiful.

MS. FISCHER:

Thank you.

CHAIRPERSON VILORIA • FISHER:

Oh, it only got 12 points out of a hundred. Okay. Can you walk us through this, please, Mr. Isles?

DIRECTOR ISLES:

Okay. This is a parcel located in the Town of Shelter Island. I think at this point it consists of two lots. What it indicates here is three lots. The parcel is adjoining to •• to the north is land owned by the county or the town. The parcel itself is about three acres. The proposed acquisition or proposed planning steps resolution is under Multifaceted Land Preservation Program. And we did do a rating •• oh, pardon me •• for parkland purposes which is more of a broad range park use as opposed to let's say open space.

The Planning Department did complete a preliminary rating on the property. Let me just make the point preliminary because we base it on the information we have available when we do this. So obviously if there's further information that we get, we obviously refine that as we go along. I guess the question we would have it is what the intended use of the property is for parkland purposes. There is here again public land to the north. It's part of a wetlands and ponding system. On the southern border of this property there is a pond and some fresh water wetlands in that location. We're just not sure about the structures on the property and the intent of the sponsor and so forth.

LEG. ROMAINE:

I'll address the intent. First of all the structure that's shown, the home, doesn't exist anymore. It burnt down. Secondly the intent is that on the second parcel there's a little barn. When they were constructing the barn, they came across Indian graves. This has been highly publicized. I'm surprised your department is not aware of this. It made a number of newspapers about, I guess, it was two or three years ago when they discovered the graves. At the time the property owner was not interested in selling, but subsequently his house burned down and rather than go through a re•building situation, he would be amendable obviously based on negotiations if the price was right, etcetera, etcetera. But for that reason, the cultural reason of the location of several Indian graves on this property, I believe it's significant and we should preserve Indian resting places when

we find them, when we have an opportunity to do so. And that's the purpose of my bringing this resolution forward.

CHAIRPERSON VILORIA • FISHER:

And the intended use? That was another question.

LEG. ROMAINE:

Well, the intended use right now would be to leave it as part of a county situation and then it would be up to, I assume, our Cultural Affairs Office and our Preservation Office to make a determination how best to protect the Indian graves that are on that property.

CHAIRPERSON VILORIA • FISHER:

Okay. As I look at this, the northern piece of it where the house was, sometimes when you look at photos like this or renderings like this, and in my district I've seen that when there's been sand mining or other kind of offenses like that, why is that all white there? What kind of activity made that happen? Was that ••

LEG. ROMAINE:

I assume that's just a photo resolution. There was a house that maybe they took this when the house was under construction. The house has subsequently burnt down and doesn't exist. The only structure that's left on the property is the barn which is in the second lot. And that's one of the reasons the owner is willing to contemplate a sale to the county because the house no longer exists. And right now particularly since they discovered Indian graves there and this became a very controversial matter in Shelter island, that he is not interested in re•building at this time. And, therefore, is willing to entertain whatever offers the County would make. And it then it would be up to the negotiators to do whatever they do.

CHAIRPERSON VILORIA • FISHER:

Tom, what is that white circular thing?

DIRECTOR ISLES:

I'm not really sure. The photo is from April of 2004 so it's two years old this photograph. I do not know what that is offhand. It might have been a

riding rink or something for the barn but I have to go out and look at it one of these days or have Laretta do it.

CHAIRPERSON VILORIA • FISHER:

Okay. So all those white areas, there's no foliage and so it's been disturbed or used?

DIRECTOR ISLES:

From what I can gather then approximately two years ago the house was under construction. And so there may have been site disturbance at that time. Yeah. Okay. I remember hearing about it a couple of years back.

LEG. ROMAINE:

Right. Right. The house burnt down.

DIRECTOR ISLES:

I didn't hear about that part of it but okay.

LEG. ROMAINE:

Okay. They found the Indian graves. The house burnt down. And at that time the owner did not wish to re•build for a variety of reasons which I won't discuss in public because they all deal with suspicions. And we don't need to go the poltergeist route. But suffice it to say, he was very concerned. And I just think that it's a •• it will be a tremendous cultural asset to the county to protect the Indian resting places. And it's something that we should think very seriously about doing whenever we're given that opportunity.

DIRECTOR ISLES:

And the graves were not ••

LEG. ROMAINE:

It's very rare that we have these opportunities to protect Indian burial grounds. And this is one of those opportunities. This was widely publicized at the time. And now the property owner after the house burnt down last year is interested in selling because he doesn't wish to re•build at this time.

CHAIRPERSON VILORIA • FISHER:

Okay. Thank you Legislator Romaine. Legislator Stern.

LEG. STERN:

Thank you, Madam Chair. Through the chair, do we have any idea how many Indian graves are there?

LEG. ROMAINE:

No, because they didn't an archeological survey at that time. They discovered several graves. It was brought to the police's attention. They didn't know what it was. It was skeletal forms. And then they determined these were Indian graves and they gave a cease and desist order for the guy from disturbing anymore of the property. And shortly thereafter the house burnt down so ••

LEG. STERN:

Has there been any discussion with any of the Indian organizations out east about ••

LEG. ROMAINE:

Oh, they've been out there picketing when these graves were discovered. And they are very interested in the preservation of this property.

CHAIRPERSON VILORIA • FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. And I know Mr. Isles alluded to the fact that the rating form could be revisited when additional information became available. And from what I can see easily between 20 and 30 additional points jump out off this page at me right away. So, you know, possibly a rating in excess of 40 here I don't think is unreasonable; just looking at some of the criteria off the top of my head. So, I think the site could rank very well.

CHAIRPERSON VILORIA • FISHER:

Ms. Fischer, did you want to make a comment?

DIRECTOR ISLES:

I think that's a generic comment; that certainly for planning steps we do the best we can to gather information we can. Obviously if there's new information, we're always ready to amend it.

CHAIRPERSON VILORIA • FISHER:

Legislator D'Amaro has a question.

LEG. D'AMARO:

Yes. Good morning. Thank you. Mr. Isles, what is the benefit to the county of acquiring this property?

DIRECTOR ISLES:

I can't speak for the sponsor. I guess what I'm hearing is that there's a feeling that this is a significant archeological cultural site. It's under general parkland purposes which is a broad basket of programs that are eligible. I think one of the questions would then be if the county were to acquire this, would it be in partnership with the town, would there be day to day management by the town or some other entity? If not would County Parks be able to manage it? We own a couple of the open space pieces to the north on that map. Here, again ••

LEG. D'AMARO:

The property to the north is not actively used as parkland; is that correct? It's just preserved property.

DIRECTOR ISLES:

Right. It's open space and it's owned by the town •• okay •• and the county. So it's joint ownership.

LEG. D'AMARO:

Right. Now this property's already been cleared and developed.

MS. FISCHER:

Correct.

LEG. D'AMARO:

So it really doesn't fit with the property to the north, I would suspect.

DIRECTOR ISLES:

Right.

LEG. D'AMARO:

And also I would assume that when the house was put up and the barn, the property has been developed without disturbing the Indian graves. Do you know where they're located?

DIRECTOR ISLES:

I do not, no. We'd have to find out more about where the graves are.

LEG. ROMAINE:

They're in the vicinity of the barn.

LEG. D'AMARO:

The barn.

DIRECTOR ISLES:

So in the arrangement for the property to the north, if it's joint county town ownership, the town would maintain it then in that case. I'm sorry.

LEG. D'AMARO:

So do you know the property to the north and across Osprey Road, when that property was acquired by the County or roughly how long the County and the town have owned it?

MS. FISCHER:

I think it's been about four •• four years or so we've owned it with them. I could go back and check that for you. It was fairly recent.

LEG. D'AMARO:

Fairly recent?

MS. FISCHER:

Yes, within four or five years. Within four or five years.

LEG. D'AMARO:

And was that property also acquired under the same Multifaceted Land Preservation Program, do you know?

CHAIRPERSON VILORIA • FISHER:

Not if it was four years ago.

MS. FISCHER:

I don't think so, but I can •• yeah. It was bought before that program I believe went into effect. I would have to go back and look at •• see what program it was acquired under. I can do that.

LEG. D'AMARO:

What are the criteria then for the Multifaceted Land Preservation Program; just very briefly?

DIRECTOR ISLES:

Okay. We have tried to summarize that in the rating form you have before you. Here again the County has a number of different open space programs. We actually have probably over a dozen and a half separate individual categories but we obviously have a program to preserve farmland with the purchase of development rights. We have a program to preservation natural resources such as drinking water through a couple of drinking water protection programs. We have programs to preserve habitat and ecologically important sites. And then there's this here again this kind of catch all for parkland purposes. The County parkland is the broadest program so it makes it more difficult to pinpoint criteria to that. We had done this a couple of years ago in the department to try to identify criteria. And so that's where we've come up with this rating form.

