

**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 March 12, 2007.

**MEMBERS PRESENT:**

Leg. Vivian Vilorio-Fisher, Chairperson  
Leg. Lou D'Amaro, Vice Chairman  
Leg. Wayne R. Horsley  
Leg. John M. Kennedy, Jr.  
Leg. Daniel P. Losquadro

**ALSO IN ATTENDANCE:**

Legislator William J. Lindsay, Presiding Officer  
Legislator Edward P. Romaine, First District  
Legislator Jay H. Schneiderman, Second District  
George Nolan Counsel to the Legislature  
Tim Laube, Clerk of the Legislature  
Kevin Duffy, Budget Review Office  
Carmine Chiusano, County Executive's Budget Office  
Ben Zwirn, Assistant Deputy County Executive  
Thomas Isles, Director of Department of Planning  
Jim Bagg, Chief Environmental Analyst/Department of Planning  
Lauretta Fischer, Department of Planning  
Janet Longo, Department of Real Estate  
Carrie Meek Gallagher, Commissioner of the Department of Environment and Energy  
Seth Squicciarino, Aide to Leg. Vilorio-Fisher  
Linda Burkhardt, Legislative Aide  
Paul Perillie, Aide to Majority Leader  
Debra Alloncius, Legislative Rep for AME  
Robert A. Braun, County Planning Commission  
Gail Clyma  
Bill Berrien  
Paul Dietche  
Jane Dietche  
And all other interested parties

**MINUTES TAKEN BY:**

Diana Kraus, Court Stenographer

**(THE MEETING COMMENCED AT 1:05 PM)**

**CHAIRPERSON VILORIA-FISHER:**

Members of the Environment, Planning and Agriculture Committee please come to the horseshoe. Okay. Good afternoon. Welcome to today's meeting of the Environment, Planning and Acquisition -- Agriculture Committee. We change the name every now and then. Please join us in the pledge of allegiance.

**SALUTATION**

**CHAIRPERSON VILORIA-FISHER:**

I'm going to move to take IR 1230 out of order at the request of Mr. Braun who does have to leave. All of you have the resolution with his resume attached. So, I'll make a motion to take IR 1230 out of order, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1230 is before us. (To appoint member of County Planning Commission, Robert A. Braun, Esq.) (County Executive)** Mr. Braun, if you could just join us at the table here, please.

**MR. BRAUN:**

Good afternoon. How are you?

**CHAIRPERSON VILORIA-FISHER:**

Good afternoon to you. And if you could just tell us a little bit about yourself, Mr. Braun, although we do have your resume. It's always good to hear from the individual. Thank you.

**MR. BRAUN:**

Thank you. Good afternoon. My name is Robert Braun. I'm an attorney. My office is in Commack in the Smithtown portion of Commack. I live in St. James. I've been a resident of Suffolk County since about 1977. I'm a -- I have a law practice here, as I said. Most of my practice is -- my portion of the practice is concerned with matters having to do with real estate and business. I have a number of business clients. And I represent a number of people buying and selling homes and also several lenders for closings. What else can I tell you about myself? I'm a member of the Smithtown Rotary. I'm a past president of my synagogue. If you have any questions certainly I'll be happy to answer them.

**CHAIRPERSON VILORIA-FISHER:**

This is a position with the County Planning Commission.

**MR. BRAUN:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

And, it's, you know, a voluntary position.

**MR. BRAUN:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

So it will be an imposition on your own time. And we're hoping that you do have the time to commit to this because you will be reviewing some material that comes before you and have to give it some

thought.

**MR. BRAUN:**

Yes, I believe I do have the time available. My practice -- my law practice has a number of partners. We can cover for each other when we have other obligations, certainly. And I'm flattered to have been asked and to be considered for this. And I'd be very eager to serve.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Any other questions? Yes, Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Madam Chair. Good afternoon, Mr. Braun. Thank you for coming before us and thank you for expressing an interest to serve on behalf of the Town of Smithtown. I represent the southern part of Smithtown.

**MR. BRAUN:**

Yes, I know.

**LEG. KENNEDY:**

Okay. And the first thing that comes to mind is did you have any conversation with the Town Supervisor or has there been anything that's gone on as far as dialogue with the town government itself concerning your serving on the Planning Commission?

**MR. BRAUN:**

I haven't personally spoken with the Supervisor, no; although I have -- I do know him mostly as a fellow rotarian.

**LEG. KENNEDY:**

Okay.

**MR. BRAUN:**

But, no, we haven't specifically spoken about this appointment, no, at all.

**LEG. KENNEDY:**

Okay. Again, I know that there's been a substantial change to the appointments to the Planning Board. However, it was only one cycle ago as a matter of fact that we spoke about another planning board appointment. And this case regarding an appointment from the Town of Southhold. We as committee members had asked that the administration have some dialogue with town government. And, you know, unfortunately it seems that the administration is choosing to ignore the request.

That being the case, let's talk a little bit about your practice then.

**MR. BRAUN:**

Certainly.

**LEG. KENNEDY:**

You are in a partnership?

**MR. BRAUN:**

Yes.

**LEG. KENNEDY:**

Okay. And what is the general range of practice of the partnership?

**MR. BRAUN:**

Well, we have several departments. We cover most things that a neighborhood size law practice would deal with although ours is rather large for a neighborhood size practice. We have partners involved in matrimonial law, in family law.

**LEG. KENNEDY:**

Anybody in land development?

**MR. BRAUN:**

No; very little. As a very minor part of it, that would be my part of the practice. I have --

**LEG. KENNEDY:**

Site planning, commercial development?

**MR. BRAUN:**

Nothing of that size. For the most part it's residential subdivisions.

**LEG. KENNEDY:**

On occasional residential subdivisions, as a matter of fact, need to be referred over to the Suffolk County Planning Commission because of the thresholds; or certainly if we're talking about anything associated with affordable housing, if we're talking about anything that is proximate to county road systems, certainly some of the development that we've just had down in the southern western corridor of the town has had heavy involvement with the County Planning Commission. How will you -- how would you resolve this?

**MR. BRAUN:**

Well, none of my clients is involved in any of those specific projects that you've mentioned. But in the event I were to have a client whose interest were affected by something that the Commission would be determining, certainly I would recuse myself from that. But it would be very rare in any event. Most of the builders who I've represented over the years have since moved onto other things or other places. And the one or two who I still represent are rather small. They do mostly spot building and so forth. So I don't foresee that I would often have a conflict, but certainly if it was one of my own clients, I would simply recuse myself from considering that matter.

**LEG. KENNEDY:**

What do you see as being the issues in the Town of Smithtown that are important to represent at the Suffolk County Planning Commission?

**MR. BRAUN:**

Well, certainly we have downtown revitalization especially in Smithtown itself. That's of concern. And in Kings Park as well. Kings Park also has the former state hospital grounds which is still a very large issue. There are matters of workforce housing and affordable housing for young families.

**LEG. KENNEDY:**

Not much in Smithtown.

**MR. BRAUN:**

Well, there's not much going on but there are issues.

**LEG. KENNEDY:**

Well, there are as a matter of fact. There is legislation underway in order to go ahead and bring sewerage to downtown Smithtown and to downtown Kings Park. Would you be in support of those types of initiatives from a county-wide planning perspective?

**MR. BRAUN:**

As a -- as a general proposition, yes. But I certainly need to know more about the specifics and the facts of these proposals before I could tell you how I would be -- how I would feel on a specific issue

basis.

**LEG. KENNEDY:**

Of course. No, that's understood. You know, the other thing that comes to mind from the County's Planning Commission perspective is a desire, I think, to promote some regional application concerning a variety of different initiatives. And it seems the Planning Commission's mission is expanding into, you know, larger areas. Transportation being one of the areas that seems to be taking on a need for regional focus. Again, how do you view your role as a commissioner from the Town of Smithtown integrating with the board's apparent desire to move towards a regionalized approach? How do you see balancing those?

**MR. BRAUN:**

Well, I think on any planning issue, it would be my responsibility to understand the town's position and to talk to the Planning Department in Smithtown. I have some familiarity with Frank DeRuveis who's the Planning Director. We've --

**LEG. KENNEDY:**

Have you spoken to him recently? Have you spoken to him about what the issues are now?

**MR. BRAUN:**

Not now, no; not recently. But it would my hope to have the opportunity to do that with him if I were to be appointed to the Commission. And once I understood the town's position, to bring it forward to the Commission, not necessarily as the town's specific representative on the Commission but rather in terms of the Commission's mission in general.

**LEG. KENNEDY:**

Mr. Braun, I -- again, I commend you for coming here to go ahead and to volunteer for this position. But I'm curious as to how it is you came to even be extended this opportunity to serve. It seems that there has not been much dialogue at a town level at all. How did this occur? Who spoke to you?

**MR. BRAUN:**

I have no -- I have no platform at the moment from which to have those conversations with the town.

**LEG. KENNEDY:**

You're a local practitioner, sir.

**MR. BRAUN:**

I'm a local practitioner. And when I have a client to represent, I have had those kinds of conversations with respect to my client's particular situation. But I certainly would expect that if I were to be appointed, I would then have the platform or the standing, if you will, to have those conversations in the future. And I would expect to have them.

I suppose I was considered because I've been in practice in Commack for over 25 years. And because I have what I hope is a decent reputation as an attorney and as a thoughtful person and that I would perform the functions that are required of a commissioner on a serious basis. And so I don't know who or how my name came up. I received a telephone call asking me if I would be interested. And I said I would. And it was from the County Executive's Office if that's your question.

**LEG. KENNEDY:**

Yes, it is. For the moment I'm going to yield, Madam Chair. Thank you.

**MR. BRAUN:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Okay. We do have other questions but I suppose indeed, Mr. Braun, that it might have been considered presumptuous of you to have started to work on this before being appointed. So it certainly is understandable that those conversations have not yet occurred.

**MR. BRAUN:**

Thank you. That was my feeling as well.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Legislator Losquadro has questions for you.

**MR. BRAUN:**

Certainly.

**LEG. LOSQUADRO:**

Thank you. Hello, Mr. Braun.

**MR. BRAUN:**

Good morning. Or afternoon.

**LEG. LOSQUADRO:**

Thank you -- thank you for coming down today. And again it's quite laudable that you are considering a volunteer position of this nature. There's a lot of work involved in this. And a lot of issues that in looking at your resume that you're probably unfamiliar with especially on a larger scales that pertain county-wide. We are very geographically diverse throughout the County. And issues that you may have some more familiarity with practicing on the Smithtown/Commack area go out into Riverhead and Southold. And very different animal out there. And the east end is where the majority of our development pressure that we currently see is taking place. I'm sorry. I was a little distracted there for a moment.

We saw a move in the types of individuals that we were seeking to place on the Planning Commission on the part of the County Executive's Office to move away from individuals who had affiliations with townships and things of that nature. While I think that's good because it removes potential conflicts, at the same time I think we reduce the pool of candidates that have a significant background in planning. In looking through your resume, and this is not a criticism, you seem very successful in your own right, but it seems though you have quite a bit of work ahead of you to get up to speed on some of the planning issues as they pertain county-wide.

And I'll give you an example. Recently in the Town of Brookhaven in my district a moratorium -- a building moratorium went before the Planning Commission. And never before in the history of the Planning Commission had they not given the township the local determination to say this is your decision, it impacts your ability to give permits for land use, which as you know, is exclusively under the purview of the town. In this case the Planning Commission said, no, we reject the idea of this moratorium. And that was a marked departure from what we had seen in the past. And I'm just concerned that with your lack of planning experience that issues such as the one that I just described coming before you that there may be situations where that lack of knowledge will be a hinderance to you.

So do you foresee not only having the time to attend these meetings, but with your practice also putting in the time necessary to learn not only local issues but the more global picture in the way that the ten major towns and the many villages we deal with throughout the County how their land use plans are formulated?

**MR. BRAUN:**

Let me say first that it's my understanding that the Commission is comprised of one Commissioner from each of the ten towns, one Commissioner or two Commissioners representing the villages in general and three at large Commissioners. So to the extent that the structure of the Commission is such as it is, I think that my experience primarily in Smithtown is not necessarily a hinderance to that structure.

Secondly, although my office is in Smithtown, I have had clients throughout the County over the years. I represented for example for a number of years a developer in the Town of Southold. I represented a developer in the Village of Greenport for a number of years. They're no longer actively in business, but I have some familiarity with the requirements and the structures in places other than my own local town. Frankly, I have not done much in terms of county-wide planning before. But I think that my experience does suit the structure of the Commission as it currently is. And again it's something I've been doing for about 25 years.

I also think that the more experience somebody has in dealing with county-wide agencies, the more knowledge they may have about the specifics of how to get the job done; but the more likelihood there is for a conflict of interest over time. So I think that there needs to be some kind of balance between the level of experience that somebody has and their ability to be independent when it comes to making a decision with respect to their government function.

**LEG. LOSQUADRO:**

Well, I appreciate you re-stating my point slightly differently there. I had made that point prior to asking you the question. My only concern was, as I said, that you be able to put the time in necessary especially as the role of this -- of this Commission is expanding. And we do deal with those more regional issues. And I can tell from you experience sitting around this body, you represent an individual area. You spoke of the makeup of the board. And myself as a representative I advocate for issues in my district. Of course, I have to, you know, have knowledge of the wider issues. But on this body with 18, we call it being able to count to ten to get something passed. So you're right; you are part of a larger body. And I assume from your comment that you were saying that you would be able to glean knowledge from individuals who are representing other areas; the townships, the villages when you referenced the makeup of the board. Is that what you meant?

**MR. BRAUN:**

Yes, yes.

**LEG. LOSQUADRO:**

As I said, though, to get something passed, you know, you need to have a majority vote. Myself, Legislator Viloría-Fisher, other individuals were working very hard for a period of time with Nassau County trying to get them to pass an identical piece of legislation to revamp and expand the capabilities of the Planning Commission. And unfortunately Nassau County couldn't get their act together and pass a similar -- an identical piece of legislation. But the goal here was a move towards regionalization and the look at how projects not only impact an individual area in a vacuum, but how they affect the overall, as Legislator Kennedy referenced, transportation structure, our infrastructure, how the Island is able to cope with this additional development. Just wanted to bring some of these points to your attention.

**MR. BRAUN:**

Yes. Thank you.

**LEG. LOSQUADRO:**

I know you do have experience in this field, but I think you'll see as you move forward with this and the types of things that we're going to be putting before the Planning Commission, that you're going to have to spend some time with the nose back in the books so to speak. And I just want to make sure you have the time and the willingness to commit to that.

**MR. BRAUN:**

I certainly do have the willingness to commit to that. And I will make the time.

**LEG. LOSQUADRO:**

Very good, sir. Thank you.

**MR. BRAUN:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

I believe there's another question. Legislator D'Amaro, did you have a question? I wasn't certain. And then Legislator Kennedy has another question. And, Mr. Zwirn, I see that you're there, Ben, so if you want to say something after all of the Legislators are finished with their questioning.

**MR. ZWIRN:**

I will do everything I can not to prolong the debate. I promise.

**LEG. D'AMARO:**

Mr. Braun, good morning. Just appreciate you coming forward. We're always looking for help and assistance. And I think it's important also to keep some balance and perspective in considering you in that we're also interested in getting a fresh perspective into some of these boards including the Planning Commission. It's not necessarily in my view a bad thing that you haven't spoken yet with the town or anyone in any official capacity with the town because we want to try and bring your perspective to this board. And then of course we look forward to you working with the towns after you get appointed. But I don't necessarily think that's the wrong thing to do; that you come up to this Legislature on your own merits.

Really I don't have any questions. I was just -- I know as a practicing attorney sometimes finding the time may be a little difficult, but I've heard your answer here and appreciate that you'll make the commitment to spending the time. Because as Legislator Losquadro points out and Legislator Kennedy, there is some very important issues facing this county when it comes to planning. And this commission's going to be taking more of a regional view as opposed to that parochial view that sometimes you find in a town. And I look forward to you keeping that in mind as you go forward.

**MR. BRAUN:**

Thank you. I intend to.

**LEG. D'AMARO:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Kennedy, go ahead.

**LEG. KENNEDY:**

Okay. Thank you. Just a couple of other areas, Mr. Braun. And one of them is, you know, I take note of the firm that you're with and so although I am a staunch subscriber to privacy rights and personal privacy there are a couple of questions that are relevant to the preclusions that are in the appointment process.

**MR. BRAUN:**

Okay.

**LEG. KENNEDY:**

Are you a registered voter?

**MR. BRAUN:**

Yes.

**LEG. KENNEDY:**

Good. Are you a committee man with any party?

**MR. BRAUN:**

No.

**LEG. KENNEDY:**

You are not a committee man. Okay. At a town or county level, state level?

**MR. BRAUN:**

No level. I'm not a -- I'm not a committee man of any kind.

**LEG. KENNEDY:**

Okay. Just one other area I guess that I feel that I need to ask. And it comes up on occasion particularly with practice where one individual be it an associate or a partner seeks something. And they themselves may not have any direct involvement. But there is involvement in other parts of the firm. Does your firm practice at all in election law?

