

**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 August 11, 2008.

**MEMBERS PRESENT:**

Leg. Jay H. Schneiderman, Chairperson  
Leg. Lou D'Amaro, Vice Chairman  
Leg. Daniel P. Losquadro (excused absence)  
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  
Carrie Meek Gallagher, Commissioner of the Department of Environment and Energy  
Linda Bay, Aide to Minority Leader  
Paul Perillie, Aide to Majority Leader  
Justin Littell, Aide to Leg. D'Amaro  
Catherine Stark, Aide to Leg. Schneiderman  
Dennis Brown, County Attorney's Office  
Diana Sanford, Suffolk County Parks  
Don Seubert  
Pat Seubert  
Jon Korn  
Rich Echan  
Sandy Echan  
And all other interested parties

**MINUTES TAKEN BY:**

Diana Kraus, Court Stenographer

**MINUTES TRANSCRIBED BY:**

Denise Weaver, Legislative Aide

**(THE MEETING WAS CALLED TO ORDER AT 1:12 PM)**

**CHAIRMAN SCHNEIDERMAN:**

I'd like to call this meeting of the Environment, Planning and Agriculture Committee to order this 11th day of August 2008. If you all will rise join and join us for the Pledge of Allegiance led by Legislator D'Amaro.

**SALUTATION**

**PUBLIC PORTION**

We're going to begin with our public portion. I have three cards. If you wish to be heard by the Committee and you have not already filled out a yellow card, please come to the front table and do so.

Our first speaker is Don Seubert speaking on land preservation in Medford. While Mr. Seubert comes to the podium, I'd like to state on the record that Legislator Losquadro has an excused absence from today's committee meeting.

**MR. SEUBERT:**

Good afternoon. My name is Don Seubert. I'm from the Medford Taxpayers and Civic Association. And I like to see some much on Overton today. That was very good, but I'm here for the Medford Gardens in particular because this is a parcel of land that I'm sure you know has a little weird history, okay, of the past. But it's part of -- I have the map here from the 1987 Town Master Plan where it denotes it as open space on it, okay.

The County at the Special Water -- Groundwater Protection Area Program that was also as dedicated open space on it. And I have the book here in case you might want to look at it. It was a number of times presented as preserved open space, but it's one of these parcels that never had -- okay, so if you take a look at the area -- I have a couple of maps that I could give you that would show you the need for it in the community, okay, besides being part of a well field and beginning of the Pine Barrens. The Long Island Pine Barrens is sort of the buck stops here. That's the beginning of the Pine Barrens. And if you take a look at some of the maps, you'll see the intense density of the population.

I noticed also on the report from the Suffolk County rating system, I think under natural habitat, and we could certainly -- I was over there with Bob McGrath, you probably know as the founder of the Pine Barrens Society, and with Karen Bloomer, Open Space Council. And they were all in support of it. Plus another -- other groups, Country Road Block Association, an area near. And we certainly could find -- it has a globally rare shrub oak forest there, that it's almost impenetrable, you can't go through. And if you look on a map, I thought it was smaller, but it looks like it's well over five acres or so of that left. And we're losing that rapidly. Plus it has all those natural habitats, there are other plants there. There was a red tail hawk when we were there. We were only there for a few minutes.

So this is only 1500 feet from Horse Block Road across the street from Target, Sam's Club, in an area of congestion that you wouldn't want to believe that through poor planning has evolved into a, one of the most dangerous intersections in Long Island, if not Suffolk County for sure. Okay. So it's only a few feet from Route 112 also.

Okay, so if the geological formations, your aide, you know, Bob told me, you know, it's just perfectly typical, it's like a poster child, like I said, at the Town Board, Town Planning Board Hearing for a parcel where the environmental reasons, you know, there's nothing spectacular, okay, but it's just spectacular open space for a community that is lacking in it in the type of flora and fauna that are

there. There's deer, turkey, red fox, used to be a big huge hunting ground there for red fox. So I don't know, we didn't see any of them lately but, you know, I'm sure if you do a long -- we were only there for a little while. But also if you go down along the natural habitat, I'm sure there's a number of species there so we could pick up additional, maybe ten points on that side. Also stewardship --

**CHAIRMAN SCHNEIDERMAN:**

You're going to have to wrap up, sir.

**MR. SEUBERT:**

Okay. I just wanted to say that the area is intensely populated, okay. I'll try to give you a couple of maps, maybe, to take a look at it to see. Would that be all right?

**CHAIRMAN SCHNEIDERMAN:**

If you wish.

**MR. SEUBERT:**

All right.

**CHAIRMAN SCHNEIDERMAN:**

You're being followed by I think it's your wife?

**MR. SEUBERT:**

Excuse me?

**CHAIRMAN SCHNEIDERMAN:**

Pat Seubert is next. Is that your wife?

**MR. SEUBERT:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

So she can finish some of the comments that you want to make.

**MR. SEUBERT:**

Okay, and I can give you some of the maps. I'm sure you know it's in the Pine Barrens under the state designated Pine Barren area, right. Okay. Thank you.

**MS. SEUBERT:**

Good afternoon, Legislators. Pat Seubert from Medford. Just to pick up on a few things, the one -- one of the biggest reasons is this is the last contiguous piece of property in the Patchogue-Medford School District that is at the utmost end of the school district. It abuts to Eagle Drive School. And it does have a lot of the environmental characteristics that my husband explained.

I also have a letter, I believe, it was e-mailed to the Committee from the affiliated Brookhaven Civic Organization who is backing the Medford community with the approval of probably 25 other civic associations. So we'd like to just bring that all to your attention. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

That's fine. Okay. Thank you very much. Okay. Our next speaker is John Korn. Dr. Korn, if you'll step forward. I did not tell the other speakers they had three minutes. I wanted to let you know each speaker has three minutes to make their presentation so you're not caught off guard.

**DR. KORN:**

Okay. I will quickly abbreviate this, then. My name is John Korn. I'm an East Hampton resident.

I'm here to discuss the combined Suffolk East Hampton acquisition of the 28 acre Boys Harbor Camp for seven-and-a-half million dollars. Suffolk has agreed to let East Hampton handle the day to day maintenance of the facility. The adjacent 57 acre property owned by Suffolk is a nature preserve with basically no yearly cost.

I'm here for two purposes today. I'm concerned that once acquired, there may not be enough funds available both from the taxpayer funds and from the CPF funds to maintain the facility. If there is not, the project may sit abandoned similar to the town hall project and become a hazard.

Next. No budget has been proposed for this project. We would like to know if there is enough CPF money available for the two million or more dollars that are necessary to open the doors there. This has been publicized as a seven-and-a-half million dollar project. However, there's at least another \$2 million needed to move in.

We would also like assurance that the EAF form filled out by Suffolk will be adhered to by the town; and if not a full SEQRA proceeding would be performed.

Last. The property should be acquired only after a suitable management plan has been determined. There has been no management plan. We have no idea what's going to be done with it. There is no proposal as to what funds are necessary or what will become of it. Thank you very much.

**CHAIRMAN SCHNEIDERMAN:**

Okay, thank you, Mr. Korn. That resolution, that is a -- technically a technical correcting resolution. I'm looking for it actually. Is that -- Mr. Isles, is that in front of us on the Boys Harbor?

**MR. ZWIRN:**

They had moved it, I think, to Ways and Means.

**DIRECTOR ISLES:**

I think it's on the Ways and Means calendar as a technical correction of a resolution.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Could you stay? Because I actually have some questions about it but we're not voting on it. But I do have some fundamental questions. And Mr. Zwirn who has -- I've been working with the County Executive on purchasing this property, there's -- Mr. Korn has raised some interesting questions as well as things that have been happening in East Hampton with CPF monies and some questions about what is appropriate in terms of their use. And I don't know that you'll be able to answer these questions.

Also that CPF revenues are coming in about half of what was projected. And the town is limited in terms of how much -- I think ten percent of those funds were stewardship related activity. The question is if we are buying a property, County and town, that has numerous structures and the town is saying that they are going to take care of the maintenance -- and now the law may have changed. There's new CPF rules that I'm not even sure CPF money can be used to maintain those buildings as they're not historic buildings.

Is this going to affect our acquisition? Can we purchase a property without having a guarantee from the town that they will maintain it? I think that's kind of an important piece here. There's a whole other question I want to ask but I wanted to deal with the maintenance issue first.

**DIRECTOR ISLES:**

Yeah, it's probably best for the County Attorney's office, not to dump it on them, but in terms of your question, you know, can we go forward binding the town to the maintenance of the property, was that the question?

**CHAIRMAN SCHNEIDERMAN:**

Right. I'm not sure the town right now is in a position to maintain the property.

**DIRECTOR ISLES:**

I believe we can. I can't speak specifically on this in terms of the contract and so forth, but that's my understanding, we have done that in the past. We've often sought a resolution from the town board, an irrevocable commitment by the town to maintain the property in general, but I, you know, don't have the material in front of me to comment specifically here.

**CHAIRMAN SCHNEIDERMAN:**

Right. Let me ask you a completely different question because Dr. Korn came to my office. He's a neighbor of this property.