The County as a matter of policy, for example, in the Greenways Program and Multifaceted has talked about promoting the development of active recreation, soccer fields and things like that in concert with a municipality or community organization. The County has certainly developed active parkland on a large scale for, you know, Cathedral Pines County Park, Southaven and so forth. As we get down to the smaller parks, we've tried to

identify criteria that would here again give it a uniqueness and importance to the property. It's not as precise as, let's say, identifying drinking water protection sites and so forth. So we have tried our best with the characteristics of the historical cultural resources as you can see here, the particular site attributes, the access to the site and so on; community values in terms of other criteria we've tried to articulate with that. Stewardship is a key one in terms of •• especially on the smaller parts, is there and arrangement with the municipality ••

LEG. D'AMARO:

Isn't this form telling me that it's not fitting any of the criteria of this program except for that it gets a few points for the size and its proximity to other county owned land?

DIRECTOR ISLES:

It is telling you that you in terms of the new information with the Indian grave sites. The question that is would this form then be subject to change with a new rating. And I think what we'd like to do is I heard about that site, but I think we'd like to get some documentation at some point, too. But I have heard about it.

LEG. D'AMARO:

All right. And I did •• Legislator Losquadro, I did hear your comment. I'm just curious why it's not reflected here.

LEG. ROMAINE:

I have no idea.

LEG. LOSQUADRO:

To Planning's benefit •• I'm sorry, Madam Chair •• but to Planning's benefit I was sort of saying, you know, they put that out front saying, you know, if they don't have all the information, they're always willing to revisit these forms. Given the brief overview this is the only thing that they saw initially. It's an old aerial photo. Like I said, when I was just going back through it off the top of my head here I can, you know, probably pick up 30 points here given on the new information; maybe more. 34 points perhaps. So it's something that ••

CHAIRPERSON VILORIA • FISHER:

But that's up to Planning to do their review.

LEG. LOSQUADRO:

Yes. Giving Planning that has to do some research and confirm this information. But I certainly think there's a lot of community interest and a lot of attributes here that would go into increasing this rating. And •• I just wanted to say that.

CHAIRPERSON VILORIA • FISHER:

Legislator D'Amato still has •• still had the floor. If you could continue with your questioning.

LEG. D'AMARO:

Yes. So would the •• is there a present intention of the Planning Department to revise this form prior to •• prior to the next legislative meeting?

DIRECTOR ISLES:

Well, depending on the will of this committee we certainly would revise the form either before the next meeting. Or if there were approved before an acquisition resolution were to come before you. So either way we would seek to collect this additional information and to get that to you.

LEG. D'AMARO:

At this point this resolution is just authorizing planning steps which is the initial, I assume, go ahead ••

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

•• for the County to start the process. So at this point we don't have a handle on what the acquisition costs would be; is that correct?

DIRECTOR ISLES:

We certainly do not. No, I don't.

LEG. D'AMARO:

All right. Thank you very much.

DIRECTOR ISLES:

You're welcome.

CHAIRPERSON VILORIA • FISHER:

Thank you. And may I recommend, Mr. Romaine, if you haven't done so already that you speak with the Town Shelter Island to talk about partnership given that the other areas •• the other public lands around there are partnerships with the town and the county. And this certainly would be an actively used piece of property with the cultural benefits to which you have referred. The Town of Shelter Island should really come into a partnership us with so us that the County isn't burdened with the management with this type of property.

LEG. ROMAINE:

The property was brought to my attention over two months ago by the Supervisor of Shelter Island, which pointed this out. And later it was brought to my attention by an attorney representing the Shinnecock Tribe that is very concerned about this and asked that some action be taken now that the house had burned down and the people were contemplating not re •building.

CHAIRPERSON VILORIA • FISHER:

Did the Supervisor indicate at that time a partnership?

LEG. ROMAINE:

He didn't get into the specifics. As you know, he's a newly elected Supervisor. He didn't get into the specifics. The discussion took place at the end of January when •• on one of my visits to Shelter Island. And as developed •• and as the Indian Tribe •• I spoke with their attorneys on several occasions. We decided to do a planning steps resolution to bring this forth. Obviously as if it moves, if the planning steps are approved, it's probably several months away if not years ago from an acquisition

resolution. In the interim I will speak with the Supervisor about a management agreement or about sharing costs. I don't know what they have left in their CPF budget at this time or what they've set aside in their CPF or what their priorities are for the community preservation fund. But I will have that discussion with him.

This resolution again is simply an authorizing planning steps. We're nowhere near a final decision. And before any final decision would be taken I will obviously explore all of that with not only the Supervisor but the entire town board of Shelter Island.

CHAIRPERSON VILORIA • FISHER:

And it might be a very unique opportunity to have a partnership with the Shinnecocks and the town and the County. I think that would be a very good way to move forward in the stewardship of this property. And so I would be very happy to entertain a motion to approve if you'd like to make that.

LEG. ROMAINE:

I'll make that motion. I'll just add to the fact that in the discussion with the attorney representing the tribes who've met with me several times about this property, that a distinct possibility that the tribe would enter into an agreement with the county to manage a portion of this property in which the graves are located. And doing whatever else they would do to preserve this in whatever traditions they have.

CHAIRPERSON VILORIA • FISHER:

Is there a second before we have any more comments on the motion?

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator Losquadro. Legislator D'Amaro.

LEG. D'AMARO:

Yeah, just a very brief comment. I appreciate the comments of my

colleagues and certainly I'd rather err on the side of preserving especially an Indian grave site or property that deserves that type of attention. So I would support moving this out of this committee today as well.

CHAIRPERSON VILORIA • FISHER:

Okay.

LEG. LOSQUADRO:

Just very quickly before we vote, I also think that both the Suffolk County Historical Society and the Suffolk County Archeological Society, Dr. Stone, who I know you know, would be very interested in taking a look at this. So I think it presents a very good opportunity for us.

CHAIRPERSON VILORIA • FISHER:

And I'm sure Dr. Bernstein at Stony Brook would be very excited about it, too; another friend of mine.

LEG. LOSQUADRO:

Yes.

CHAIRPERSON VILORIA • FISHER:

Yes, Legislator Stern.

LEG. STERN:

Thank you. I, too, am going to support the resolution to move forward. I would like to see the issue further developed as discussed as well as perhaps additional analysis by Planning. But based on the representations and discussion of my colleagues I'm going to support the measure.

CHAIRPERSON VILORIA • FISHER:

Okay. So there is a motion and a second. All in favor? Opposed? **1451 is approved. (Vote: 5•0)**

DIRECTOR ISLES:

Madam Chair?

CHAIRPERSON VILORIA • FISHER:

Yes.

DIRECTOR ISLES:

If I could just say that this serves as just one point that sometimes we deal with very unique parcels. So we did an analysis of this in the time we had available. We see a house sitting on a property. Certainly if there's special information you'd like to •• any Legislator would like to share with us, that would be appreciated so this is a unique case certainly.

MS. ZIELENSKI:

Like contact information.

DIRECTOR ISLES:

Pardon me?

MS. ZIELENSKI:

Like contact information.

DIRECTOR ISLES:

Yeah.

CHAIRPERSON VILORIA • FISHER:

And we know that you are open and receptive when there is additional information that's occurred in the past. Pat, did you want to make a comment for us? If you could pull the mike a little bit closer to you, please.

MS. ZIELENSKI:

I was just expanding on Mr. Isles' comment that if the Legislature has any contact information they could share with us regarding the Shinnecock attorney or whatever, it would be helpful to us because we don't have privy to that information.

CHAIRPERSON VILORIA • FISHER:

Okay. Thank you. That's very important, especially when you're looking at I think what could be a very exciting partnership in this.

We're going to move to the SEQRA determinations. **1452, making a SEQRA determination in connection with the proposed Southwest infiltration/inflow study and sewer rehabilitation to Sewer District number three. (Presiding Officer)** Jim, did we pass the CEQ resolutions on all of these at the last meeting?

MR. BAGG:

Yes, it was all presented at the last committee meeting. And you discharged them and had the counsel prepare them.

CHAIRPERSON VILORIA • FISHER:

Thank you. I just wanted to have that on the record. I'll make a motion to approve and place on the consent calendar. Second? Seconded by Legislator Losquadro.

LEG. D'AMARO:

Yes. On the motion, Madam Chair?

CHAIRPERSON VILORIA • FISHER:

Yes.

LEG. D'AMARO:

Just briefly, maybe Director Isles could just explain to me exactly what the finding was here.

DIRECTOR ISLES:

I have to defer to Mr. Bagg for the details. It was an unlisted action.

MR. BAGG:

I didn't bring your resolutions but the CEQ recommended, I believe, in all these unlisted actions negative declarations.

LEG. D'AMARO:

The resolution is supporting a determination under SEQRA that relates to a project •• a proposed Southwest Infiltration/Inflow Study and Sewer Rehabilitation to Sewer District Number Three. What is that?

MR. BAGG:

Mr. Wright from the Department of Public Works Sewers Division's here so he'll be glad to answer your questions.

LEG. D'AMARO:

Thank you. I appreciate that.

MR. WRIGHT:

Good morning.

LEG. D'AMARO:

Good morning.

MR. WRIGHT:

This is the first step in reducing and removing extraneous flows that enter the system. Storm water, infiltration, sump pumps from homes, etcetera. And the first step was to look at two small service areas and develop a program in order to remove those flows. And the SEQRA issues addressed here really are nuisance issues. We're going to line some sewers, repair some like grout, some of the cracks that might be in some of the joints. And so it'll be traffic maintenance and some noise. But no construction's really necessary. It's just a lining of pipes and grouting.

