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 June 2, 2008.

MEMBERS PRESENT:
Leg. Jay H. Schneiderman, Chairperson
Leg. Lou D'Amaro, Vice Chairman
Leg. Daniel P. Losquadro
Leg. Brian Beedenbender
Leg. Jon Cooper

ALSO IN ATTENDANCE:
George Nolan, Counsel to the Legislature
Kevin Duffy, Budget Review Office
Barbara LoMoriello, Deputy Clerk
Ben Zwirn, Deputy County Executive
Thomas Isles, Director of Department of Planning
James Bagg, Chief Environmental Analyst/Department of Planning
Christopher E. Kent, Director of Real Property Acquisition & Management
Lauretta Fischer, Department of Planning
Janet Longo, Department of Real Estate
Carrie Meek Gallagher, Commissioner of the Department of Environment and Energy
Linda Bay, Aide to Minority Leader
Paul Perillie, Aide to Majority Leader
Catherine Stark, Aide to Leg. Schneiderman
Rick Brand, Newsday
Robert Braun, Appointee for Planning Commission
And all other interested parties

MINUTES TAKEN BY:
Diana Kraus, Court Stenographer

MINUTES TRANSCRIBED BY:
Kim Castiglione, Legislative Secretary

(THE MEETING COMMENCED AT 11:32 AM)

CHAIRMAN SCHNEIDERMAN:
I would like to call this meeting of the Environment, Planning and Agriculture Committee to order this second day of June, 2008. If you all will rise and join us for the Pledge of Allegiance led by Legislator Brian Beedenbender.

Salutation

CHAIRMAN SCHNEIDERMAN:
You may be seated. Sorry about that, Brian.

LEG. BEEDENBENDER:
That's all right, Jay.

CHAIRMAN SCHNEIDERMAN:
Brian's trying to eat a sandwich up here and I made him do the Pledge. That will teach him. All right. We have a relatively brief agenda for this committee. We'll try to move through it quickly. We're going to start -- well, first let me ask if there are any members of the public who wish to be heard. Do we have any yellow cards?

MS. LoMORIELLO:
No cards.

CHAIRMAN SCHNEIDERMAN:
The Clerk is indicating there are no speaker cards that have been filled out. We will move on to CEQ resolutions.

CEQ Resolutions

15-08, Review of Comments on the Draft Environmental Impact Statement for the Shellfish Acquaculture Lease Program in the Peconic Bay and Gardiners Bay and recommendation to proceed with the preparation of a Final Generic Environmental Impact Statement.

We have with us Mr. Jim Bagg and this is a -- I think is going to require at least a little bit of discussion. So, Mr. Bagg, if you can take us into this.

MR. BAGG:
Sure. Well, the CEQ as well as the Planning Department received significant comments with respect to the draft generic environmental impact statement for the Acquaculture Program. The next step required by SEQRA is to respond to those comments in a final generic environmental impact statement. So the Council therefore is recommending that the Legislature go to the next step and require the preparation of a final generic environmental impact statement.

CHAIRMAN SCHNEIDERMAN:
All right. Let me also state for the record that I have been involved with the Acquaculture Lease Screening Committee, which has been Chaired by Mr. Isles. They have done I believe an excellent job in compiling the environmental impact statement. Cashin Associates has been the engineers. There has been public hearings and I believe that it is time to move on with the preparation of the final generic environmental impact statement. If there are any questions or comments from the committee, but I believe that's a right course of action at this point, having been so close to this process. All right. Do we have a motion to approve?

LEG. COOPER:
Motion.

CHAIRMAN SCHNEIDERMAN:
Motion by Legislator Cooper. Second by Legislator Losquadro. All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0).**

At this point I'd like to take a resolution out of order, resolution number IR 1469, is to reappoint a member of the County Planning Commission, Robert Braun. Mr. Braun is present I believe. I will make a motion to take 1469 out of order.

LEG. D'AMARO:
Second.

CHAIRMAN SCHNEIDERMAN:
Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

IR 1469, To reappoint member of County Planning Commission (Robert A. Braun, Esq.). (Co. Exec).

Mr. Braun, if you will step forward. You are currently serving as a member of the Commission, is that correct?

MR. BRAUN:
Yes, I am. I was appointed last year to fill an unexpired term and now I'm here before you for reappointment.

CHAIRMAN SCHNEIDERMAN:
Is that a term or slot that is specified for somebody of particular expertise?

MR. BRAUN:
It's just identified with the Town of Smithtown, not with any particular expertise.

CHAIRMAN SCHNEIDERMAN:
I believe we've moved away from that, have we not, in terms of I don't know that there is a Town of Smithtown position anymore.

MR. NOLAN:
There is, yes.

CHAIRMAN SCHNEIDERMAN:
There is? There are town slots as well? Commissioner Isles, the County Executive had kind of changed the process by which Planning Commission members were appointed. Am I correct?

DIRECTOR ISLES:
Right. Correct. That was in Resolution 102-2006, and it made the Planning Commission more diverse in terms of occupational and expertise requirements. However, it did retain the representation geographically from the ten towns in the County as well as positions for villages over 5,000 and less than 5,000. So there is a slot for the Town of Smithtown that Mr. Braun currently serves within that slot and at this point we would have to keep it, that slot, specifically limited to Smithtown.

CHAIRMAN SCHNEIDERMAN:
Okay. And you have a resolution from the Town Board in Smithtown or the letter from the supervisor or something to that extent?

MR. BRAUN:

It's, again, my understanding that this was a nomination originally made or at least a call I got from the County Executive's Office last year asking me if I would be interested in filling this slot. I don't believe the town itself is involved in the nominating process. I just happen to live in Smithtown.

CHAIRMAN SCHNEIDERMAN:
Okay. That may be a difference that the County Executive has made, that it's a geographic representative but not necessarily one that has gone through the town?

DIRECTOR ISLES:
It is not necessarily gone through the town. I'm not sure what led up to Mr. Braun's appointment last year. At this point I can tell you that I'm not aware of any contact at this time with the town. However, I'll also make the point, too, we have a few other -- a couple of other vacancies in town positions and we are working actively with the towns in those cases. The Town of East Hampton and the Town of Riverhead at the present time have town vacancies.

CHAIRMAN SCHNEIDERMAN:
Okay. Mr. Braun, can you first tell me what your profession is?

MR. BRAUN:
I'm a lawyer.

CHAIRMAN SCHNEIDERMAN:
You are a lawyer. Do we all have copies of your resume? People are saying it is in the backup. The Planning Commission, you are already serving, so you're familiar with what it does?

MR. BRAUN:
Yes.

CHAIRMAN SCHNEIDERMAN:
The County faces, I think, a lot of complex issues relating to land use. Probably one of the most complex is the issue of providing affordably priced housing. Sometimes that requires zoning changes that come before the Commission. Could you speak a little bit about your opinions about creating affordable housing also as well as providing open spaces and protecting the environment and reconciling those challenges.

MR. BRAUN:
Yes. Well, the staff of the Planning Commission, which is the Planning Department, of course, reviews all the applications that come before us prior to the Commissioner seeing them and almost invariably makes recommendations with which the Commission and I personally agree about setting aside a percentage of the housing for what we have referred to as workforce or affordable housing. And, of course, I personally am very much in favor of the County's maintaining open space and retaining the suburban and rural character of the County as much as possible, with the proviso that we do what we can to keep our younger workers, people graduating from high schools and college who want to remain in Long Island and give them a way to do that. So, again, the staff of the Planning Department has been very conscientious in providing those sorts of recommendations and these are recommendations that the Commission almost invariably follows.

We are currently revising some of our of own guidelines within the Commission and dealing with some of the issues with respect to whether it should be a straight percentage, whether in the case of a particular project whether it's possible to set aside that affordable housing within the project or perhaps to pay to some fund to be created to put the affordable housing elsewhere if it doesn't physically fit where the project will be constructed and so forth. But certainly these are considerations that the Planning Commission deals with in every application other than a single family type of situation.

CHAIRMAN SCHNEIDERMAN:

As a practicing attorney are you involved in land development in the Smithtown area or representing sellers or purchasers of land in that area?

MR. BRAUN:
I have been for many years representing primarily purchasers and sellers of single family houses. I have from time to time represented smaller builders with perhaps a five lot subdivision or a ten lot subdivision or something like that. And I have some experience with -- before the Zoning Board of Appeals, not only in Smithtown, but in some of the other towns as well.

CHAIRMAN SCHNEIDERMAN:
I'm trying to get a sense of whether you would might frequently have to recuse yourself from applications within the Smithtown area.

MR. BRAUN:
In the ten months or so that I served, or it's now over a year that I have been on the Commission, I recused myself from one application. And that was because -- not because I was involved in it, but because the individual involved happened to be a client of mine in another matter, so I just stayed out of that. But otherwise, we haven't faced that issue.

CHAIRMAN SCHNEIDERMAN:
Okay. And your attendance record?

MR. BRAUN:
I understand my attendance meets the requirements.