**DIRECTOR ISLES:**

Okay.

**CHAIRMAN SCHNEIDERMAN:**

Which has historically been used as a camp for inner city kids. And it's no longer being used in that fashion. And the town and County are poised to purchase it. He was asking me questions that I could not answer about the intended use of the property, particularly not so much how the County initially intends to use it, which seems to be largely passive with some active component, it's being bought from a fund, a multifaceted, that allows active use. There is a ball field there and eight structures. But his concern was more along two lines.

One is, what's to keep it in the future limited in terms of its use, which I could understand both from an environmental perspective and from a neighborhood perspective. And also the environmental review, and I'm not sure if Mr. Bagg is here, but the -- it was reviewed by CEQ as a -- largely a passive use. It was reviewed as a passive use. If any change in use is envisioned in the future, what type of process would it go through? Would the neighbors like Mr. Korn have an opportunity to comment, would there be Legislative approval of the use plan, is there a use plan? You know, the County obviously wants to be good neighbors and also doesn't want to have too many limitations on the properties that it acquires. If you could speak to that, I think I and Dr. Korn would appreciate that.

**DIRECTOR ISLES:**

Just two things. And I know Ben has some comments to make but just on the question of CEQ's review, it wasn't based upon passive recreation. It was -- there were some uses that were active that were presented to CEQ. The predominant use of the property was passive. And I think there was some reuse of some of the existing facilities in a very diminished form that would constitute active just as a matter of information that that was part of what CEQ saw.

**CHAIRMAN SCHNEIDERMAN:**

And they determined it was a Type II action?

**DIRECTOR ISLES:**

They considered, I believe, an unlisted action.

**CHAIRMAN SCHNEIDERMAN:**

Unlisted action. Okay. And they made a neg dec obviously.

**DIRECTOR ISLES:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

Okay. But they -- if a more intense use were in the future proposed, they have to go back to CEQ I take it or --

**DIRECTOR ISLES:**

Yes, that's our understanding. The technical correction would actually reduce the intensity of uses on the property. I believe Mr. Zwirn has more information that he wants to add to that.

**CHAIRMAN SCHNEIDERMAN:**

Okay.

**DIRECTOR ISLES:**

But as far your question, if it intensifies, increases in the intensity, activity beyond that presented in the Environmental Assessment Form, our understanding is that that would trigger another review by CEO.

**CHAIRMAN SCHNEIDERMAN:**

Mr. Zwirn probably doesn't want too much activity there either being a neighbor, right?

**MR. ZWIRN:**

Well, I live about -- probably about two or three miles from the site, but I pass it everyday. And the first part of the acquisition which was done when you were the town supervisor was done with the County at that time was a terrific acquisition. And again that's -- that's completely passive. There is -- there's some trails on there and a little place to park on a dirt road, you wouldn't even call it, it's a cut-out. This parcel was originally, I think, was going to be for active use. I think the town's intent originally, if you remember we talked about this.

**CHAIRMAN SCHNEIDERMAN:**

Right.

**MR. ZWIRN:**

Originally the town didn't want the County's involvement at all. They were going to do this on their own.

**CHAIRMAN SCHNEIDERMAN:**

Right. Because they were afraid it would escalate the use.

**MR. ZWIRN:**

Right. They didn't want the County to be able to --

**CHAIRMAN SCHNEIDERMAN:**

Turn into a campground or --

**MR. ZWIRN:**

-- have any part of it. But when the cost came in for demolition of the buildings, it became so expensive that they asked the County to participate. And the County said since we own the property next door with the town, that we thought it would be a good acquisition, I think. And everybody thought it would be a good move.

The people -- Dr. Korn, who is a neighbor and a friend of mine, personally going back many, many years, our children went to the same summer camp together, brought this to my attention just as a, you know, employee of the County. And we toured the property. And there was an old ropes course on the property that looked like it was, you know, in danger of falling down on its own. And there was a field -- originally I think the town -- and Dr. Korn can correct me -- they were going to put in some ball fields. And this was going to be a very active park.

**CHAIRMAN SCHNEIDERMAN:**

Additional ball fields because there already is, I think --

**MR. ZWIRN:**

They were going to expand, I think, the ball fields that they had for volleyball and for soccer fields. And it was going to be a fairly intensive use. The community that's adjacent to this property, had been very good neighbors with the camp, were kind of concerned about having, you know, a real active park --

**CHAIRMAN SCHNEIDERMAN:**

Sure.

**MR. ZWIRN:**

-- all of a sudden next to their homes, especially when this park, you have to drive down a road in order -- it's not one of these parks where you drive past a park and you can see what's going on. If you're law enforcement or you're public safety, you'd have to actually make a special trip down the road to see what's going on in this facility. And at night, you know, it's problematic at very least.

**CHAIRMAN SCHNEIDERMAN:**

It's a very rural spot.

**MR. ZWIRN:**

Yeah.

**CHAIRMAN SCHNEIDERMAN:**

Along a winding road.

**MR. ZWIRN:**

Yeah.

**CHAIRMAN SCHNEIDERMAN:**

It doesn't really lend itself for a lot of ingress, egress.

**MR. ZWIRN:**

No. And as we all know, that's where we had the fireworks every year. And it's always had to have special police, you know, presence to be able to get people in and out of that particular road. It's on Springy Banks Road which is a very winding, certainly a dangerous road if you're not -- if you don't know the road and you're going up there for the first time.

**CHAIRMAN SCHNEIDERMAN:**

Right.

**MR. ZWIRN:**

At any rate the town has met with the community a number of times and has scaled back some of the activities. I think the ropes courses is out of the picture now. They were going to leave one softball field. But there's still some issues, I think, that the community has, that they're still talking to the town in respect to the active use. There was -- they wanted a loud speaker system, I think, on the grounds that the community was concerned about --

**CHAIRMAN SCHNEIDERMAN:**

Sure.

**MR. ZWIRN:**

-- to hear announcements being made during the middle of the day.

So I think there's still some discussions going on. I had spoken to town board member Peter {Family} late last week. And he said that there would be no more than one softball field at the site. But from what I understand from Dr. Korn today, the Town Attorney is still going to reach out to Counsel for the neighborhood community to see if they can even reduce that even further. So --

**CHAIRMAN SCHNEIDERMAN:**

And it won't be illuminated, right? I mean that's --

**MR. ZWIRN:**

Well, that's part -- no, no. Originally -- I think the thought originally was with the town was that this could possibly be a day camp for kids in the town and they could use the facilities there. But those facilities are really in bad shape. And the swimming pool that they had there is also, I think, going to be removed as well.

So I think they were going to leave one building, at least one building for senior citizens, for picnics or a place to get out of the rain if they were there. But it's problematic with respect to how to manage the property with personnel because, again, it's not -- it's off the beaten track. I mean it would be a parkway. And we almost would have to have somebody assigned there on a full-time basis just to keep an eye on it for security purposes because there are trails that run down to the water that, you know, you're not visible from anywhere and there's no communication really. And even cell service in that part of Long Island is very poor. In fact, I have no cell service where I live just about a mile or two down the road.

So I think there's still some issues and the community's working with the town. There's nothing we can do about it today, but we will follow it on its normal -- on its course.

**CHAIRMAN SCHNEIDERMAN:**

Ben, this is -- we've already authorized it.

**MR. ZWIRN:**

That's correct.

**CHAIRMAN SCHNEIDERMAN:**

Acquisition, I believe, and this is just a minor correction.

**MR. ZWIRN:**

It's a technical correction to bring it in line with the reduced use that the town has put forward out of respect to the community. But I think the community's looking for a little bit more in the way of assurances.

**CHAIRMAN SCHNEIDERMAN:**

Right. Can we talk for a moment about future assurances in terms of the process. Because this may come up again with other properties as well, where we're going and we're buying property for active park use. And we want the neighbors to support that. But if the changes are -- if there are changes that substantially affect the volume of use, whether it's more noise, more light, more cars, what is -- to what degree does this Legislative body, not so much the committee, but the Legislature itself, can we say no, that is -- we didn't buy it for that; or yes, you know, we've had our open process and the community supports it and we want to move forward. Do we have a mechanism like that?

**MR. ZWIRN:**

It would depend on the language in the agreement that we have. The language in the agreement is very specific. And this one, I think, in our paperwork on the amendment says passive parkland so.

**CHAIRMAN SCHNEIDERMAN:**

Okay. There's no law that requires an active -- a use plan be developed prior to the County purchasing it?

**MR. ZWIRN:**

I don't think anything that specific, no, I don't think we've ever really gone that specific, especially when we have a partner and the town -- we're grateful generally that the town has agreed to be the

steward of the property because we don't have the personnel to be able to --

**CHAIRMAN SCHNEIDERMAN:**

All right. So in this case the closest thing we have to a use plan is actually the survey of the property with the buildings and the fields.

**MR. ZWIRN:**

And what the town -- and the town's board resolution. That's a companion resolution that goes along with our resolution.

**CHAIRMAN SCHNEIDERMAN:**

Okay. And the only protection in the future from changes from that initial attempt would be --

**MR. ZWIRN:**

The language that's in those resolutions.