**MR. BRAUN:**

On occasion, yes.

**LEG. KENNEDY:**

Okay. Have you had occasion to represent a democratic party?

**MR. BRAUN:**

My firm or myself?

**LEG. KENNEDY:**

Both?

**MR. BRAUN:**

My firm has. I have not.

**LEG. KENNEDY:**

Okay. Were there a time where there would be something as far as that type of a matter, do you have procedures in place in the firm to distance yourself from those practices? It's called a Chinese Wall, basically.

**MR. BRAUN:**

Yes, yes, it is called a Chinese Wall. And, yes, we do have -- a number of the members of my firm have been trustees of various types or members of various boards over the years. Certainly it hasn't come up with respect to the Planning Commission before. But in general the answer to the question is, yes, we stay out of it.

**LEG. KENNEDY:**

And you have a protocol in place, and you have whatever it is, the rules and regs that are necessary to insulate yourself from whatever the practicalities of that litigation would be?

**MR. BRAUN:**

Yes. And again if there were something that would bear on my ability to perform my function on the Commission, and even if it were not even a real conflict but only an apparent conflict, I would recuse myself from that situation.

**LEG. KENNEDY:**

Okay. One of the areas that you list as far as practice goes is bank work representing lenders.

**MR. BRAUN:**

Yes, we represent a few lenders and do mortgage closings for them.

**LEG. KENNEDY:**

Okay. While you do not engage in any large scale commercial land development or site plan development, were one of your clients seeking something -- I'm sorry -- how to phrase the question -- were a mortgagee, an applicant and you were the bank attorney, how would you address it?

**MR. BRAUN:**

I'm sorry. I don't think I understand what you're asking me.

**LEG. KENNEDY:**

Okay, which is not uncommon. Let me try it one more time. Say a developer is seeking to do a 10,000, 15, 20,000 square foot development.

**MR. BRAUN:**

Okay.

**LEG. KENNEDY:**

Commercial development. Something that triggers mandatory referral to the Planning Board -- Suffolk County Planning Commission. And you do not represent the developer --

**MR. BRAUN:**

Right.

**LEG. KENNEDY:**

-- directly, or the property owner. But they're seeking a commercial mortgage from HSBC.

**MR. BRAUN:**

Okay.

**LEG. KENNEDY:**

Or from Bank of Smithtown or from WaMu or Wells Fargo.

**MR. BRAUN:**

There would probably be no way for me to know who their ultimate lender would be when they made their application. The application before any of the regulatory bodies would take place probably before they had financing in place. So I probably would have no way to know that when it came before the Planning Commission; that ultimately a bank who I happen to represent would be their lender once they got passed their regulatory hurdles.

**LEG. KENNEDY:**

Okay. But if there was some way to determine that, then you would be able to recuse.

**MR. BRAUN:**

Yes, absolutely.

**LEG. KENNEDY:**

Okay. All right. Thank you very much. Thank you, Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

Thank you. Are there any other questions? Okay. I'm going to make a motion to approve. And, Ben, since you're here -- may I have a second so that I can speak -- seconded by Legislator Horsley.

Ben, just as I asked regarding the appointment in the Town of Southold, I would just ask the County Executive's Office, although we know that there is no statutory requirement that there be an outreach to the town, perhaps just by way of introduction of the name of Mr. Bob Braun that perhaps there could be some outreach from the County Executive's Office to someone in the Town of Smithtown?

**MR. ZWIRN:**

Certainly. And I can't tell you today that that hasn't been done. I mean I don't think Mr. Braun would have been the one to do it, but the County Executive's Office might have already reached out to Supervisor Vecchio.

**CHAIRPERSON VILORIA-FISHER:**

I'm not asking Mr. Braun to do it certainly because I agree with you. I don't think it would have been an appropriate thing.

**MR. ZWIRN:**

No.

**CHAIRPERSON VILORIA-FISHER:**

But if the County Executive's Office could reach out. And as we said at last Tuesday's meeting just as a matter of courtesy and not because it's a statutory requirement.

**MR. ZWIRN:**

Absolutely. But I think if you take it in the full context, when you were in the minority and were not sitting in the Chairman's position, we used to have recommendations coming from the town supervisors which had been a past occurrence.

**CHAIRPERSON VILORIA-FISHER:**

I know. I just don't want to go with -- yes.

**MR. ZWIRN:**

Town of Riverhead, Southold. Town of East Hampton had a resolution --

**CHAIRPERSON VILORIA-FISHER:**

I just don't want to re-visit that past history.

**MR. ZWIRN:**

That was completely ignored by this board. So I mean --

**CHAIRPERSON VILORIA-FISHER:**

Yes, I know that. And we're not going to the past history. I just -- going forward which is what we try to do in a positive --

**MR. ZWIRN:**

I just want to put it in context how hypocritical some of the comments that were made are. That's all.

**CHAIRPERSON VILORIA-FISHER:**

Okay. And again without assigning all of the negative connotations I would just prefer because we do take the high road that out of courtesy, that going forward that we do do that small outreach. And that way the candidate isn't put in the position of sitting before the Legislature and hearing this kind of rhetoric over and over again. If that courtesy and that outreach could happen, it would certainly relieve the candidates of having to be put through that rhetoric. Okay? I've made a motion to approve, seconded by Legislator Horsley. All in favor? Opposed?

**LEG. KENNEDY:**

Madam Chair, I'm going to abstain on this one.

**CHAIRPERSON VILORIA-FISHER:**

Oh, I didn't see your hand.

**LEG. LOSQUADRO:**

Me, too.

**CHAIRPERSON VILORIA-FISHER:**

I'm sorry. I didn't call for abstentions. Please note the abstentions. **(Vote: 3-0-2-0. Legislators Kennedy and Losquadro abstained)** Okay. Approved. Motion's approved. Congratulations.

**MR. BRAUN:**

Thank you very much. Thank you all.

**CHAIRPERSON VILORIA-FISHER:**

And thank you very much for your patience.

**MR. BRAUN:**

And thank you for your time.

**PUBLIC PORTION**

**CHAIRPERSON VILORIA-FISHER:**

We do have several cards. The first speaker is Gail Clyma. I'm sure I should know how to say it by now. Did I say it correctly? Is it Clyma or Clyma?

**MS. CLYMA:**

Clyma.

**CHAIRPERSON VILORIA-FISHER:**

Clyma. Sorry.

**MS. CLYMA:**

You want me here, not there?

**CHAIRPERSON VILORIA-FISHER:**

Wherever you're most comfortable.

**MS. CLYMA:**

Okay. This is fine. Good afternoon, Madam Chair, members of the Committee. I've written to each of you just to remind you that this is a major expansion, the Long Island Jet application at Gabresky. Our sole source aquifer's at risk. I've given you documentation about existing contamination at Gabresky Airport. And the fact that County health regulations that are suppose to protect the groundwater have not really been enforced very much.

I respectfully suggest that the CEQ opinion on this matter is flawed. It's based on an outdated 1990 master plan. But I do want to note one sentence in that master plan because it seems to be the opposite of the position that CEQ was taking. The master plan say this master plan update is a guide to the future development of the Suffolk County airport. Its adoption by the Suffolk County Legislature does not preclude future in depth SEQRA review prior to the implementation of development elements included in the recommendation. So I just want to point out that that language was in that plan.

But the plan is really out of date. Just one small piece of evidence. The plan says -- the EAF on the plan says that there's no public controversy about potential adverse environmental impacts. And certainly that is not the case.

There's one other point that I think is worth noting. Evidence of how out of date that plan is. In the plan there's a land use plan showing what's to be done on various parts of the airport. One of the things it shows is no aviation development up on the north side. And yet there are already hangars that have been constructed up there. So the plan -- I mean it's not operational.

Probably the biggest flaw in the CEQ opinion is the presumption that the risk of contamination is zero from this application. The track record at Gabresky doesn't support that. As we sit here this afternoon Malloy Air has still not come into compliance with requests that were made five years ago by the Health Department inspector. So I urge you to recommend to the Legislature a positive declaration for this application. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Thank you, Ms. Clyma.

The next speaker is Bill Berrien. I'm sorry. Can you just repeat your name because I had a problem with -- I said it correctly? Thank you.

**MR. BERRIEN:**

You had it right. Yeah, my name is Berrien; Bill Berrien. I live in Quogue. And I'm a member of the Coalition Against Airport Pollution. This is a comment on the LI Jet application.

The one question I want to ask is why would the County allow unbridled aviation growth on top of the aquifer? A question that comes up fairly often. The aquifer, of course, is the sole source of our drinking water. Gabresky is not. Islip -- it's not Teteboro. It's not Westchester. In fact looking across the country there's probably not another airport in the country that sits on top of its sole source of drinking water.

CEQ in reviewing the LI Jet application kept mentioning policy meaning the 1990 master plan, as been noted, is outdated and subsequent acts to justify expansion. If policy can also mean the stated intentions of the government, the County Executive has stated publicly many times that he does not want aviation expansion.

Now, the fact is that the LI Jet expansion would not be a small expansion. Acreage would double. Floor area would increase six times to approximately 68,000 square feet. There will be total space for about 40 planes. And they would intend to hire according to their application five pilots, five first officers and a variety of support staff. This is not the kind of thing with the money invested that would lead one to believe it's going to be a small time operation. It's inconceivable to me that such an expansion should be allowed to proceed without a full environmental review.

In light of the airport's position atop our drinking water source, the possible environmental problems that could result from unbridled aviation growth and the size of this LIJ expansion application, I urge you to issue a positive declaration in your recommendation to the Legislature. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Thank you, Mr. Berrien. Bob DeLuca.

**MR. DeLUCA:**

Good afternoon, Madam Chair, members of the Committee. My name is Bob DeLuca. And I serve as President of Group for the South Fork. I'm here to speak briefly on the issue of LI Jet and the recent CEQ recommendation to your Committee.

I have three points I'd like to discuss with you. The first goes back to just a reminder to those

members of the Legislature who may not be as familiar with the airport. You know, back in, I guess, it was the summer of 2005 the County Executive created this Gabreski Advisory Board. And that advisory board had more than a dozen stakeholders representing aviation, the military, economic development from Suffolk County, planning, community and civics. And that particular board endeavored for close to a year to come up with a series of recommendations that would result in a better point of contact between the community and Suffolk County in making determinations at the airport.

As part of that process the Advisory Board recommended the creation of the Airport Conservation Advisory Panel, which was subsequently authorized by executive order in May, I guess, of 2006. And just a reminder on that, that particular panel consists of members appointed by the Executive, the Legislature, an aviation constituent, local business constituents and three community organizations. I serve as an ex officio environmental advisory to that panel. I've spent 18 years teaching environmental policy at Southampton College and particularly with emphasis on SEQRA which is why I get that illustrious position.

But in any case the point being that the ACAP or the Community Advisory Panel report that went to CEQ was really given some thought. And I think it accurately selected and represented the input of many, many stakeholders around the airport. And I would feel that CEQ's decision would be better informed if they, you know, in some way the full body of CEQ as many as possibly could be there would be able to hear from those of us who have put that panel together and who have sought to make the decisions of the airport more consistent with the community's desire for maintaining control over potential growth at the airport.

All that aside the one specific point I want to leave you with is regarding how the SEQRA determination was made. And again we as others have shared with you have come concern about that. Personally I think one of the issues that gave the CEQ a position -- feeling that they could issue a negative declaration here was this issue of the master plan. And I took a little bit of time since that meeting to look into the airport master plan. And I just want to leave on the record here that if you go back -- it's resolution 268 of 1991. And basically that was the resolution where interestingly enough CEQ had recommended that the entire airport master plan be considered a Type I Action. The legislature reversed that and then decided that there would be a negative declaration. The point being that there there was never a thorough environmental assessment of the entire master plan.

So we didn't do SEQRA on the front side of the process. Had that been done, I might have been closer in agreement with CEQ. But since that wasn't done -- and by the way that same resolution says the airport master plan is conceptual in nature and is not a commitment to undertake any development. What we were told is that because of the master plan all of these issues regarding Long Island Jet really are issues have already been settled. I would argue to you and leave you with the thought that they haven't been. And CEQ should have another look.

**CHAIRPERSON VILORIA-FISHER:**

Thank you, Bob, for coming down. And when we get to that particular CEQ resolution, because of the manner in which the vote was taken at CEQ and because there are questions about it, I'm going to ask my colleagues on this committee to approve of a motion to recommit to CEQ to take another look. And I do have to agree with you that the master plan that was before us certainly did have an impact on how CEQ moved to -- as we did. Because the issue before us certainly came under the descriptions as were set forth by the master plan. And it was part of the direction in which the master plan was moving. And we will hopefully have a larger number of members at the next meeting of CEQ and take another look because there was also someone who had to recuse herself at that meeting. And we do like to have -- although the vote was a legal vote because it was the majority of those who were present and so it was a legal vote, there's no question about that; but in the spirit of working with the people who have reached out to us, I'm going to be making a motion to recommit to committee. I mean to CEQ.

**MR. DeLUCA:**

I just want to -- I'd just like to say thank you for that.

**LEG. KENNEDY:**

Madam Chair?

**CHAIRPERSON VILORIA-FISHER:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you. Bob, one of the things I guess that I'd ask from what your group's study or review has undertaken, or more importantly, my recollection from when I first came into county government back in the mid-eighty's was that at that time there was a substantial effort underway by our County Health Department concerning the ongoing effects of fuel spills at the airport itself at a result of the military's dumping of the military version of jet A. There was federal sanctioning and there was state sanctioning. And there was supposed to be remediation effort undertaken. Did the master plan adopted in '90 take -- recognize that? And has this -- does that bear on what's before us now with the --

**MR. DeLUCA:**

I think it does bear on it. And I'll tell you an interesting story. I worked for the Health Department at that time.

**LEG. KENNEDY:**

No kidding.

**MR. DeLUCA:**

Yeah. And I actually served as their rep to CEQ at that time so I'm dating myself here. But in any case what the resolution -- what this particular resolution did that I think is potentially unfortunate is that they basically said that the issues regarding sub surface contamination, and again it's one of the points made right in here, I think it's point number five, was that a negative declaration could be issued for the master plan because every future application that came in would have to conform for Article Six, Seven and Twelve of the County Sanitary Code. So it was sort of -- it was addressing it sideways which is to say that we don't want anything coming in here in the future that's going to leak into the ground. As you're well aware and rightly point out there are a number of investigations; some of which were remediated, some of which there's a couple, that I can recall, where they sort of lost track of this spill. And there had been numerous efforts overtime, some with the EPA's money, some with the County's money to try and remediate as best as possible.

I think the issue here is in order -- even if we were to accept the goal of this particular resolution, if we want those county health issues resolved for certain, we're going to have to take a very serious and hard look at the types of uses, the amounts of storage that we have, where the storage is proposed, whether or not it makes more sense for fixed base operators to have larger tanks so they have less deliveries or smaller tanks so the spill is smaller, and really I don't think any of that has been done. Everybody has a lot of opinions about it. But that's the kind of thing that I would said on the front side of this when CEQ, I think, rightly typed it as a Type I Action. They probably should have done a full environmental review back then. And they ducked it. And they basically now put it up off to you guys which is now we're dealing with it on the backside. So each application that comes in, we now have to take up this issue.

**LEG. KENNEDY:**

Okay. Thank you, Madam Chair. Thanks, Bob.

**MR. DeLUCA:**

Thank you. And again I'd just like to thank you for your willingness to hear us out on this and also for your interest in seeing CEQ have a full review. Thank you very much.

And just quickly, and I won't come back again, if I could just put in my two cents on IR 1231 which is the allocation of additional funding for the open space program, I'd like to just offer support for that which is coming up. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Sure. Thank you, Bob. And by the way for the other members of this committee who are interested, the next time CEQ meets, and I think that this would be before us at that time, is the day after our general meeting. It will be meeting the 21st. It's a Wednesday. And it'll meeting right here at the horseshoe at 9:30 in the morning. And, of course, everyone is welcome to be there.

The next speaker is Jaime Siegel. Good afternoon.

**MR. SIEGEL:**

Good afternoon. You've actually made it a little easier for me since you are sending it back. I appreciate it. I want to thank you. And I'll leave you with something pretty much that I read into the record last week with the clerk just so you can have it. Just save you a little time today. And thank you very much for taking the time to listen to us. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Thank you.

**CEQ RESOLUTIONS**

Okay. We will be going to the agenda. No, I'm sorry. CEQ resolutions first. Jim?

**LEG. SCHNEIDERMAN:**

If I might.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

First of all, I want to say thank you in advance for the vote to send it back to CEQ. I think that's the right thing to do. It is an 11 member committee and the vote was made by three members. It was actually a split decision, three/two. Two wanting to pos dec this. I just wanted to remind the committee that this is large. This is roughly 60,000 square feet of new construction. That's larger than the lighthouse. And it's also about 20,000 gallons of new jet fuel in an acknowledged aquifer area. And if that doesn't rise to the level of taking a close look at the environmental consequences, I can't imagine imagine what would.