CHAIRMAN SCHNEIDERMAN:
Okay. Do we have other questions from other committee members? Okay. Thank you, sir. So is there a motion to approve 1469 and appoint Mr. Braun to the Commission?

LEG. COOPER:
Motion to approve.

CHAIRMAN SCHNEIDERMAN:
Motion to approve by Legislator Cooper. Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **(Vote: 5-0-0-0).** Thank you, sir.

MR. BRAUN:
Thank you very much.

CHAIRMAN SCHNEIDERMAN:
There's no need to appear before the full Legislature.

MR. BRAUN:
I understand. Thank you.

CHAIRMAN SCHNEIDERMAN:
Okay. Going back to our agenda, 16-08.

16-08, Ratification of Recommendations for Legislative Resolutions Laid on the Table for April 29th, 2008, and May 13th, 2008. (Type II Actions). These are all Type II Actions.

MR. BAGG:
Yes, this is pro forma. This is the Council's recommendation for those Type II Actions in the packet.

CHAIRMAN SCHNEIDERMAN:
Motion by Legislator D'Amaro.

LEG. COOPER:
Second.

CHAIRMAN SCHNEIDERMAN:
Second by Legislator Cooper. All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0).**

17-08, Bergen Point Outfall, Planning & Respond Plan. (Type II Action). This is a Type II Action. This is not the actual replacement of the outfall pipe, which would, you know, possibly require quite an extensive environmental assessment. This is just basically to begin planning as to what the possibilities might be in terms of responding to the outfall pipe structural -- concerns about the structural integrity of that outfall pipe. Is that correct, Mr. Bagg?

MR. BAGG:
That's correct. In addition, they would like to purchase some sections of pipe and have them on hand. That pipe cannot be readily obtained easily. It's probably weeks or months before they can obtain it, so if they did have a breach they'd like some sections on site so they can prepare that breach in an emergency condition.

CHAIRMAN SCHNEIDERMAN:
So they can respond to an emergency quickly.

MR. BAGG:
Yes.

CHAIRMAN SCHNEIDERMAN:
Did anybody have a question about this? Okay. Is there a motion to approve?

LEG. COOPER:
Motion to approve.

CHAIRMAN SCHNEIDERMAN:
Motion by Legislator Cooper. Is there a second?

LEG. LOSQUADRO:
Second.

CHAIRMAN SCHNEIDERMAN:
Seconded by Legislator Losquadro. All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0).**

18-08, Proposed Acquisition for Open Space Preservation Purposes Known as the South Bay Street Property in the Incorporated Village of Lindenhurst. (Unlisted Action, Negative Declaration).

I think we have seen this several times, but we were waiting, I think, on the Park Trustees. Is that not correct?

LEG. BEEDENBENDER:
We sent it to CEQ.

CHAIRPERSON SCHNEIDERMAN:
Oh, it went to CEQ. Mr. Bagg, this is that small property in Lindenhurst on the water?

MR. BAGG:
In Lindenhurst, that's correct. It's being acquired for open space preservation purposes. It's an unlisted action with a negative declaration. There's no active recreation proposals for the site or anything.

CHAIRMAN SCHNEIDERMAN:
Any questions or comments? All in favor? Opposed? Abstentions? Did we have a motion, actually?

LEG. COOPER:
No. Motion to approve.

CHAIRMAN SCHNEIDERMAN:
Motion by Legislator Cooper, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **(Vote: 5-0-0-0)**.

Tabled Resolutions

IR 1021, To promote environmental protection throughout Suffolk County by requiring the remediation of Brownfields properties. (Romaine).

LEG. COOPER:
Motion to table.

CHAIRMAN SCHNEIDERMAN:
There's a motion to table by Legislator Cooper.

LEG. D'AMARO:
Second.

CHAIRMAN SCHNEIDERMAN:
Second by Legislator D'Amaro. Any discussion? All in favor? Opposed? Abstentions?

LEG. LOSQUADRO:
Opposed.

CHAIRMAN SCHNEIDERMAN:
I'll abstain. There's one abstention and one opposed. Legislator Losquadro opposed and three votes affirmatively. It passes -- the tabling passes. **(3-1-1-0 Opposed: Legislator Losquadro; Abstention: Legislator Schneiderman)**

IR 1049, Adopting Local Law No. 2008, A Charter Law to strengthen the Water Quality Protection and Restoration Program. (Schneiderman)

LEG. BEENDENBENDER:
Legislator Schneiderman, didn't we pass the version of this bill, the modified version of the bill at the last meeting?

CHAIRMAN SCHNEIDERMAN:
I'm looking. There were two bills related. Is this the one that would cap at 50%? No, we have not passed this one. This would set a limit as to how many employees or what percentage of the funds could be used for staffing of the 477 Fund. What passed is a requirement that the County Executive in his proposed budget report or disclose the full job descriptions of those employees funded through this position or through this fund.

LEG. BEEDENBENDER:
I thought that this was the bill that got amended. Perhaps I was incorrect. I thought the discussion was we would pass it with the amendment.

CHAIRMAN SCHNEIDERMAN:
No, a separate bill, correct?

LEG. D'AMARO:
Could I weigh in on it?

LEG. BEEDENBENDER:
How did that happen, because we had the bill in front of us at committee.

MR. NOLAN:
There were two separate bills. They're just as Legislator Schneiderman described them. The other bill requires the County Executive to put in his budget the positions that are funded with water quality monies. This one actually sets a, you know, a cap on how much money can be used for employee salaries from water quality.

CHAIRMAN SCHNEIDERMAN:
Legislator D'Amaro.

LEG. D'AMARO:
Yeah, just to add to that. I believe although there were two separate bills I was under the assumption that the bill we did pass was in response to some of the comments I had made previously, that if we had the data it would leave open without imposing caps and limitations -- with the data before us during the budget time we'd have the discretion to make the allocations as we saw fit.

CHAIRMAN SCHNEIDERMAN:
Right. The bill that was passed was an amended version that just fixed the title of the bill that was described a moment ago in terms of providing the data. This is a fully -- a completely separate bill. And there were concerns you raised about how it might affect us as we proceed. I still think that having a limit in place is a good thing, but you decide what to do with it. So I'll make a motion to approve it.

LEG. COOPER:
Motion to table.

CHAIRMAN SCHNEIDERMAN:
Motion to table by Legislator Cooper.

LEG. BEEDENBENDER:
I'll second the motion to table.

CHAIRMAN SCHNEIDERMAN:
Second by Legislator Beedenbender. All in favor? Opposed? Abstentions? Opposed.

LEG. LOSQUADRO:
Opposed.

CHAIRMAN SCHNEIDERMAN:
Three votes to table. It is tabled. **(Vote: 3-2-0-0 Opposed: Legislators Schneiderman and Losquadro)**

IR 1130, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Schmitt property) Town of Brookhaven (SCTM No. 0200-706.00-01.00-004.000). (Browning)

LEG. COOPER:
Motion to table at the request of the sponsor.

CHAIRMAN SCHNEIDERMAN:
Motion to table by Legislator Cooper, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? So tabled. **(Vote: 5-0-0-0)**

IR 1180, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Pattersquash Island property) Town of Brookhaven (SCTM No. 0200-988.30-02.00-001.000). (Browning)

LEG. COOPER:
Motion to table at the request of the sponsor.

CHAIRMAN SCHNEIDERMAN:
Same motion, same second, same vote. **(Vote: 5-0-0-0)**

IR 1216, Adopting Local Law No. 2008, A Local Law to reduce the use of fertilizer near wetlands in Suffolk County. (Schneiderman).

I have a meeting coming up with the Commissioner and the DEC on this issue, so I'll make a motion to table.

LEG. COOPER:
Second.

CHAIRMAN SCHNEIDERMAN:
Second by Legislator Cooper. All in favor? Opposed? Abstentions? So tabled. **(Vote: 5-0-0-0)**

IR 1274, To promote land acquisitions for Open Space, Farmland Preservation and Hamlet Parks in underserved communities. (Cooper).

LEG. COOPER:
Motion to approve.

CHAIRMAN SCHNEIDERMAN:
There is a motion to approve. Is there a second?

LEG. LOSQUADRO:
Motion to table.

CHAIRMAN SCHNEIDERMAN:
There is a motion to table.

LEG. D'AMARO:
I will second the motion to approve.

CHAIRMAN SCHNEIDERMAN:
There is a second on the motion to approve. I will second the motion to table. And let's discuss

this.

LEG. LOSQUADRO:
Could we get an explanation, please, and could we hear from Planning on this?

LEG. BEEDENBENDER:
Go ahead, Tom.

DIRECTOR ISLES:
Okay. The Planning Department has reviewed this bill going back a couple of meetings and we appreciate that opportunity. The bill seeks to provide in the rating forms that are used by the Legislature and the County in evaluating open space acquisitions, it seeks to add points for a criteria based on population density within the County. It would seek to do this by setting that population threshold at greater than 2,000 people per square mile. The towns that would be affected at this time based on that criteria would be the four westerns towns, which is Islip, Babylon, Huntington and Smithtown.