LEG. D'AMARO:

Okay. Thank you. I appreciate it.

CHAIRPERSON VILORIA • FISHER:

Ben, you may as well stay there because the next one also is with the Southwest Sewer District and the grid improvement.

LEG. LOSQUADRO:

It was called, the vote.

CHAIRPERSON VILORIA • FISHER:

No, we haven't voted on it yet. I just wanted him to stay up there before he sat down. Okay. So there is a motion and a second to approve and place

on the consent calendar. All in favor? Opposed? **1452 is approved and placed on the consent calendar. (Vote: 5•0)**

1453 (making a SEQRA determination in connection with the proposed Southwest grit improvement to Sewer District Number 3, CP #8170, Town of Babylon) (Presiding Officer) Would you like an explanation of that from Mr. Wright? Mr. Wright?

MR. WRIGHT:

Yeah. Grit improvements are necessary at Bergen Point. Grit enters the system by truck from all the septic and scavenger waste trucks. And also it comes in the influent line from the service area itself. The improvements that are necessary are related to removing the grit more efficiently and also rehabilitating some of the existing facilities. It's a very harsh environment with the influent sewage and scavenger waste. We're looking to expand the scavenger building by two lanes to take in the larger trucks in order to manage the truck flow more efficiently where we have long lines at certain points. We're going to increase the equipment efficiency by installing new devices that will remove screenings and grit, you know, stones and smaller materials. And that would require odor control. And also adding a third grit tank as part of the normal process at Bergen Point. There will be some de watering necessary. And we'll have get the appropriate permits. Everything is at least 400 feet from the shoreline, which is another criteria.

CHAIRPERSON VILORIA•FISHER:

Okay. Does that answer your question? Is there another question?
Legislator Stern.

LEG. STERN:

Thank you. When was the last time this type of analysis and procedure was done?

MR. WRIGHT:

On the grit improvements?

LEG. STERN:

Yes.

MR. WRIGHT:

We're continually doing improvements to the facility more corrective as well as reactive to the harsh environment that maintenance take place. We've done improvements ourselves in house. Nothing recently as far as having a large project. This is a \$23 million project that's necessary. And, in fact, it's the subject of a rate hearing this Wednesday because 93% of this project is related to scavenger waste. And that scavenger waste fee is being proposed •• the increase to represent a reimbursement for that 93%.

CHAIRPERSON VILORIA • FISHER:

Does that answer your question, Legislator Stern?

LEG. STERN:

Specifically then to the grit issue, do you know when the last time that issue was ••

MR. WRIGHT:

No. I mean we're continually on a small scale dealing with improvements that are necessary. But this is a larger scale to, you know, give us a twenty year life on that particular facility.

LEG. STERN:

Thank you.

CHAIRPERSON VILORIA • FISHER:

Okay. You may as well stay there. Motion to approve and place on the consent calendar, seconded by Legislator Losquadro. All in favor?

Opposed? **1453 is approved and placed on the consent calendar.**

(Vote: 5•0)

1454, making a SEQRA determination in connection with the proposed safety and security improvements, CP #8103 and improvements to treatment facility CP 8163, Sewer District number

nine, College Park, Farmingville. (Presiding Officer) Was this just a fence or am I thinking of the Fairfield one?

MR. WRIGHT:

No. It was •• we came to CEQ with the capital project 8103 which is security and safety for all sewer districts except Bergen Point because that has its own project. And because of the appearance that there might be some segmentation, the fence and improvements to sewer district nine as well as safety improvements were put into this resolution, there's a second resolution about •• yes.

CHAIRPERSON VILORIA • FISHER:

Okay. I remembered there was an issue with segmentation that was discuss there. And I couldn't remember whether it was within this particular resolution or a subsequent one.

MR. WRIGHT:

Yes, we had a number of EAF's that were prepared and they were put into this one resolution.

CHAIRPERSON VILORIA • FISHER:

Legislator D'Amaro is reading in the narrative where it says fence. But the Fairfield Fence was the one that was broken out because of segmentation issues; is that correct?

MR. WRIGHT:

No, actually it was this one.

CHAIRPERSON VILORIA • FISHER:

This was the one that was broken out? Okay.

MR. WRIGHT:

We're installing •• yes •• a fence within the area to help with the vandalism problem we have there. We also had a second resolution that was to add a filter building onto this particular sewer district. And then there were safety issues involving all sewer districts. So they were kind of lumped together. But there's two resolutions today; one that has to do with everything except

our sewage district 28 which is IR 1456.

CHAIRPERSON VILORIA • FISHER:

All right. Very good. So **1454, same motion, same second, same vote. (Approved and placed on the consent calendar. Vote: 5•0)**

1455 (making a SEQRA determination in connection with the proposed improvements to treatment facility at Sewer District Number 23, Coventry Manor, CP#8149, Town of Brookhaven) (Presiding Officer) If there are no questions, we're going to make the same motion, same second, same vote. **(Approved and placed on the consent calendar. Vote: 5•0)**

1456 (making a SEQRA determination in connection with the proposed safety and security improvements to Sewer District Number 28, Fairfield at St. James, CP#8103, Town of Smithtown) (Presiding Officer) Mr. Wright referred to that a moment ago at Fairfield. Same motion, same second, same vote. **(Approved and placed on the consent calendar. Vote: 5•0)**

1457, making a SEQRA determination in connection with the proposed acquisition of property for Open Space Preservation purposes known as Orowoc Creek County Park Addition, Zanghi property, Town of Islip. (Presiding Officer) Same motion, same second, same vote. **(Approved and placed on the consent calendar. Vote: 5•0)**

1458, making a SEQRA determination in connection with the proposed donation of property to Suffolk County Parks for Suffolk County Department of Health Services transfer of development rights requirement. (Presiding Officer) Can you tell us a little bit about this, Ms. Zielenski?

DIRECTOR ISLES:

Yeah. This is •• I can take this. This is a proposed transferred development rights. But this relates to is a matter in which someone has applied to the Board of Review of the Suffolk County Health Department for permission to

develop a particular parcel. They are not meeting density standards. The Board of Review allows the transferred development rights from another site if it meets their criteria. That means in this case this has already been through the Board of Review and they've approved it.

Now what makes this •• the reason it's appearing before you is that the donated parcel is proposed to be donated to the County of Suffolk. So there are times when it goes to a town or somehow gets adjoined to an adjacent lot or something like that. In this case it was reviewed by County Planning and determined that this would be a location that would be suited for county ownership as a donation •• as acceptance of a donation to the County of Suffolk.

CHAIRPERSON VILORIA • FISHER:

And where exactly is it?

DIRECTOR ISLES:

I'll defer to Laretta on that for details but •• do you have that with you?

CHAIRPERSON VILORIA • FISHER:

We're playing musical chairs today.

DIRECTOR ISLES:

Yeah. This is Town of Brookhaven. I'm not sure if you have this one or not.

MS. FISCHER:

We're doing this one. The C0202.

DIRECTOR ISLES:

Yeah. Just bear with us for one moment.

CHAIRPERSON VILORIA • FISHER:

Legislator D'Amaro.

LEG. D'AMARO:

Mr. Isles, just very quickly, when property is proposed to be donated to the County, I would assume that part of the SEQRA process by CEQ is to make sure that an environmental survey is submitted, I guess, and reviewed; and that there's no environmental issues with the property itself; is that correct?

DIRECTOR ISLES:

Right.

LEG. D'AMARO:

And that's why we're getting the determination of non-significance or one of the reasons?

DIRECTOR ISLES:

Right. Also to satisfy Health Department purposes they would have to be passive use so they can't be developed sites or ••

LEG. D'AMARO:

What density criteria did the applicant not meet on the other parcel, do you know?

DIRECTOR ISLES:

Well, it's usually lot area.

LEG. D'AMARO:

Under Health Department standards?

DIRECTOR ISLES:

Right. So they would meet zoning. This is separate from local zoning. It has nothing to do with local zoning. But local zoning may be more permissive than County Health Department Standards.

LEG. D'AMARO:

Would the density issue be resolved solely by the transfer of development rights from the donated parcel?

DIRECTOR ISLES:

Typically yes. Let me pull out the facts in this one.

MS. FISCHER:

I don't have the information with me on that one unfortunately.

CHAIRPERSON VILORIA • FISHER:

Okay. You can let me know where it is. I'm just curious where the TDR's are happening.

MS. FISCHER:

I believe this is in the Mastic/Shirley area where we're taking the property that's going to be donated. But I'd have to verify that. I just didn't bring that packet with me. I'm sorry.

DIRECTOR ISLES:

It's a separate resolution.

MS. FISCHER:

Yeah. There will be a separate resolution to approve the donation as well.

CHAIRPERSON VILORIA • FISHER:

Okay.

DIRECTOR ISLES:

This is just the first part.

CHAIRPERSON VILORIA • FISHER:

Right, this is the SEQRA determination.

MS. FISCHER:

Correct.

LEG. D'AMARO:

Okay. I'm fine.

MS. FISCHER:

This is the first step.

CHAIRPERSON VILORIA • FISHER:

Right. Okay. Thank you. Same motion, same second, same vote.
(Approved and placed on the consent calendar. Vote: 5•0)

1459, making a SEQRA determination in connection with the proposed donation of property to Suffolk County Parks for Suffolk County Department of Health Services transfer of development rights requirement. (Presiding Officer) And I'm going to make the same motion, same second, same vote.