**CHAIRMAN SCHNEIDERMAN:**

And CEO.

**MR. ZWIRN:**

Right. So it's problematic. But we haven't had that issue before.

**CHAIRMAN SCHNEIDERMAN:**

Right. I think that it exposes a certain vulnerability, you know, we might want to explore tightening up. Commissioner Isles, did you want to say more about that?

**DIRECTOR ISLES:**

Not too much more. I will point out that it does make reference in the resolution from the East Hampton town board, that it is subject to a management agreement. So a lot of the items that are talked about and as Ben has made a point on in terms of the reduction in the activity level is referred to the management agreement that will be put in place between the County and the town. So it is in the resolution as well as the management agreement.

**CHAIRMAN SCHNEIDERMAN:**

Now is that management agreement subject to legislative approval? Or is that something that is administrative?

**DIRECTOR ISLES:**

I can't answer that. I think it's administrative, yeah.

**CHAIRMAN SCHNEIDERMAN:**

It's administrative. So we don't get another look at it?

**DIRECTOR ISLES:**

No, but, here again, if the question is the intensification of use in the future beyond what's listed here, I believe that would be an issue with the town resolution. And I believe certainly from CEO's standpoint, if it's going above what they already reviewed, we believe in preliminary looking at this, it would have to go back to CEO.

**CHAIRMAN SCHNEIDERMAN:**

Right. And it strikes me actually that this issue can work both ways, that we go out and buy an active parkland and spend potentially millions of dollars in County funds so that we have a joint ball field in some community. And then later the town or the administration decides to close that field. And we've had no say even though that may have been the thing that our approval was based on creating a ball field in a community. So it seems like a loophole that we need to tighten up somehow. And one way to do that might be is to have an improved use plan and modifications be,

you know, large modifications be subject to re-approval so --

**DIRECTOR ISLES:**

Okay. I'm not sure if I'd call it a loophole. I mean the County hasn't been doing these partnered active parkland arrangements for very long. They go back to the Greenways Program that I'm aware of.

**CHAIRMAN SCHNEIDERMAN:**

We haven't done very many of them.

**DIRECTOR ISLES:**

Right. The ones that have been done have been pretty successful. The Wedge in Brookhaven Town.

**CHAIRMAN SCHNEIDERMAN:**

Right.

**DIRECTOR ISLES:**

There are several others. Lindenhurst has a hamlet park that's a textbook example on how to do these things. I guess anything's possible, but the history so far doesn't indicate that there's a problem with the management agreement not holding up in terms of getting what the County had indicated it would get.

**CHAIRMAN SCHNEIDERMAN:**

Are we held harmless if, you know, for these active uses. They have ropes courses, if somebody falls and breaks their neck, is that something that --

**DIRECTOR ISLES:**

I can't answer that.

**CHAIRMAN SCHNEIDERMAN:**

-- the town holds the County harmless? Or do we have to --

**MR. ZWIRN:**

I think even if the County was held harmless, if you get hurt on property that was jointly purchased, I would expect the lawyer to sue everybody who has deep pockets.

**CHAIRMAN SCHNEIDERMAN:**

Dennis?

**MR. BROWN:**

Yeah, we usually try and put some type of joint indemnification, town and -- cross indemnification, town and County interest so that if the town committed acts of negligence and there was joint and/or several liability with the County, we would seek indemnity from the town and visa versa.

**MR. ZWIRN:**

So I will keep the Legislature -- if you ask me at the meeting on Tuesday in Riverhead, if there's any -- where we are in the progression, I will be glad to enlighten the Legislature with any new news that we have.

**CHAIRMAN SCHNEIDERMAN:**

Right. I mean I'm trying to really address Mr. Korn as a neighbor to have him have the comfort that the County plans to be a good neighbor here, and that we're not, you know, going to bring in some use that will erode his quality of life in the neighborhood. And I think that's all he's looking for, is some kind of insurance, not just a verbal insurance but some kind of procedural insurance that if the County ever does change its intention, that he has a -- he has a forum by which to speak out. And I

don't think that's unreasonable.

**MR. ZWIRN:**

As a practical matter -- as a practical matter this piece of property, it's not going to attract, I think, as a magnet for County-wide use because you couldn't find it, even with directions because it's --

**CHAIRMAN SCHNEIDERMAN:**

Well, Cedar Point Park is hard to find, too and --

**MR. ZWIRN:**

Cedar Point Park. But Cedar Point Park is a destination park because it's a campground. And they have activities going on to try to attract people. And even Cedar Point Park gets a very limited group because most people don't even know -- we don't really push it because it's -- it's not a huge park and it's always filled with people who come up there to camp. And there's -- those type of activities, I don't think, will ever be duplicated at Boys Harbor. But I know that --

**CHAIRMAN SCHNEIDERMAN:**

That's a concern. If I lived next it, I'd be concerned that there'd campers pulling in five years from now or three years from now.

**MR. ZWIRN:**

I don't blame them. In fact I think the mood of the community --

**CHAIRMAN SCHNEIDERMAN:**

It's a waterfront park.

**MR. ZWIRN:**

-- was to see -- was to rather see it developed, I think, for homes.

**CHAIRMAN SCHNEIDERMAN:**

I think that's quite true.

**MR. ZWIRN:**

Originally like -- like three or four homes as opposed to a public acquisition.

**CHAIRMAN SCHNEIDERMAN:**

Right. Okay. Thank you, Mr. Zwirn. All right. So I don't have any more cards. Was there anyone else who wished to be heard? If not, we will move to the agenda beginning with tabled resolutions.

## **TABLED RESOLUTIONS**

**1216, adopting local law number -2008, a local law to reduce the use of fertilizer near wetlands in Suffolk County. (Schneiderman)** I have amended this bill. Let me speak very briefly to the amendment. And Ms. Gallagher is not here yet. She explained to me that she was going to be a little bit late for this meeting. She may show up soon but she did let me know that she is supporting this. It has been changed. There still is a hundred foot setback for the use of fertilizer for -- from surface waters, standing water. And there is one exception. We discussed that. If there are mitigating measures, in particular a natural buffer, like an unmowed area of native vegetation that can absorb the nitrogen, that those properties had basically a filter mechanism to keep nitrogen from entering the harbors. And that if that buffer was a minimum of -- continuous buffer of a minimum of 25 feet in width, that the hundred foot setback would be -- what's the word -- relieved or excused. Would not apply. Would be exempted. So I'd like to make a motion to approve 1216. If I could have a second?

**LEG. BEEDENBENDER:**

Well, my -- the reason I was looking at you, Legislator Cooper, is because I know that you had had some concerns with this. That's -- that's --

**LEG. COOPER:**

I appreciate the sponsor's effort to reach a compromise on this. I would be more comfortable if the buffer was -- if the requirement of the buffer was not as great. You had said, I think, 25 feet as the minimum size -- minimum width of the buffer. I don't know whether that's --

**CHAIRMAN SCHNEIDERMAN:**

20 feet is more acceptable?

**LEG. COOPER:**

I'd feel more -- I'd be more comfortable with ten feet. But I don't want to require you to do anything that doesn't make environmental sense. I don't know whether you've worked with Department of the Environment or outside environmental experts and whether they had come up with the recommendation of 25 feet, whether they could live with less of a buffer. I just feel that a ten foot buffer would be sufficient to accomplish the goal that you're setting forth in the resolution. So I'm not going to oppose the bill. But I wouldn't be willing to support it unless it was reduced to a ten foot buffer.

**CHAIRMAN SCHNEIDERMAN:**

Ten? To me ten is probably not sufficient. 25, 20 in that range. I wish -- why don't we pause and let Commissioner Gallagher --

**LEG. COOPER:**

Sure.

**CHAIRMAN SCHNEIDERMAN:**

We'll skip over it. We'll come back. Mr. Kent?

**MR. KENT:**

I did speak to Commissioner Gallagher about this. There was one correction or one amendment she would like to make to the bill. Rather than referring to wetlands, she would like it to be replaced with the word surface waters.

**CHAIRMAN SCHNEIDERMAN:**

It has been. That has been changed.

**MR. KENT:**

Oh, okay. I didn't know if that had been changed or not.

**CHAIRMAN SCHNEIDERMAN:**

Yeah, it's all surface water now. All right. Let's pass over it for a bit. We can come back. I think the amended copy deadline, was it one o'clock today? The amended copy deadline.

**LEG. BEEDENBENDER:**

Five o'clock today.

**CHAIRMAN SCHNEIDERMAN:**

Five o'clock today. So it still can be amended today. So let's see if we can reach a consensus here.

**IR 1274, to promote land acquisitions for open space, farmland preservation and hamlet parks in underserved communities. (Cooper)**

**LEG. COOPER:**

I'd like to make a motion to approve. I believe that George made the -- I don't know where George is, but I believe that he had made the changes that we had discussed. Tom?

**DIRECTOR ISLES:**

We found it online today.

**LEG. COOPER:**

Good.

**DIRECTOR ISLES:**

It is there.

**LEG. COOPER:**

So I would like to make a motion to approve the resolution as amended.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Is there a second?