The three forms that the committee uses, the evaluation forms that the Planning Department completes on behalf of this committee and the Legislature, are one for natural environments, one for farmland, and one for active recreation and general park purposes.

In terms of the present time there is one form that does include a population density consideration, and that is the active recreation hamlet parks/general parks purposes. So at the present time there is a four point adjustment based on population density with the idea being, I believe, when that was originally put in was that those highly, or more highly populated communities have less available land and for accommodating recreational uses, soccer fields, ball fields, things of that nature, hamlet parks and so forth. In order to do that in proximity to the users, that population, it provided that extra bonus for that.

The resolution before you at this time would add an additional, as we understand it, seven points for that. But here again, just as far as the concept, we don't oppose the concept in that case. We would just question the seven points in addition to the point that's already there, the four points that are there.

The second one is farmland. Farmland is on a scale of zero to about 22, so it's not on the same zero to 100 scale. The Farmland Committee uses ten as kind of a guideline for them in terms of a threshold, and it's not an absolute because it is a guide. In that case, the resolution would add three points to the form. The Planning Department does not oppose that. We feel that's -- based the history of the Farmland Committee, my experience is that they've made adjustments for west end farms as it is and oftentimes with the idea that there is maybe only one farm left in the particular community or town, so they have tried to balance the program by having some west end acquisitions. In the case of adding the three points for the farmland for high population density areas, to me that would -- I would not oppose that and I think that would be consistent with what the community has done on an informal basis.

The last one is the natural environments. At this time there is no population density weight for that. The resolution as proposed would add seven points for that category. The typical passing grade, so to speak, that this committee uses is 25. And here again, not that that's an absolute. There could be a acquisitions less than 25 that may make sense from the County's perspective, and the opposite, acquisitions greater than 25 that may not make sense. But as a guide the 25 is used. So the seven points would give it a bonus of about 28%.

Here again, we take two positions on this. One is that we think the natural environment should be based upon the environmental aspects, the physical aspects, of the site, the resource aspects as much as possible. And then secondly, if the Legislature does feel that some sort of population adjustment is appropriate, we would just submit that seven points is a lot, 28%, for that one factor.

As you might recall, the form, many of the factors are rated on a scale of some are as low as one, some go as high as ten, depending on the significance of the resource and so forth.

So in summary, for the active recreation there is a current consideration of that. We think the idea is fine. We just question how many points should actually be allowed for that or provided for that. The farmland we have no disagreement with, speaking on behalf of the department on that, the three point adjustment. And on the natural environments we feel that it's not something we would recommend and if you do feel it's warranted, we would just suggest a -- or question whether seven points would be an appropriate number or not.

CHAIRMAN SCHNEIDERMAN:
I have all four of you plus myself who have questions or comments on this. Let me start with the sponsor, Legislator Cooper.

LEG. COOPER:
Thanks. Just to review one more time. If you had your druthers, on farmland you're okay with three points. For active recreation your recommendation would be to revise it from seven to what?

DIRECTOR ISLES:
Right now there is four points that are added in for population density, so this would make it a total of eleven if we add another seven points on top of that, as I understand it.

LEG. COOPER:
Okay. So if we added three to bring it to a total of seven, is that something that you would be comfortable with?

DIRECTOR ISLES:
That would be better.

LEG. COOPER:
All right. For the open space, because I feel strongly that we need to add something for that, what was the range right now for open space? You said it was from --

DIRECTOR ISLES:
Well, the total range goes from zero to a hundred. In terms of the aspects or the considerations on that form, the factors and so forth, they can be as low as one point for certain things, they go as high as ten points --

LEG. COOPER:
Right. I try to equate this -- my rationale was to equate this to points that were available for large parcels, thinking that for the high density areas there generally aren't any large parcels left so it's -- there's an imbalance there. So if you look at open space, what are the additional points that you can get for large parcels? I think it ranged from five to ten as I recall.

DIRECTOR ISLES:
Right. I think you're right. I'm just going to confirm that in one second.

LEG. COOPER:
And that's why I picked a middle ground between five and ten.

DIRECTOR ISLES:
If it's greater than 50 acres it's ten points. If it's, I believe, greater than ten acres it's five points. Let me just take a quick look. So five to ten acres is five points. Ten to 50 acres is eight points. I stand corrected on that one. Then over 50 acres is ten points as indicated.

LEG. COOPER:

That's why I had proposed, it was either seven or eight, I forget what we ended up with, as a compromise. More than the five, less than the ten, so we picked the mid range. But I would certainly be willing to amend the active recreation, to reduce it to -- because I actually had envisioned a total of seven points. So if they were to give four points for a population density --

DIRECTOR ISLES:
Yeah, they do get four points presently on the current form that you use.

LEG. COOPER:
Okay. So then I would be amenable to change that to three points. I don't know whether that could -- I guess if there is support in committee we could discharge it without recommendation and I could make that additional amendment.

DIRECTOR ISLES:
If I could just make one other clarification. The way it's currently done in the active recreation and hamlet parks is by census track, so your resolution would put it in by town. That probably doesn't make a big difference. There may be some variations in population in town where some might be less than that threshold of 2,000 persons per square mile, but just for you to be aware of that.

LEG. COOPER:
By census track. What do you mean by that?

MS. FISCHER:
Census designated place.

DIRECTOR ISLES:
Okay, CDP. So it's a smaller -- so it's essentially by community. So, I believe your resolution refers to it by town. Let me just check that.

MS. FISCHER:
Yes.

DIRECTOR ISLES:
Okay.

LEG. COOPER:
Actually, my original intent was to try to narrow it, to focus it more narrowly, so if there was a way of doing it by community that would be even better because there may be some parts of a town where the population density is far greater than other parts. So if we could do it that way, George, I would actually prefer it.

MR. NOLAN:
Okay.

DIRECTOR ISLES:
So it would be census designated places, the current term that's used in the current rating form for active recreation. Okay. So that's currently four points, and here again, if you were to change it would go to seven points is what you are proposing?

LEG. COOPER:
Right.

DIRECTOR ISLES:
Okay.

MS. FISCHER:
Just be aware that now we'll have an increased total number and so therefore the minimum 25 points might have, you know, I don't know how you want to react to that, but.

LEG. COOPER:
Well, I'm sorry. How does it work right now for active recreation?

MS. FISCHER:
For active recreation --

LEG. COOPER:
You said that they get four points.

MS. FISCHER:
It has four points.

LEG. COOPER:
For what? For what exactly. I'm confused.

MS. FISCHER:
Site is located within a census designated place with a population density greater than 2,000 persons per square mile.

LEG. COOPER:
It's the same --

MS. FISCHER:
So under that we have four points existing now in the rating sheet.

LEG. COOPER:
Right. So you're saying in some cases the total could increase by three points.

MS. FISCHER:
Right.

LEG. COOPER:
Okay.

DIRECTOR ISLES:
Now, I don't think it's your intention, correct me if I am wrong, to change the 25, though, in terms of that threshold, right?

LEG. COOPER:
Yeah, I would prefer not.

DIRECTOR ISLES:
And, here again, that's not legislated anyway, but it's a guide that you use, the Legislature itself uses. I think Lauretta's point, too, is that in some cases it's going to push this -- I don't know if the total adds up to 100, it's what we tried to do, but it is going to push it up there.

MS. FISCHER:
We tried to stay at a hundred just to make it easier to compare, but we can note that that was taken into consideration because of its location in some other way.

LEG. COOPER:
All right. So, I mean, if it's amenable to the majority of the committee I would be willing to table

this so we could base the population density on census density and revise the points allowable for active recreation, additional points from seven down to three. And that would accomplish my goal and I think that would be fair.

CHAIRMAN SCHNEIDERMAN:
Any other comments? Legislator Beedenbender.

LEG. BEEDENBENDER:
Tom, I just wanted to ask a question. What is a census designated place? I mean, is that a hamlet or --

DIRECTOR ISLES:
It's essentially a hamlet. They are not perfectly located in all cases, but essentially it's a hamlet.

LEG. BEEDENBENDER:
I think that really is the better way to go because, you know, the Town of Brookhaven because it's so big wouldn't qualify, but I can think about my legislative district. I got a report from Real Estate the other day, and there was 400-something properties in Legislator Romaine's district, in the high 300-something properties that had planning steps in Legislator Schneiderman's district, over 500 in Legislator Browning's, and 14 in mine. So I see that, you know, I know what my district looks like, so I think that's probably the better way to go if we are going to do this. Because I know that there are some other Legislators who aren't in those four west end towns that would have areas just like that.

MS. FISCHER:
That's why we used that initially in the active recreation, because of those concerns.

LEG. BEEDENBENDER:
Thank you.

CHAIRMAN SCHNEIDERMAN:
Legislator Losquadro.