So I know it's going to go back to CEQ. Whatever the decision of CEQ is I wanted to remind you because we are an independent body and CEQ only is there to advise us. But there's a reason why the state has set up the the SEQRA process. And, you know, clearly we ought to take a hard look at this because of the scale. And when you do do a master plan and the County Executive has pledged that we will do an Environmental Impact Statement on the master plan which is not completed, and it may take sometime to do that, once an EIS is done on a full master plan, anything that comes in subsequent to that that's compatible, sure, you don't need to do an EIS again. But an EIS has never been done on the old master plan which quite a broad master plan. It doesn't really contemplate what might happen in any way that you can quantify at this airport. No EIS was done for it. No hard look was taken. And now to basically take these one by one and say, oh, we've already done a master plan and it's compatible really does a disservice to this procedure that the state has set up to make sure that these types of applications don't move forward without a thorough review.

**CHAIRPERSON VILORIA-FISHER:**

Actually I don't really agree with everything you've said because I think that looking at them one by one, project by project sometimes gives us a clearer look of it. And the reason you have a master plan is to have something in place. And then based on that master plan see how it's evolving. But that's why I'm saying that I'd like CEQ to take another look and have a more in-depth discussion because there were presentations on both sides of this. Some of them -- some of the presentation points were very compelling. And just let's go on with the agenda because I don't want to have this debate here.

**LEG. SCHNEIDERMAN:**

If I could?

**CHAIRPERSON VILORIA-FISHER:**

Why don't you come to CEQ?

**LEG. SCHNEIDERMAN:**

I will try. But if I could just say one more thing. SEQRA specifically prohibits segmentation so that you don't end up in a situation where you ignore the cumulative impacts of many things. So you could look at them one by one and say, oh, that's not so bad and that's not so bad.

**CHAIRPERSON VILORIA-FISHER:**

We talked about the segmentation issue.

**LEG. SCHNEIDERMAN:**

But once you start putting them together -- now I feel in the case of Long Island Jet that this application alone raises -- rises to -- you know, over that threshold that will require a positive declaration. Certainly in conjunction with some of the other things that are contemplated at that airport, you ought to be doing an EIS. But I believe on its own -- but you have to really watch that segmentation issue. Otherwise you --

**CHAIRPERSON VILORIA-FISHER:**

Well, we discussed this segmentation issue at length. And that's why -- I really do suggest that you come to the CEQ meeting on the 21st.

**LEG. SCHNEIDERMAN:**

I do -- Madam Chair, I do appreciate your time and giving me an opportunity to speak.

**CHAIRPERSON VILORIA-FISHER:**

Yeah, okay. Yes.

## **CEQ RESOLUTIONS**

Let's go to the CEQ resolutions. Mr. Bagg. And I just wanted to talk about something regarding the CEQ resolutions, regarding this resolution in particular.

Jim -- actually, George, can you just tell me what you were just saying because I'm a little confused about how exactly to go -- bring this back. I was going to do a recommit motion. But you're saying that if we do nothing CEQ has to continue to look at it? I'm not certain --

**MR. NOLAN:**

We had a similar situation, I believe, with a related intro resolution having to do with Gabresky Airport where it made a SEQRA determination. The Legislature as a whole wanted CEQ to take another look at it. So we tabled that resolution.

**CHAIRPERSON VILORIA-FISHER:**

Right.

**MR. NOLAN:**

And Presiding Officer sent a letter to CEO asked them to take another look at it. And I believe it's just for the same project. So in this particular case I think the appropriate thing to do would be not to act on the CEO resolution if the committee's wish is to have CEO take another look at it. There'll probably be a letter from you to CEO expressing that.

**CHAIRPERSON VILORIA-FISHER:**

Would my recommitting of this not do the same thing?

**MR. NOLAN:**

Well, it's a CEO resolution. And it's -- I don't think recommitting is really the right thing to do. It's probably just easier just to ask CEO by letter to take another look at it and hold this in abeyance.

**CHAIRPERSON VILORIA-FISHER:**

Okay. So if I sent -- I can just send a letter to CEO and ask Jim to have it on the agenda again for the meeting of the 21st?

**MR. NOLAN:**

That is correct. But it may be necessary for the Presiding Officer to do something similar because there's a -- I think there's a pending IR making a SEORA determination in connection with this.

**CHAIRPERSON VILORIA-FISHER:**

Yes. Although there was more work done subsequent to that IR that is on the agenda for the -- on the general meeting and that has been tabled a number of times.

**MR. NOLAN:**

It would probably have to be tabled again.

**CHAIRPERSON VILORIA-FISHER:**

Okay, Jim so --

**MR. BAGG:**

Yeah. I have a question, though. There are a couple of outstanding issues. As part of CEO's resolution they ask to have either the applicant look into increasing the recharge associated with the project. And also they recommended that the Health Department look into the recycling of the de-icing materials as to whether or not that was necessary. And I would like to receive that information back to CEO if they are going to review it again; to have that information available. I mean there also have been things in the packet that says we've had numerous spills at the airport. And maybe the Health Department should be asked to look at the spill situation and clarify that issue for the Legislature and the Council as well.

**CHAIRPERSON VILORIA-FISHER:**

Why don't you and I go over the resolution. And we make sure that that information gets to the Health Department. And I will also send you a memo asking this be put on the CEO agenda for the 21st as well.

**MR. BAGG:**

Okay. Because I don't know about the turn-around time. That may take a little longer to obtain that information. That's my point.

**LEG. KENNEDY:**

Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

Well, even if it were on the agenda of the 21st and all of the information were not available at that time, it could be tabled until the information came.

**MR. BAGG:**

That's correct, yes.

**CHAIRPERSON VILORIA-FISHER:**

So I'm not suggesting that we have to come to a determination on the 21st if all of the information is not available. Since that information is not yet available and we don't act, then it would be before CEO anyway because you don't --

**MR. BAGG:**

Yeah, we'll put it before CEO. And if CEO said they would like to have that information responded to prior to their, you know, finalizing the recommendation, then it's up to the Council.

**CHAIRPERSON VILORIA-FISHER:**

Okay. So we'll take care of whatever requisite paper work must be done in order to get that back before CEO.

**LEG. KENNEDY:**

Just a couple of questions while Mr. Bagg's in front us on this matter.

**CHAIRPERSON VILORIA-FISHER:**

Sure.

**LEG. KENNEDY:**

Jim, I've gotten a tremendous number of phone calls, e-mails and things like that from folks in the area about this. One of the things that I'm told is that this application for development by Long Island Jet has been something that's been in the works for quite sometime?

**MR. BAGG:**

You'd have to ask the Department of Economic Development and Workforce Housing. You know, we simply review what is sent to us by the departments. So I have no idea how long this has been in the works. I know it's been in the works since it was before CEO in 2005 and sent back.

**LEG. KENNEDY:**

Okay. In -- here's my point. The point is I'm told that recently the boundaries of this proposal have been reconfigured to bring it under the ten acre threshold, which would make it, I guess, a mandatory EIS.

**MR. BAGG:**

I think that that's something that's a misconception. Number one, the SEQRA rules and regulations deal with what is the physical alteration of the project. And the physical alteration of the project, not the lease size, but the physical alteration of the project is never exceeded ten acres in size. That's number one.

Number two is just because a project is designated as a Type I Action does not mandate that an Environmental Impact Statement be done. SEQRA says that because it is a Type I Action it is more than likely to possibly require that an impact statement be prepared. And if you went through probably SEQRA determinations on a state wide basis, you would probably find that 95% of Type I Actions receive negative declarations.

**LEG. KENNEDY:**

Okay. But the -- so in other words the alteration of the physical compromise or the physical

leasehold itself to just under ten acres is not significant?

**MR. BAGG:**

The size of the lease has no bearing. It's the physical alteration. Now it has been raised that SEQRA says ten acres would be the cut off for a brand new project. In this instance SEQRA's kind of contradictory and schizophrenic because if this were a brand new project and they were only going to alter 9.7 acres, it would not bring it to that threshold to make it a Type I? Action. But then SEQRA then goes on to say that if you are expanding an existing facility, that threshold drops down to 50%. So then it becomes five acres. And this proposal states that it's going to physically alter 5.18 additional acres. So if it were a brand new project, it would be an unlisted action. Because it's an expansion it may be considered a Type I.

**LEG. KENNEDY:**

But even designating or a finding, recommendation to find it Type I doesn't necessarily mandate that an EIS must be performed?

**MR. BAGG:**

That's correct. It just say that it's more than likely to have a significant impact on the environment.

**LEG. KENNEDY:**

All right. Then let me ask you this, just out of curiosity approximating. How many times do you recall ever having seen a Type I designation where there was no EIS then that was required?

**MR. BAGG:**

Quite a few. I think the Legislature over the past area has adopted Type I Actions with negative declarations quite a few times.

**LEG. KENNEDY:**

Okay. All right. Thank you, Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. Good morning. Good afternoon, rather. Legislator Schneiderman brought up the fact I think in your comments that the full CEQ did not consider this recommendation. There are eleven members is my understanding?

**MR. BAGG:**

I think that basically, yes, the Council is supposed to be comprised of eleven members. However, two have resigned. So the -- we had a memo from the County Attorney's Office that said the membership is comprised of those duly appointed and seated members. Because you remember last year the Council had a lot of resignations. And they were down in numbers to six. So in essence the County Attorney's Office stated that the membership would be considered on those members duly appointed and seated. And that a quorum of the duly appointed seated members of nine would be five. And, therefore, CEQ's by-laws state that a majority of those which is three would pass a resolution.

**LEG. D'AMARO:**

This particular recommendation was passed by a three to two vote.

**MR. BAGG:**

That's correct.

**LEG. D'AMARO:**

So of the nine seated members at the time three recommended negative declaration to the Legislature?

**MR. BAGG:**

That's correct. And two voted against that.

**LEG. D'AMARO:**

My only comment is that if we're going to ask the CEO to re-visit its recommendation that we do it with -- try to have as many members as possible participate in that. So when it comes back here we don't wind up with the same -- if you have the same five people looking at it, I don't know is there going to be further evidence or testimony or support for changing their recommendation. But I would suggest you need a few more people at the meeting.

**MR. BAGG:**

Oh, I concur. I mean the last meeting the reason you did not have a full complement of those members seated was one of the members broke their wrist either that morning or the night before. One member had the flu and one member was out of town on business. And one member recused themselves because of the potential conflicts of the firm she's working with doing business at the airport.

**LEG. D'AMARO:**

Yep. I'm not suggesting they should not have acted. I'm suggesting, though, if we're going to take time to re-visit it, let's make sure we have enough people or more people taking a look at it. That's all.

**MR. BAGG:**

Most definitely.

**LEG. LOSQUADRO:**

Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

I'm a bit unclear here. I know how this body works. And we need a quorum obviously in order to hold a meeting. But the majority number does not change. So if you have five, you could hold a meeting because that's the majority at the nine who are appointed and seated. But don't you still need five affirmative votes which is a majority of that body?

**MR. BAGG:**

According to CEO by-laws they need a majority of those -- the quorum present and voting. So we had five people voting and three people voted in the affirmative for a negative dec.

**LEG. LOSQUADRO:**

That leads to the situation that we have right now. Okay.

**MR. BAGG:**

I'm not a lawyer so I can't really address that.

**LEG. LOSQUADRO:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Romaine.

**LEG. ROMAINE:**

I'm not a member of this committee so I appreciate it. I just have one quick question. Do CEO by-laws mention anything in terms of attendance?

**MR. BAGG:**

Yes, they do. I believe they say that, you know, the County Charter says if you miss more than four meetings, then technically you are not a member in good standing.

**LEG. ROMAINE:**

Has that provision been enforced? Has the County Charter been enforced with regard to attendance at CEO meetings?

**MR. BAGG:**

Yes, it has. But also the Legislature has a law that states if you are a hold-over then technically you have a vote until you've been replaced because they had some problems in the past.

**LEG. ROMAINE:**

No, I understand. Those are two different issues; holdovers and attendance. Are there members that have missed more than four CEO meetings and thus in violation of the charter continue to cast their vote?

**MR. BAGG:**

No.

**LEG. ROMAINE:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Generally I see most people at most meetings. Usually it's pretty good. Okay. So that was the only CEO resolution. Thank you very much, Jim. And I'll be speaking with you about that. Thank you.

**MR. BAGG:**

Thank you.

**TABLED RESOLUTIONS**

**CHAIRPERSON VILORIA-FISHER:**

Okay, tabled resolutions. And since we're moving right to the agenda -- oh, here they come. Actually, Tom and Laretta, I had a discussion earlier with one of the Legislators who had made a request. And it seemed like a reasonable request. When we are deliberating on a resolution regarding land acquisition, you provide the members of the committee with the point determination, the rating. And usually an aerial photograph. It might be helpful to the sponsors of those resolutions if they also received a copy whether or not they're a member of this committee. You know, when you come here prepared for that perhaps you could just give a copy to the clerk to put in the mailbox of whoever the sponsoring Legislator is.

**DIRECTOR ISLES:**

We could do that, sure. At the day of the meeting then to provide that?

**CHAIRPERSON VILORIA-FISHER:**

Yeah, at the day of the meeting you can provide that.

**DIRECTOR ISLES:**

Sure.

**CHAIRPERSON VILORIA-FISHER:**

You know, the first time the committee is looking at something, you could provide that. And the clerk can just put in the legislator's mailbox.

**DIRECTOR ISLES:**

Okay. So instead of giving the clerk one copy we'll give the clerk two copies?

**CHAIRPERSON VILORIA-FISHER:**

Yes.

**MS. FISCHER:**

We actually do give two copies at this point.

**DIRECTOR ISLES:**

Okay. We'll give them three copies.

**CHAIRPERSON VILORIA-FISHER:**

Well just so one copy -- however number of copies you give them, if one copy is earmarked for the sponsor or whichever Legislator represents that district because a lot of these come in from the County Executive. So that way the Legislator from that district could know that there is a piece of land -- that there's a land acquisition resolution on the table and that -- in their district. And they can have an idea of how many points, what kind of land it is, what kind of program it's in so they're more aware; they don't just have the title of a resolution.

**DIRECTOR ISLES:**

Right. I can't speak for the County Executive, but if you're asking for an extra copy at the committee meeting, we could certainly do that.

**CHAIRPERSON VILORIA-FISHER:**

Right, yeah; at the committee meeting. So instead of five Legislators you have six Legislators you're giving a copy of it to.

**DIRECTOR ISLES:**

Let me just make one other clarification. That is we provide this work up for typically planning steps resolutions.

**CHAIRPERSON VILORIA-FISHER:**

Right.

**DIRECTOR ISLES:**

For acquisition resolutions. We normally don't repeat it.

**CHAIRPERSON VILORIA-FISHER:**

Right. I remember that. That it's planning steps where you bring us all of the -- the rating sheet and everything else, yes. I understand that. Okay.

So we go to the tabled resolutions. **2096-06, authorizing planning steps for acquisition under Suffolk County Save Open Space Farmland Preservation and Hamlet Parks Fund Froelich/Wicks Farm Preserve property, Town of Huntington. (Cooper)** I'll make a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? 2096 is tabled. **(Vote: 5-0-0-0)**

**IR 2169, authorizing planning steps for acquisition under the Suffolk County Multifaceted Land Preservation Program Manngard/Kleet Revocable Trust property, Town of**

**Brookhaven. (Schneiderman)** I'm going to make a motion to table.

**LEG. D'AMARO:**  
Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator D'Amaro. On the motion, Legislator Schneiderman. Is that whose voice I heard?

**LEG. SCHNEIDERMAN:**

I appreciate the opportunity to be recognized and maybe we can hear from Laretta as to the reason for tabling this. This is the marina, Laretta? Is that the correct one or is this a different one?

**MS. FISCHER:**

This is a different one. This is on Harts Cove undeveloped. This is not even in those two areas, the areas of the marinas that you had spoken to us about. This is a different one altogether.

**CHAIRPERSON VILORIA-FISHER:**

This is the one with the house on it, though, isn't it?

**MS. FISCHER:**

No. This is completely vacant parcel on Harts Cove north of the --

**LEG. SCHNEIDERMAN:**

Oh, yes, okay, I'm familiar with this. Yeah, I have visited this parcel. It's such a beautiful -- it's a beautiful parcel on the water. And maybe we can hear from Planning as to the score of it and whether it's worthy --

**DIRECTOR ISLES:**

The Planning Department has previously reported on this. And what we've reported to committee is we did do a rating of this parcel. We did look at the surrounding area and ownership of both town and county and federal holdings. With this particular parcel we came up with a rating of 17 which is not outrageously low. But the concern we have is that it's isolated. It is not adjacent to other county holdings nor is it part of a planned county open space acquisition area such as what's become very familiar to this committee the Mastic/Shirley area where we're protecting a larger area or stream corridor or something of that nature.