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator Beedenbender. Commissioner Isles, there was some question last time as to whether the changes were the changes that you were comfortable with or some weren't, some were not. Where are you on this?

**DIRECTOR ISLES:**

Okay.

**CHAIRMAN SCHNEIDERMAN:**

And I should preface my comments by saying that in general I would prefer planning decisions be made by the Planning Department and not swayed by individual district concerns. But -- and I understand where this is coming from, but I want to make sure that the opinions are based on, you know, sound planning and science.

**DIRECTOR ISLES:**

Okay. I will respond to that just by beginning with the -- there's a fundamental policy question in front of you. And that is the question of should there be a density factor for the rating forms that are used by the County. And we've talked about that in prior committee meetings. We think that an argument can be made certainly with the Farmland Program, because that's what the Farmland Committee has been doing, and we think that this institutionalizes it; and is the Legislature directing the Farmland Committee, here's the extent of the range that you can use in giving them guidance on that and how they carry that forward.

As far as the active recreation in parkland and hamlet parks, the form as developed by the Planning Department when we did the open space policy plan last year did have a density factor. The rationale behind that being is the more populated areas of the County are often where more active recreational uses are needed to service the population; and, therefore, to be able to find sites, the acreage had to be adjusted based on density of the land available and so forth.

And then thirdly with the natural environments we had, here again, the policy question should it be applied to that. And that's for you and the County Executive to answer. Our opinion is that the natural environments we feel as we have it written is fine. If the feeling is that it's time to update the natural environments based on the status we are in the program, whereby the big pieces are generally gone, that it's time to update the acreage sizes and so forth, what we presented is language that rather than getting specific and saying it must be seven points and so forth, it's

written more broadly in terms of the Suffolk County Department of Planning is hereby authorized, empowered and directed to amend the three rating forms, to provide points for land acquisitions in census designated places that have a density level of 1000 persons per square mile or greater. So it's a Legislative determination saying somehow put this into this and then leaving it to the Department to actually apply that in what we think would be a rational way.

**CHAIRMAN SCHNEIDERMAN:**

Okay.

**DIRECTOR ISLES:**

We do know that we're making a step here. And we think, you know, we've made the step with the active recreation parkland already. We think there's a rationale for that. We think what we've structured is one that we could at least work with, that it's keeping the rating form on the same scale. It's working within the existing criteria of the rating form in terms of size of the property and proximity to other County holdings. So we think it does hold together in terms of the original intent of the rating form.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Thank you. Obviously as a Legislator for a district that has probably the lowest population density, it's not something that benefits my constituents at all in the sense that it weights the review toward more densely populated areas. Though I know there are a lot of environmental considerations that are -- certainly helps support acquisitions in my area. And I -- for you to feel strongly that open space preservation is something that should be done throughout the County, not just in a -- in certain areas where maybe we have more open spaces and woodlands. But I think what I will do is I'll abstain from it and we'll call the vote.

So we had a motion and a second. All in favor? Opposed? Abstentions? Myself. Thank you.

**(Approved. Vote: 3-0-1-1. Leg. Schneiderman abstained - Leg. Losquadro not present)**

All right. If we could go back now, Commissioner Gallagher is here. We were discussing IR 1216, the fertilizer laws. We know fertilizer is one of the largest contributors to nitrogen and phosphorus in our harbors, which has been directly linked to shellfish die-offs and other adverse impacts through our marine ecology. And the law's seeking to keep fertilizers out of close proximity to the wetlands. There is an exception from a hundred foot setback contained in this bill for areas with naturally vegetated buffers. And we are trying to figure out scientifically what width the buffer would need to be to provide adequate filtration. Do you have -- my bill has 25 feet. I made up the number. Could have been 20 feet, it could have been 30 feet.

**LEG. COOPER:**

Could be ten feet.

**CHAIRMAN SCHNEIDERMAN:**

Could be ten feet.

**LEG. BEEDENBENDER:**

I thought it was a hundred, Jay.

**CHAIRMAN SCHNEIDERMAN:**

A hundred feet is the setback but there's an exception if there is mitigating measures in particular a vegetated buffer that would absorb nitrogen.

**COMMISSIONER MEEK-GALLAGHER:**

I'm not aware of any scientific study that exists that says it should be X number of feet. So 25 feet would seem like a large enough buffer, that it would do the job but again I can't --

**CHAIRMAN SCHNEIDERMAN:**

Would ten or twenty do the job?

**COMMISSIONER MEEK-GALLAGHER:**

I'm not sure. I'd say it's better to have more rather than less of a buffer, but, you know, certainly a minimum of ten feet.

**LEG. COOPER:**

So between two and ten you'd prefer ten?

**COMMISSIONER MEEK-GALLAGHER:**

Well, I'd say a minimum of ten feet seems like what you might need to do the job. But again I can't point to -- I could try to do some more research into it but --

**CHAIRMAN SCHNEIDERMAN:**

Hold on. All right. I'm going to amend the bill. Fifteen feet. So we have 'til five to amend the bill. The exception is, and I wish we could -- there are properties where the lawn does not go directly up to the wetlands, that there are -- there is a natural vegetation separating the lawn from the wetland. And that buffer can filter -- can catch the nitrogen, absorb the nitrogen from fertilizers. We've been trying to get a good sense of how wide a buffer would need to be to serve that purpose. And the Commissioner is saying a minimum of ten. I was pushing for 25. But in consultation, I would say I will amend it to fifteen.

And, you know, if the Commissioner provides information to me that that is insufficient, then we'll re-visit this. But with your professional advice saying ten is the minimum and wanting a little more, I think 15 I can live with. 50 percent more. Okay. So that is the buffer width. The setback is still a hundred feet. But the hundred feet will be waived if the property maintains a naturally vegetated buffer separating the lawn from the wet surface waters of at least 15 feet in width. Got it? It's still a hundred foot setback.

**COMMISSIONER MEEK-GALLAGHER:**

Yeah, I had one other comment that I don't know if it's -- would be just a technical correction or a change. But in the version that I saw as of last committee cycle, it still had the title listed as a local law to reduce the use of fertilizer near wetlands.

**MR. NOLAN:**

We changed that --

**COMMISSIONER MEEK-GALLAGHER:**

We did change it.

**MR. NOLAN:**

-- to surface waters.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So, and we have 'til five to amend it so I'll make a motion as amended with the exception for 15 foot or wider buffers. Do I have a second?

**LEG. COOPER:**

I'll second.

**CHAIRMAN SCHNEIDERMAN:**

Thank you, Legislator Cooper. Any other discussion?

**LEG. D'AMARO:**

What was this, a motion to approve?

**CHAIRMAN SCHNEIDERMAN:**

A motion to approve as amended. As amended not in the one you have in front of you, but the one that is forthcoming.

**MR. NOLAN:**

Approve it as it is with the understanding we're going to amend it before five p.m. to make it fifteen feet rather than --

**LEG. D'AMARO:**

You don't need a motion to amend.

**CHAIRMAN SCHNEIDERMAN:**

Okay.

**LEG. D'AMARO:**

You can just amend your bill.

**CHAIRMAN SCHNEIDERMAN:**

Okay.

**MR. NOLAN:**

It's a motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

Motion to approve with the understanding that I will amend.

**LEG. D'AMARO:**

Right. I had a question. Commissioner Gallagher, the bill provides for a hundred foot area where you cannot apply fertilizer. Is that necessary?

**COMMISSIONER MEEK-GALLAGHER:**

That tends to be typical when you're looking at state or federal regulations with regard to, say, protecting wetlands, that you have at least that -- at least a hundred foot buffer. And I'm assuming that's where Legislator Schneiderman got that idea from in terms of --

**LEG. D'AMARO:**

Is that protecting wetlands from fertilizer?

**COMMISSIONER MEEK-GALLAGHER:**

From all types of activities and contaminants in general. Storm water runoff. So it can be pesticides, pet waste, fertilizers, organics, pharmaceuticals that we're now finding in --

**LEG. D'AMARO:**

Are there limitations in state law presently that govern the application of fertilizers within that hundred feet?

**CHAIRMAN SCHNEIDERMAN:**

Not that I'm aware of.

**COMMISSIONER MEEK-GALLAGHER:**

Just development.

**LEG. D'AMARO:**

Right. It would be for development and other regulations and other activities or whatever might occur.

**COMMISSIONER MEEK-GALLAGHER:**

Right. One of the reasons we were able to pass our fertilizer bill last year was because the state, in fact, does not preempt us, there is no regulation in terms of the application of fertilizers to turf. There's -- they regulate the distribution of fertilizer and the labeling but not the actual application and use.

**LEG. D'AMARO:**

So if you're talking about undeveloped land and you already have a hundred foot requirement for other activities, whether it's building -- how close you can build to that hundred feet, undeveloped land, this would coincide with that. So you probably would not be developing within a hundred feet anyway.

**COMMISSIONER MEEK-GALLAGHER:**

Hopefully, right.

**LEG. D'AMARO:**

And hopefully. Well, by the law.

**COMMISSIONER MEEK-GALLAGHER:**

By law, yeah.

**LEG. D'AMARO:**

Right. It would be maintained in a natural state.