LEG. LOSQUADRO:
This is going to tabled anyway, but we already have a mechanism by which we award points for the population. I think this really is circumventing the basic tenant, which is that points are awarded for actual value and I think expanding the current mechanism that we have in any way is going to skew the results of these type of ratings that we do, especially with limited resources we could inadvertently wind up overlooking or passing over very worthwhile properties.

When we look at large properties, the inherent value in them is they are more sensitive. Where you choose to live or the reality of where these parcels are located no one can control. It's just a simple fact that geographically that's where they happen to be located. I disagree with this in its entirety. I think we have a mechanism by which we adjust for this already and I'm not in favor of changing it.

CHAIRMAN SCHNEIDERMAN:
Legislator D'Amaro. Do you have --

LEG. D'AMARO:
No.

CHAIRMAN SCHNEIDERMAN:
Then I'll jump in there and I'm going to, I think, echo the same things that Legislator Losquadro is saying. I'm a bit concerned. One, about the Legislature telling the Planning Department how to rate properties, because I feel like that brings politics into planning which to me has no place. I want you guys always to be unbiased and stick to what you believe are in the best interests of planning.

I have heard it said before here that we're spending too much money in the east end, that we want to look at these, the ratings, differently to account for some of the factors that would help make some of the properties in the west end score higher ratings. What concerns me about that is not the fact that property shouldn't be preserved in the west end. It absolutely should be. The fact that in some areas there might be very little open space, I think they ought to get some points for having a scarcity of open space. There is a role that open space plays in beautifying an area, in creating a sense of place.

But I have largely looked at our open space purchases in terms of the environmental attributes. It just so happens that my district is known as one of the last great places in the northern hemisphere by the Nature Conservancy, that it's environmental attributes are extraordinary, that if we lose them we can't replace them. It's not just simply a park for people to play in. This is important wildlife habitat, rare and engaged flora and fauna, and the County to me has an obligation to save these places. And if we play with this rating I'm afraid that our limited resources will be diverted toward purposes, not that they are not important, because certainly preserving properties in crowded neighborhoods is important. But from a global perspective we'd be taking it away from something that I see as more important to our planet, to our nation, and to our County.

I prefer that we didn't interfere, that we didn't tell you how to do your job. I do think it's worth looking at this idea of making sure everybody has a place to play, a place to recreate, but I just would be very cautious and careful about wandering into this territory where we're telling you how to plan so I want to hold off on this. Go ahead, Jon, I figured you'd want to respond to this.

LEG. COOPER:
I disagree completely. In my district I did one open space acquisition that was 20 acres. I did a 14 acre, I think I did an eight acre. For my community they were small parcels, but they were critically important. There's no open space in my district for the most part. We're very heavy population densities. Our taxpayers pay disproportionally towards the Open Space Preservation Program. And for my constituents, buying a five acre parcel or a seven acre parcel or a three acre parcel is as big a deal as perhaps in your district a 500 acre acquisition. And spending the small amount of money, additional money that we might spend in Babylon or Islip or Smithtown or Huntington or parts of Brookhaven, I think it's worth it.

Right now my constituents feel that they are not getting their fair share. And if you want them to continue to support this County wide program, I think it's worth spending a little bit more money since we don't have large parcels, we can't get extra points for that. I think you can throw us a few crumbs and allow us a few extra points so we can buy a couple more small parcels. We're not talking about that much money, but it's a matter of equity. I know that my constituents feel very strongly about this. So I feel that we should be allowed to get additional points for open space as well as active parkland, and there is not too much farmland, but farmland as well. It's a matter of basic fairness.

CHAIRMAN SCHNEIDERMAN:
First I want to say that any worthy property that's come before me in your district or anyone's district I've supported if it's worthy. The sense that, the burden that -- you're carrying the burden or things are disproportionate, yes, maybe, you know, two legislative districts are getting half the environmental funds. That's possible -- or close to half. But remember, that's half the geography of Suffolk County are in these two legislative districts. We don't have the population density, but we have the land. I don't think we should be penalized for having protected that land, having enacted tough zoning that keeps our population density down. I don't think somehow an artificial -- these points should go to areas that have further developed it and put us in a position where it's going to be harder for us potentially to get those funds for open space because, you know, we took the tough measures to protect our area. Legislator Losquadro.

LEGISLATOR COOPER:

But, excuse me, but I feel it's the opposite. I mean, if you are looking long-term, if you continue to neglect western Suffolk and deny us the ability -- right now if we approve a parcel that hasn't reached 25 points it's at our own discretion, and we've done on occasion. But I would feel much more comfortable if we could etch this in stone, provide this mechanism to grant extra points for those communities, because if you don't do so, and this bond comes up again in three years or five years and you are going to ask once again for taxpayers in western Suffolk to support it, you just admitted that the vast majority of the open space acquisitions are on the east end.

CHAIRMAN SCHNEIDERMAN:
No, I said 50% were -- 50% of the geography.

LEG. COOPER:
Well --

CHAIRMAN SCHNEIDERMAN:
Not the vast majority.

LEG. COOPER:
But certainly if you base it on population --

CHAIRMAN SCHNEIDERMAN:
We actually spent more on the five west end towns -- western towns last year than we did in the five east end towns.

LEG. COOPER:
If you include Brookhaven.

CHAIRMAN SCHNEIDERMAN:
Yes.

LEG. COOPER:
But there are parts of Brookhaven -- I'm looking at the -- that's why I think that addressing this on, you know, a hamlet basis is better because Brookhaven is huge and there are some parts of Brookhaven where there are huge parcels still available. You don't have those -- find me one large parcel that's available in Islip or Smithtown or Babylon. And in Huntington I know of only one, and we're probably never going to acquire the Morgan property. So we're locked out of that and it is not fair. And I know that my constituents chafe at this. They've always chaffed at it. Yes, they have supported the open space bonds, but it's not right and we're going to reach a point where they are not going to do it anymore, and guess what? We're going to run out of money. So I think it's a matter of equity, but I think it also helps the east end towns in the process.

CHAIRMAN SCHNEIDERMAN:
Legislator Losquadro.

LEG. LOSQUADRO:
Thank you. I just want to point out I represent one of the most eastern districts in Brookhaven Town. It's only a very small portion to the Brookhaven line to the east of me, only about a mile and a half. And in the past four years that I've been in office we have acquired zero parcels in the 6th Legislative District, not one. There is a couple out there, a couple I have been interested in doing, but we haven't acquired any. You talk about the ones that you've acquired in your district in parks, that's wonderful. Sometimes it's not just about the size of the parcels or where they are located. Sometimes it is about your ability to acquire them as well.

You know, I don't want to get into the whole debate again about our tourist industry, four billion dollars a year. I mean, I think we all read the articles about the amount of sales tax that was generated on the east end this past Memorial Day weekend. We had great weather, all the shop

owners were very happy. They saw actually an increase in the amount of business that they were doing. They are predicting a banner year this year this summer. Maybe people want to stay closer to home. With gas prices they are not going to travel as far. This is absolutely critical to the life of Suffolk County.

You know, we can go back and forth on this whole debate again and we can talk about it, but I stand by the comments I made before. I think the parcels should be rated on their merit. We already have a mechanism for population and I think it's worked very well.

You know, like I said, I have looked at parcels in my district that did not rate very well. And my district actually has very little land available and the population density being a little lower in my district might be by virtue of the fact that the zoning, the size of the lots for the zoning, was increased to one acre. Now, that's not the fault of the people who live in these areas that the municipalities had the foresight to increase their zoning. In some areas out on the east end it went up to five acres and ten acres, so they'll never have that population density and good for them. Those municipalities are doing the right things to preserve the environment. But simply by virtue of that they would never be able to fall into the categories that you're trying to set forward and I completely disagree with that.

CHAIRMAN SCHNEIDERMAN:
Legislator Cooper and then I want to --

LEG. COOPER:
I just want to briefly respond to my being lectured on the importance of preserving open space. If I could Legislator Losquadro, who is the author and chief advocate of extending the Quarter Percent Drinking Walter Protection Act, which generated, what, a quarter of a billion dollars in funding for open space?

LEG. LOSQUADRO:
I'm not chastising you on what you have done in the past.

LEG. COOPER:
Okay, but I'm saying --

LEG. LOSQUADRO:
What I'm saying is, this bill in particular, now that you did get that passed and the money's available, you want to try to change the rules after the fact to make more money available artificially to the west end of the County and I disagree with that.

LEG. COOPER:
And I respectfully disagree. If we're going to be spending hundreds of millions of dollars buying open space, I think it's okay to spend to a couple of million dollars of that in western Suffolk. And right now it's getting increasingly difficult to do that. There are fewer and fewer parcels available. As you yourself said, just introducing a planning steps is not enough to guarantee that the acquisition will go through because you need a willing seller. And it's hard to get to the 25 points in these highly populated, high population density western hamlets and it's not fair. It's much easier for Legislator Schneiderman or Legislator Romaine to find parcels in their district that would reach the 25 points, partly because there are many more parcels out there that are the size that will allow them to get an extra five points or eight points or ten points.