So in and of itself this parcel's interesting. It is as indicated on Harts Cove; however, as part of a county acquisition, as part of a larger program of resource protection, we feel that this does not really measure up to county standards. Perhaps it should be considered at a town level as more of a localized acquisition.

I'll also point out the resolution was for parkland purposes. Here again that allows kind of a wide variety or uses. So although we have some acquisitions further to the west of this that we think do make sense and we've supported, this particular one, here again, did not rate highly as far as county standards usually apply to these acquisitions.

**CHAIRPERSON VILORIA-FISHER:**

There's a motion to table and a second. All in favor? Opposed? Motion is tabled. **(Vote: 5-0-0-0)**

**IR 2240, authorizing planning steps for acquisition under Suffolk County Save Open Space Farmland Preservation and Hamlet Parks Fund Toppings Farm property, Town of Brookhaven. (Romaine)** I'm trying to refresh my -- this was the horse farm. I'll make a motion -- yeah?

**DIRECTOR ISLES:**

This was -- well, actually it's not the horse farm. It's next to the horse farm which is Dreams Come True. This is a wooded parcel. And I believe there had been some indication from the town that there was an interest although that has not been formalized to my understanding. So taken by itself as presented as a county acquisition, here again it's not next to other county land, it's not one that we would recommend for an open space acquisition. It achieved a point value for open space about 13 points.

**CHAIRPERSON VILORIA-FISHER:**

I'll make a motion to table. Yes, Legislator Romaine.

**LEG. ROMAINE:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Can I get a second.

**LEG. D'AMARO:**

Sure.

**CHAIRPERSON VILORIA-FISHER:**

Legislator D'Amaro.

**LEG. ROMAINE:**

Thank you for that opportunity. The Town of Brookhaven has approached me about this purchase. I'm certainly going to -- I have reminded Councilwoman Bissonette of this. She interestingly enough, and I made our Planning Department aware of it, is having her meeting on -- her planning meeting on County Road 51 this Wednesday at the East Moriches fire house. I will be there to remind her about Toppings Farm since she does want to save land. I think the report has said they want to save most of the land north of Sunrise along the 51 corridor, which this is.

I would also indicate to you that we do have two other acquisitions pending that are immediately adjacent to Toppings Farm on 51. You mentioned one of them Dreams Come True Farm, which we're looking to purchase the development rights. That's the horse farm. And immediately south of there are the sod farms in which I have a resolution in under new business today.

So it's not as if this parcel would stand isolated. However I just point those out. And I will be reminding the Town of Brookhaven as they unveil -- as Councilwoman Bissonette and Supervisor Foley unveil their acquisition of desires particularly north of Sunrise Highway that they have not communicated with the Planning Department, their desire which -- the reason it's introduced is because they came to me. And that that has to be formalized in writing. I suspect it's because the Town of Brookhaven is claiming at this moment in time they're down to about \$3 million in their acquisition fund. So they're probably not too anxious to jump on anything at this moment in time, but I'm going to wait for that public hearing because I'm going to definitely attend the Town of Brookhaven's Planning meeting on County Road 51. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

And we're waiting to hear of their interest in participating with this. Okay. So there's a motion to table and a second. All in favor? Opposed? **2040 is tabled. (Vote: 5-0-0-0)**

**IR 2433 authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program St. James Protestant Episcopal Church property, Town of Smithtown. (Nowick)** Yes, Legislator Kennedy.

**LEG. KENNEDY:**

I guess I would just ask why might this be tabled? I'm unfamiliar with it I guess.

**DIRECTOR ISLES:**

Yeah, we've gone through this in a couple of meetings. And this is located just to the west of Deepwells County Park in St. James where Deepwell's building is located.

**LEG. KENNEDY:**

To the west and on the same side?

**DIRECTOR ISLES:**

Yeah, on the same side. The north side of the road. So this was presented as a resolution that originally included the Cape Cod house up front which, I believe, is owned by the church. And then a field adjacent to that. The Cape Cod residence was taken off the resolution subsequently. The parcel in question is outlined in red on the aerial photograph you've just been handed. And Deepwells is outlined in green to the east to the right.

At previous committee meetings we've commented that this field by itself is separated by a line of houses from the County property. It doesn't seem to really enhance or further the utilization of the county property. It's a nice field but in terms of here again county criteria, at least from the department's stand point, we had reservations about this as fitting into the County program as presented.

**CHAIRPERSON VILORIA-FISHER:**

And without that piece that had the house on it, it's no longer contiguous. There's no attachment any more. So I'm going to make a motion to table. Did I already do it? Seconded by Legislator D'Amaro. Yes, Mr. Kennedy.

**LEG. KENNEDY:**

I'm going to recuse myself from this vote.

**CHAIRPERSON VILORIA-FISHER:**

Okay. All right. So there's a motion and a second to table 2433. All in favor? Opposed? And please note the recusal. **(Vote: 4-0-0-0-1. Leg. Kennedy recused)**

**IR 2441, adopting a Charter Law strengthening legislative oversight of real property donations and transfer of development rights. (Stern)** I'll make a motion to table as requested by the sponsor, seconded by Legislator D'Amaro. All in favor? Opposed? **2441 is tabled. (Vote: Vote: 5-0-0-0)**

**IR 1018 authorizing planning steps for acquisition under Suffolk County Save Open Space Farmland Preservation and Hamlet Parks Fund, property of Grace Presbyterian Church, Town of Brookhaven. (Caracappa)** This is another one that we've seen several iterations of this one. And it has a low rating, doesn't it? I can't remember the rating on this. I don't think there was one available the last time we met.

**DIRECTOR ISLES:**

Yeah. It's already approved.

**CHAIRPERSON VILORIA-FISHER:**

It is?

**DIRECTOR ISLES:**

Well, under another program Multifaceted. So as far as an active recreation site, there are two ball fields on the property presently. This was also approved -- pardon me. It was approved under Multifaceted Active Recreation. I think the issue had become the agreement with the partner, which I believe was a youth organization. And as I recall there were problems with demonstrating their wherewithal to enter into an agreement with the County. And this goes back probably a couple of years at this point so it didn't go forward.

We're not aware of anything new that's changed that. We know that this is now under SOS as a proposal. But in terms of an authorization to get the appraisals to negotiate, to explore an agreement, all that currently exists, and unless here again there may be new information that we're not aware of as to why it would be necessary at this time to change programs.

**CHAIRPERSON VILORIA-FISHER:**

Okay. So all of those planning steps have been done. But we don't have a partner and an active recreation --

**DIRECTOR ISLES:**

Last I heard we didn't. That there was an issue with the partner's capability or ability to enter into an agreement with the County.

**CHAIRPERSON VILORIA-FISHER:**

And has there been any discussion with Legislator Caracappa regarding this?

**DIRECTOR ISLES:**

No, not from us. If you'd like us to do that, we will.

**CHAIRPERSON VILORIA-FISHER:**

Yes, please.

**DIRECTOR ISLES:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

So that we can, you know, know where we're going with it for the next meeting.

**DIRECTOR ISLES:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

Okay. I'll make a motion to table, seconded by Legislator Horsley. All in favor? Opposed? **IR 1018 is tabled. (Vote: 5-0-0-0)**

**IR 1020 authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program Lenzer property, Town of East Hampton.**

**(Schneiderman)** This was a piece of property that had again a rating of 14. And this is the one that was near that Peters property, wasn't it? And access was something --

**DIRECTOR ISLES:**

Right. It's a flag lot with an access off a cul-da-sc.

**CHAIRPERSON VILORIA-FISHER:**

Right. I'll make a motion to table. Do I have a second?

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? On the motion Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

This is -- it is in the area of the Peters property where there -- we have passed planning steps. I think that some of that -- at least that one particular property was re-scored. This is an important

aquifer area. And the County is looking at I think not only the Peters property but also -- there are -- those Leroy properties are still under discussion as well, right? So it's an area where we are looking to try to preserve as much of this aquifer area as we can. And planning steps don't guarantee the acquisition as we know but it allows the Planning Department to at least to look at these properties and to, you know, maybe collectively they make more sense than individually. Again, it sounds like an early discussion but if you look at them one at a time, they might not seem so worthy. But together I believe that we might be able to accomplish something important here.

**MR. ZWIRN:**

If I might, Madam Chair, on some of these properties including the Peters property I had discussions with the Town of East Hampton and asked them why with such an aggressive program for land acquisition and with the community preservation funds that were available to them why hadn't they looked at the Peters property. They said they had. One of their main concerns was that Mr. Peters would not allow them to have access to the property for trails. So that was a stumbling block for them.

This property is in the same general area and it's almost virtually inaccessible by the general public. You know, short of, I think, moving the box turtle from the Peters property to this property, it may not have the score. And that was the difference in the Peters property. They found a box turtle on the property. I'm not suggesting that somebody put it there, but I can't find the box turtle that I had on my property. So that box turtle is getting around. So we leave these things to the Planning Department. We don't really get involved very often at all. And so -- but this one seems to be just an odd piece of property that would not have public access.

**P.O. LINDSAY:**

Madam Chair?

**CHAIRPERSON VILORIA-FISHER:**

Yes, Legislator Lindsay.

**P.O. LINDSAY:**

I have the box turtle home in my garage here. If you want to borrow it, just let me know.

**MR. ZWIRN:**

Ten points.

**CHAIRPERSON VILORIA-FISHER:**

And I think we have to take the whole concept of, well, it's just planning steps as something that we have to consider whenever we do past planning steps. It's costly and it's time consuming. There's a great deal of staff so if there winds up being an aggregate or a number of properties in that area that might be of interest, maybe when we look at all of them or we look at some kind of broader vision, we might look at planning steps again. But I think just -- we are moving away from that concept of it's just planning steps. And we want to make sure that we're serious and that it will be a benefit to the people of Suffolk County if we acquire it and not a bigger backyard for anyone.

**DIRECTOR ISLES:**

If I could just add one point that, Madam Chairwoman, this was mentioned by Commissioner Gallagher last meeting in terms of the issue of the planning steps. And the points you've made have been very well taken. And just to add to that, too, is that when you authorize planning steps not only do you authorize the appraisals, the title search, the staff work and so forth, the ETRB review, you also authorize negotiations up to the point of a contract. So it's also -- the good faith of the County of Suffolk is out there making a deal with someone. And so it is a very significant step. And we appreciate your caution that if we are going to proceed, that we're going to proceed in good faith. So you should think very carefully about every planning steps resolution you consider. And we appreciate that.

**CHAIRPERSON VILORIA-FISHER:**

Thank you. So there's a motion and a second to table. All in favor? Opposed? **IR 1020 is tabled.**  
**(Vote: 5-0-0-0)**

**IR 1050 (amending the 2007 Operating Budget to transfer funds from Water Quality Protection Program Fund 477 and amending the 2007 capital budget and program and appropriating funds in connection with a watershed study of Lake Panamoka) (Romaine)**

It is my understanding that this has not yet come before the Water Quality Review Committee; is that correct, Ben?

**MR. ZWIRN:**

Yes, that's correct. And you asked me prior to the committee if we would check when that next meeting would be. It's scheduled for early April. Part of the problem was that Gil Anderson heads that up. He came in replacing Charlie Bartha. And with all the, getting everything up and running in Public Works, they have been delayed a little bit. But that will be -- they're working on a date in the early part of April.

**LEG. LOSQUADRO:**

Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

So, Mr. Zwirn, they have not held the Water Quality Committee meeting yet?

**MR. ZWIRN:**

That's correct. Not in 2007, that's correct.

**LEG. LOSQUADRO:**

2007. How many projects are going to be on the agenda when they finally meet? I would imagine we're probably a little bit behind at this point. Maybe we're going to have --

**MR. ZWIRN:**

I don't know that we are. But this was a project that --

**LEG. LOSQUADRO:**

We're going to have three and a half months.

**MR. ZWIRN:**

With respect to this project we can't figure out why this project has been moved along at such a --

**LEG. LOSQUADRO:**

Mr. Zwirn, no offense --

**MR. ZWIRN:**

But this is the item that's on the agenda.

**LEG. LOSQUADRO:**

Mr. Zwirn, please. I wasn't asking about this project. Thank you for continuing to speak over me but I was asking you a specific question.

**MR. ZWIRN:**

Except for one individual who -- I said I don't know the answer but we'll notify you when the meeting is and you can show up and look at the agenda if you'd like.

**LEG. LOSQUADRO:**

I would like that so please notify me.

**MR. ZWIRN:**

With respect to this resolution to this day we still don't know why this has been moved to the top of the --

**LEG. LOSQUADRO:**

Well, the sponsor is here. Perhaps he can answer that question.

**MR. ZWIRN:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

Okay. And please ask one another questions through the Chair. Right now we are not even looking at the merits of it because it has not yet gone through the committee. But, Mr. Romaine, did you come specifically to speak about this issue?

**LEG. ROMAINE:**

This and other resolutions that are before us.

**CHAIRPERSON VILORIA-FISHER:**

Okay. If you could just give us a thumbnail sketch.

**LEG. ROMAINE:**

Thumbnail sketch, very briefly. Lake Panamoka watershed encompasses two towns; the Town of Riverhead and the Town of Brookhaven. It is located within the Town of Brookhaven but its watershed area expands into two towns. The Town of Brookhaven very graciously -- Councilman McCarrick had the town board appropriate \$20,000 for a watershed study to look at a lake that clearly we want to preserve and keep its water quality as clean as possible. To date it's been pretty pristine.

I am cosponsoring a -- I'm sponsoring a resolution to provide the other \$20,000 to undertake what the town estimates will be a \$40,000 study. The reason there is county involvement is because the watershed extends into a second town, the Town of Riverhead. And it's appropriate to use 477 money to take a look at water quality issues particularly of lakes within the county that has some significance; just like you would do with Lake Ronkonkoma that is shared by three towns. And we have past precedents for doing this. This is not a huge sum of money. It's \$20,000 to match \$20,000 already appropriated by the Town of Brookhaven.

**CHAIRPERSON VILORIA-FISHER:**

Okay. We won't go into the merits. I just wanted a numbnail sketch because we're not going to be discussing it on the merits today since we have -- we are going to wait until the committee has convened and made a determination. So I'm going to make a motion to table 1050. It's seconded by Legislator Horsley. All in favor? Opposed? **IR 1050 stands tabled. (Vote: 5-0-0-0)**

**LEG. ROMAINE:**

By the way, thank you, Madam Chairman. And just one point. If I could be notified of the meeting, the Water Quality meeting, so that I could attend. Obviously I'm sure all Legislators have concerns on how 477 money is being spent and the effectiveness of that money.

**CHAIRPERSON VILORIA-FISHER:**

So noted. Thank you. So noted. Okay, Mr. Zwirn is nodding his head so he made a note of that. Thank you.

**1131 appropriating funds in connection with restoration of wetlands. (County Executive)**

Ben, do you want to tell us something about this, please? Oh, the Commissioner is there. I didn't see you.

**MS. MEEK-GALLAGHER:**

Yeah, Madam Chair, if I might. Just in light of all the questions that were raised at the last committee meeting, I just have some information that I could hand out. And I would be happy to at a future committee meeting give a more detailed presentation on the materials I'm handing out, but it gives a summary of the Wetland Stewardship Committee and the program and how we see it unfolding including flow charts. That, I think, would be enlightening.

**CHAIRPERSON VILORIA-FISHER:**

And I lost my train of thought for a moment because I am going to be making a motion to table this today until we do have the Wetlands Stewardship Committee resolution in place so that we're not putting the cart before the horse.

**MS. MEEK-GALLAGHER:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

Okay? Thank you for the information, Commissioner. I'm making a motion to table 1131, seconded by Legislator Kennedy. All in favor? Opposed? **1131 stands tabled. (Vote: 5-0-0-0)**

**IR 1144 a local law to prohibit the sale, introduction and propagation of invasive, non-native plant species. (Viloria-Fisher)** I will make a motion to table for public hearing.

**LEG. LOSQUADRO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator Losquadro. All in favor? Opposed? **1140 stands tabled. (Vote: 5-0-0-0)**

## **INTRODUCTORY RESOLUTIONS**

**Introductory Resolution 1164. This is amending a resolution. (Amending the adopted resolution number 545-2006) (Eddington)** This is on that UA Theatre property. Can you just explain it for us, Tom?

**DIRECTOR ISLES:**

The Legislature approved a planning steps resolution last year encompassing about 19 acres of the UA Theatre property in Patchogue along the south side of Sunrise Highway. And the intention was that the parcel itself is about 63 acres. The 19 acres was taking a portion of that that encompasses part of Tuthills Creek and considering that for planning steps.

The amendment before you today would expand the area under consideration in the planning steps resolution and is outlined in the green shading on the aerial photograph that's being circulated to you.

The second page includes an aerial photograph depicting the original description of the property. And then we also include a rating. So in terms of the nature of the amendment, the amendment expands the area under consideration from about 20 acres or 19 acres to 40 acres.