**COMMISSIONER MEEK-GALLAGHER:**

Right.

**LEG. D'AMARO:**

But this bill goes a little further in that there are properties that are developed prior to the hundred foot requirement that may be applying fertilizer now within hundred feet and legally it had developed it within a hundred feet.

**COMMISSIONER MEEK-GALLAGHER:**

Right. Well, again, I don't think that it necessarily regulates the application of fertilizer or -- now the state does regulate the application of pesticides, but the application of fertilizer per se. So even though it was developed on any turf, any lawn that you had or other vegetation you had, I don't believe that there was any restrictions on applying fertilizer. You couldn't develop within that hundred foot buffer but you could have turf and other vegetation that maybe you were maintaining.

**LEG. D'AMARO:**

No, but I'm talking about properties that were developed before the hundred foot requirement came into effect.

**COMMISSIONER MEEK-GALLAGHER:**

Oh, okay. Right so they --

**LEG. D'AMARO:**

So you would have a legally developed property with, let's say, a maintained lawn or garden area --

**COMMISSIONER MEEK-GALLAGHER:**

And you have less than a hundred foot buffer you're talking about.

**LEG. D'AMARO:**

And you have less than a hundred feet. Because that was put in place before the regulations from the state came in place.

**COMMISSIONER MEEK-GALLAGHER:**

Right.

**LEG. D'AMARO:**

I mean, I don't have a sense of how many properties could be affected by that. I have no idea. Yeah. Who would know that? Yeah. But then my point becomes for all of those properties how are they going to continue to maintain this hundred foot area? Maybe it's 50 feet, maybe it's the full hundred feet, maybe it's 75 feet. How do you maintain that? What I'm suggesting is should the bill carve out an exception --

**COMMISSIONER MEEK-GALLAGHER:**

For anyone that pre-dates --

**LEG. D'AMARO:**

Pre-existing, yeah.

**COMMISSIONER MEEK-GALLAGHER:**

-- the pre-existing development from whatever date that was, people have less than a hundred feet anyway.

**CHAIRMAN SCHNEIDERMAN:**

No. First of all, the DEC in their hundred foot setback, and a lot of towns have hundred foot setbacks, it's basically for buildings and structures, not for lawns. This is really about lawns and turf. And the idea is to affect all those waterfront properties that border on surface waters.

**LEG. D'AMARO:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

It's not just wetlands. The bill doesn't actually cater to wetlands anymore. It talks only about surface waters.

**LEG. D'AMARO:**

I mean, if I could just interrupt you, the definition of surface water includes ponds, streams. It's very inclusive.

**COMMISSIONER MEEK-GALLAGHER:**

Right. Lakes, bays, sounds, ponds.

**CHAIRMAN SCHNEIDERMAN:**

Right.

**LEG. D'AMARO:**

Rivers, creeks. I mean there's thousands and thousands of properties that are going to be affected by this requirement now.

**LEG. COOPER:**

I have a question.

**CHAIRMAN SCHNEIDERMAN:**

Yeah.

**LEG. COOPER:**

So you're saying that if you have a five acre property in the middle of your backyard, you have a pond, contained completely within your property --

**CHAIRMAN SCHNEIDERMAN:**

Is it an artificial pond?

**LEG. COOPER:**

I'm just talking about -- you're right. I mean, that matters.

**CHAIRMAN SCHNEIDERMAN:**

But, Counsel, how would it -- if it's surface water --

**COMMISSIONER MEEK-GALLAGHER:**

Right. It's surface water. The idea was it's much easier for the average citizen to understand and know a surface water than to know whether it's a tidal or fresh wetlands that they're near. If it's a regulated wetland.

**LEG. D'AMARO:**

Well, but a tidal or fresh wetland would not necessarily include a pond unless it was contained within that wetlands.

**COMMISSIONER MEEK-GALLAGHER:**

Right.

**LEG. D'AMARO:**

Right. So this is much more inclusive in this definition.

**COMMISSIONER MEEK-GALLAGHER:**

Yes. This definition is more inclusive because most -- I mean most of these bodies would be considered wetlands. However, they may not be flagged. And part of the difficulty with just leaving it at wetlands is, one, do people know it's a wetland. And, two, then going out and enforcing whether it's a regulated tidal or freshwater wetland as per article 24 and 25 of state law; of the environmental conservation law.

**CHAIRMAN SCHNEIDERMAN:**

I mean, I understand the concern if somebody has like this little pond that they put in their backyard that really is of no benefit per se there's no wildlife using or living in it. That was not meant to capture that. But people have built man-made ponds that are now habitat to turtles and, you know, many other, you know, you have lots of bird species that are that using it. And this is an environmental bill. And I'm not -- that's what it is. And we can figure out why it shouldn't apply to certain properties and things like that but the idea behind this bill is to protect our wildlife.

**COMMISSIONER MEEK-GALLAGHER:**

Well, wildlife and our water supplies.

**CHAIRMAN SCHNEIDERMAN:**

We can't water it down too much.

**COMMISSIONER MEEK-GALLAGHER:**

Yeah, water quality. I mean certainly --

**LEG. D'AMARO:**

What would be a -- what would be -- it says and all other perennial bodies of surface water natural or artificial.

**COMMISSIONER MEEK-GALLAGHER:**

So artificial would be man-made.

**LEG. D'AMARO:**

No, but what are other perennial bodies of surface water? Such as -- do you have an example or is your list pretty inclusive there?

**COMMISSIONER MEEK-GALLAGHER:**

Yeah, it's pretty inclusive the way that it's listed here.

**LEG. COOPER:**

Oceans. Doesn't list oceans.

**CHAIRMAN SCHNEIDERMAN:**

They're tidal.

**LEG. COOPER:**

I'm sorry?

**COMMISSIONER MEEK-GALLAGHER:**

Because you've got estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of New York State.

**LEG. COOPER:**

Okay.

**CHAIRMAN SCHNEIDERMAN:**

Got oceans. Can't miss that one.

**LEG. D'AMARO:**

Is there any -- is this a blanket prohibition or are there certain fertilizers that are acceptable?

**COMMISSIONER MEEK-GALLAGHER:**

No, that's the difficulty; is that there is no, you know, like coastal blend fertilizer that's made that would work for Long Island or other coastal areas. Although there has been discussion of such a type of fertilizer being developed, Scotts and the others have not yet found it I guess lucrative enough.

**LEG. D'AMARO:**

Right.

**COMMISSIONER MEEK-GALLAGHER:**

So there isn't a particular type of fertilizer that's the best. Certainly a slow release, you know, is more desirable than the quick release. A lower nitrogen content you could get into the formulations of nitrogen, phosphorous, etcetera. But there's no special fertilizer that's out there. Then also if you get into banning fertilizers, you get into issues with the federal government because you're affecting interstate commerce.

**LEG. D'AMARO:**

Would a prohibition that extends 35 feet be acceptable instead of a hundred feet?

**CHAIRMAN SCHNEIDERMAN:**

Acceptable to what?

**COMMISSIONER MEEK-GALLAGHER:**

Well, in terms of the -- again the --

**LEG. D'AMARO:**

In terms of the prohibition.

**COMMISSIONER MEEK-GALLAGHER:**  
Right.

**CHAIRMAN SCHNEIDERMAN:**  
You mean for ponds or for everything?

**LEG. D'AMARO:**  
For everything.

**COMMISSIONER MEEK-GALLAGHER:**  
For everything, yeah. Yeah, it's --

**LEG. D'AMARO:**  
I mean the reason why I pick 35 feet is if you have a 25 foot natural buffer, you're only prohibited another ten feet from that.

**CHAIRMAN SCHNEIDERMAN:**  
Well, we just made it 15 foot natural buffer.

**LEG. D'AMARO:**  
Oh, so, 40 feet. So, 40 feet. In other words, why -- isn't that inconsistent, a hundred feet if you don't have the buffer but 40 feet if you do?

**COMMISSIONER MEEK-GALLAGHER:**  
Well, no it's -- you're still prohibited -- aren't you still prohibited, but you're allowed --

**CHAIRMAN SCHNEIDERMAN:**  
Well, the bill --

**COMMISSIONER MEEK-GALLAGHER:**  
-- I thought the -- I didn't read the exemption.

**CHAIRMAN SCHNEIDERMAN:**  
The bill would be a hundred foot --

**COMMISSIONER MEEK-GALLAGHER:**  
Are you allowed to fertilize the vegetated buffer?

**CHAIRMAN SCHNEIDERMAN:**  
No, no.

**COMMISSIONER MEEK-GALLAGHER:**  
No.

**CHAIRMAN SCHNEIDERMAN:**  
No.

**LEG. D'AMARO:**  
No. So you're excluded from that 20 -- that would be --

**CHAIRMAN SCHNEIDERMAN:**  
That, well, 15 feet down. The rest you'd be able to fertilize.

**COMMISSIONER MEEK-GALLAGHER:**

So 85 feet from the hundred.

**CHAIRMAN SCHNEIDERMAN:**

Those 85 -- other 85 feet you'd be able to fertilize.

**LEG. D'AMARO:**

So it's only for the buffer area.