So this is a way to try to level the playing field a little bit. Maybe we'll get a few million dollars more that we'll get to spend on preserving land in our districts. I think that's a minor, minor sacrifice for the Legislators from eastern Suffolk to make.

LEG. LOSQUADRO:
One final thought. I'm sorry.

CHAIRMAN SCHNEIDERMAN:
All right. Go ahead.

LEG. LOSQUADRO:
I'll just say that if you want to talk about fairness, you are right, with the size of Brookhaven it's half a million people. It represents a third of the population of Suffolk County. And this bill would ignore the diversity of Brookhaven and individuals like Legislator Beedenbender and I would be shut out from having any increase in the ratings of properties in our district, which might be just as hard to find parcels that would rate high enough for acquisition than in your district. I certainly -- in Legislator Beedenbender's district it would. So I don't think there is any equity to this resolution.

CHAIRMAN SCHNEIDERMAN:
I certainly understand the frustration Legislator Cooper is having and his desire to make sure that the areas that he represents and other areas in western Suffolk get their fair share of these monies. At the same time I could come up with so many different ways to change these ratings so that properties out in my district scored higher and were seen as more eligible for acquisition.

I guess what troubles me, again, the most is that we are telling Planning how to change the form and the numbers to weight these various categories. I would much rather a simple request be made to Planning to look at whether the form adequately addresses issues like a derth of properties in a particular location, you know, absence of open space and what weight to ascribe to those types of properties. I would feel more comfortable with that process than the Legislature telling the Planning Department, and maybe now or maybe when the Commissioner is forward I wouldn't mind hearing what the head of Environment feels as to whether the form, the rating form, needs to be changed and how it should be changed.

I really think the Planning Department should be leading this process, not the Legislature. In doing so we start to walk down what I believe is a wrong and potentially dangerous path for the County. So I would just ask, since we are going to table this, to allow Legislator Cooper to work with the Planning Department and try to allow the Planning Department to come to you with what they think is the best way to address your concerns rather than vice versa.

LEG. COOPER:
If I could just ask one question.

CHAIRMAN SCHNEIDERMAN:
Yes.

LEG. COOPER:
What points does Planning give right now for natural environments, open space. What points do you give for population density?

DIRECTOR ISLES:
There is no adjustment on that form for population density.

LEG. COOPER:
I thought Legislator Losquadro said that you gave points.

DIRECTOR ISLES:
We do for the active recreation/hamlet park one gives an adjustment.

LEG. COOPER:
Oh, so it's not for open space and not for farmland.

DIRECTOR ISLES:
No.

LEG. COOPER:
Why is it that you give it for active recreation?

MS. FISCHER:
Because of the fact there is a difference in the use of the property. The use is predicated on individuals using the property for ball fields, etcetera, and we wanted to place them in areas where the population would support those uses. And the reason, you know, my reasoning behind not including it on the natural environment rating was in and of itself -- there are two reasons. One being that the size of the property environmentally is important. The greater the size of the property, the more habitat protection you're providing. If you split properties with development in between, you have lost the continuity and the ability of various species to habitat in those smaller areas. So from an environmental point of view the reason why you're getting more points for larger properties is from an ecological point of view, a betterment of your ecology that you're protecting.

The second thing is that historically the County has always gone and bought properties that have been 50 to 100 or more than 100 acres in size. There is various levels of government that kind of split the acreage up amongst themselves, rightly or wrongly. The State usually bought the very larger pieces, the County was the next level, the towns obviously took over the local ball field use kind of approach, and that's how it was delineated historically down the line.

When we got into doing environmental programs, the emphasis was on protecting natural environments, natural habitats and so therefore that rating is predicated on those issues. Again, now that we're getting into hamlet parks, active recreation, we're now including and have, you know, supported that as a criteria of those programs for the population. So that's where my mindset was when these were created.

LEG. COOPER:
I am going to table the bill and I'll work with Planning on this. But not to belabor the point, but if you had a 100 acre parcel somewhere, a 100 acre parcel in Riverhead that was a toxic waste dump, it would get what, ten points for size?

MS. FISCHER:
Well, again, yes, that would be true, but you wouldn't get any other points for anything else.

LEG. COOPER:
I realize. But it's possible that it could get a higher rating than a parcel in my district that's two acres and has certain environmental attributes, but it could only get up to eight points. I'm just saying that --

MS. FISCHER:
I know it's a difficult rating, but --

LEG. COOPER:
-- this system is not perfect, clearly is not perfect. We have to use our own judgement. Even if it is above 25 sometimes it may not make sense, even if it is a little bit below 25 we still have our discretion. I still think that overall, though, what I am proposing is fair and justified. But as I said, motion to table.

LEG. LOSQUADRO:
Second.

CHAIRMAN SCHNEIDERMAN:
Wait. Hold on. We're not done.

LEG. D'AMARO:
Just if I could chime in on that. You know, listening to the rationale behind giving the let's say larger tracks, not based really on size, the size really goes to then the environmental viability or worthiness of the parcel. But in my mind that's kind of like saying well, if we know in other areas some damage has already been done, let's not address it.

What I see in this form is being proactive to mistakes that have been made in the past. I agree with Legislator Losquadro about the towns maybe further east having the larger zoning. I think that's commendable as a former zoning chair myself from Babylon, which was very frustrating to see so many 80 by 100 lots, 60 by 100 lots, with single and separate status and all of that.

So, you know, the way I approach this is that I think all of the rating form is arbitrary in a sense, but it's a reasoned arbitrariness, if you will, based on environmental considerations, but there are even more severe environmental considerations in the overdeveloped towns. We should be addressing that and I think that's I believe what the sponsor is trying to do. We are basing the additional points on environmental considerations. On the east end you have considerations that the land's available, let's get it to not make mistakes, and on the west end you have where the mistakes were made, and perhaps it's just as urgent to address that as well.

MS. FISCHER:
We can take that into consideration.

CHAIRMAN SCHNEIDERMAN:
Two final things. One is yes, you can make some environmental arguments, birds flying by need a place to land or you need buffers for ponds and things like that. But in general to have working ecologies you need larger tracks of land for wildlife to be able to sustain itself, to be able to multiply and continue. And unfortunately we don't have that in most of Long Island anymore. We have it in some areas. Elsewhere, you know, you're down to some squirrels and very few of the original wildlife that originally was there. That's not to diss those areas but --

LEG. COOPER:
You've got something against squirrels?

CHAIRMAN SCHNEIDERMAN:
And raccoons and deer, too. We have certainly a lot more biodiversity on the east end that is worthy of protecting. I just want to say one thing about the Farmland Program and why the size of the lot is important in farmland as well. Economically it's virtually impossible to effectively farm a small farm, a ten acre or less farm. You really need large properties to run a tractor, to have these types of equipment, to make that farm economically viable. Even for some farmers these 100 acre plots aren't not big enough and having contiguous farmland helps support the industry. That's not to say that, you know, an apple orchard in Huntington or something that isn't viable or shouldn't be preserved, of course it should be. But I think as we evaluate where our money goes and we are trying to keep agriculture alive as an industry, I think it is important that we look at the size of those farm fields and to keep those -- the really vast tracks in tact so that we don't loose farming as an industry. That's all I'll say.

There's a motion to table, by the sponsor. Seconded --

MS. LoMORIELLO:
No --

CHAIRMAN SCHNEIDERMAN:
Oh, I'm sorry. The original motion original to table was by Legislator Losquadro and by myself.

LEG. D'AMARO:
We had an approval.

CHAIRMAN SCHNEIDERMAN:
Well, the tabling comes first. So all in favor of tabling? Opposed? Abstentions? **(Vote: 5-0-0-0)**

DIRECTOR ISLES:
Mr. Chairman, could I just make a final comment?

CHAIRMAN SCHNEIDERMAN:
Yes.

DIRECTOR ISLES:
That is we prepared a policy plan last year and we did it for the purpose of trying to grapple with all these issues of balancing. I think we made copies of that available to everyone in the Legislature and we would ask that you go back and look at that. We'll go back and look at it, too, because that's what we tried to do, is how do we look at the big picture, come up with a useful guide to help in ranking these parcels and so forth, and it's a good information source we believe. We'll look at it, too, again.

CHAIRMAN SCHNEIDERMAN:
All right. So that was 1274 and it is tabled. ***IR 1405, Authorizing inclusion of new parcels into existing agricultural districts in the County of Suffolk. (Co. Exec.)***

LEG. COOPER:
Motion to approve.

LEG. BEENDENBENDER:
Second.

CHAIRMAN SCHNEIDERMAN:
There is a motion to approve by Legislator. Who was the second? Legislator Beedenbender. Any discussion on the motion? Maybe Planning Commissioner Isles, if you could provide more information.

DIRECTOR ISLES:
Sure. This is the County of Suffolk has an Agricultural Districts Program that we administer basically on behalf of New York State. What this provides is that right now there are about 19,000 acres within an agricultural district in Suffolk County. New York State law was amended a few years back to require an annual open enrollment period. So agricultural districts are such that property owners join the district for a period of eight years wherein they enjoy certain benefits of being in a district.