If I could just a point in terms of the question. Certainly conservation of the Tuthills Creek Corridor is with merit. We would just make the point or caution that there is an application pending before the Town of Brookhaven for a rezoning on this property that would result in the conversion of the

theatre to a multiple family residential use. Often times the dedication or preservation of open space around the property is part of that consideration. So I think we just ought to be a little bit careful that we're not buying land that has to be protected anyway as part of the zoning application. And I'm certainly not saying we're doing that. But understanding that one is happening simultaneous with the other.

Obviously this property would have to have access so where the access to Sunrise Highway is shown in the green, of course, as further refinement and negotiations go on, access would have to be retained. But it may be a case where a lot of this could be preserved as of right maybe by dedication or donation to the County. And I think that's just something that has to be considered as we go further through the process.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**DIRECTOR ISLES:**

If I made myself clear and maybe I didn't.

**CHAIRPERSON VILORIA-FISHER:**

It seemed pretty clear but there a couple of questions nevertheless. Legislator Losquadro.

**LEG. LOSQUADRO:**

No, I think it was very clear. And I know that the Town of Brookhaven over the past several years has put a lot of stock in clustering development especially when dealing with increased density. I know in -- right now we're in the final negotiations up in Miller place with the Delea Sod Farm with Town of Brookhaven. And that was -- a portion of that property was under consideration at one time by my predecessor to purchase for active recreation. And the town wound up saying we're going to cluster this land and we're going to create a significant amount of open space simply through our planning tools.

**DIRECTOR ISLES:**

Right.

**LEG. LOSQUADRO:**

So I think it would be prudent at this point to wait and see what the town is going to come back with in terms of their land use plan for this property.

**DIRECTOR ISLES:**

And I do understand there's already a resolution out there. And maybe this is -- you know it's a check question of chicken and egg, you know, which comes first the town or the county. But, here again, I wanted you to be aware of that.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Madam Chair. I, you know, similar to Legislator Losquadro's comments, Tom, and relative to what both you and Laurretta just shared with us about the process that planning steps trigger as far as time, effort and expense, I guess, tell me what is before the Town Planning Department now regarding this property? Is it conceptual, is it an actual application? How advanced is it?

**DIRECTOR ISLES:**

Well, number one there is a planning steps already out. So it's not as if there isn't one. This would give further latitude, I guess, in the negotiations on that.

Number two, yes, there is an application pending with the Town of Brookhaven. It's gone through different variations which, of course, is not uncommon with a large application, but there is a live application pending.

**LEG. KENNEDY:**

How many acres are associated with the app before the town?

**DIRECTOR ISLES:**

Well, it encompasses the entire property, the 63 acres but the development that's proposed is within the area that's -- encompasses the theatre. So that's about a third of the property, about 20 acres or so plus access. So it's all one big piece. And a sub set of that, the developed portion is what's proposed for development from the theatre to multiple family residential.

**LEG. KENNEDY:**

Okay. Let's shift gears for a second then and go to the existing planning steps reso that was in place which the first step being issuance of an intent letter, I guess. And, you know, solicitation from the property owner. Did you get a positive response back from the owner?

**DIRECTOR ISLES:**

I do not know.

**LEG. KENNEDY:**

You don't know.

**CHAIRPERSON VILORIA-FISHER:**

Can we ask Pat Zielenski and Janet Longo to come up and tell us whether or not the solicitation letter has received a positive response or any response from the property owners? Sorry for the interruption, John. I just thought the question should be asked to Real Estate.

**MS. ZIELENSKI:**

(Inaudible)

**CHAIRPERSON VILORIA-FISHER:**

No, you can't answer from there. You have to come to the mike. Thank you, Pat. Go ahead.

**MS. ZIELENSKI:**

It's my understanding that there was not a response.

**CHAIRPERSON VILORIA-FISHER:**

Okay. So there was a letter of intent solicitation and no response from the property owner. Okay. Go ahead, Legislator Kennedy.

**LEG. KENNEDY:**

Well, thank you, Madam Chair, I guess, for that query. So then I'll go back to Mr. Isles. If the owners had no interest in dialogue with us for 40 acres, why would they have an interest for dialogue with 63 acres when they've got an app pending before the town where they've expended a substantial amount of money and time just to even get the application before the town?

**DIRECTOR ISLES:**

I can't answer that question. You know, I'm not the sponsor. I'm just telling you that the -- my understanding is that the intent is to give more latitude in the negotiations. Here again there apparently is no active negotiation going on at the moment. Whether there's going to be negotiations and the sponsor wants to be in a position whereby these discussions can occur, that may be the case.

**LEG. KENNEDY:**

Which I understand. And I think each one of us seeks to go ahead and try and be as protective as we can when we identify parcels in our districts. I'll yield, Madam Chair. This one is just escaping me.

**CHAIRPERSON VILORIA-FISHER:**

Well, I have to be honest --

**LEG. LOSQUADRO:**

I'll make a motion to table.

**CHAIRPERSON VILORIA-FISHER:**

-- that the debate is escaping me a bit because we already have the planning process in motion. And all this is doing is just re-defining the metes and bounds of what we're looking at. So it's not -- it doesn't go to the previous comments that I had made earlier in the meeting which is that we can't say it's just planning steps. Those are done. Whether we are talking about 48 acres or 63 acres, we're defining this internally and amending the resolution.

But if you have no response from the owner at 48, you probably won't get a response at 63. This is simply amending a resolution that we have already passed. I think it's 565, you know, is the number of it. In any case I see that there's no harm in passing this to rectify the resolution and the legislative intent. And hopefully there will be some kind of clustering that happens that where a lot of property will be collected and the County won't be expending any money. But if there is an issue where that isn't the -- where the developer isn't willing to work with the town and the town isn't satisfied with the proposal, there will be recourse for us to protect all of this property. You know, I don't see, in other words, that this is debatable at this point because we've already passed the resolution and the planning steps are in motion.

**LEG. HORSLEY:**

Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

Sure, Legislator Horsley.

**LEG. HORSLEY:**

Yes, I don't think I understand -- let me just catch up. Now if the town -- if there is a multiple housing dwelling that is allegedly going on to the movie site, why does the County pick up the rest of the 43 acres and not the town? Why do they get the development rights? I'm not -- that's what I'm confused about.

**DIRECTOR ISLES:**

I don't think there's a determination so I understand why you're saying you're confused because I think we're all a little bit confused in terms of -- often times as part of an application review, as part of the quit pro quo of getting your development, you often times cluster development. You protect resources and so forth.

**CHAIRMAN HORSLEY:**

I understand that portion.

**DIRECTOR ISLES:**

So there's usually a developed portion and then a preserved portion is not uncommon. So often times this would be done just strictly through the town, through the town zoning process.

**LEG. HORSLEY:**

Okay. That's where I'm at.

**DIRECTOR ISLES:**

Right. Now, here again, I'm not speaking for the sponsor, my understanding is that the sponsor's looking at this as part of the whole Tuthills Creek corridor. And I certainly know that he has been working on efforts regarding the protection of Tuthills Creek. And I believe he sees this as furtherance of that. And that maybe if it was under County control, whether it's a donation, a purchase, whatever the arrangement may be, it would afford greater protection. It would afford access by county residents because the sponsor has spoken of -- at the community meetings that I've been to, has spoken of having trails and so forth for public use. So I believe his concept is to look at the greater corridor and --

**LEG. HORSLEY:**

And we'd have to build the trails? We'd have to erect the trails and whatever?

**DIRECTOR ISLES:**

I don't know who's erecting the trails, but here again when I raised the caution before in terms of my points about the fact there's an application pending, I think we should be aware of that as we go through this process. Often times open space is donated as part of that process. And certainly we shouldn't be buying it I don't think if it can be donated. But -- so we're aware of that.

**LEG. HORSLEY:**

And if we have a donated versus the town, which would we prefer?

**DIRECTOR ISLES:**

Yeah, I think --

**CHAIRPERSON VILORIA-FISHER:**

They're not looking to donate to us.

**LEG. HORSLEY:**

Right. I'm just -- I'm just -- is it better in our hands or in the town's hands? I know it's not the issue. I'm just trying to --

**CHAIRPERSON VILORIA-FISHER:**

They're not donating it to us. That's not one of the options.

**LEG. HORSLEY:**

I get that. Okay. But I'm just not sure -- I'm confused as to why the town is -- once the multiple families are erected, I don't understand why the rest of it goes to us versus the town. That's -- I guess that's my question.

**DIRECTOR ISLES:**

Well usually it would go to the town. And it would be for free, yeah. Here again I'm not going to answer something I don't know. So, yeah.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

If I may, the only way that it would be go to the town would be part of the land use negotiation. So it couldn't go to us other than if we bought it. If the town negotiates with the builder to say you're going to cluster these units on this portion of the property, the remaining property will remain open space. It doesn't get donated to the County. It becomes town land. It's public land but it's part of the town's land use negotiation process.

**LEG. HORSLEY:**

That's where I was confused at. Why -- how did we get it, is what I guess --

**LEG. LOSQUADRO:**

The only way we get it is if we buy it. And that -- that's my contention that right now the way that the current legislation stands does not take into account the entire property outside of -- excuse me, I'm sorry, gentlemen, thank you. It does not take into account the entire property outside of the area that's being looked at for the affordable work -- workforce housing component. I think by expanding this to take into account the rest of that property could potentially muddy the waters between the town's planning process and what the County is proposing. Because now you have a viable alternative that this developer can say, well, aside from the area that I want to develop, the entire rest of the parcel, I can, you know, potentially enter into negotiations with the County to have them purchase that portion. And I think that undermines the town and their land use powers and their planning.

So I understand the Chairwoman's point that all we're doing is amending a resolution. But I think that the current resolution is not palatable to a builder. And I think that this would make it much more palatable for them to pursue parallel tracks. And that's why I'm not in favor of this. I think it undercuts the town's ability to effectively negotiate the best possible use on this parcel. So I'm making a motion to table.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Mr. Isles, refresh my memory where the difference actually lies between the previous resolution and the amendment.

**DIRECTOR ISLES:**

Principally the difference lies on the top part of the property, the northern part of the property adjacent to Sunrise Highway. So that was not included in the original resolution. And a portion along the side. But -- right. So essentially the difference then is between the original resolution and today's resolution is the portion along Sunrise Highway, which is substantial. It's about 20 acres. And that's where that road comes in.

**CHAIRPERSON VILORIA-FISHER:**

That kind of irregular triangle with the flat side on -- a triangle and a square next to one another right at the north side there?

**DIRECTOR ISLES:**

Yeah, essentially going from Sunrise Highway south to the parking lot of the theatre.

**CHAIRPERSON VILORIA-FISHER:**

Okay. So the area immediately surrounding the theatre, which is probably where that clustering would occur, is already part of a resolution, isn't it?

**DIRECTOR ISLES:**

Yes; which is the southern and the eastern area.

**CHAIRPERSON VILORIA-FISHER:**

Question by Legislator D'Amaro.

**LEG. KENNEDY:**

Madam Chair, can I just for procedural sake, can I second Legislator Losquadro's motion to table?

**CHAIRPERSON VILORIA-FISHER:**

Oh, certainly, so that we can continue on the motion. Go ahead. Thank you.

**LEG. D'AMARO:**

So Director Isles, if the -- if we do not expand the planning steps and the County were successful in negotiating, although I have heard the testimony that we haven't received a response, would we not -- would we have access to the property?

**DIRECTOR ISLES:**

When you say access, what do you -- oh, if we were buy -- yes. Yes. Yes. The answer is yes. We do have access to the south. And if you look at the second aerial photograph in the package before you, it shows the original boundaries of the planning step resolution. It's a little bit hard to see but there is a road extending along the south edge of the property that would enable direct access onto this piece.

**LEG. D'AMARO:**

And also if it goes through the town planning process although they look to increase density and preserve open space at the same time there is no guaranty --

**DIRECTOR ISLES:**

Right.

**LEG. D'AMARO:**

-- that's going to be the outcome at the town level negotiation.

**DIRECTOR ISLES:**

I'm not sure what the outcome is going to be. It's going back and forth.

**LEG. D'AMARO:**

Okay.

**DIRECTOR ISLES:**

I think it's a goal of theirs, but, yeah.

**LEG. D'AMARO:**

Sure.

**CHAIRPERSON VILORIA-FISHER:**

Did you want to speak, Mr. Presiding Officer?

**P.O. LINDSAY:**

I just wanted to mention something. This is something, Tom, that the department would like this additional latitude? Am I getting the clear picture?

**DIRECTOR ISLES:**

I believe the sponsor's -- I believe the sponsor's asked for it to give a little additional latitude.

**P.O. LINDSAY:**

Okay. My name is on as the sponsor and I don't --

**DIRECTOR ISLES:**

Oh, I'm sorry. I thought it was Mr. Eddington. I'm sorry.

**CHAIRPERSON VILORIA-FISHER:**

It's Jack Eddington.

**P.O. LINDSAY:**

Oh, okay. Okay. I saw my name on it and I thought that it was -- no, maybe I'm looking at the wrong one.

**CHAIRPERSON VILORIA-FISHER:**

Okay. There's a motion to table and a second. All in favor? Opposed? Tabled. I'm sorry, I'm

trying to find my place here. What number was that? Thank you. **(Vote: 5-0-0-0)**

**1166, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Zoumas property, Town of Riverhead. (Romaine) Laretta?**

**DIRECTOR ISLES:**

Okay. There was a prior resolution for consideration of this property. This is located in the hamlet of Wading River. And the proposed resolution or the prior resolution, pardon me, was for Greenways Active Recreation.

**CHAIRPERSON VILORIA-FISHER:**

Right.

**DIRECTOR ISLES:**

We normally wouldn't support a duplicate resolution; however, in this case Greenways has now expired.

**CHAIRPERSON VILORIA-FISHER:**

Right.

**DIRECTOR ISLES:**

And, therefore, Real Estate really can't proceed any more on that resolution. So this resolution, therefore, is under Multifaceted. The department has done a rating. And we rate this at 37 points for active recreation. We have an aerial if you want that.

**CHAIRPERSON VILORIA-FISHER:**

Actually I have a question doesn't really go as much to you as -- perhaps the sponsor can help me out with this or somebody from the County Executive's Office. Because it's come to my attention that, of course, with Greenways we need a sponsoring group or a partnering group for active recreation. And, Legislator Romaine, it's my understanding that this particular group is being audited by the comptroller because of their fiscal issues and -- yeah, North East, yeah. And I was just wondering when in the past we've partnered with a not-for-profit on an active parklands, we have to be certain that they're in the financial position to be able to have a continuing management ability on the property. So it concerns me that there is some shadow.

**LEG. LOSQUADRO:**

Well, I know you asked to the sponsor, but I can just think of one immediately in my district which was done under Greenways and that was the Wedge property with the Heritage Trust. And that was an independent not-for-profit organization that did not exist prior to the establishment of that park. So just to answer your question. That's one I can think of.

**CHAIRPERSON VILORIA-FISHER:**

No, actually we do go ahead with those partnerships. But the reason I'm concerned is because the audit has shown some problems on the part of the comptroller. And there's been a request that we --

**LEG. LOSQUADRO:**

Has that audit been released?

**CHAIRPERSON VILORIA-FISHER:**

We've been asked to delay until it's completed.

**MR. ZWIRN:**

If I might.

**CHAIRPERSON VILORIA-FISHER:**

Mr. Zwirn.

**MR. ZWIRN:**

Legislator Losquadro, I can add some light to it is that Comptroller Sawicki had spoken to the County Exec's Office and said that he was undergoing an audit of this -- he may be doing audits of other groups but this one in particular. And that he had asked us on IR 1070, which passed, to put on the record and we did at committee that they were under audit and that he would ask us to see if we can get it tabled at that time. And we just put it on the record again. I mean that's our understanding. We're not involved with the audit. We don't really know what is involved, but that was his recommendation to us. You can contact the comptroller, you know, directly.

**CHAIRPERSON VILORIA-FISHER:**

Well, I would feel more comfortable in tabling this until we get word from the Comptroller that his audit is complete and we're ready to move forward. Legislator -- I just need a second for that.

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Legislator D'Amaro seconds the tabling motion. Legislator Romaine.

**LEG. ROMAINE:**

Let me start with our Planning Director. In a multifaceted program, we don't need to partner; is that correct?

**DIRECTOR ISLES:**

Yeah, under the -- this indicates parkland stage two acquisition. It's our understanding that that does require a partner. Multifaceted General Parkland doesn't. But where it's referenced to stage two refers to specific legislative resolution that talks about the partnership arrangements. So it depends on the exact arrangement.

**LEG. ROMAINE:**

And the resolution is written for stage two?

**DIRECTOR ISLES:**

Yes.

**LEG. ROMAINE:**

So if we revised this resolution and we just said stage one, then we wouldn't be talking about a partnership necessarily?

**DIRECTOR ISLES:**

I don't know if there would be any mention of stages.