**CHAIRMAN SCHNEIDERMAN:**

That you would not, yeah. But without the buffer you wouldn't be able to fertilize anyway within that hundred feet.

**LEG. D'AMARO:**

Oh, okay. With the buffer there's no limitation other than the buffer area.

**CHAIRMAN SCHNEIDERMAN:**

That's right.

**LEG. D'AMARO:**

Right. So in one case you have 25 feet --

**CHAIRMAN SCHNEIDERMAN:**

Fifteen feet.

**LEG. D'AMARO:**

-- 15 feet I apologize.

**CHAIRMAN SCHNEIDERMAN:**

It was 25 feet a few minutes ago.

**LEG. D'AMARO:**

And in another case you have a hundred feet, really kind of hit or miss on whether or not you have a 15 foot natural buffer. So is that -- is there a rationale justification for increasing the size that you cannot fertilize when you don't have a natural buffer?

**COMMISSIONER MEEK-GALLAGHER:**

There's no simple answer to that. It's, you know, again starting with --

**LEG. D'AMARO:**

You know what I would do, I would put in a natural buffer of 15 feet.

**CHAIRMAN SCHNEIDERMAN:**

So you can fertilizer it, you know, and that would be a good thing.

**LEG. D'AMARO:**

You know, that's one way around it. But, of course, there's a cost and expense to doing that.

**CHAIRMAN SCHNEIDERMAN:**

It would be better than now having the fertilizers going right up to the wetlands, so. There is a cost to doing that.

**LEG. D'AMARO:**

Jon, did you have a question?

**LEG. COOPER:**

I was just wondering because you were talking about possible development of a coastal blend fertilizer, but so far it hasn't been, I guess, economically feasible because there wasn't sufficient market for it. But maybe we should -- you should further amend the resolution to carve out an exemption for a coastal blend fertilizer and maybe that would provide incentive to Miracle-Gro or whatever.

**CHAIRMAN SCHNEIDERMAN:**

It would have to be defined. I mean, I have yet to meet a fertilizer that's actually okay near surface waters. And I'm not even sure a coastal blend --

**LEG. COOPER:**

Carrie, what did you have in mind when you were talking about coastal blend? I mean, you must have been thinking of something.

**COMMISSIONER MEEK-GALLAGHER:**

Well, the idea being that you're not going -- it's difficult to stop people from fertilizing entirely. The law that we passed last year just prohibits a certain time period of the year and on County properties and you can fertilize the rest of the year. But it'd be more desirable if during those time periods that people were applying fertilizer, they had a fertilizer that was more appropriate for coastal areas and areas where you -- we're drinking the groundwater and we're more concerned about nitrogen than say in the Great Lakes region where they've been more concerned about phosphates. Or even down in Florida where they have a huge problem with phosphates and phosphorus, so.

**CHAIRMAN SCHNEIDERMAN:**

We could amend this should such a product come into being, we could then amend our law and now make an exception. It might be a better way to do it than to accept -- exempt something that doesn't yet exist.

**LEG. COOPER:**

And who would police this?

**COMMISSIONER MEEK-GALLAGHER:**

It would be actually complaint driven and then Health Services would send out a sanitarian who has actual, you know, the ability to give a warning and give a citation. Give a --

**CHAIRMAN SCHNEIDERMAN:**

It's the same method as the no fertilizing from November to April.

**LEG. BEEDENBENDER:**

What's it like to have water in your district? I fill up my bathtub, it's like the third largest body of water.

**LEG. D'AMARO:**

I have to just say --

**CHAIRMAN SCHNEIDERMAN:**

It's a responsibility.

**LEG. D'AMARO:**

-- I think the hundred feet is way too much. I mean, there are some yards --

**COMMISSIONER MEEK-GALLAGHER:**

For small lot owners.

**LEG. D'AMARO:**

-- there are some yards on canals that are less than a hundred feet. I mean, to tell someone now that's been there for 35, 40, 50, 60 years, by the way, you can't maintain your backyard anymore. I just -- it's not acceptable.

**CHAIRMAN SCHNEIDERMAN:**

You can maintain it. You just can't use fertilizers. We have to make a decision about --

**LEG. D'AMARO:**

Yeah.

**CHAIRMAN SCHNEIDERMAN:**

-- how important protecting our waterways are.

**LEG. D'AMARO:**

But I'm not given any -- why not 50 feet then? You know, why the hundred foot, other than the fact that --

**COMMISSIONER MEEK-GALLAGHER:**

It's been recommended, right.

**LEG. D'AMARO:**

-- the state has decided maybe for building purposes you don't want to build within a hundred feet of a wetland, but we're going beyond the definition of wetlands here, we'll be beyond. I mean, you're -- you might be telling 50 percent of the population of Suffolk County, you can't maintain your yard anymore.

**CHAIRMAN SCHNEIDERMAN:**

Fifty feet is better than nothing, Legislator D'Amaro. I mean --

**LEG. D'AMARO:**

I would like to recommend a minimum of 40 feet.

**CHAIRMAN SCHNEIDERMAN:**

-- I would like to see a hundred and a wider buffer too. But I, you know, I would hate if we did nothing here. This is, I believe, an important legislation, it might be starting point. You know, if it ends up being 50 feet, maybe down the road it will end up being a hundred feet, I don't know. But we ought to do something here knowing the state of Great South Bay, the state of our lobster populations in the Peconic. We've got to take action to protect these waterways. And everybody's saying that fertilizer is a major -- as having major negative impacts on our shellfish populations and our marine populations. And let's do something here. If you don't want to do a hundred, I don't have the votes to get it out of committee. So we'll make it 50. If the 25 foot buffer is too wide, I'll make it 15. But let's at least do something, let's not do nothing.

**LEG. D'AMARO:**

I would support the prohibition if it were -- the hundred foot prohibitions in state law prohibit any, really, development of that hundred foot buffer, if I'm not mistaken, for a specifically type -- specifically defined types of land; wetlands or, you know, that type of -- in other words, those regulations are much more specific so when you're going -- when you're on a property or developing a property, you're already subjected to these DEC regulations that prohibit development. If the County then said, and by the way, you can't put any fertilizer into that area, I would have no problem with that. But we're going well past that with this bill.

And, you know, if I'm going to support a hundred feet or 50 feet, then I need to know that when you apply fertilizer a hundred feet away from a wetland as defined by this bill, from surface water, as defined, that that is actually having an impact other than the impact from the guy that puts the

fertilizer in a hundred and one feet away. Like, I don't -- I need a rationale justification, well, you know what, when you get within X amount of feet of a wetland or surface water, it's much more likely at this point to go into that -- into the water system than it would be for your neighbor who may have a yard that's a hundred and fifty foot deep and at hundred and one feet is applying fertilizer. Like, I'm just trying to find the rational basis for the hundred feet.

**CHAIRMAN SCHNEIDERMAN:**

There's nothing magic that's going to happen between a hundred and a hundred and one feet. Every zoning regulation --

**LEG. D'AMARO:**

I understand that. I'm just making a point.

**CHAIRMAN SCHNEIDERMAN:**

-- somebody has to draw a line and say, okay, you can only build your house 20 feet from the property line or 25 whatever it is. You have to make a decision. A hundred is an easy to measure. It's an easy one to remember. In everything that I have read, recommends a hundred feet. You know, my one concern with dropping it to 50 is it might give people the impression that if they're 55 feet away applying fertilizer that there's not going to have any impact to the harbor; it probably will. But it's certainly better than them going right up to the wetlands or the harbor.

**LEG. D'AMARO:**

Let me ask this question, do we have any read on -- with your expertise --

**CHAIRMAN SCHNEIDERMAN:**

Is that reed, r-e-e-d or r-e-a-d? More wetlands jokes.

**LEG. D'AMARO:**

Do we have any indication of how much home fertilizing is contributing to increased nitrogen levels and the other levels that you're concerned of?

**COMMISSIONER MEEK-GALLAGHER:**

Yeah, roughly 56%. That was, you know, estimated from studies that have been done, Peconic Estuary Program, Long Island Sound Study, South Shore Estuary Reserve. And that's what we had based -- used as part of our decision for passing the bill last year, to reduce the amount of fertilizer or, you know, to ban or prohibit fertilizer during those months, cold weather months when you're less likely to need it and more likely to cause infiltration into the groundwater and runoff to surface waters. So that was looking --

**LEG. BEEDENBENDER:**

I'm sorry, did you say 56 percent of the problem is caused by fertilizer?

**COMMISSIONER MEEK-GALLAGHER:**

Well, you could say that roughly 56 percent is coming off of residential lawns or residential turf. Every other category has been addressed through some aspect. We've worked with farms on agricultural best management practices. We worked with golf courses on best management practices. Other institutional entities have implemented things, so really looking at their residential component was the last remaining component to try to tackle in terms of reducing overall fertilizer use. So, now again, that's an estimate extrapolated from these studies that have been done.

**LEG. D'AMARO:**

Right. Of course that's total, it's not just within a hundred feet.

**COMMISSIONER MEEK-GALLAGHER:**

Right. No, that's total.

**LEG. D'AMARO:**

That's total.