1460, making a SEQRA determination in connection with the proposed acquisition of property for Open Space Preservation purposes known as the Sagaponack Greenbelt County Park Addition, Ensley property, Town of Southampton. (Presiding Officer) Same motion, same second same vote.
(Approved and placed on the consent calendar. Vote: 5•0)

1463, authorizing planning steps for the acquisition of land under the first Quarter Percent Suffolk County Drinking Water Protection Program Town of Islip, Penataquit Stream Corridor. (Alden)

DIRECTOR ISLES:

Okay. Laretta is circulating an aerial photograph and a rating sheet prepared by the County Department of Planning. This is property located in the hamlet of Bay Shore in the Town of Islip along the Penataquit Stream Corridor. The parcel itself is about 1/4 of an acre. It's located along the east •• pardon me •• the west side of O'Neil Avenue. The Penataquit Stream Corridor is one that has been identified by County Planning as a corridor worthy of protection. There have been additional acquisitions in this area both by the County as well as by the Town. And in addition there's actually school district property here as well.

We did do a rating. And we have that with your package. And this achieved

a rating of 30 points. The matter before you is consideration of a planning steps resolution under the old Drinking Water Program. We feel that this would qualify under that program.

CHAIRPERSON VILORIA • FISHER:

I'll make a motion to approve. Is there a second? It looks good to me.

LEG. ROMAINE:

Second.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator Romaine. On the motion are there any questions?

LEG. D'AMARO:

No, it's fine.

CHAIRPERSON VILORIA • FISHER:

Call the vote. **It's approved. (Vote: 5•0)**

1465, authorizing planning steps for acquisition under Save Open Space

Farmland Preservation and Hamlet Parks Fund, UA Theatre and surrounding property, Town of Brookhaven. (Eddington)

MR. ZWIRN:

I mean, I don't want to preclude discussion on this, but we would like the opportunity •• you know, Jim Morgo from Economic Development has wanted to take a look at this property because he thought it had some possibilities for affordable housing. And before they move forward he'd just like to have an opportunity to just take a look at it and discuss it with Legislator Eddington.

CHAIRPERSON VILORIA • FISHER:

That's sound like a good idea. I'm going to make a motion to table. Is there a second?

LEG. LOSQUADRO:

Yes.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator Losquadro. And there is a question by Legislator D'Amaro.

LEG. D'AMARO:

I just wanted to •• Mr. Zwirn, just very quickly, the only action being taken here today I guess by the resolution •• oh, these are planning steps. This is not a SEQRA determination. Okay. Okay. Strike that. Never mind.

LEG. LOSQUADRO:

Just a question.

CHAIRPERSON VILORIA • FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

I certainly think it bears a further look. It appears from the aerial from Planning that the whole central body where the theatre in the parking lot was is carved out from this proposed acquisition. If we're going to look at an adaptive reuse of a parcel that's disturbed and in a highly developed area like this, I think we should be looking for a use for the entire parcel. So I think, Mr. Zwirn, you're right, this bears another look.

MR. ZWIRN:

Thank you.

CHAIRPERSON VILORIA • FISHER:

And just to put on the record in addition to that, this seems to be a fairly complex piece of property because we have the highly disturbed as Legislator Losquadro just indicated. But we also have important geographical characteristics as well. And so we'll have to take a very close look at this. It says that there are geological land forms. Does that mean •
• is there a kettle hole? I'm seeing something that might be either kettle hole or some other kind of ••

DIRECTOR ISLES:

Well, there's definitely wetlands. There's a ravine swell area that extends through the property. This is a formerly connected wetlands. So you look over to West Lake there to the right-hand side of the map, and prior to development occurring this was the west branch of that wetland system. It's been •• since been cutoff with the roads and development that occurred. But there are still mapped by New York State DEC wetlands that extend through the southern part of this property as part of a swell, as I said, that extends to the northwest.

CHAIRPERSON VILORIA • FISHER:

Well, it could be a very beautiful workforce housing project to look at here. And so there is a motion to table and a second. All in favor? Opposed?

Motion is tabled. (Vote: 5•0)

1467, authorizing planning steps for implementation of Greenways Program in connection with acquisition of active parklands for the Martin property in the Town of Riverhead. (Romaine) Before we begin this discussion, Mr. Isles, is this Mrs. Martin's property that's close to the 4•H •• I thought there was a property we had looked that was near the 4•H property in Riverhead. Is this near that? 4•H camp? No, that's not it?

DIRECTOR ISLES:

Oh, I see what you mean.

CHAIRPERSON VILORIA • FISHER:

Lauretta's telling me no. I have it confused with another ••

DIRECTOR ISLES:

You're talking about the Nassau County 4•H?

CHAIRPERSON VILORIA • FISHER:

Yes.

DIRECTOR ISLES:

This is just a little bit to the east of Edwards Avenue and south of Sound Avenue.

CHAIRPERSON VILORIA • FISHER:

This seems to have buildings on it.

DIRECTOR ISLES:

Yes. The proposed acquisition or •• pardon me •• planning steps resolution indicates it's a •• for consideration for active parklands. Obviously the sponsor's here today. Our preliminary review indicates that the parcel is approximately ten acres of land. It is •• we scored it 22 points, here again, based on the information we have. And as I mentioned with the earlier case in the Shelter Island parcel with active recreation, it becomes a little more difficult to do that kind of remote review. So the open space and farmland is a little bit easier.

It is our understanding from reviewing the resolution that the intention is to utilize this for active recreation for horseback riding as part of an organization known as IRIE. And I'm not sure what that acronym stands for, but it's an organization that assists disabled change as I understand it with recovery and so forth.

As far as the planning steps resolution, here again, we did a rating of 22. The primary issue we would have is not so much a planning steps resolution issue right now as much as the program requires a partnership. The active recreation program requires a partnership with either a municipality or a community organization. I don't know enough about IRIE to assess that. But obviously there would have to be some arrangement. And under the Greenways Program, for example, the County buys the land; but then there's an organization that manages the property, maintains the property and so forth.

So that's our preliminary review in terms of how we see it based on the information we have now.

CHAIRPERSON VILORIA • FISHER:

Okayed. And I'd like to ask the sponsor how much conversation you've had with the Town of Riverhead also because very often under Greenways although there was an interested organization, we work through the town as

well because that way we have the stability of the town. We did that with the Wedge in Mt. Sinai where the Town of Brookhaven was very much involved with the group. So, are there •• there haven't been many where we've worked directly with the organizations. We generally try to work with the town.

DIRECTOR ISLES:

Right, we generally do. I think there's also •• I think this would also be subject to what's known as the stage II active recreation. So there's additional criteria the Legislature put in place couple a few years back regarding the organization in terms of a performance test of the organization's ability.

CHAIRPERSON VILORIA • FISHER:

And their business plan and fiscal stability; that kind of issue.

DIRECTOR ISLES:

I think BRO assists in the review of those •• that information. What the timing of that is, I don't know exactly in terms of whether it be now or later but that's obviously something you'd have to consider.

CHAIRPERSON VILORIA • FISHER:

Legislator Romaine.

LEG. ROMAINE:

Thank you. This parcel was brought to my attention by Presiding Officer Lindsay. Apparently the people IRIE, which by the way is an equestrian term, had approached Presiding Officer Lindsay with the intent of acquiring action farmland where handicapped kids could be involved in a riding program; kids with special needs could be involved in a riding program. He was extremely supportive. And in fact he came to me and is a co•sponsor on this resolution and urged me to introduce this resolution. Thus •• because it's within my district. Thus the resolution has come forward and an attached letter from IRIE is there. Their interested in entering into a cooperative agreement with the county to run this program for handicapped kids on county land. And the purpose of this acquisition is to give them a horse farm where they can do exactly that.

CHAIRPERSON VILORIA • FISHER:

I was just curious as to whether the County might have considered development rights because it wouldn't be a horse farm. It would be an active recreation. Is that •• because there is a horse farm in my district where Brookhaven Town and the County have been looking at the development rights. And there will be a horse farm activity on that property. And what makes this one different?

DIRECTOR ISLES:

That's a good question. In terms of whether it would qualify under PDR under the County's Farmland Protection Program would be the question of is this agricultural production. And agricultural production does include horse breeding and boarding. Here again I'm not precisely sure •• I haven't seen a copy of the letter that the organization submitted. I'm not precisely sure what they're intending to do if •• if they're going to be doing any breeding of horses •• doesn't sound like it •• or boarding of horses. So that would be the question with that; does it fall into the definition of agricultural production to then fit into the county's program.

LEG. ROMAINE:

Yeah. There is backup for the resolution which I'll be happy to ask for a copy to be circulated.

CHAIRPERSON VILORIA • FISHER:

Okay. Thank you. That would be helpful. Tom, if we were to move ahead with these planning steps, could we at some point look at partnering with the town and •• because Greenways also has a partnering program; an agricultural partnering program. Do we have funds left in the development rights program under Greenways? Because we're introducing this under Greenways.