**LEG. ROMAINE:**

Okay. And the next question is, this is a planning steps resolution. So we're nowhere near acquisition. We would just be starting the purchase. Now, there aren't too many properties if my recent memory, and I served on this committee last year, is wrong that rated 37, which is a pretty high rating from your department. So obviously this property is deserving of some form of preservation. This is a planning steps resolution. This is not an acquisition resolution. Certainly by the time the appraisals and whatever else is done, it can take up to a year. And I'm being generous. It can take up to a year for this to come forward.

So at that time when the acquisition resolution would be presented, then at that point obviously who we partner with would become a significant issue. And we may even change programs because we've had resolutions that, you know, we've changed programs once the -- it has come forth for

acquisition. But obviously this is a piece of property that is worthy of acquisition, is up for sale, could be built on and we would lose a very valuable property that possibly should be in our property inventory.

I would simply say at this point this is a planning steps resolution. This is certainly worthy of passage. This property is rating 37 points which is probably one of the higher designations I've heard over the last 14 months as a Legislator that a property has been rated by your department. I would urge passage of this. I think at the time that we go for acquisition, that's the time to start raising questions about partnerships, someone's legitimate, someone's not, whether we should use another program to acquire. I would simply point out all of those things because we are at a very preliminary stage at this matter of time.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Pat? Ms. Zielenski.

**MS. ZIELENSKI:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

This was passed under a Greenways resolution planning steps last June. What happened in that process between then and now?

**MS. ZIELENSKI:**

I'm not conversant with what happened North East Youth Sports.

**CHAIRPERSON VILORIA-FISHER:**

No, I'm talking about the land piece of it.

**MS. ZIELENSKI:**

But as far as the outreach to them, we've contacted them three separate times.

**CHAIRPERSON VILORIA-FISHER:**

Them meaning the owner of the property?

**MS. ZIELENSKI:**

The owners of the property. And Legislator Romaine was kind enough not too long ago to provide a further updated address. And even from the third inquiry we have not had a response from the owners of the property.

**CHAIRPERSON VILORIA-FISHER:**

Okay. So I've made a motion to table and there's a second. If they haven't answered, I think another month isn't going to really make a big difference. There's a motion to table and a second. All in favor? Opposed? **1166 is tabled. (Vote: 5-0-0-0)**

**1173, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program Eastport property, Town of Brookhaven. (Romaine) Mr. Isles?**

**DIRECTOR ISLES:**

Okay, Madam Chair, this is property located along the north side of County Road 51, also just north of Sunrise Highway in the hamlet of Manorville. The parcel is currently farmed as you can see on the aerial photograph. The resolution before you would authorize planning steps for consideration for active recreative. Interestingly this was actually considered sometime ago. I understand about seven or so years ago for active recreation and was not successful in occurring at that time.

The basic aspects of this site in terms of development as active recreation are generally positive in

the sense that the parcel is certainly large enough to accommodate active recreation. It has good access in terms of being on the edge of a neighborhood; not within a neighborhood, good access on major highways and so forth. And, you know, obviously we're also concerned about the loss of farmland. But if that's the inevitability in this case and that's not an option, then, consideration for active recreation, we think, warrants consideration. We did do a rating and we have provided that to you in the hand-out that was just handed out to you. If you have any questions, we'll do our best to answer those.

**CHAIRPERSON VILORIA-FISHER:**

Tom, I have a question because you just mentioned stage two, which is, I guess, what we're calling active recreation. And this is -- this looks like a perfect piece for ball fields. It's flat. It's right on a highway so the access is terrific. But you don't mention any kind of management partnership. So how are we working it with this one?

**DIRECTOR ISLES:**

Here again, we're doing the planning review in terms of the site aspects, the environmental compatibility and so forth. At this point in time we -- we are not the sponsor of this resolution. We have not made any contact with any groups to, you know, secure what the details are on that part of it.

**CHAIRPERSON VILORIA-FISHER:**

Okay. So the other one the group become relevant because it had been named when the Greenways resolution had been introduced. I'll make a motion to approve, seconded by -- anybody want to second this?

**LEG. KENNEDY:**

Second. I'll second it.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator Kennedy. All in favor? Opposed? **1173 is approved. (Vote: 5-0-0-0)**

**1174, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program Manorville property, Town of Brookhaven. (Romaine)** Go ahead, Tom.

**DIRECTOR ISLES:**

Okay. Madam Chair, this is property located also in the Manorville area. This is by way of reference at exit 69 of the Expressway at Wading River Road. So the Expressway's running along the top part of the map. As you can see it's a relatively undeveloped area; and in fact the area on both sides of Wading River Road is an area that's targeted for specifically farmland preservation. The area north of the Expressway is part of the Pine Barrens Core. And as you can also see, and the blue lines are a lot of wetlands, high ground water, and essentially tributaries into the Peconic River System.

The subject parcel itself is outlined in red. It totals about 40 acres. It consists of some vegetated undisturbed woodlands, some former field growth as well as cleared area directly along Wading River Road. The resolution is filed under Multifaceted. This is a case where we feel that this is a parcel that should be considered for acquisition; however, we do question the program type.

I will point out that based on information that's become available to the department there is apparently tiger salamander habitat on the northeast corner of the property closer to those wetlands to the east. We'd like to find out a little bit more about that. So it would appear then that part of this property just simply be preserved.

As far as the possibility of active recreation, from the department's standpoint at this stage of the game, we feel a portion of the property may be suited to that. But here again we do have some

concerns about the extent of development as it may impact on environmental aspects of the site including certainly the tiger salamander as well as issues with high ground water elevations. The idea of maybe open soccer fields might work, but certainly intensive development, bathrooms and things like that that are at a larger scale may be problematic.

So I think initially we feel that this is a parcel that -- it warrants consideration for county or county town acquisition. It's in a very strategic area, both in terms of the Pine Barrens Core and the Wading River Farm belt. As far as the exact use, we think that needs a little further analysis and fact gathering before that moves forward. If you have any questions, we'll do our best to answer those.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Romaine, I believe, has some comments or questions. But before we go to him, Mr. Isles, on the top of the rating page it says Wiresome Road County Nature Preserve addition Manorville property. What does that refer to?

**MS. FISCHER:**

That's the piece to the east of this one outlined in green.

**CHAIRPERSON VILORIA-FISHER:**

Okay. So there is a nature preserve there?

**MS. FISCHER:**

Yeah. Yeah, that's about, I'd say, ten, fifteen acres that we acquired. We also have been acquiring the farmland development rights for many of the farms to the south and to the west of here as well as well as actually to the east of that County owned property.

This is a very interesting topographic area. It's really at the head waters of the Peconic River with all these wetlands and boggy areas related to the watershed of Peconic River to the north of the L.I.E. here. But we also reviewed it and gave you the rating under natural environments. But again it was prepared as a resolution for active recreation. But we spoke with the sponsor and he was willing to look at it in both regards.

**CHAIRPERSON VILORIA-FISHER:**

Okay, so, Tom, when you were speaking about perhaps looking at using part of the property for active recreation and segmenting it, it looks as if the northeast portion of the property might continue that nature preserve designation? And then the west and perhaps east -- southern piece of it could be active?

**DIRECTOR ISLES:**

Yes.

**MS. FISCHER:**

A portion of it's also being farmed. The area to the west of the site --

**CHAIRPERSON VILORIA-FISHER:**

That looks very white?

**MS. FISCHER:**

Yes, that's being farmed presently. There is an old field that was formally farmed on the southern portion of it. The other pieces of this are woodland. And, of course, the interest in protecting the northeast corner is our interest as well.

**CHAIRPERSON VILORIA-FISHER:**

I see. Ed.

**LEG. ROMAINE:**

Yes. I had spoken with the -- when my aide had spoken with the Planning Department about this, if there was a way that we could bifurcate this property. We're not interested in disturbing the woodlands at all. In fact we made that quite clear that we have no desire to disturb the woodlands; that the open field that there's now, it's actually not being farmed now. It's just a fallow field. That open field, you should check that out. That that open field we're looking for one or two things to happen there. One of those we're limited, maybe two or three sports fields.

And the other possibility, the town has approached me only tentatively, and we had a meeting last week, about relocating or carving out maybe five acres of that property for the new headquarters for the Manorville Ambulance Company since they are thinking of building a new building. And they needed a building in which -- that that company would be immediately adjacent to some major roadway so they could get -- as you know, the Manorville Ambulance District is the largest ambulance district in New York state. It encompasses a huge area. And the town had asked me for that. But my original thought was just to take that area immediately adjacent to Wading River Road for sports fields and leave the rest fallow. The woodlands, not disturb them, not disturb any of that and just take the area that is disturbed currently and possibly make that available for sports fields. The partner in that would be Eastport South Manor Sports Association. I don't know if that answers your question.

**CHAIRPERSON VILORIA-FISHER:**

I didn't have a question but now I do.

**LEG. ROMAINE:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

That was confusing discourse because the fire or ambulance --

**LEG. ROMAINE:**

Well, that was a town request that just came in last Friday that they were thinking of that area.

**CHAIRPERSON VILORIA-FISHER:**

So they were thinking of buying part of it? But, you know, for fire departments it's dalmatians, not spotted salamanders. That was a joke. I'm sorry.

**LEG. ROMAINE:**

It's the ambulance company. The ambulance company. Right.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**LEG. ROMAINE:**

Which is located down on South Street. All of that would be determined at the -- look, this is a planning steps resolution. Again, none of those -- nothing is written in concrete. The time that we write this in concrete as we all know sitting around this table is when we do the acquisition resolution.

**CHAIRPERSON VILORIA-FISHER:**

Yeah, but you know when we do the planning steps resolution, we like to start out with an idea of what it is that we're negotiating for. And I thought that we were looking at the whole piece. And I -- it didn't mention partnership with the town. Have you had any indication of partnership with the town? At what point would we have to? Because it would be good if we know that before we do any appraisals; right? Wouldn't the town --

**DIRECTOR ISLES:**

I think it depends on, here again, how this is going to divide up. If it's going to be all open space, if it's going to be open space and a portion active recreation.

**LEG. ROMAINE:**

I want to preserve most of the woodland. The disturbed area, you know, I'm willing to take a look at either sports fields and/or an area for their ambulance company. As far as the town is concerned, I wrote to Supervisor Foley both on this and the Eastport property that you just approved over -- I guess it was three and a half weeks ago. And like most of my correspondence have not had a response from the Supervisor at this point.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Legislator Losquadro was waiting.

**LEG. LOSQUADRO:**

Thank you. I think regardless of what use we ultimately would want to see for various portions of this property, we're looking a fee simple purchase. We're not looking at segmenting a portion of it for PDR. We're looking to purchase this property. I think we all agree it's -- this property is worthy of preservation. And whether or not we can accommodate part of it for an active recreational usage remains to be seen. But I certainly think this property is worthy of preservation. And the sooner given the development pressure in this area that I know is taking place, this is an area that many builders are seeking to increase their stock of land for future development -- I think the sooner we can get a letter of intent out to the landowner to say we are interested in purchasing this property, and see if we get a response back. As we, you know, pointed out with that other property, you say you haven't, you know, Real Estate hasn't gotten one back yet. But I think there is one that is certainly worthy of preservation. And I think we should begin that process to get the letter out to the landowner. And we can figure out, you know, if we want to see a portion of it active recreation, if we want to see the entire thing preserved in its natural state and just allow the field to go fallow as the southern portion of the property has. That remains to be seen.

**DIRECTOR ISLES:**

Just so you know, too, the ambulance would have to be separate. It wouldn't be an open space acquisition, of course.

**LEG. LOSQUADRO:**

Right. That's a whole different story.

**LEG. ROMAINE:**

We'd have to break it off with a 72-H. It's a whole different ball game.

**CHAIRPERSON VILORIA-FISHER:**

We certainly wouldn't want to buy something as open space and then 72-H it. We definitely wouldn't want to do that. We would want to carve it out of the acquisition. And if they -- if Brookhaven wants to buy it or if --

**LEG. HORSLEY:**

Let them buy it.

**CHAIRPERSON VILORIA-FISHER:**

Or if the department wants to buy it. But we're certainly not going to pay these kinds of acquisition fees and then 72-H it. And we could amend the planning steps if we need to; if that occurs?

**DIRECTOR ISLES:**

If the Ambulance moves forward?

**CHAIRPERSON VILORIA-FISHER:**

Yeah.

**DIRECTOR ISLES:**

Here again it's not something that's obviously allowed under the Open Space Program. I realize it just came up Friday so it's a new idea. We would generally like to see that worked out as early as possible if that's what's going to happen. Obviously Real Estate's then going to start ordering appraisals. And if they're going to cut out five acres, it would be helpful if they knew that.

**CHAIRPERSON VILORIA-FISHER:**

I'm going to make a motion to table. Is there a second?

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

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

**LEG. LOSQUADRO:**

Opposed.

**LEG. KENNEDY:**

Opposed.

**CHAIRPERSON VILORIA-FISHER:**

Please note the opposition. 1193 is tabled. We voted on -- did I say the wrong -- I'm sorry. That was **1174 (tabled)**, pardon me. **(Vote: 3-2-0-0. Legislators Losquadro and Kennedy opposed)**

**IR 1193, amending the 2007 capital budget and program and appropriating funds in connection with the Suffolk County Multifaceted Land Preservation Program and Workforce Housing Program. (County Executive)** I'll make a motion to approve.

**LEG. LOSQUADRO:**

Explanation.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Let me just get a second and we'll speak on the motion. Seconded by Legislator D'Amaro. Explanation, please.

**MR. ZWIRN:**

Carolyn Fahey was here earlier but had to leave. This takes a portion of the Multifaceted money which I think was \$13.3 million roughly. And it takes 1.5 million with workforce housing projects. There are a couple that are in the works that are a little premature that Jim and Carolyn didn't want to go into yet, but one of the ones that they're working on is the one in Huntington Take Back the Block. So this would leave over \$11 million still in the Multifaceted but would carve out 1.5 million for workforce housing projects that they have in the pipeline.

**CHAIRPERSON VILORIA-FISHER:**

Yes, Legislator Losquadro.

**LEG. LOSQUADRO:**

Which project specifically?

**MR. ZWIRN:**

The one project that they mentioned specifically is the Take Back the Block project in Huntington.

**LEG. LOSQUADRO:**

Which project is that. That's --

**MR. ZWIRN:**

That's not enough for you?

**LEG. LOSQUADRO:**

No, it's not. Does it have anything to do with taking back Tower Street?

**MR. ZWIRN:**

No, I don't know. No, it's not One Tower Street. I think that was --

**LEG. LOSQUADRO:**

Well, I just wanted to know which block it was.

**MR. ZWIRN:**

It's not One Tower Street. I think the town got involved. And got involved with One Tower Street and the County walked away from that one.

**MS. LONGO:**

No.

**MR. ZWIRN:**

No, they didn't?

**MS. LONGO:**

No, we're stuck with it.

**MR. ZWIRN:**

We're stuck with it.

**LEG. LOSQUADRO:**

Reason for my question.

**MR. ZWIRN:**

I don't believe this is --

**LEG. LOSQUADRO:**

So Take Back the Block in Huntington, we're not sure which block that is. But just long as the block isn't Tower Street, what other specific --

**MR. ZWIRN:**

They didn't go into it. They said the ones that they were working on were a little premature to bring before the Legislature, but they had estimated it would be about \$1.5 million with the funding that they would need.

**LEG. LOSQUADRO:**

If it's premature for them to bring it before us, isn't it premature for us to allocate this funding? It's just --

**MR. ZWIRN:**

Well, if you want to have Jim and Carolyn go into it a little more detail, then I would ask that we discharge without recommendation just to have them appear before the Legislature so this gets to the floor at the next meeting and then you can ask those questions. But Carolyn was here for about -- about two hours.

**CHAIRPERSON VILORIA-FISHER:**

Ben, you know -- wait.

**LEG. LOSQUADRO:**

We could always discharge it on the floor. I apologize, but I -- if it's premature to bring it before this Committee, I don't see what's going to happen between now and next Tuesday, you know. Unfortunately many of these projects seem to take quite a bit of time. So I don't really necessarily see something that's time sensitive here. I'll defer, though.

**CHAIRPERSON VILORIA-FISHER:**

Actually, Dan, before we go on with the discussion, I always want to see the money available for workforce housing programs. However, if it's not pending, if there's no immediacy, then, I would make the motion to table it until next month when we have more information.

**MR. ZWIRN:**

What I would do is ask Jim to come before the Legislature at the public portion and give you an update.

**CHAIRPERSON VILORIA-FISHER:**

We could just table 'til the next meeting and get all the information.

**LEG. LOSQUADRO:**

I'll second it.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator Losquadro.

**LEG. KENNEDY:**

Madam Chair, on that motion.

**CHAIRPERSON VILORIA-FISHER:**

John.

**LEG. KENNEDY:**

Yeah, on that motion, also, like all my colleagues, seek to go ahead and support the workforce housing initiatives, but I believe that we just had a presentation not too long ago about all of our land acquisition programs being for all intent and purposes almost 100 percent subscribed.