**COMMISSIONER MEEK-GALLAGHER:**

That's total. And then the second largest contributor, I forget which percentage is actually from septic systems, which of course, most of Suffolk is septic systems as opposed to sewers.

**LEG. D'AMARO:**

Right.

**COMMISSIONER MEEK-GALLAGHER:**

And we're looking at ways that you can address that, but that's very costly to try to address that.

**LEG. D'AMARO:**

Is it -- is the risk of going fertilizing closer and closer to a surface water increased that it will get into groundwater, as you get closer to the surface water?

**COMMISSIONER MEEK-GALLAGHER:**

Increased that it'll get into the groundwater, the surface water itself because you're closer so more likely as you have runoff, it's going to be picked up and it won't be stopped by anything. So the closer you are, the more likely that it reaches the surface water itself. There's nothing in its way to stop it from running off into the surface water.

**LEG. BEEDENBENDER:**

My concern, through the Chair --

**CHAIRMAN SCHNEIDERMAN:**

Sure.

**LEG. BEEDENBENDER:**

-- the concern that I had, Legislator D'Amaro did bring a good point, what I was just saying is a couple of weeks ago when Legislator Gregory was running for office I was down in Copiague, and there's a couple of streets that are surrounded on both sides by canals and they're like 40 by 70 lots. I mean, they're not very large, but they're right on the canal. So I don't even know if we can come up with a number. I know they couldn't use fertilizer and there's other things that they could do, but, I mean, if we do ten, 15 feet, I mean, some of these houses you literally have 20 feet in the backyard and then bulkhead. So I don't even know if coming up with a number would do it so I'm not sure --

**CHAIRMAN SCHNEIDERMAN:**

You know, fertilizers -- not using fertilizer is not the end of the world. They still can mow their lawn, they can plant, you know, hardy grass that doesn't really need --

**LEG. BEEDENBENDER:**

From our seed bank.

**CHAIRMAN SCHNEIDERMAN:**

-- seed bank, you know, having decent soil helps. It's, you know, and mowed lawn --

**COMMISSIONER MEEK-GALLAGHER:**

Our native grass initiative.

**CHAIRMAN SCHNEIDERMAN:**

-- and maybe it'll be a little greener with fertilizer, it's possible, but a lot of people maintain beautiful lawns without the use of fertilizer. Help me out.

**LEG. COOPER:**

I don't know if this is going to help you out or not. But, I mean, originally I think the original resolution addressed wetlands. And so I got that, but now it's sort of morphed into a bill that covers ponds and canals and --

**CHAIRMAN SCHNEIDERMAN:**

Those are wetlands, Jon.

**LEG. COOPER:**

Well.

**CHAIRMAN SCHNEIDERMAN:**

Those are wetlands. The original bill was more encompassing because they include -- a lot of wetland areas you cannot see the water, the water's slightly under the soil, but the plants are such that they're identified as wetlands by the DEC or the town natural --

**COMMISSIONER MEEK-GALLAGHER:**

Yes. I can read the definition of freshwater wetlands, if you'd like to give you an example for a state law. It is, *lands and waters of the state as shown on the freshwater wetlands map, which contain any or all of the following: lands and submerged lands commonly called marshes, swamps, sloughs, bogs, and flats supporting aquatic or semi-aquatic vegetation of the following types; wetland trees, waterlogged soils.* Then it goes into a whole bunch of the different types of trees, wetland shrubs and it goes into definitions of the wetlands shrubs.

**CHAIRMAN SCHNEIDERMAN:**

Can I just say, the reason why I changed, because this will go on, the reason why I changed it to surface waters --

**COMMISSIONER MEEK-GALLAGHER:**

It's a page long.

**CHAIRMAN SCHNEIDERMAN:**

-- it came out of a concern that people might not realize that they're violating that law because they might not even realize that they're within a hundred feet of a wetland. So by making it water, standing water, you can actually see it. We actually knocked out a lot of, you know, a lot of potential areas. It's a lot less restrictive than the original by making it surface waters. So when -- all those things you mentioned before, ponds, those are wetlands.

**LEG. COOPER:**

But, I mean, I'm talking about, you know, people that live -- middle class families that live on the South Shore and they're on a canal, let's say, which is already heavily trafficked with boats and God knows what they're spilling into the canals and pets and so there's pet --

**CHAIRMAN SCHNEIDERMAN:**

All right.

**LEG. COOPER:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

Step by step. We have no discharge zones now.

**LEG. COOPER:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

So hopefully they're not --

**LEG. COOPER:**

So we're going to tell those folks that, I know you've lived in your house for 50 years, but you can't fertilize your backyard anymore? I just think it -- so, you know, wetlands I saw as one thing, but now I'm just concerned that it's too far reaching.

**CHAIRMAN SCHNEIDERMAN:**

Well, we tell the fisherman you can't go -- you can't take certain kind of fish. I mean, regulations, yeah, that sometimes they're hard. And we have to make a decision what's a priority, a very green rich looking lawn or having our marine bodies able to support marine life.

**LEG. D'AMARO:**

If I could just chime in on that, I, you know, I think a prohibition like this, I mean, you have to strike a balance between competing needs and wants. And I, you know, I can't -- I have a problem with the preexisting aspect of this in the sense that if you're living in a home that borders on surface water or wetlands, one day you get up and you're going to fertilize the lawn today, the next day you get up and you can't, for a hundred feet, which could be your entire backyard and I just think that we're -- especially given the fact the hundred feet as opposed to something less it seems kind of arbitrary to me.

If we're going to tell folks we are radically going to change how you maintain your property, which, you know, these taxpaying folks that would come in here and say, you know, I pay my taxes and it's just more and more regulation on what I can and cannot do.

Now there's a public good that's going to be served and I want to support that. I absolutely want to support that and support the impacts and mitigate the impacts on the environment. But I'm having trouble, I'm struggling with the hundred feet as opposed to something less if we're going to start taking away property owner rights.

**COMMISSIONER MEEK-GALLAGHER:**

I would have to go back and see if there is any other, you know, scientific literature or studies that have estimated well, you really need at least this amount and, you know, is it different in a coastal area versus a lakes area.

**CHAIRMAN SCHNEIDERMAN:**

All I -- you know --

**COMMISSIONER MEEK-GALLAGHER:**

Specifically for fertilizer, yeah.

**CHAIRMAN SCHNEIDERMAN:**

And look if we have to hold off, we hold off. But --

**LEG. BEEDENBENDER:**

Jay, you may want to table it.

**CHAIRMAN SCHNEIDERMAN:**

You know, we -- what was that?

**LEG. BEEDENBENDER:**

You may want to table it.

**CHAIRMAN SCHNEIDERMAN:**

We may want to table it. All -- I think at some point we have to make a hard decision. And we can

try to find some science that supports some other number, but I'd rather we, you know, we -- at some point we have to make a decision and say, you know, this is how far we need to be to protect our harbors and it may be an inconvenience for some people. I understand that. But part of our quality of life is having clean waterways. And a lot of people certainly used to make their living off areas like the Great South Bay and the Peconic, so less do now and we're trying to bring these waterways back for our environment and for our economy. There may be some tough decisions involved. And I'm sure there's products that we used to use that were terrific in our homes that we don't use anymore because they're toxic.

And, you know, I just hope that the Legislature gets an opportunity to vote on this, it may not go through at all, it may not go through unanimously. But I feel it's an important enough issue to bring a decent bill forward to the Legislature and allow a vote on it.

**LEG. D'AMARO:**

I would like to also ask if we're going to table this and take a closer look at some of the issues maybe that I've raised and Legislator Cooper, The state regulations, it's not always a hundred feet. I mean, I think there are certain things that are permitted within 50 feet and maybe even 25 feet. I could be wrong on that, but I think there are depending on what activity you're speaking to would depend on the distance requirements that are in state law. So, you know, maybe it's just a matter of taking a look at what distance and what activities are regulated and maybe somehow we can plug this requirement into one of those, not necessarily at a hundred feet.

**CHAIRMAN SCHNEIDERMAN:**

Just bear in mind because -- we are the County, are a separate branch government, we clearly have the authority to regulate in this area. The state has not been known to be overly restrictive in these areas. The agrochemical lobby is very powerful up in Albany. And we have an opportunity to do something, I think, important for Suffolk County and maybe go beyond what the state might otherwise limit. So just ask you to you keep an open mind about that as well.

**LEG. D'AMARO:**

Absolutely. Anyway, I'll offer a motion to table.

**LEG. COOPER:**

I'll second.

**CHAIRMAN SCHNEIDERMAN:**

All in favor? Opposed? I'll be opposed. Abstained? This bill is Tabled. **(Vote: 3-1-0-1 Leg. Schneiderman opposed - Leg. Losquadro not present)**

**IR 1457, adopting local law number -2008, a local law to adopt a full cost disclosure for land acquisition resolutions. (Alden)**

**LEG. COOPER:**

Motion to table.

**CHAIRMAN SCHNEIDERMAN:**

Motion to table by Legislator Cooper.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator Beedenbender. Any discussion? All in favor? Opposed? Abstentions? Tabled. **(Vote: 4-0-0-1 Leg. Losquadro Not Present.**

## INTRODUCTORY PRIME

**1670, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by local law number 24-2007, Reeves Bay property, Town of Southampton. (Schneiderman)** I'll make a motion.