DIRECTOR ISLES:

This is under Greenways active recreation, which by the way ••

CHAIRPERSON VILORIA • FISHER:

We couldn't cross it to Farmland Development? Greenways Farmland

Development once we pass these planning steps?

DIRECTOR ISLES:

I'll refer to the County Attorney on that one. But the issue with the farmland development rights is, is it agricultural production number one. It does offer the benefit of the County not owning or having liability for the property and maintaining it but ••

CHAIRPERSON VILORIA • FISHER:

Right.

DIRECTOR ISLES:

•• unless we hear that there's a boarding operation going on or a breeding operation's it's not going to qualify up for the PDR program. Certainly we'll be happy to look into that further. And if that's case, you know, we can make that recommendation to you.

CHAIRPERSON VILORIA • FISHER:

Yeah. It seems from the letter that there's not a breeding component of this. It's just an activity. And if I recall there's a lot of work that they're doing with autistic children, too, IRIE. I was looking at you.

LEG. ROMAINE:

Yes. They are doing work with autistic and special needs children. And as I said •• actually the owner did not approach me nor did IRIE. They approached Presiding Officer Lindsay •• actually I encouraged him to sponsor it. But he said no because it was in my district, he would co •sponsor it. And I should introduce the resolution which I've done.

CHAIRPERSON VILORIA • FISHER:

Yeah. These are just legitimate question about what would be the best program ••

LEG. ROMAINE:

Sure.

CHAIRPERSON VILORIA • FISHER:

•• that we should follow for the acquisition or the development rights acquisition.

LEG. ROMAINE:

Well, if there's a better program, I'm certainly amenable to any amendments to this. If Planning has recommendations I'm happy to listen to them.

CHAIRPERSON VILORIA • FISHER:

My concern is what Planning just said; that if we move forward and approve these planning steps, we can't later shift. However, reviewing the letter again I don't think we would probably be able to go with the farmland development because it doesn't look like there's any interest in the breeding and raising of horses but rather just running a program. And then I suppose if we were •• if we owned it then we would have to do a license agreement with IRIE.

DIRECTOR ISLES:

There would have to be an agreement. The fundamental idea behind Greenways Active Recreation is that the County buys the land and the municipality or community organization. So one question is this a community organization. As I understand the code would then require that they do the improvements; although obviously there are improvements already on the property, that they maintain and manage the property obviously to the satisfaction of the County Attorney and satisfaction to you.

There would be issues to be worked out in terms of the dwelling on the property, what's the status of that. Do they then collect rent for that? I mean all those details would have to be worked out in an agreement. County Parks Department would be the lead agency as far as the administration of the county in terms of the property would eventually be transferred to Parks. And there's typically •• not typically •• there is always an agreement the active recreation partner and the County of Suffolk that spells all of this out.

CHAIRPERSON VILORIA • FISHER:

Okay. Is there a motion?

LEG. ROMAINE:

I'll make a motion.

CHAIRPERSON VILORIA • FISHER:

Okay. Second? Motion to approve. Second?

LEG. LOSQUADRO:

Yes.

CHAIRPERSON VILORIA • FISHER:

Legislator Losquadro. All in favor? Opposed? **(Approved. Vote: 5•0)**

1472, authorizing the acquisition under the Suffolk County Multifaceted Land Preservation Program Open Space for the Jerome J. Norton property, Mud Creek, Town of Brookhaven. (County Executive) We've seen Mud Creek before. Lot of the mud slinging here.

DIRECTOR ISLES:

The resolution's now •• actually they're all for acquisitions dealing with the property so Real Estate is •• under Commissioner Deering is here today to talk about them. I mean we can deal with the planning side of it. The resolutions 1472, 1473 and 1474 are all obviously in the Norton family Mud Creek. They're adjacent to one another. They total 2.75 acres. They're part of a head waters of Mud Creek.

CHAIRPERSON VILORIA • FISHER:

They're all there? Sorry, Tom.

DIRECTOR ISLES:

And they have both been approved by •• all three •• pardon me •• have been approved by both CEQ as well as the Parks Trustee. Here again I'll defer to Real Estate on any questions regarding the actual acquisition that you may have.

CHAIRPERSON VILORIA • FISHER:

Did Real Estate want to make any comments about this?

MS. ZIELENSKI:

Do you have any specific questions?

CHAIRPERSON VILORIA • FISHER:

For the description of the property?

MS. ZIELENSKI:

This is part of the Mud Creek area. As you said we've seen it several times before. And I think there's still a couple of more after this. It's a wetland affected area in East Patchogue that's south of the hospital; Brookhaven Hospital.

MS. FISCHER:

No.

CHAIRPERSON VILORIA • FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

No, I was just going to say ••

MS. ZIELENSKI:

But it's the •• the general area is south of that area.

LEG. LOSQUADRO:

I was just going to say seeing an updated aerial like this, the assemblage that we've been working towards becomes quite clear. And this is •• after seeing Mud Creek for so long, this map really drives it home. That's fantastic so if no one has made the motion yet, I'll be happy to.

CHAIRPERSON VILORIA • FISHER:

I'll second that. And so that's 1472. There's a motion to approve and a second. All in favor? Opposed? **1472 is approved. (Vote: 5•0)**

1473 (authorizing the acquisition under the Suffolk County

Multifaceted Land Preservation Program, Open Space for the Howard Norton's property, Mud Creek, Town of Brookhaven) (County Executive) Same motion, same second, same vote. **(Approved. Vote: 5 •0)**

1474 (authorizing the acquisition under the Suffolk County Multifaceted Land Preservation Program, Open Space for the Richard Norton property, Mud Creek) (County Executive) same motion, same second, same vote. **(Approved. Vote: 5•0)** And congratulations on that.

LEG. D'AMARO:

Those are all the Mud Creek?

CHAIRPERSON VILORIA•FISHER:

Yes, those are the Mud Creek properties. The same family. It's the Richard Norton family. And it is nice •• it's sometimes not easy being green but in this case it's very nice to look at.

1475, authorizing the acquisition of environmentally sensitive land under the Suffolk County Open Space Preservation Program, Walsh property, Town of Southampton. (County Executive)

DIRECTOR ISLES:

Just beginning with the planning review, this is a relatively small parcel of about one tenth of an acre; however, it is in the Pine Barrens core. It is clearly a parcel that is meritorious, number one, being in the core; number two being adjacent to in the vicinity of other lands owned by the County of Suffolk. So we would view this as being almost like a pro forma resolution although we can't assume anything. It has gone through CEQ. And certainly if you have any questions, we'll try to answer it. Certainly Real Estate's here on any of the valuation or other issues.

CHAIRPERSON VILORIA•FISHER:

Kind of an anomaly having a piece in Southampton that's tenth of an acre.

DIRECTOR ISLES:

It's an old file lot map.

CHAIRPERSON VILORIA • FISHER:

I'll make a motion to approve, seconded by •• are you raising your hand to second? No? I have no second?

LEG. D'AMARO:

I'll second.

CHAIRPERSON VILORIA • FISHER:

Okay. Legislator Losquadro. So I assume then you had question on the motion.

LEG. D'AMARO:

Yeah. I just a question about the aerial map that we're looking at. This acquisition •• this resolution that we're proposing here today would actually authorize the acquisition of the property; is that correct?

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

At what price?

CHAIRPERSON VILORIA • FISHER:

I think it's in the resolution, isn't it?

MS. ZIELENSKI:

It's \$7,950.

LEG. D'AMARO:

Is it in there?

CHAIRPERSON VILORIA • FISHER:

I thought it was.

LEG. D'AMARO:

7950. And I assume that there was a prior SEQRA determination.

CHAIRPERSON VILORIA • FISHER:

Yes.

LEG. D'AMARO:

That this is environmentally sensitive property; is that •• or a direction from the CEQ that it's environmentally sensitive?

MS. ZIELENSKI:

It's in the core.

CHAIRPERSON VILORIA • FISHER:

It's in the Pine Barrens Core.

MS. FISCHER:

It's in the core. And those core properties were pre•approved for acquisition by CEQ. Jim will just expand on that.

CHAIRPERSON VILORIA • FISHER:

We always have to remind Jim not to answer from the back of the room so that he can be on the record.

LEG. D'AMARO:

Just before you do that, what is the •• I don't understand the yellow outline on the area map.

CHAIRPERSON VILORIA • FISHER:

Well, Jim came up to answer your previous question. So just let him respond to that and then we'll go to your next question.

LEG. D'AMARO:

Sure.

MR. BAGG:

All of these properties are running in tandem with a proposed CEQ recommendations that are in the back of the packet. All right? CEQ's

resolutions 31•06 all the way through the property acquisitions are the CEQ's recommendations. And the resolutions before you that you have approved contain a SEQRA clause in them that is parallel CEQ's recommendation.

LEG. D'AMARO:

Thank you. All right. And then on this aerial map the yellow outline is key to Suffolk County Real Property Tax Map Base something? What is that?

MS. FISCHER:

Yes, those are the parcel outline boundaries of each individual parcel.

LEG. D'AMARO:

They're property lines.

MS. FISCHER:

Individual property lines, yes.

CHAIRPERSON VILORIA•FISHER:

You know, Jim, I meant to do those CEQ first today because generally we do it in this order. And I should have done the CEQ first. Legislator Romaine.