Under the open enrollment period the County Legislature must open the door once a year for other farmers to come into the program without having to wait for that eight year cycle to complete itself. The Legislature has set that open enrollment month as January, and based upon that what we're bringing forward to you are the recommendations of the Agriculture and Farmland Protection Board.

We do have a report that was required to be completed under a law which we have provided to the Clerk of the Legislature. We have copies available today if you'd like that. It's also recommended by the County Planning Commission. So before you today, then, would be a resolution to add 363 parcels to the district totalling about 9,000 acres in accordance with that open enrollment period.

CHAIRMAN SCHNEIDERMAN:

Any questions? All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0).** All right. Moving on to the Introductory Prime.

Introductory Prime

IR 1440, Accepting a donation of real property for open space purposes -- a SCDHS Board of Review transfer of development rights (File No. C02-05-0059. (Co. Exec.)

LEG. COOPER:
Motion to approve.

CHAIRMAN SCHNEIDERMAN:
Motion by Legislator Cooper, second by Legislator Beedenbender. On the motion, Legislator D'Amaro.

LEG. D'AMARO:
Just this is accepting property, I guess, as a condition of the Board of Reviews approval of another parcel. Do you have any information on that at all?

DIRECTOR ISLES:
We do. This is an existing office building, professional office building, and they are seeking permission to convert it to a medical office use. It increases the flow requirements at that building. What the applicant has done is gone to the Board of Review to offer this other parcel in a County -- adjacent to a County nature preserve as an offset to that density.

We have a summary of the information that Lauretta has prepared as well as an aerial photograph that shows you both the sending site to the left of the photograph, the office building, and the receiving site, which is in the Miller Place Yaphank Road Nature Preserve. I think it's District No. 6.

LEG. LOSQUADRO:
I believe both parcels are in the Sixth Legislative District, which is a good thing, it's the way it should be. They should stay within the same geographic area.

DIRECTOR ISLES:
Here comes the aerial. I'm sorry. I thought it was with it.

CHAIRMAN SCHNEIDERMAN:
Legislator D'Amaro, are you done?

LEG. D'AMARO:
Just one minute. All right. So the receiving parcel is the office building.

DIRECTOR ISLES:
Yes.

LEG. D'AMARO:
The sending parcel is the parcel we're considering today.

DIRECTOR ISLES:
Yes.

LEG. D'AMARO:
In effect -- I think we say sanitizing it? Sterilizing?

DIRECTOR ISLES:
Right. Pretty strong terms.

LEG. D'AMARO:
And what this chart is telling us is that the sending parcel is in GMZ3. They are both in the same zone, geological --

DIRECTOR ISLES:
Groundwater management zone.

LEG. D'AMARO:
Groundwater management zone. Thank you. And does the sending parcel have the sufficient capacity then to bring up the density of the receiving parcel? Is that in effect what's happening here?

DIRECTOR ISLES:
Yes, it is. According to Board of Review that would be sufficient to give the additional gallonage to allow the medical office use to function.

LEG. D'AMARO:
Right. And they are both within the same zone.

DIRECTOR ISLES:
Yes.

LEG. D'AMARO:
Okay. Thank you, Director Isles.

DIRECTOR ISLES:
You're welcome.

CHAIRMAN SCHNEIDERMAN:
Any other questions? All right. We already had a motion and a second. All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0)**

IR 1457, Adopting Local Law No. 2008, A Local Law to adopt a full cost disclosure policy for land acquisition resolutions. (Alden).

This has to be tabled for a public hearing.

LEG. COOPER:
Motion.

CHAIRMAN SCHNEIDERMAN:
Motion to table by Legislator Cooper. Second by Legislator Losquadro. All in favor? Opposed? Abstentions? So tabled. **(Vote: 5-0-0-0).**

IR 1462, Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(a)] for the Manteen property -- Carlls River watershed addition -- Town of Babylon -- (SCTM Nos. 0100 - 083-00-01.00-156.00 and 0100-083.00-01.00-157.000). (Co. Exec.)

Commissioner Isles, do you have backup?

DIRECTOR ISLES:
Right. This is a parcel from Master List II, so it's continuing acquisitions along the Carlls River

watershed, which extends down to Belmont Lake and into the Great South Bay. This committee has seen quite a few Carlls River parcels over the past few months, so this is continuing that. The subject parcel itself is 8,000 square feet. It's small, but here again, it is part of a watershed corridor where there is existing County holdings and the master list calls for completing and filling in out parcels.

MS. FISCHER:
Actually, this consists of two lots.

LEG. LOSQUADRO:
It's a total of 16,000 square feet, right?

MS. FISCHER:
Sixteen thousand.

DIRECTOR ISLES:
Oh, I'm sorry.

LEG. LOSQUADRO:
Because I as going to say, for that acquisition price it's about .4 acres, somewhere around there. That makes more sense, 16,000 square feet, two parcels.

MS. FISCHER:
Yes.

LEG. LOSQUADRO:
That are contiguous, correct?

MS. FISCHER:
Yes.

LEG. LOSQUADRO:
Okay. Thank you.

CHAIRMAN SCHNEIDERMAN:
They are not developable, I take it, on their own, so. But they could be merged with other parcels?

MS. FISCHER:
Well, it's in the buffer area of the wetland. It is a low lying area. There is question that it could possibly be developed depending on whether they elevate the house with regard to Health Department standards.

CHAIRMAN SCHNEIDERMAN:
Okay. Is there a motion to approve?

LEG. D'AMARO:
I'll offer a motion.

CHAIRMAN SCHNEIDERMAN:
There's a motion by Legislator D'Amaro. Second by Legislator Losquadro. All in favor? Opposed? Abstentions? 1462 is approved. **(Vote: 5-0-0-0).**

IR 1463, Authorizing acquisition of land under the Suffolk County Open Space Preservation Program -- for the Roverse estate property -- Miller Place/Yaphank Road NP

addition -- Town of Brookhaven -- (SCTM No. 0200-213.00-02.00-011.000). (Co. Exec.)

CHAIRMAN SCHNEIDERMAN:
This is, I believe, about a tenth of an acre for about $10,000. Is that correct?

DIRECTOR ISLES:
Yes, it is. Point nine of an acre, one parcel, $10,000.

CHAIRMAN SCHNEIDERMAN:
Is it .9 or .09?

DIRECTOR ISLES:
Point nine.

CHAIRMAN SCHNEIDERMAN:
Point oh-nine, a tenth of an acre, right?

DIRECTOR ISLES:
It shows .9.

LEG. COOPER:
Zero point nine.

LEG. LOSQUADRO:
Zero point nine acres.

CHAIRMAN SCHNEIDERMAN:
That's almost a full acre.

LEG. D'AMARO:
It is almost an acre. It is .1 less than an acre.

CHAIRMAN SCHNEIDERMAN:
Let's get some confirmation. It's a pretty good deal if you are getting almost an acre for --

MS. FISCHER:
It's 4,000 square feet, so it's .09. We'll make the correction. There is an error.

CHAIRMAN SCHNEIDERMAN:
Okay.

LEG. BEEDENBENDER:
Motion.

CHAIRMAN SCHNEIDERMAN:
There is a motion by Legislator Losquadro, second by Legislator Beedenbender. All in favor? Opposed? Abstentions? **(Vote: 5-0-0-0)**

IR 1464, Authorizing acquisition of land under the Suffolk County Open Space Preservation Program -- for the Klein property -- Miller Place/Yaphank Road NP addition -- Town of Brookhaven -- (SCTM No. 0200-188.00-05.00-010.000). (Co. Exec.)

LEG. LOSQUADRO:
Motion.

CHAIRMAN SCHNEIDERMAN:

This is, again, just a little over a tenth of an acre in this case, for $18,000.

LEG. LOSQUADRO:
Same motion.

LEG. COOPER:
On the motion.

CHAIRMAN SCHNEIDERMAN:
There's a motion by Legislator Losquadro.

LEG. COOPER:
I'll second the motion.

CHAIRMAN SCHNEIDERMAN:
Thank you. Second by Legislator Cooper. On the motion, Legislator Cooper.

LEG. COOPER:
Just for the record I'd like to emphasize that this will now be the third, the third, open space acquisition that we'll be approving in Legislator Losquadro's district.

LEG. LOSQUADRO:
I sincerely doubt you could even find parcels this small in your district.

LEG. COOPER:
That's zero for my district. Three for Dan, zero for me.

CHAIRMAN SCHNEIDERMAN:
Well, the next three or four are not in Dan's district, so the score might be different at the end of the day. So there is a motion and a second. All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0)**

IR 1465, Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(a)] for Casaga Builders, Inc. as a contract vendee of the Strum Street, Corp. property -- Lake Ronkonkoma addition -- Town of Smithtown -- (SCTM No. 0800-171.00-04.00-043.000). (Co. Exec.)

This is about -- looks like about a third of an acre.

MS. FISCHER:
It's a little more.