**LEG. LOSQUADRO:**

Absolutely.

**LEG. KENNEDY:**

So the other concern I guess I would have with identifying transferring from this Multifaceted program is to what degree are we impacting our ability to continue to go ahead and purchase and close throughout the balance of the year? I agree we need to commit the funding for workforce housing. My question goes to twofold, timing and source.

**CHAIRPERSON VILORIA-FISHER:**

We'll get into that more in depth when we have more information at the next meeting.

**LEG. KENNEDY:**

I hope the administration can bring that.

**CHAIRPERSON VILORIA-FISHER:**

But I certainly believe with 1.5 with the millions and millions that we're doing in acquisitions, I don't think that this would stop us. And the Legacy Fund transfer's going in also to supplement the expenditures. Trying to get through it. That's why I tabled it so we could cut -- let's try to keep --

tap him. Okay, we have a motion to table and a second. And that would be 1193. Yes? 1193. All in favor? Opposed? **1193 stands tabled. (Vote: 5-0-0-0)**

1230 was taken care of.

And we are now on **1231 (appropriating funds and establishing a program for the Suffolk County Environmental Legacy Fund) (County Executive)**

Can you just explain it, George, while I turn the page?

**MR. NOLAN:**

1231?

**CHAIRPERSON VILORIA-FISHER:**

Yes.

**MR. NOLAN:**

This does two things. It appropriates \$20 million in capital project 8731 which is the Environmental Legacy Fund. The monies -- and what it does also, it establishes parameters for Legacy Fund. For purchases going forward, they should be for open space, farmland, active parkland and historic properties. Before any purchase could move forward, under this program the County would have to receive written binding pledge from a government entity or not-for-profit to pay at least 50% of the costs of the acquisition. And that's essentially the parameters of it.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Lindsay.

**P.O. LINDSAY:**

As I recall we put 20 million -- the whole fund -- the Legacy Fund is \$50 million; am I right?

**CHAIRPERSON VILORIA-FISHER:**

Yes.

**P.O. LINDSAY:**

20 million is allocated for '07; right?

**MR. CHIUSANO:**

Yes.

**P.O. LINDSAY:**

Okay. So we're going to appropriate the 20 million now on a block, but we're going to have additional say on exactly what projects the money's going to be used for; right?

**MR. CHIUSANO:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

Yes.

**P.O. LINDSAY:**

Okay. So we'll see. This is just a block. We don't have a decision yet?

**CHAIRPERSON VILORIA-FISHER:**

And we'll access it, yeah.

**P.O. LINDSAY:**

Right.

**MR. CHIUSANO:**

There would be additional authorizing resolutions.

**P.O. LINDSAY:**

That's all of my question. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Okay. There are additional authorizing resolutions that will come before us for the acquisitions. It's putting it in the program. Yeah.

**LEG. KENNEDY:**

Madam Chair, if I can ask just about the mechanics associated with this, and I'm speaking about the Eighth Resolved and I'll make it quick. If I understand this, does this mean that similar to when we sit here now and are considering planning steps resolutions for the various different parcels we've looked at, we're now going to have to see this 50 percent binding pledge accompanying our request to introduce the planning steps resolution?

**MR. ZWIRN:**

No. It depends on the funding source. Right? If we're going to use Legacy Fund money, then, yes, there will be a requirement that we'll need 50%.

**CHAIRPERSON VILORIA-FISHER:**

We've had that with other programs, John, where you need -- you need partnership -- you need matching funds.

**LEG. KENNEDY:**

I don't disagree with that. And as a matter of fact I think we seek to promote that quite often. However, my question goes to the way we begin the process is with a planning steps reso. And if I understand this, this seems to say that the partner level of government is going to have to at this point that we do our planning steps reso produce a binding commitment to go ahead and underwrite 50% of what may ultimately be the purchase if the seller expresses the interest and there's a meeting of the minds; is that correct?

**CHAIRPERSON VILORIA-FISHER:**

I believe that's what we did with Greenways. For example, in the Greenways Farmland portion of Greenways, we had to go in knowing that there was a partnership. Laretta, can you take the mike to answer that?

**MS. FISCHER:**

Yes, it was a 70/30 with the farmland under Greenways. And a written binding agreement again had to come before us actually before we did the acquisition. So it's not the planning steps which you're stating. You're saying that you think that it will be required as part of the planning steps?

**LEG. KENNEDY:**

Well, actually I'm asking -- I'm asking here and I guess I'm asking Counsel. What does Counsel have to say on this?

**MR. NOLAN:**

Well, I'll agree that the language is a little ambiguous because what it says is that the property shall only be eligible for consideration by the County upon -- by the County Executive a written binding pledge or commitment that is going to be 50%. Now I suppose you could interpret that to mean that we won't even do planning steps 'til we have that commitment. I don't know what the intention of the, you know, Planning Department is, how they intend to interpret this language or how the County Executive intends to interpret the language, but it is a little ambiguous.

**LEG. KENNEDY:**

Madam Chair?

**CHAIRPERSON VILORIA-FISHER:**

I'm waiting to see --

**LEG. KENNEDY:**

Sorry.

**CHAIRPERSON VILORIA-FISHER:**

Do you have an answer?

**MR. ZWIRN:**

I don't have an answer, but it is imperative that we get this to the floor. And I will have an answer in -- I would like to see this -- since this is going to mean how quickly we can close on some of the properties. So I assume since those properties may be in the planning stages that will enter in the acquisition stage, that money will be used from this Legacy Fund once it's approved, presuming it's approved. And then the money could be appropriated on a case by case basis. My guess is that it didn't intend to cover the planning steps; only the acquisition. Because I think they're not sure which properties the town at this stage are going to partner with. But I can find out, get a definitive answer. The fact that the language is a little ambiguous is a little bit -- makes it maybe a little more problematic.

**CHAIRPERSON VILORIA-FISHER:**

Legislator D'Amaro may have --

**LEG. D'AMARO:**

I think two things. I think that's maybe why the resolution doesn't talk about a binding resolution from a town, number one; because if I'm sitting in a town or a town board, how can I give an open ended commitment when I don't know what those costs will be?

**MR. ZWIRN:**

What the appraisal is, absolutely.

**LEG. D'AMARO:**

Yeah, it's kind of difficult so -- but nonetheless we want to require some threshold commitment. I don't know how it becomes binding unless it's a resolution. It is ambiguous.

**MR. NOLAN:**

Maybe once you said the acquisition was binding -- the acquisition was binding on the commitment, that would help.

**CHAIRPERSON VILORIA-FISHER:**

But, George, I'm not seeing in the Eighth Resolved a reference to this having to be done during the planning steps. Am I missing something here? I'm reading it and I'm not seeing that it says planning steps.

**MR. NOLAN:**

No, it doesn't say that. Planning steps isn't really mentioned but the language that I personally -- that I find ambiguous is that property shall only be eligible for consideration.

**CHAIRPERSON VILORIA-FISHER:**

And that could imply planning --

**MR. NOLAN:**

They won't even start considering it unless we have something.

**CHAIRPERSON VILORIA-FISHER:**

Yeah. Legislator Lindsay.

**P.O. LINDSAY:**

I'm going to take everybody back to the budget of last year. We -- the County Executive sent over a budget with \$50 million more in land acquisition.

**CHAIRPERSON VILORIA-FISHER:**

Right.

**P.O. LINDSAY:**

This was done without going to a public referendum. It was put in our Capital Program. And it was part -- that's how this Legacy Fund came about.

**CHAIRPERSON VILORIA-FISHER:**

Right.

**P.O. LINDSAY:**

And in consideration, and I know it was a consideration by the Legislature, that in light of how much this County has spent compared to our townships, this is the only way it was going to fly; is if we had a matching partner here. Because there comes a limit to ask the County on how much more money are they going to spend on land preservation. I mean, if I'm not mistaken, I think the number's about a billion dollars we've spent so far in land preservation? You know, that's a lot of money. And it's time for the towns to step up to the plate. And this was the vehicle that was being used to preserve additional property with the towns as our willing partner.

**LEG. LOSQUADRO:**

Absolutely.

**CHAIRPERSON VILORIA-FISHER:**

And BRO's recommendations recommended greater partnerships with towns in land acquisition. Legislator Losquadro.

**LEG. LOSQUADRO:**

I couldn't agree more, Legislator Lindsay. As part of that discussion, I just think what we're discussing here is procedurally if we want to put in a planning steps resolution, and you have to list a program that it's going under, if we file that resolution, do we have to get that written agreement from the town before we file it? Is it part of the -- Mr. Zwirn is indicating it's going to be used for properties that are already in negotiation where this was never mentioned before. It would seem that it would -- that agreement would have to come as the negotiations began to take place and we would get a commitment and then we could use this funding source. I think we just have a question procedurally here, you know, how this mechanism is going to function.

**P.O. LINDSAY:**

If I might answer, whether it's the chicken or the egg, the point of the matter is it's very clear-cut. If you're going to use the Legacy Funds, we have to have a matching town partner.

**CHAIRPERSON VILORIA-FISHER:**

But I think procedurally we're looking for where it kicks in. And, Ben, we have until 5:00 today to do a corrected copy.

**MR. ZWIRN:**

Right.

**CHAIRPERSON VILORIA-FISHER:**

If in the Eighth Resolved there could be clarity as to our being able to submit planning steps without that written policy, because it is hard to get the town on board. But during the planning steps, there must be a clear commitment from another municipality or whatever language you're using here. You can't do that, Janet? You're shaking your head no. Because we know what the intent is here. We just want to make sure that we don't get tripped up with the process. And I think that's what John was going to.

**LEG. KENNEDY:**

Absolutely positively. I wholeheartedly subscribe and agree to partnering. And as a matter of fact I've attempted to do it with other initiatives in my district as well. But I -- to echo what George is saying, A, I think we have a bit of ambiguity in the language. And, B, secondly, and Counsel will speak to this, there is a certain prohibition against binding successor boards when it comes to an entity engaging in a governmental function. And our planning steps are not uncommon to be 12, 15, 18 months sometimes. A town board sits in some cases for only -- for two years. So that letter, that binding letter may not even be valid going forward to the time of close.

**P.O. LINDSAY:**

Then the deal can't go through. If you don't have a town partner, there's no deal.

**LEG. KENNEDY:**

No, Mr. Chair, I don't think it's an issue of a town being unwilling. I'm talking about just the impediment. Let's hear from Division of Real Estate.

**CHAIRPERSON VILORIA-FISHER:**

Yeah, Janet.

**MS. LONGO:**

It was my understanding with this resolution and this funding source you really can't tie this funding source to a planning steps resolution because we don't know when the town's going to partner or how much. You know, we're trying to do -- the minimum is 50/50 with this funding source. Sometimes I get the towns to do 60/40 where we put in 40 they put in 60.

**CHAIRPERSON VILORIA-FISHER:**

Well, Janet that's why I'm saying we're trying to get the language that allows us to begin the planning steps.

**MS. LONGO:**

The planning steps can be through any of the other funding sources. But once we have an accepted offer and a partnership with the town, having this funding source for the authorizing resolution, that's where that would kick in.

**CHAIRPERSON VILORIA-FISHER:**

All right. So we can begin the process under Multifaceted, for example. And once we have that partnership with the town, then the acquisition will be under the Legacy program.

**MS. LONGO:**

Right.

**LEG. KENNEDY:**

Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

Wait a minute, I just want to clarify this. So this step, then, Eight is still ambiguous because it's saying something about initiating a process. So initiating an acquisition process rather than a

planning process? I just think the language should be a little tighter there because if you've raised all these questions here, maybe between now and 5:00 that Resolved could be clarified. I don't want to beat this to death because there are people who have to leave. I'd like to discharge this then at this point without recommendation and have them look at the language.

**LEG. LOSQUADRO:**

Second the motion.

**CHAIRPERSON VILORIA-FISHER:**

Okay. And, John, why don't you give them a call?

**LEG. KENNEDY:**

All right.

**CHAIRPERSON VILORIA-FISHER:**

Okay? Because Dan has to leave and we want to finish the agenda. And I know you're going to want to speak about your resolution. So let's try to keep it moving. Okay? I'll make it a discharge without recommendation? Okay, Ben? You'll work on that this afternoon?

**MR. ZWIRN:**

Yes. And if I might revisit the last piece of legislation, Commissioner Gallagher -- Carrie Meek-Gallagher just indicated to me that by not moving forward, by tabling the Multifaceted money for \$1.5 million for workforce housing, it holds up the entire appropriations. So we don't have access to the other \$11.3 million as wekk because it's tied together. 11.8.

**CHAIRPERSON VILORIA-FISHER:**

I didn't understand that.

**MR. ZWIRN:**

So I'm just saying with all the acquisitions that we have in the pipeline, aside from workforce housing, we'd like to get these things moving so we don't have a problem getting backed up.

**CHAIRPERSON VILORIA-FISHER:**

Did you understand what he just said? I'm sorry, Ben, I really didn't understand what you just said.

**MR. ZWIRN:**

With respect to the prior resolution --

**CHAIRPERSON VILORIA-FISHER:**

I know, with the 1.5.

**MR. ZWIRN:**

With the \$1.5 million, and because we didn't have a list of where that \$1.5 million was going to be allocated what it's estimated to be used for, I had asked that maybe we can get it discharged to the floor without recommendation. And the committee decided to table it. That also holds up the -- the Real Estate Department does not have access to the other \$11.8 million that's in that fund for acquisitions that are in the pipeline.

**CHAIRPERSON VILORIA-FISHER:**

Okay. That's the part I don't understand. How the 1.5 -- - maybe Budget Review can explain it to us because I'm not understanding how this 1.5 holds up the 11 million. I mean we're certainly -- pardon? They're both in there?

**MR. DUFFY:**

Well, both are in the same resolution. So if you don't -- the resolution -- you can't act on a part of

it.

**CHAIRPERSON VILORIA-FISHER:**

Okay. That's the part -- okay. It's both in the same resolution. We're transferring the 1.5 but it appropriates the 11.

**MR. DUFFY:**

You're appropriating the total. And then you're splitting it between Multifaceted 11 and change and 1.5 to the 8704. So if the resolution does not pass or is not acted upon, you're not acting on either part of it. What the resolution is doing is appropriating the 13.3 million and then splitting it between two programs.

**LEG. LOSQUADRO:**

I apologize. Through the Chair.

**CHAIRPERSON VILORIA-FISHER:**

Go ahead, Dan.

**LEG. LOSQUADRO:**

Where is the 13.3 million now?

**MR. ZWIRN:**

Multifaceted.

**MR. DUFFY:**

It's in the Capital Program. And it's been authorized but it hasn't been appropriated yet. So what the resolution is doing is appropriating money that's been authorized and then it's splitting it between affordable housing 1.5 and the remainder to Multifaceted.

**LEG. LOSQUADRO:**

If I can make the suggestion to the Exec's representative Mr. Zwirn, if you could get us more information as to what those projects are and perhaps bring us a Certificate of Necessity on that, because I'm -- I certainly don't want to hold up the acquisition of any parcels, but at the same time I'm still not comfortable just putting -- segregating out a million and a half dollars out of that 13.3 million for projects that, you know, we don't -- we haven't been given any information on.

**MR. ZWIRN:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

We have a question from Legislator D'Amaro.

**LEG. D'AMARO:**

Just one quick question. Are there specific acquisitions in mind for the 1.5 or 1.3 million?

**MR. ZWIRN:**

I believe, yes, Legislator D'Amaro, there are. I've asked -- Carolyn Fahey from Economic Development was here for several hours and then had to leave. The only one that she mentioned to me that she said she would discuss publicly today would be the Take Back the Block Program in Huntington which she indicated that the Committee would be familiar with. That's why I said if we could discharge it to the floor, then we could have Jim Morgo or Carolyn Fahey discuss it.

**CHAIRPERSON VILORIA-FISHER:**

And you'll have that information for us on Tuesday if we discharge it today?

**MR. ZWIRN:**  
That's correct.

**CHAIRPERSON VILORIA-FISHER:**  
I'll make a motion to discharge it.

**MR. ZWIRN:**  
But you have to reconsider it because it was --

**CHAIRPERSON VILORIA-FISHER:**  
Motion to reconsider.

**MR. ZWIRN:**  
I apologize for not having that information.

**CHAIRPERSON VILORIA-FISHER:**  
IR 1193 I'm going to make a motion to reconsider. Do I have a second?

**LEG. D'AMARO:**  
Second.

**CHAIRPERSON VILORIA-FISHER:**  
Seconded by Legislator D'Amaro. All in favor? Opposed? IR 1193 is before us. I will make a motion to discharge 1193 without recommendation. Do I have a second?