LEG. ROMAINE:

I'm just curious looking at this map what the disturbed area to the west is of the parcel that we're intending?

MS. LONGO

This is in the core dwarf pine planes. And it's a very sandy area. There are some areas that just •• lot of people go in there and use their ATV's. I don't •• this looks like ATV disturbance to me actually.

LEG. ROMAINE:

And the yellow lines which seem to indicate paper streets •• although Summit Boulevard is a not a paper street done by Montauk Highway. I guess up further north it might become a paper street as is BB Avenue or Warren street or Brian Street. Those are all paper roads; is that not correct?

MS. LONGO:

They're all paper streets.

LEG. ROMAINE:

Except Summit Boulevard, which is a real road.

MS. LONGO:

Only a very small part of Summit Boulevard is paved and actually maintained by the Town of Southampton. Most of Summit Boulevard is not developed.

LEG. ROMAINE:

It's a pretty large area that's paved. I know Summit Boulevard very well. It's in Westhampton just west of Westhampton Beach. And I've traveled the road several times so I'm familiar with Summit Boulevard. Thank you.

CHAIRPERSON VILORIA • FISHER:

Okay. There is a motion and a second. All in favor? Opposed? Actually I had told myself that I wanted to do the CEQ before I voted on all these. So, I'm going to ask Jim Bagg to come up so that we can vote on the CEQ resolutions and then we'll come back to these.

CEQ RESOLUTIONS

CHAIRPERSON VILORIA • FISHER:

Okay, Jim, if you could begin with **CEQ resolution 30•06, proposed improvements to the Normandy Manor, Centerport, Town of Huntington, Type II Action.**

MR. BAGG:

This project involves the infrastructure improvements to the property including accessibility for the physically challenged ADA compliance and electrical plumbing and HVAC upgrades that are necessary prior to public use of the Manor which the County acquired. It's next to Vanderbilt

Museum. Council recommends that it's a Type II Action pursuant to Title Six NYCRR Part 617.5 (c) (1) (2) and (25) as it consists of the maintenance and rehabilitation involving no substantial changes to an existing structure or in kind reconstruction of a structure or facility including upgrade rating building codes to meet building and fire codes in the purchase of equipment.

CHAIRPERSON VILORIA • FISHER:

Okay. And I would just like everyone to note that just for your information that this capital program, I think, is about \$300,000. If it had been over a million, you know, a very large rehabilitation or reconstruction that it would have been subject to looking at the lead criteria or the green building criteria by CEQ in their approval process. And this it didn't reach that threshold so CEQ was able to use its traditional criteria to judge the project. I'll make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? This is approved. I'll amend that motion to approve and place on the consent calendar.

(Vote: 5 • 0)

Okay, Jim. **Resolution 31 • 06, proposed acquisition of land for Open Space.** We already voted on that.

MR. BAGG:

We already voted. Council recommends that it's an unlisted action that will not have a significant impact on the environment. Basically being acquired for passive park purposes. It will not exceed any of the criteria. And the property will be dedicated to the Suffolk County Department of Parks Recreation and Conservation for passive park recreation purposes.

CHAIRPERSON VILORIA • FISHER:

The same thing for **32 • 06.** We already voted on that. And I'm sure it's the same determination.

33•06, that's the same Norton property that we spoke of earlier known as Mud Creek.

34•06, proposed acquisition of land for open space preservation purposes known as Orowoc Creek. We already voted on that one as well.

LEG. D'AMARO:

Those are all consent calendar?

CHAIRPERSON VILORIA•FISHER:

Yes.

35•06, proposed acquisition of land for open space preservation purposes known as the Sagaponack Greenbelt County Park addition.

This was the one that we just had a question about.

MR. BAGG:

All right.

CHAIRPERSON VILORIA•FISHER:

Isn't it? No? Sorry. That's right, the next one was.

MR. BAGG:

This project involves the acquisition of point 49 acres of land by Suffolk County for open space preservation purposes. Council recommends that the acquisition is an unlisted action. It will not have an impact on the environment for the following reasons. It will not exceed any of the SEQRA criteria and the property will be dedicated to the Suffolk County Department of Parks, Recreation and Conservation for passive park purposes.

CHAIRPERSON VILORIA•FISHER:

Okay. And when you listen to the language, I would just like to, you know, underscore for Legislator D'Amaro who is in his first year in the Legislature that CEQ is looking for their determinations to see if there's an environmental impact rather than to see if there's an environmental benefit.

And so that's where their determination comes from. Although having sat on CEQ, I have heard discussions among CEQ members who have said well, although this doesn't have an environmental impact I'm going to abstain because I see absolutely no environmental benefit in acquiring this piece of property. I've actually heard those conversations. But they didn't vote in the negative because it didn't have an adverse environmental impact. So that's a good question because it leads us to •• it gives us an opportunity to explain the role of CEQ in these acquisitions.

I'll make a motion to approve and place to the consent calendar.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? **35 • 06 is approved and placed on the consent calendar. (Vote: 5 • 0)**

36 • 06, this is the piece that we did just vote on.

37 • 06, proposed construction of sidewalks from County Road 10 Elwood Road from County Road 11 Pulaski Road to the Long Island Railroad. And it's capital project number 54 • 97, Town of Huntington.

MR. BAGG:

This project consists of the •• constructing curb and sidewalks along the west side of CR 10 Elwood Road from CR 11 Pulaski Road to the Long Island Railroad tracks. The south bound left turn lane on 10th Avenue will be added. This project will provide safety improvements for pedestrian traffic of Northport High School. In essence there's already an asphalt sidewalk there. However it is at grade. The Department of Public Works feels it is unsafe and therefore they want to put in curbing and elevate the sidewalk for safety reasons. Council recommends that this project is unlisted action pursuant to SEQRA that will not have a significant impact on the

environment for the following reasons. The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources identified in or regulated by the Environmental Conservation Law of the State of New York or Suffolk County Charter or code. Parcel does not appear to suffer from any severe environmental development constraints. There are no poor soils properties, no high ground water and no unmanageable slopes. And traffic and pedestrian safety will be improved.

CHAIRPERSON VILORIA • FISHER:

Motion to approve and place on the consent calendar, seconded by Legislator D'Amaro. All in favor? Opposed? **37 • 06 is approved and placed on the consent calendar. (Vote: 5 • 0)**

38 • 06, proposed reconstruction of County Road 58 Old Country Road at Pulaski Road, capital project 5543, Phase II, Town of Riverhead.

MR. BAGG:

This project will improve intersection operation and drainage at the existing Old Country Road CR 58 Mill Road Pulaski Street intersection. Project would remove Pulaski Street from the intersection and realign it with the existing Riverhead Center or Home Depot shopping driveway and signal. All drainage will be channeled through an existing northern recharge basin. An additional leaching pools and a base saver or equivalent system installed. Council recommends that this is an unlisted action that will not have a significant impact on the environment for the following reasons. Proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter or code. The parcel does not appear to suffer from any severe environmental developmental constraints, no poor soils properties, no high ground water and no unmanageable slopes. The current direct discharge of run•off to fresh water wetlands will be eliminated. They're going to channel that run•off into the existing recharge basin to the north. It'll serve as a surge basin and then an overflow will then go into those wetlands where currently that run•off has gone directly into the wetlands. And drainage and traffic safety will be improved at the intersection location.

CHAIRPERSON VILORIA • FISHER:

So that will actually have a positive impact on the environmental quality.

MR. BAGG:

That's correct.

CHAIRPERSON VILORIA • FISHER:

Because of run-off improvement.

MR. BAGG:

You have a water quality program that you have adopted in the past and you're trying to take direct discharge from surface waters and either put them through recharge basins or at least filtering systems so that they don't directly enter the waters ways and wetlands.

CHAIRPERSON VILORIA • FISHER:

Legislator Romaine has a question, Jim.

LEG. ROMAINE:

Probably one you made not be able to answer. Do you know when construction is •• should this be approved do you know when construction would start on this project?

MR. BAGG:

That I don't know because I believe there's condemnations associated with the proposal. They're going to have to schedule an eminent domaine procedure hearing and go through that entire process. So Department of Public Works would better answer your question.

LEG. ROMAINE:

I'll save that for Thursday's meeting. No, Tuesday's meeting. Okay.

CHAIRPERSON VILORIA • FISHER:

Would you like to make a motion?

LEG. ROMAINE:

I'll move, yes.

CHAIRPERSON VILORIA • FISHER:

Okay. Motion to approve and place on the consent calendar, seconded by myself. All in favor? Opposed? **38•06 is approved and place on the consent calendar. (Vote: 5•0)** And I think that does it; right, Jim?

INTRODUCTORY RESOLUTIONS

CHAIRPERSON VILORIA • FISHER:

We'll go back to page four, **1476, page four of the agenda, authorizing acquisition of land under the New Suffolk County Drinking Water Protection Program Open Space Component McGhee/Sains property, Sagaponack Greenbelt, Town of Southampton. (County Executive)**

DIRECTOR ISLES:

Okay. As indicated in the call of the meeting this is in the Town of Southampton. It's also in the south fork special groundwater protection area. It is a relatively small parcel of about of an half acre; however, what is significant is obviously it's within a larger acquisition target area by both the county and the town. It is adjacent to other county holdings. Obviously there was a prior approved planning steps resolution and Real Estate has proceeded through the acquisition appraisal and negotiation process so it's here to you today for your consideration.