CHAIRMAN SCHNEIDERMAN:
Yeah, a little more than a third, for $280,000. Commissioner?

LEG. COOPER:
And I'm sorry, this was master list?

DIRECTOR ISLES:
No.

LEG. COOPER:
What is the rating on this parcel?

MS. FISCHER:

I think it was 26.

DIRECTOR ISLES:
The rating is 32.

LEG. D'AMARO:
Now, what natural habitats --

CHAIRMAN SCHNEIDERMAN:
All right. Legislator D'Amaro -- is that a question, Legislator D'Amaro?

LEG. D'AMARO:
No.

CHAIRMAN SCHNEIDERMAN:
Okay. You're just talking amongst yourself. First of all, did we have a motion?

MS. LoMORIELLO:
No motion.

LEG. COOPER:
I'll make a motion to approve.

CHAIRMAN SCHNEIDERMAN:
There is a motion to approve by Legislator Cooper. Second by Legislator Losquadro. Okay. On the motion. Any comment from
Planning?

DIRECTOR ISLES:
This is property located in Ronkonkoma. As the aerial photograph indicates, the subject parcel is outlined in red. Existing County owned parcels are outlined in green, so it borders County property directly, County park property. The property itself was rated using the natural environments rating form. As you can see, Lauretta is handing it out, for wetlands and buffer areas it rated 13 points on that, so the site does contain, in this case, freshwater wetlands. The site also is within a hydrogeologic zone one or three so therefore it has three points for that. It is adjacent, directly adjacent, to a water body which, here again, that great pond area extending north of Lake Ronkonkoma, which is, here again, County owned land.

Additional points were for proximity to other County parkland, which is illustrated in the aerial photograph. It was identified in an earlier Planning study, a Lake Ronkonkoma study, for acquisition, so it got four points for that. And it is -- does offer a bit of view, so it got two points for scenic and visual aspects since it is along County Road Smithtown Boulevard and bordering this open space area. If it were developed, that view would be affected or closed off by development. So in the variety of considerations that go into the rating system, primarily centered around natural resources, environmental protection, physical aspects, the parcel rated the 32 points indicated.

CHAIRMAN SCHNEIDERMAN:
So it got a pretty high score even without the Cooper Western Suffolk bonus points. That would have put it up around 40, I think.

LEG. COOPER:
So now that -- just reviewing the criteria. The same 100 acre toxic waste site that I cited earlier, if it had a scenic view and if it was adjacent to County parkland, we would be up to what, 16 or 17 points?

DIRECTOR ISLES:

It would have to be fact specific to make that determination, but of course you could put together a hypothetical that's going to look -- make the situation look terrible. But still, the 16 is still not going to be 25 and it would be one for cause for concern for further examination by the Legislature.

LEG. COOPER:
Okay. I thought I had you there.

DIRECTOR ISLES:
And it's always got to pass the common sense test of does it make sense for the County to --

LEG. COOPER:
Since when?

DIRECTOR ISLES:
Day one, right?

LEG. COOPER:
Where is that written?

MS. FISCHER:
We try hard.

CHAIRMAN SCHNEIDERMAN:
Okay. There was a motion, there was a second. All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0).** 1465 -- no we did that one. That was the one we just approved.

IR 1466, Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(a)] for the Manteen property -- Carlls River watershed -- Town of Babylon -- (SCTM No. 0100-083.00-02.00-004.000). (Co. Exec.)

Manteen? No, we did that.

MS. FISCHER:
There are two of them. We did them separately.

CHAIRMAN SCHNEIDERMAN:
We already did a Manteen one?

MS. FISCHER:
Yes.

LEG. D'AMARO:
Yeah. This is the second one.

CHAIRMAN SCHNEIDERMAN:
So I am not going crazy here.

MS. FISCHER:
1462 was also the same --

CHAIRMAN SCHNEIDERMAN:
Right. So 1466 is a different Manteen property?

LEG. D'AMARO:
Yes.

MS. FISCHER:
Correct.

CHAIRMAN SCHNEIDERMAN:
Anything we should know about? Is this, what, next door to the other one or?

MS. FISCHER:
It's very close. It's not --

CHAIRMAN SCHNEIDERMAN:
It's not adjacent but --

MS. FISCHER:
Not adjacent, but it is very close.

CHAIRMAN SCHNEIDERMAN:
All right. Is there a motion?

LEG. D'AMARO:
Motion.

LEG. COOPER:
Second.

CHAIRMAN SCHNEIDERMAN:
Motion by Legislator Losquadro, second by Legislator Beedenbender. All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0).**

IR 1467, Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(a)] for the Audirsch property -- Carlls River watershed -- Town of Babylon -- (SCTM Nos. 0100-083.00-01.00-074.000 and 0100-083.00-01.00-075.000). (Co. Exec.)

This is about two-tenths of acre for $95,000.

MS. FISCHER:
These are two lots adjacent to each other.

CHAIRMAN SCHNEIDERMAN:
This is similar to what we've seen before?

DIRECTOR ISLES:
Right.

LEG. COOPER:
And the rating?

MS. FISCHER:
Yes. This was on Master List II.

LEG. COOPER:
It was. Okay.

LEG. D'AMARO:
Motion.

CHAIRMAN SCHNEIDERMAN:
There's a motion by Legislator D'Amaro. Second by Legislator Cooper. All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0).**

IR 1468, Approving planning steps for the acquisition of farmland development rights -- April 2008. (Co. Exec.)

I'm not following. This is almost 51 acres, Environmental Legacy Program and Multifaceted Land Preservation Program. Can we get some more information about this?

DIRECTOR ISLES:
Okay. What we have before you in this resolution, this is resolution 1468, is a resolution to authorize planning steps for the acquisition of development rights to farmland. There are before you a total of five separate sites that have been reviewed by the County Farmland Committee. We are circulating to you a copy of the rating forms as well as a summary sheet identifying each particular property, the score it received from the rating, as well as certain information regarding the location and the nature of the agricultural use.

As we talked about earlier today, the County Farmland Committee uses a form that has a range of zero to 22. Ten is usually the threshold for looking at these in terms of pass/fail, but once again, looking at them in terms of not automatically failing one if it's less than ten, not automatically approving one if it is greater than ten. But as you can see on the rating forms, there are two that are below ten, and out of the five that we have before you.

The Gregor Farm is located in Brookhaven Town in Manorville. This has a rating of 6.5. The Farmland Committee considered this and took note of the fact that it was less than ten. However, they did feel upon discussion and presentation of information about the farm that it was one of the few remaining farms in Manorville, which has had a history of farming, including nursery, horticultural type farming. The representative from Brookhaven spoke in support of the application. So the committee did approve that under the caveat and understanding, I should say, that with the loss of farming in Manorville and the need to maintain a critical mass there that they felt that this was justified and warranted and should be considered for planning steps.

The other one that was a little bit below ten is the 82 Sagaponack Main LP. This is the Hopping Farm in Sagaponack. It is the site of a farm stand that's used extensively by the community. In this case it's a half a point off that score. It is very good farm soils and so forth. The committee, the Farmland Committee, noted in their review is that, here again, it's an area where in Sagaponack farmland is diminishing. But they also noted that the Peconic Land Trust has indicated that they will be buying the underlying fee in this case, and they felt that that was another consideration towards the long-term continuation of farming on this property that they felt warranted planning steps approval. That's a vegetable farm.

The other three farms are in Southampton, and then two in Southold are all above the ten. They did meet the requirements of the County Farmland Committee on the face of it. Wickhams Fruit Farm, just to point that out to you, the County does own development rights to a large part of the current fruit farm operation. There are still several parcels that are outside of the program. This would be adding two more parcels into the program.

There is still some others that are outside of it that maybe someday will also be added, but it's consistent with or contiguous to other County PDR. If you have any questions, I'll do my best to answer those questions.

CHAIRMAN SCHNEIDERMAN:

What are we using as a threshold for farmland?

DIRECTOR ISLES:
Ten.

CHAIRMAN SCHNEIDERMAN:
So we have some here that are a little -- one that is extremely close but the other -- we have one that's below.

DIRECTOR ISLES:
Right.

CHAIRMAN SCHNEIDERMAN:
How does that happen?

DIRECTOR ISLES:
The committee was aware of that and they considered the full proposal and in looking at aerial photographs of the site, which they did do as part of their meeting, they have a number of the farmers that sit on the Farmland Committee had knowledge of this site, including the town representative from Brookhaven. And they felt that although, here again, looking at the rating form as being a guide, it didn't meet that criteria of ten. They felt it was more towards the western part of the County and there was diminishing, severely diminishing amount of farmland in Manorville with development pressure that's occurred over the past ten and 15 years, that it was a viable nursery operation, that it would be beneficial to maintain that at this location, or the opportunity to maintain that.

CHAIRMAN SCHNEIDERMAN:
With the Cooper bump they might have made it to ten.

DIRECTOR ISLES:
Pardon me?