**LEG. D'AMARO:**  
I'll second.

**CHAIRPERSON VILORIA-FISHER:**  
Seconded by Legislator D'Amaro. Ben, we need the specifics on Tuesday.

**MR. ZWIRN:**  
Absolutely.

**CHAIRPERSON VILORIA-FISHER:**  
And if you could get it to the members of the committee even --

**MR. ZWIRN:**  
Beforehand, absolutely.

**CHAIRPERSON VILORIA-FISHER:**  
-- before that, that would be very helpful so we don't have to look at it in, you know, the melee of everything else that will be going on on Tuesday.

**MR. ZWIRN:**  
I will have Carolyn Fahey or Jim Morgo contact you directly.

**LEG. KENNEDY:**  
Madam Chair, I'm also going to ask the administration if they would just consider in the event that there's any inability to define on the workforce housing side, then, at the very least consider as an alternative the Certificate of Necessity on the Multifaceted side. Because the decision to link these two funding streams in essence is almost a self-created hardship. We don't have an issue with the 11.3. It's just the fact that we have the 1.5 linked. So if there's not an answer to be had with the 1.5, split them out.

**MR. ZWIRN:**

I understand what you're saying. I don't think we anticipate that to be a problem. But I understand and I will bring that back. I appreciate it.

**CHAIRPERSON VILORIA-FISHER:**

And on the record we're very much in support of workforce housing initiatives, but there's just an interest in knowing where it's going.

**MR. ZWIRN:**

Absolutely.

**LEG. D'AMARO:**

You can't support it if you don't know what they are.

**CHAIRPERSON VILORIA-FISHER:**

Yeah, we have to know what's going on.

**MR. ZWIRN:**

I have no quarrel.

**CHAIRPERSON VILORIA-FISHER:**

Okay. There's a motion and a second. All in favor? Opposed?

**LEG. LOSQUADRO:**

Abstain.

**CHAIRPERSON VILORIA-FISHER:**

Please note the abstention. So that was 1193. **1193 is discharged without recommendation. (Vote: 4-0-1-0. Leg. Losquadro abstained)**

**We move onto 1232.** We did 1231. It was discharged without recommendation, was it not? Did we call the vote on that?

**LEG. KENNEDY:**

Yeah.

**CHAIRPERSON VILORIA-FISHER:**

Okay, 1231 I made a motion to discharge without recommendation, seconded by Legislator Losquadro. All in favor? Opposed? **1231 is discharged without recommendation.**

**LEG. D'AMARO:**

And just on that, if there's going to be an amendment on that, just the Eight Resolved clause, in the first sentence if you change the word consideration to acquisition, I think you might get to where you want to be on that.

**CHAIRPERSON VILORIA-FISHER:**

Ben? Did you hear that?

**MR. ZWIRN:**

No, I did not.

**CHAIRPERSON VILORIA-FISHER:**

Legislator D'Amato suggested that in that Eighth Resolved, if you were to change the one word consideration to acquisition, it might help to clarify the intent of that legislation.

**MR. ZWIRN:**

Okay. Thank you.

**LEG. KENNEDY:**

But, Madam Chair, I'm also going to ask with that Eighth Resolved that based on Division of Real Estate just please make certain that it's the intent that there be a full 50% participation from the local level.

**MS. LONGO:**

At least 50%.

**LEG. KENNEDY:**

Is it at least? You were talking 60/40.

**CHAIRPERSON VILORIA-FISHER:**

60/40 our favor.

**LEG. KENNEDY:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

Okay. **IR 1232 authorizing planning steps for the acquisition of land under the first 1/4% Suffolk County Drinking Water Protection Program (Approved 1987/Amended 1996)(Town of Smithtown - McDonnell Property).** And Please remember that brevity is the better part of valor.

**LEG. KENNEDY:**

Absolutely positively. I make a motion to approve, Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

That's very brief. Is there a second on the motion?

**LEG. D'AMARO:**

I'll second.

**CHAIRPERSON VILORIA-FISHER:**

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

**P.O. LINDSAY:**

I'm not opposed. I just have a question.

**CHAIRPERSON VILORIA-FISHER:**

On the motion?

**P.O. LINDSAY:**

Yeah.

**CHAIRPERSON VILORIA-FISHER:**

Yes, Legislator Lindsay.

**P.O. LINDSAY:**

John, is this the property on the bog there north of Portion Road?

**LEG. KENNEDY:**

This is the street that we went down. And as a matter of fact --

**P.O. LINDSAY:**

Okay.

**LEG. KENNEDY:**

-- it's the one that's immediately adjacent.

**P.O. LINDSAY:**

Okay.

**LEG. KENNEDY:**

And you know --

**P.O. LINDSAY:**

Yep.

**LEG. KENNEDY:**

-- it's worse than what we saw.

**P.O. LINDSAY:**

Yeah, I got my feet wet.

**CHAIRPERSON VILORIA-FISHER:**

Okay, it scored 24; not bad for west end point one eight acres.

We won't break the bank on this one.

**LEG. KENNEDY:**

I hope not.

**CHAIRPERSON VILORIA-FISHER:**

Okay. There's a motion and a second to approve. All in favor? Opposed? **1232 is approved (VOTE: 5-0-0-0)**

**1241, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program Boatyard Vistas Inc property, Town of Brookhaven.**

**(Schneiderman)** And Laretta is distributing information on that. Oh, I skipped over SEQRA resolutions. I'm sorry. Laretta, you can give those out while I go over the SEQRA. Thank you. Sorry, everybody.

Okay. **1234, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation known as the Doxee's Creek addition (Stein property, Town of Islip) (Lindsay)** Motion to approve by myself, seconded by Legislator D'Amaro to approve and place on the consent calendar. All in favor? Opposed? **1234 is approved and placed on the consent calendar. (Vote: 5-0-0-0)**

**1235 making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Mastic/Shirley Conservation area addition, Froehlich property, Town of Brookhaven. (Lindsay)** Same motion, same second, same vote. **(Vote: 5-0-0-0)**

**1236, making a SEQRA determination in connection with the proposed Shellfish Aquaculture Lease Program in Peconic and Gardiners Bays, Town of Southampton, East Hampton, Riverhead, Southold and Shelter Island. (Lindsay)** Same motion, same second, same vote. **(Vote: 5-0-0-0)**

**IR 1237 making a SEQRA determination in connection with the proposed intersection improvements on County Road 19, Patchogue-Holbrook Road at Furrows Road (Town of Islip) (Lindsay)** Same motion, same second, same vote. **(Vote: 5-0-0-0)**

**1238 making a SEQRA determination in connection with the proposed reconstruction of County Road 16 Horseblock Road, Town of Brookhaven. (Lindsay)** Same motion, same second, same vote. **(Vote: 5-0-0-0)**

**IR 1239 making a SEQRA determination in connection with the proposed drainage improvements on County Road 39 North Road at various locations, Town of Southampton. (Lindsay)** Same motion, same second, same vote. **(Vote: 5-0-0-0)**

And now we will go to 1241. My apologies. **Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program Boatyard Vistas, Inc property, Town of Brookhaven) (Schneiderman)** And the information has been distributed. Nice square piece.

**MS. FISCHER:**

This is a property on Moriches Bay. It is a former dredge spoil site primarily with bulk heading along three sides. It's been proposed under Multifaceted Open Space Component. We spoke with the sponsor regarding possibly other uses of the site, a boat launching ramp, other kinds of uses in that regard for public access. And he was amenable to looking at that. We'd like to possibly table it until we can come back with a more precise site plan before you for the site.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Thank you, Laretta.

**P.O. LINDSAY:**

Could I just make a comment?

**CHAIRPERSON VILORIA-FISHER:**

Sure, Legislator Lindsay

**P.O. LINDSAY:**

Gee, that looks like an excellent place for a marina, a county marina being in light of the shortage of boat slips for our residents and the cost of them.

**LEG. SCHNEIDERMAN:**

It does look potentially good. There's also another piece, another boat yard that we've already approved the planning steps for a marina maybe a mile or two from here. So I don't know that we're going to need two county marinas in this area, but maybe if we could look at them altogether and see what makes the most sense.

**MS. FISCHER:**

I think we would like to look at all of them in light of each other and look at the best possible scenarios.

**CHAIRPERSON VILORIA-FISHER:**

And what's the land access to this?

**MS. FISCHER:**

There's a road on the south side that actually exists to the water.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Okay. Thank you.

**LEG. HORSLEY:**

What's it called? Maple?

**LEG. ROMAINE:**

Maple Avenue.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Legislator D'Amaro has a question.

**LEG. D'AMARO:**

Thank you. You had mentioned this was dredge spoils or a site formerly used for that purpose?

**MS. FISCHER:**

Yeah, this was a former dredge spoil site. You can tell that there's some remnants of dredge spoil -- wetland in the center portion. And that's why we wanted to look at it more particularly as to what areas might be sensitive to any kind of development versus the areas that could possibly take some development on it. Dredge spoil can be very -- a very strange animal. It depends on what kind of materials were placed on it. So that's why we had suggested that we go out and look at the site more specifically to see what the conditions were.

**LEG. HORSLEY:**

And you haven't done that yet?

**MS. FISCHER:**

No, we haven't.

**LEG. D'AMARO:**

Well, so is there -- what would be the benefit to the County of having this parcel other than just for the sake of preventing its development? I mean is there -- if it's a former dumping site, does it need any type of remediation? Are we buying something that's going to cost us more going forward?

**MS. FISCHER:**

Well, it depends on what we find actually when we go out there. Right now I couldn't say whether this could be, you know, a possible issue or not.

**LEG. SCHNEIDERMAN:**

I'm not objecting to tabling it one cycle.

**CHAIRPERSON VILORIA-FISHER:**

Okay. I'll make a motion to table

**LEG. LOSQUADRO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator Losquadro. All in favor? Opposed? **1241 is tabled. (Vote: 5-0-0-0)**

**MS. FISCHER:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

**1242 authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program Chicco property, Town of Southold. (Romaine)** Lauretta, it was my understanding, or perhaps the sponsor can answer this, was there interest in the Town of Southold in this acquisition?

**MS. FISCHER:**

Would you like to respond?

**CHAIRPERSON VILORIA-FISHER:**

He's saying no.

**MS. FISCHER:**

Oh. I honestly -- I have to touch base with the Town of Southold. I initially thought that this property was going to be bought actually solely by the Town of Southold so I'm a little bit at a loss. But it certainly is a good acquisition. We have been acquiring properties in the area. In fact we had identified a number of parcels to the south of there that we acquired on Master List two. So we certainly can reach out and find out what their -- what the status of it is with the town. And the sponsor certainly can let us know.

**LEG. ROMAINE:**

The --

**LEG. LOSQUADRO:**

If you would suffer an interruption, I'm sorry, Legislator Romaine, for one second. Unfortunately I have a doctor's appointment at 4:15. I would need to take an excused absence for these last couple of votes. And if they do to come out, I look forward to seeing them before the full body. If not we'll take them back up at the next meeting.

**CHAIRPERSON VILORIA-FISHER:**

We haven't done a motion on this one yet.

**LEG. LOSQUADRO:**

So I have to excuse myself. Thank you, Madam Chairwoman.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**P.O. LINDSAY:**

Dan, I'll vote for you. You can go.

**LEG. LOSQUADRO:**

Thanks.

**CHAIRPERSON VILORIA-FISHER:**

Good luck, Dan. Okay. So 1242, Legislator Romaine?

**LEG. ROMAINE:**

Yeah. The town hasn't moved on this as of yet. And the property owner is interested in selling this property. So either it's going to be sold for private development. And there is road access to the property off a cul-de-sac or it's going to be saved.

Now, as you can see there's other town and county lands, but this is a Multifaceted Land Preservation. It scored 42. It's pretty high. All of the ones I brought in today are high scorers. I mean, I'm not on this committee. It's up to your pleasure.

**CHAIRPERSON VILORIA-FISHER:**

You have a good GPA today, Ed. Very high GPA today. Grade point average.

**LEG. ROMAINE:**

Yes.

**MS. FISCHER:**

Yeah. This got 42 points. And it is a very --

**CHAIRPERSON VILORIA-FISHER:**

And it's access to the beach for the public.

**MS. FISCHER:**

Yes, there's so many things going for it here.

**CHAIRPERSON VILORIA-FISHER:**

Is that swimmable beach? Is that --

**MS. FISCHER:**

Yes, it is. It's basically a sandy beach. It doesn't have much of a bluff at that point of the property there.

**LEG. ROMAINE:**

There's hardly any bluff there.

**MS. FISCHER:**

Also -- like is adjacent to Dan Pond and Long Island Sound. So there's many facets of this that are very positive.

**LEG. ROMAINE:**

And there's road access. So if the County wanted to do a beach in the future, that's certainly possible. If they just want to preserve this property, that's possible. But a beach is certainly not out of the realm of possibility, limited beach access. It all depends on what the County wants to do. But I think it would be better in public hands than it would be in private hands and that's why this resolution is coming forward. Certainly once we pass this resolution, I would certainly encourage the County to reach out to the Town of Southold and see if they have an interest in partnering with us on this.

**CHAIRPERSON VILORIA-FISHER:**

Would there be parking nearby if you wanted to go to this beach?

**MS. FISCHER:**

You would have to create the parking. There isn't anything per se at the time here for parking, you know. The piece just below it is actually a dedicated open space piece. And then the piece below that in green has been acquired by the County. So this would make it a contiguous piece of open space for this area.

**CHAIRPERSON VILORIA-FISHER:**

Sure, yeah. Okay. Legislator D'Amaro has a question.

**LEG. D'AMARO:**

Just the properties to the west, looking at the tax map or the aerial view here with the tax map imposed, it doesn't look like there's any development along the beach.

**MS. FISCHER:**

Yeah, it's hard to see. There might be one or two houses but that's it. Yeah, it's not --

**LEG. D'AMARO:**

Are there any covenants or restrictions filed against this property, do we know, right now that would prohibit any type of development?

**MS. FISCHER:**

We don't know at this time but that certainly would be looked into when we do the appraisals.

**LEG. D'AMARO:**

Okay. Thank you.

**MS. FISCHER:**

If there are any deed restrictions, that would show up.

**CHAIRPERSON VILORIA-FISHER:**

So we would be reaching out to the town to partner with us? Did you indicate that you were reaching out to the town for partnership?

**LEG. ROMAINE:**

I would ask the purchasing -- excuse me -- the Planning Department -- I'm sorry. I would ask the Planning Department to reach out to the town and contact my office and let me know. They've worked with us on a whole host of parcels. And I'm sure if they knew that the County was moving forward they'd be willing to do so. They have committed a great deal of their money. In fact they just went to bond for future years to obtain additional money. So they're very interested in preserving as much of Southold as they possibly can.

**MS. FISCHER:**

We would have no problem with that.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Is there --

**LEG. KENNEDY:**

I'll make the motion to approve.

**CHAIRPERSON VILORIA-FISHER:**

Motion to approve by Legislator Kennedy, seconded by Legislator Horsley. All in favor? Opposed?

**1242 is approved. (Vote: 4-0-0-1. Leg. Losquadro not present)**

**P.O. LINDSAY:**

Can I just make an observation?

**CHAIRPERSON VILORIA-FISHER:**

Sure.

**P.O. LINDSAY:**

Romaine County today is doing really well.

**LEG. ROMAINE:**

I had one table with a high rating.

**CHAIRPERSON VILORIA-FISHER:**

The man is never happy.

**LEG. ROMAINE:**

Saving what's left; that's our slogan.

**CHAIRPERSON VILORIA-FISHER:**

**1247 (authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program, Yaphank property, Town of Brookhaven) (Browning)**

**MS. FISCHER:**

This proposed acquisition actually is already on our Master List two.

**CHAIRPERSON VILORIA-FISHER:**

Yes, the sponsor asked that we table this because she knows it's duplicative. So I'll make a motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? **(Vote: 4-0-0-1. Leg. Losquadro not present)**

If there is anyone in the audience who has any further comments, questions?

**P.O. LINDSAY:**

Before we adjourn, and before Pat Zielenski leaves the room, I don't know whether you are all aware of it but Pat is leaving us. And I wanted to publicly thank her on the record for her contribution to land preservation in this County and for her diligence in doing her job. It's been a pleasure working with you. And as a person who has retired before and will -- is going to retire again, God willing, I wish you the best of luck.

**MS. ZIELENSKI:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Good luck to you. Thank you, Pat, for all the work that you've done and your help to this committee. He beat me to it. But, you know, congratulations. Thank you.

**P.O. LINDSAY:**

She was leaving the room. I didn't want to --

**CHAIRPERSON VILORIA-FISHER:**

I know. You were quicker than I was. I was looking in the wrong spot. Thank you very much, Pat.

Ben.

**MR. ZWIRN:**

We're making that change to the resolution to say "acquisition" and not "under consideration". It'll be filed by 5:00.

**CHAIRPERSON VILORIA-FISHER:**

Good. That'll clarify it. Thank you very much. Okay. The meeting is adjourned.

**LEG. HORSLEY:**

Excellent.

**(THE MEETING CONCLUDED AT 3:53 PM)  
{ } DENOTES SPELLED PHONETICALLY**