CHAIRPERSON VILORIA • FISHER:

Expensive little piece of real estate. Isn't it?

DIRECTOR ISLES:

Yes, this was on Master List I, too. I'm sorry.

CHAIRPERSON VILORIA • FISHER:

It's an expensive piece of real estate.

DIRECTOR ISLES:

It's a buildable lots but I'll defer to Real Estate on that.

MS. ZIELENSKI:

Yes, that's the answer. It's a buildable lot.

CHAIRPERSON VILORIA • FISHER:

Is there a motion?

LEG. LOSQUADRO:

I'll make a motion.

CHAIRPERSON VILORIA • FISHER:

Okay. Motion by Legislator Losquadro. Looking for a second? No second.

LEG. D'AMARO:

Second.

LEG. ROMAINE:

Second.

CHAIRPERSON VILORIA • FISHER:

I think I heard Lou first to speak. Was that your voice?

LEG. D'AMARO:

I'll second it.

CHAIRPERSON VILORIA • FISHER:

Legislator D'Amaro. All in favor? Opposed? **1476 is approved. (Vote: 5 •0)**

1478 (authorizing acquisition of land under the old Suffolk County Drinking Water Protection Program, Vilardi property, Orowoc Creek addition, Town of Islip) (County Executive)

DIRECTOR ISLES:

Okay. This is located in the Town of Islip along the Orowoc Creek stream

corridor. It is a parcel that was included on Master List I. The subject parcel itself is point 675 of an acre. This has been through both CEQ as well as Parks Trustees. It is a recommended acquisition for the protection of the stream corridor flood control. And here again the contiguity with other parcels that the County is seeking to acquire including the one to the immediate east which I believe is far along in the review process as well. But other than that it's pretty straight forward. If you have any questions, Real Estate is here today, too.

CHAIRPERSON VILORIA • FISHER:

Are there any questions? Legislator Losquadro.

LEG. LOSQUADRO:

Do I recall that that were also holdings or a desire for us to acquire properties to the south? Is that my recollection with this?

DIRECTOR ISLES:

Yes, south of Sunrise Highway definitely.

LEG. LOSQUADRO:

Do we already have some holdings there?

DIRECTOR ISLES:

Yes.

LEG. LOSQUADRO:

I thought I remember this.

MS. FISCHER:

Yes. And the town as well. The town also has a number of holdings interspersed with the County all the way down to, you know ••

LEG. LOSQUADRO:

In the creek corridor. Right. I just want today confirm that my memory served me correctly. Thank you.

CHAIRPERSON VILORIA • FISHER:

Would you like to make a motion, Legislator Losquadro?

LEG. LOSQUADRO:

Sure.

CHAIRPERSON VILORIA • FISHER:

Motion to approve by Legislator Losquadro, seconded by Legislator Stern.
All in favor? Opposed? **1478 is approved. (Vote: 5•0)**

1490, creating a Regional Solid Waste Management Commission to reduce pollution, traffic congestion and financial impact of current solid waster disposal practices in Suffolk County. (Schneiderman)

Mr. Deering, could you explain this to us?

MR. DEERING:

First of all I want to thank the committee and all the members of the Legislature for your support in creating the Department and confirming my nomination for the Commissioner. I truly appreciate it.

This resolution I have had some brief conversations with Legislator Schneiderman. It fits in with very nicely with what the County Executive's idea was for the creation of the Department. And that's to look at some broad regional issues, one of the them being solid waste. What we would request at this point is similar to your bill, Legislator Fisher, give us an opportunity to review what is out there at this point in time and then move forward with the appropriate composition of the committee and have the information available that would set us on the right track.

The additional issue when you deal with solid waste is there has been pursuant to state law purview of the towns. And what I would like to do with Legislator Schneiderman is have some conversations with the towns to discuss, you know, where the County would like to go with this and try to address what will be a growing situation over the coming years.

CHAIRPERSON VILORIA • FISHER:

May I assume that you've had some preliminary conversations with him; and

that he's agreeable to tabling this?

MR. DEERING:

I've had conversations with Legislator Schneiderman about it, yes.

CHAIRPERSON VILORIA • FISHER:

Okay. I'll make a motion to table and talk about this with Legislator Schneiderman and with you. Is there a second?

LEG. STERN:

Second.

CHAIRPERSON VILORIA • FISHER:

Legislator Stern. All in favor? Opposed? **1490 is tabled. (Vote: 5•0)**

1494, authorizing acquisition of land under the Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund, Open Space Component, Georgiopoulos property, Great Pond wetlands, Town of Southold. (County Executive)

LEG. ROMAINE:

Motion.

CHAIRPERSON VILORIA • FISHER:

Let's get the papers first. Not too eager, are we? Great. There's a motion by •• can we just hold off for a second until we take a look at this? Georgiopoulos property. What is this, ten acres?

DIRECTOR ISLES:

No, this is smaller than ten acres.

MS. ZIELENSKI:

1.34 acres.

DIRECTOR ISLES:

This is property located just to the east of Peconic Dunes County Park.

CHAIRPERSON VILORIA • FISHER:

Okay.

DIRECTOR ISLES:

What is highlighted in the red dots on the aerial photograph in front of you.

CHAIRPERSON VILORIA • FISHER:

Okay.

DIRECTOR ISLES:

It's an inter•dunal area so you've got the Long Island Sound front as well as Great Pond behind that. And as you can see with the green outline parcels, this is a county targeted acquisition area; very low•lying wet area. And Real Estate has proceeded with based on a planning steps resolution involving all these properties with the successful negotiation of this acquisition. It has been reviewed by CEQ as well. And if you have any questions, that's it. It's indicated as the L•shaped parcel on your map.

CHAIRPERSON VILORIA • FISHER:

Okay. There is a motion. Is there a second?

LEG. D'AMARO:

I had a question.

LEG. LOSQUADRO:

I'll make a motion. I'll make a second.

CHAIRPERSON VILORIA • FISHER:

Okay. Seconded by Legislator Losquadro. On the motion Legislator D'Amaro.

LEG. D'AMARO:

Yes. Mr. Isles, the program is the SOS program that this falls under?

CHAIRPERSON VILORIA • FISHER:

Yes.

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

And meets that criteria which is entitled Farmland Preservation and Hamlet Parks Fund Open Space Component? I mean that's the component of the SOS?

DIRECTOR ISLES:

Yeah, there are three components under SOS. This is proposed for acquisition under the Open Space Component.

LEG. D'AMARO:

Does the Open Space Component require that the property be deemed environmentally sensitive?

DIRECTOR ISLES:

I'm not sure if the legislation requires it. We certainly would look at it in terms of meeting the criteria of the County for open space in our rating forms. And this came in as •• when, Madam Chair spoke of the ten acres, that was taking in the entire area that was proposed for planning steps sometime ago. So that area was looked at in its entirety in terms of its appropriateness for county acquisition program. And at least from staff standpoint we recommended it for the environmental protection reasons. It's a rather unique environment when you get out there and actually see it with the inter•dunal area.

LEG. D'AMARO:

Fronting on the Long Island Sound are developed homes; correct? According to this photograph.

DIRECTOR ISLES:

Yes, correct. Those are dwellings fronting on Long Island Sound.

LEG. D'AMARO:

And then on the east side of the property as well is also developed parcels?

DIRECTOR ISLES:

Correct. Mr. D'Amaro, if I could just clarify on the SOS Open Space, is that it's for open space. The actual legislation states that the program shall be used for various parcels for open space preservation including wetlands, woodlands, Pine Barrens and other lands which are suitable only for passive non•recreational uses.

LEG. D'AMARO:

Thank you.

CHAIRPERSON VILORIA • FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

Looking at the block of parcels, right in the middle we've already acquired one of those parcels; correct?

DIRECTOR ISLES:

Yes. We understand that the County acquired that through a tax lien default.

LEG. LOSQUADRO:

Even better. So that's all. I just wanted to confirm that that was a Suffolk County holding right in the middle of this.

MR. DEERING:

There's also one adjacent if I'm reading the map correctly to Great Pond.

DIRECTOR ISLES:

Yes.

LEG. LOSQUADRO:

Right, but in this strip. Okay. Very good. Thank you.

CHAIRPERSON VILORIA • FISHER:

Legislator Lindsay.

PRESIDING OFFICER LINDSAY:

It goes beyond that, though. I mean if I'm reading this correctly, the state has holdings in there. The town? Is that correct? Or is that proposed? This map •• part of the problem is the map's a little confusing, guys.

DIRECTOR ISLES:

Yeah. It's a little bit of a busy map. The blue line there indicates New York State regulated freshwater wetlands. So they control permitting in that area.

PRESIDING OFFICER LINDSAY:

And then there's another on the •• the Town of Southold, do they ••

MS. FISCHER:

They own •• the town owns the beach property in the top corner of the picture in the blue dots. That's the Town of Southold property.

PRESIDING OFFICER LINDSAY:

But my point is that this area evidently is targeted by all three jurisdictions to preserve to the best of our ability. Probably should have been done a long time ago and you wouldn't have the development to the north but ••

MS. FISCHER:

Yes. It's a very environmentally sensitive area, inter•dunal area.