CHAIRMAN SCHNEIDERMAN:
With the Cooper bump they might have made it. I don't know, though. The population density in Manorville --

LEG. COOPER:
That was my question, what the population density was in Manorville.

DIRECTOR ISLES:
I don't know. I can find out. Manorville is pretty low, yes.

MS. FISCHER:
Manorville is low. That wouldn't make the 2000, no.

DIRECTOR ISLES:
Yeah, chances are it wouldn't. One thing we're going to do for the next meeting is get a map of the County based on the census designated places by 2000. That's something we can produce. But you are right, this one would not meet that.

CHAIRMAN SCHNEIDERMAN:
Okay. Legislator Cooper.

LEG. COOPER:
I just have one question, I guess, for the Chair. I think you had expressed concern earlier, you were referring, I believe, primarily to parcels in Western Suffolk, but it applies here as well. If we were

talking about farmland you were concerned that they would not be viable if they were below a certain acreage. What was the threshold that you had set forth?

CHAIRMAN SCHNEIDERMAN:
Well, this is something the Planning Department, I think, could look at more closely. In general the rule of thumb is the larger the farmland the more viable it is economically. I have seen small farmlands in my district end up becoming fallow farm field as the residential development occurs around them and you just can't find somebody who is willing to farm a ten acre plot. You just can't do it. You want to be able to move your tractor and your other equipment, you know, have an economy of scale, so to speak, and where that threshold is I'm not sure. But I have seen too many of the small fields just become fallow fields.

LEG. COOPER:
Now, that actually raises a question that has always been a concern of mine about this whole Farmland Development Right Program that we have and this program that we're talking about. What is to stop, once the County acquires a parcel, buys farmland development rights, and let's say now we're looking at a three acre parcel, a six acre parcel, a seven acre parcel. If what Legislator Schneiderman just laid out actually does happen, it either lies fallow or if we acquire farmland development rights for let's say a much larger parcel, 100 acre parcel, but a future owner decides that they don't want to farm it anymore, they don't sell it for development but they build a mansion on it. And now they have a 100 acre estate, but we've paid maybe a couple of million dollars, six million dollars, for farmland development rights. There is nothing to stop that.

DIRECTOR ISLES:
That's correct.

LEG. COOPER:
So in other words it's possible that Suffolk taxpayers would have spent five million dollars to buy farmland development rights for a parcel that in ten years, 15 years, 20 years, maybe the next generation, it turns into a private estate closed to the public.

CHAIRMAN SCHNEIDERMAN:
It itself could not, but the land -- you are not going to be able to build an estate house. You could build a farmhouse perhaps on it under the program, but you could not -- no, you couldn't build anything on it?

DIRECTOR ISLES:
You can't build a farmhouse.

LEG. SCHNEIDERMAN:
But it could become the backyard of an estate on a neighboring property. Probably something like that could occur.

LEG. COOPER:
I'm not saying I don't support farmland --

CHAIRMAN SCHNEIDERMAN:
Which really is my point is that we're trying to increase the likelihood they these properties continue to be farmed, and that's why I'm saying that size makes a difference in --

LEG. COOPER:
Size matters.

CHAIRMAN SCHNEIDERMAN:
Size matters in increasing the probability that a parcel will continue to be farmed in the future.

LEG. D'AMARO:
Just a point of clarification. When we buy development rights, we're not buying the farmland development rights, we're buying development rights.

DIRECTOR ISLES:
Right. We're buying the non-agricultural development rights.

LEG. D'AMARO:
Right. So the limited use of the parcel would be for agriculture.

DIRECTOR ISLES:
Agricultural related uses, yes.

LEG. D'AMARO:
Right. Okay. If you decide not to do that anymore, you may be able to plant grass, but you certainly can't develop the parcel.

LEG. COOPER:
No, no. You can't develop -- because we're buying the development rights, but I'm saying they could turn that into the back of an estate or could turn it into a private estate, 100 acre estate, that the public will have no access to whatsoever, and they will have gotten a couple of million dollars in public taxpayer funds for this and it's no longer being farmed. The whole purpose of acquiring farmland, farmland development rights, is to continue these parcels under cultivation to support the entire agricultural industry in Suffolk County. But theoretically it's possible that a lot of these parcels in the future will no longer be under cultivation and the taxpayers will have spent a lot of money to basically preserve someone's backyard. There's no answer to this. I don't think there's an answer to this. I've raised this question before, but I'm just saying you have to --

CHAIRMAN SCHNEIDERMAN:
Apparently it is going to be an interesting debate, so. Legislator Losquadro.

LEG. LOSQUADRO:
The point of purchasing development rights is that the only thing that property can be used for is a conforming agricultural use. So unless somebody wanted a fallow field for their estate backyard, it doesn't sound too appealing for somebody who is going to build a multi-million dollar mansion. Generally they want tennis courts and pools and all the other things that go along with it. So I don't really see the appeal in having, you know, this big fallow field else they run afoul of the CNR's on the property which say the only thing it can be used for is conforming agricultural uses.

LEG. COOPER:
Maybe I misunderstand. But, I mean, if you can't put a tennis court there, but if they have this 100 acre waterfront estate that they can't plant trees and estate plantings and --

CHAIRMAN SCHNEIDERMAN:
I don't think there is anything in the Ag Markets Law that would prohibit something from putting hedges around the property and turning it into a big green lawn or running horses on it or something like that. So, yes, in a sense that can happen where it becomes used in conjunction with an estate that borders it. Am I right, Commissioner?

DIRECTOR ISLES:
Yes, that can happen. Most of the County it's not happening. Most of the County the program is very successful in keeping farmland available. Let me just make the point, too, in three acre example here that's on the resolution before you, that's for the Wickham Fruit Farm, which is about

300 acres, so it's only a part of that. As far as the issue of farmland development rights being used for non-farm uses, such as somebody's big backyard of an estate and so forth, here again we're not seeing it in most of the County, but we are starting to see it on the South Fork. The Farmland Committee has discussed it. We have discussed it from the standpoint of the administration, and we think it is something that should be examined. So at the present time the program pretty much works in most cases. I will also point out that Ag and Markets does define a minimum farm size of seven acres, if it is less than that, to meet that Ag District requirements we talked about before. It has to generate at least $50,000 a year in revenue, of farm revenue. So that was just some points I wanted to add.

CHAIRMAN SCHNEIDERMAN:
Okay. Thank you. Any other comments? Let's put this one to bed.

LEG. COOPER:
Okay. I just don't know whether we should take another look at the three acre parcel which falls below the threshold.

DIRECTOR ISLES:
But that's part of a much of larger farm. It's the Wickham Fruit Farm in Southold. So it's just another piece. We already own several of the Wickham Fruit Farm parts.

LEG. COOPER:
Okay.

MS. FISCHER:
It's just one more little piece of the puzzle.

CHAIRMAN SCHNEIDERMAN:
Can we put this to bed along with the farm animals. That was 1468. Did we have a motion?

MS. LoMORIELLO:
No, you don't.

LEG. COOPER:
Motion to approve.

LEG. LOSQUADRO:
Second.

CHAIRMAN SCHNEIDERMAN:
Who made the motion?

LEG. COOPER:
Motion to approve.

CHAIRMAN SCHNEIDERMAN:
Motion by Legislator Cooper.

LEG. LOSQUADRO:
Second.

CHAIRMAN SCHNEIDERMAN:
Seconded by Legislator Losquadro. All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0-0-0).**

IR 1469 we took care of already.

IR 1471, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (St. Joseph's property - Town of Islip). (Montano).

Has this been changed since the last time we looked at it?

DIRECTOR ISLES:
Not to my knowledge.

MR. NOLAN:
Right. It actually -- the other one was a -- there was a prior version that was tabled subject to call. This is the same resolution. We put in the same resolution, I believe, with the idea that Legislator Montano might be speaking to Planning to maybe find -- to amend it, to find a different program to move it under to maybe have it score better. That hasn't happened yet, but I believe that was the intention of the refiling.

CHAIRMAN SCHNEIDERMAN:
Motion to table.

LEG. COOPER:
Motion to table subject to call.

CHAIRMAN SCHNEIDERMAN:
I'm going to motion to table. If I could just explain. I would allow the sponsor an opportunity to come before us and defend it. It is the courteous thing to do. So I've made a motion to table.

LEG. LOSQUADRO:
I'll second the motion to table.

CHAIRMAN SCHNEIDERMAN:
There is a second to the motion to table. There is also a motion to table subject to call.

LEG. BEEDENBENDER:
I'll second the motion to table subject to call.

CHAIRMAN SCHNEIDERMAN:
And there is a motion to table subject to call. Again, I think tabling allows the sponsor the opportunity to come before us. All right, which comes first. Tabling subject to call. All in favor? Opposed? Abstentions? It is tabled subject to call. **(Vote: 3-2-0-0 Opposed: Legislators Schneiderman and Losquadro).**

And I believe that concludes our agenda. Thank you. We are adjourned.

(THE MEETING WAS ADJOURNED AT 2:45 PM)