MS. LONGO:

I also want to add that Peconic Land Trust owns a lot to the south there; like that corner lot. And it's •• where you see the red dots, that big piece of property, that's Peconic Dunes County Park.

DIRECTOR ISLES:

Right.

MS. LONGO

So, you know, we're working on that whole area there.

CHAIRPERSON VILORIA • FISHER:

Yes, that big piece to the south is ours already.

PRESIDING OFFICER LINDSAY:

There's so many different colors here. I can't tell who owns what. It just looks like a lot of people own a hunk of it.

CHAIRPERSON VILORIA • FISHER:

Well, you see, you have to pass a non-color blindness test to be on this committee. It's surprising we have so many men on the committee. Okay. There's a motion and a second. On the motion? Any other questions? All in favor? Opposed? **Motion is approved. (Vote: 5•0)**

We have one more resolution, do we not? I just want to read the title.

1495, amending the Capital Budget and program and appropriating funds in connection with improvements to active parkland recreation areas Capital Project 7178 for the Oak Beach fishing pier. (Horsely)

This is interesting. This is with the •• from the Greenways capital improvement.

LEG. LOSQUADRO:

Matching funds.

CHAIRPERSON VILORIA • FISHER:

Or matching funds. Is that what this is? I'd double check that resolution. Counsel is picking up his mike.

MR. NOLAN:

This is the •• a community greenways property. And this is the infrastructure funding that the County has approved separately.

CHAIRPERSON VILORIA • FISHER:

Okay. Okay. So the total is 250,000. Is that our new limit on that? Because it used to be 150.

LEG. LOSQUADRO:

If I may, Legislator Bishop and I each co-sponsored the resolution to up the matching amount from 100,000 to 250,000. And by my reading of this, the Town of Babylon is putting up the other quarter million for us to match for the reconstruction.

CHAIRPERSON VILORIA • FISHER:

Sounds good. Anybody from the west end want to make the motion.

LEG. D'AMARO:

I'll make it. Motion to approve.

CHAIRPERSON VILORIA • FISHER:

Motion by Legislator D'Amaro to approve and seconded by Legislator Stern. All in favor? Opposed? **Motion carries. (Vote: 5 • 0)**

DIRECTOR ISLES:

Madam Chair, if I can just make one announcement. And I'd like to introduce you to today a new Deputy Director for the Department of Planning who started a week ago. Her name is Carrie Meek Gallagher. The position has been vacant for four years so I appreciate the support of the Legislature as well as the County Executive in funding this position. Thank you. And she'll be with us at committees as well.

CHAIRPERSON VILORIA • FISHER:

Can you just come forward and we could say hello to you again because the committee has met you before when you came before us to be part of the • • wasn't it the Regional Planning Board?

MS. MEEK GALLAGHER:

Planning Commission.

CHAIRPERSON VILORIA • FISHER:

The Planning Commission. And so now you will • • we will be looking for someone to take your spot on the Planning Commission.

DIRECTOR ISLES:

Right. She's resigned from the Commission.

MS. MEEK GALLAGHER:

Yes.

CHAIRPERSON VILORIA • FISHER:

Does anybody have any questions or comments? I know that I have always been impressed by your work. And I'm very happy that you have been placed in this very important position and will be playing an important role in our Planning Department. Thank you very.

MS. MEEK GALLAGHER:

Thank you.

CHAIRPERSON VILORIA • FISHER:

Congratulations, Carrie.

LEG. D'AMARO:

Good luck.

LEG. ROMAINE:

Madam Chair lady.

CHAIRPERSON VILORIA • FISHER:

I'm sorry, there is a question or comment by Legislator Romaine.

LEG. ROMAINE:

Right. I had some questions concerning two properties within my district that I think the county is still attempting to acquire. One of them is Clarks Beach, which is in the Town of Southold. It's sound front property. And the owner is the Village of Greenport. Apparently the Village consented to allow the Town •• the County an opportunity to purchase this beach. The resolution was adopted last year. Almost one year has gone by. You have a willing seller that is under a time constraint and is proposing to sell this property privately if the County does not move forward. So I'm interested in getting the status of this property from the Department of Real Estate.

MS. ZIELENSKI:

We're waiting for appraisals.

LEG. ROMAINE:

Okay. Well, just let me understand. Planning steps resolution was adopted when? I believe it was June of 2005.

MS. ZIELENSKI:

I don't have those dates available, but there was a delay on the appraisals on that property; were done incorrectly and they had to be re•done.

LEG. ROMAINE:

How were they done incorrectly?

MS. ZIELENSKI:

The appraiser failed to note that there was a significant easement across the entirety of the property that involves ••

LEG. ROMAINE:

How many appraisals have you ordered that were completed at this point?

MS. ZIELENSKI:

Well, we ordered two that were completed and rejected.

LEG. ROMAINE:

And both appraisers ignored the fact of the easement?

MS. ZIELENSKI:

There were different issues on the different appraisals, but new appraisals were ordered. I think they're due in the second week in •• third week in May.

LEG. ROMAINE:

You'd have to be •• if you were an appraiser walking this property •• I don't know who the appraiser is, but if you were an appraiser walking this property, you'd have to be very blind because the easement is for a culvert

pipe to come out to onto the beach. I mean you run smack into it.

MS. ZIELENSKI:

Well, at high tide you don't.

LEG. ROMAINE:

All right. Because I will tell you that the village has indicated and I've sent those letters over, I believe, to the Planning Department, I think I may have sent them to you as well that if the County doesn't quickly enough they will put this on the open market for sale because it's part of their budget plan. So we will lose an opportunity for sound front property. I don't know who the appraisers were that did incorrect appraisals, but, you know, it just seems odd to me that two appraisers both did incorrect appraisals.

MS. ZIELENSKI:

It was unfortunate.

CHAIRPERSON VILORIA • FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

And as a member of the Environmental Trust Review Board you've heard me say it before and I'll say it again, when we have appraisers who fail to follow the criteria that we set out for them, it is always my position that they not be compensated for that. That is, if they were deficient in following the rules that we set forth putting that RFP out there •• we have a pretty solid list of appraisers now. But, you know, there are the individuals who have been lax. And I think the only way to root those individuals out or show them that we're serious about not accepting shoddy work is to not •• is to deny payment on cases •• this may be one of them, it may not •• where there is, you know, the lack of effort put in is truly egregious. As I said, I've said it many times in the Environmental Trust Review Board and I just wanted to say it on the record here.

MS. ZIELENSKI:

I would say on the record that I agree. We have ••

CHAIRPERSON VILORIA • FISHER:

Quality control.

MS. ZIELENSKI:

We have also ••

LEG. ROMAINE:

Yes.

MS. ZIELENSKI:

We have also instituted a critiquing process where we're rating and hopefully having some of these appraisers removed from our regular contract list because of deficiencies.

LEG. ROMAINE:

The other property that I wanted to ask you about, I guess has been on the acquisition list for some time. And apparently in the past when it was referred to •• you indicated or your department had indicated contact the County Attorney because there was litigation. My understanding is the litigation is well past on this property. And that's the _Marfar_ property which a five acre parcel on the south/east corner of Montauk Highway and Bellview Avenue in Center Moriches. Could you give me the status of that?

MS. ZIELENSKI:

Yes. We made an offer on that property. It was rejected by Mr. _Marfar_.

LEG. ROMAINE:

And when was that offer made?

MS. ZIELENSKI:

I don't have the exact date. About six, eight weeks ago, something like that.

LEG. ROMAINE:

Okay. We'll follow•up. I don't want to holdup the committee. I'll follow up with you on that. And I'd like to discuss that in more detail. I'll follow up in

writing. Thank you.

MS. ZIELENSKI:

There's still an issue on that property regarding the zoning which affects the value of the property.

CHAIRPERSON VILORIA • FISHER:

Okay. Thank you. As I indicated earlier, and I wanted to do this during the meeting so that there was notice to everyone who generally attends the meeting, that's the people from Planning, Real Estate and the County Executive's Office, we had thought that this was a time that was suitable to everyone on the committee for a meeting. And there have been a couple of comments that there was an interest in moving the meeting to a later time in the morning, eleven o'clock or 11:30. We can discuss this. Is there any problem with anyone? Is it a conflict to move the meeting to 11:30 on Monday mornings?

LEG. LOSQUADRO:

I prefer the early time.

PRESIDING OFFICER LINDSAY:

Madam Chair, if I might, that's why I was hoping that I could talk with everybody about scheduling problems after the meeting's concluded. And we can work it out.

CHAIRPERSON VILORIA • FISHER:

Okay. I'm hoping to do it as soon as possible because ••

PRESIDING OFFICER LINDSAY:

Well, I'm going to do it right now as soon as you adjourn the meeting.

CHAIRPERSON VILORIA • FISHER:

Okay. Very good. All right. So as I indicated earlier we will be talking about this immediately and come to a conclusion and let everybody know as soon as we possibly can. I know there are a lot of departments involved who come here. Thank you. If there are no further questions, the meeting stands adjourned.

(THE MEETING CONCLUDED AT 11:37 AM)
_ _ DENOTES SPELLED PHONETICALLY