**LEG. COOPER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator Cooper. Commissioner. All right. Commissioner Isles, if you could give us an introduction.

**DIRECTOR ISLES:**

Okay. The properties in question are located in the Town of Southampton. Reeves Bay is part of the Peconic Bay system. The subject parcels are outlined in red on the aerial photograph that's been supplied to the committee. The properties total almost 40 acres in land, predominantly undeveloped properties. We have conducted a review of this based on the natural environments rating form. And the parcel did -- the parcels did achieve a rating of 44 points. For, just pointing out some of the key factors, the presence of tidal and freshwater wetlands, principally tidal wetlands in this case along with adjacent buffer areas, certain wetlands soils found on the property. Habitat diversity in terms of the habitat types that are on this property.

Additional factors included proximity or adjacency to the Peconic Bay system, a surface water body. Certain aspects dealing with flood plains that are mapped on these properties so they are vulnerable from that standpoint. The size. Criteria of ten to 50 acres gave it eight points. And an additional points for proximity to other County land and so forth and a scenic roadway criteria as well.

Generally speaking in this area, the County has done extensive acquisitions to the south, which is within the core of the Pine Barrens. So this is getting to the eastern fringe of the Pine Barrens core area. Our parcels are indicated in green and there are many others as you go off the map to the south.

The Town of Smith -- Southampton, pardon me, has concentrated along the the coastal area here. The property outlined in purple on the map is known as the Iron Point property that Southampton bought several years ago.

So this is a little bit of a new twist in terms of the County getting involved with this and certainly the parcel has -- the parcels have merit from a scoring standpoint reflecting environmental and natural resource protection matters that are significant. Certainly we'd want to talk to the Town of Southampton in terms of what their plans are and at very least coordinating and partnering with them if these were to go forward. If you have any questions, we'll do our best to address those.

**CHAIRMAN SCHNEIDERMAN:**

Does the rating get any points for tidal and freshwater wetlands identified by the state DEC?

**DIRECTOR ISLES:**

It did get points for --

**CHAIRMAN SCHNEIDERMAN:**

That's number three under wetlands.

**MS. FISCHER:**

They're all tidal wetlands rather than tidal and freshwater.

**CHAIRMAN SCHNEIDERMAN:**

Well, but it has to be both tidal and freshwater.

**MS. FISCHER:**

Right. It did get ten points, which is the highest on number one, being extensive tidal wetland, and then buffer of that tidal wetland. And also wet soils. So it got the predominant amount. But it's not a mixture of both tidal and fresh in this area.

**CHAIRMAN SCHNEIDERMAN:**

Any other questions? No -- oh, I'm sorry, my mike's not on. Okay. No, I mean it as a high score, I just was -- had a question about that. Thank you for the answer.

**LEG. COOPER:**

Motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

It's a motion. Actually, I think we already had a motion and a second so if there's no further discussion.

**LEG. BEEDENBENDER:**

Could I just ask one quick question?

**CHAIRMAN SCHNEIDERMAN:**

Yes.

**LEG. BEEDENBENDER:**

These other the yellow properties. I just -- this is the first one I've seen that isn't contiguous. So, I guess, are we're hoping to get some of these in between? I could see some of them are developed. So I guess this owner owns -- yeah, there's a marina in there, but --

**DIRECTOR ISLES:**

This has a number of owners.

**LEG. BEEDENBENDER:**

Oh, okay.

**CHAIRMAN SCHNEIDERMAN:**

The yellow ones.

**MS. FISCHER:**

There are other properties that are undeveloped nearby. We did not come up with this array. Obviously there's others that could be considered as well.

**LEG. BEEDENBENDER:**

But, this I guess is obviously the bulk of what's left. I mean, is there properties, and I guess this is more for Legislator Schneiderman, to the north of the bay? I mean, I don't know this area very well. So is this just like a small bay that cuts in so there's no more properties to the north? Because it would seem like this is the type of thing we should be protecting.

**CHAIRMAN SCHNEIDERMAN:**

And we have.

**MS. FISCHER:**

Yeah.

**CHAIRMAN SCHNEIDERMAN:**

The County actually has extensive holdings in this area.

**MS. FISCHER:**

Yes.

**LEG. BEEDENBENDER:**

Okay.

**CHAIRMAN SCHNEIDERMAN:**

If you could see a larger aerial.

**LEG. BEEDENBENDER:**

Commissioner Isles, to the south. Right?

**CHAIRMAN SCHNEIDERMAN:**

In both -- all directions.

**MS. FISCHER:**

No. To the south, yes. And also to the east, the Hubbard County Park is an extensive wetland area, a tidal wetland area.

There are two properties on the list that show homes on them and we just wanted to request, you wanted those taken out. You're not looking to acquire them. Correct?

**CHAIRMAN SCHNEIDERMAN:**

Correct.

**MS. FISCHER:**

Okay. So we'll -- we'll so note that.

**CHAIRMAN SCHNEIDERMAN:**

Thank you.

**LEG. BEEDENBENDER:**

So this has to be amended?

**DIRECTOR ISLES:**

No, it would just be in the appraisal step.

**CHAIRMAN SCHNEIDERMAN:**

In planning steps they'll --

**DIRECTOR ISLES:**

Yeah.

**LEG. BEEDENBENDER:**

Oh yeah, okay. All right.

**LEG. D'AMARO:**

It would be required ultimately that the buyer -- the seller would pick up the cost of demolition, I would assume.

**DIRECTOR ISLES:**

Or we would just not buy those structures. We would cut them out of the acquisition.

**MS. FISCHER:**

We would just cut out the residential area according to local zoning requirements.

**CHAIRMAN SCHNEIDERMAN:**

You know, sometimes when the initial planning steps requests are made they're based on aerials that are a little slightly older and/or during the process houses go up on properties that you'd hope to prevent. But no, absolutely, that the properties that are already developed are not part of this request.

**MS. FISCHER:**

There are two that we could cut out the houses and then take the remaining wetland and acquire that.

**CHAIRMAN SCHNEIDERMAN:**

Open space, okay.

**MS. FISCHER:**

Is that what you're --

**CHAIRMAN SCHNEIDERMAN:**

Yes, yes. Yeah, in that case the undeveloped portions of those properties.

**DIRECTOR ISLES:**

Right.

**MS. FISCHER:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So there was a motion and a second. All in favor? Opposed? Abstentions? Approved. **(Vote: 4-0-0-1. Leg. Losquadro not present)** Okay. The next few are all SEQRA designations.

**1674, making a SEQRA determination in connection with the proposed highway and drainage improvements to CR 4 Commack Road from Nichols Road to Julia Circle, Towns of Babylon and Huntington. (PO Lindsay)**

It's drainage improvements. I'll make a motion.

**LEG. COOPER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator Cooper. All in -- and the motion is to approve the SEQRA determination made by CEQ as well as place on the Consent Calendar. So again, there's a motion by myself, second by Legislator Cooper. On the motion, it's a neg dec. This is an unlisted? Unlisted action, neg dec. Okay. All in favor? Opposed? Abstention? **Approved. (Vote: 4-0-0-1. Leg. Losquadro not present. Placed on consent calendar)**

**IR 1675, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Overton Preserve-Beechwood Horseblock Building Corp property, Town of Brookhaven. (PO Lindsay)** Motion by Legislator Cooper, second by Legislator Beedenbender.

**LEG. BEEDENBENDER:**

I'd like to place it on the consent calendar.

**CHAIRMAN SCHNEIDERMAN:**

And to place on the consent calendar. All in favor? Opposed? Abstentions? **Approved. (Vote:**

**4-0-0-1. Leg. Losquadro not present. Place on consent calendar)**

**IR 1676, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Overton Preserve-Fairfield Coram 112, LLC property, Town of Brookhaven. (PO Lindsay) Same motion, same second, same vote. (Approved and placed on consent calendar. Vote: 4-0-0-1. Leg. Losquadro not present)**

**1677, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Overton Preserve-Fairfield Mill Estates, LLC as contract Vendee property, Town of Brookhaven. (PO Lindsay) Same motion, same second, same vote. Approved. (Vote: 4-0-0-1. Leg. Losquadro not present. Place on consent calendar)**

**1678, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Long Pond Greenbelt addition, Zebrowski and Mulvehill Estate property, Town of Southampton. (PO Lindsay) I'll make the motion, second by Legislator Cooper. This is again to approve the SEQRA determination and place on the consent calendar. All in favor? Opposed? Abstentions? Approved. (Vote: 4-0-0-1. Leg. Losquadro not present. Placed on consent calendar)**

**IR 1706, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by local law number 24-2007, Bissett/Palumbo properties, Town of Huntington. (SCTM Nos. 0400-262.00-02.00-036.002 and 0400-262.00-02.00-038.000) (Stern) And you have in front of you an aerial describing the purchase showing the targeted property. Let's start with a motion and a second. Motion by Legislator Cooper, seconded by -- no?**

**LEG. BEEDENBENDER:**

Can we just have a discussion on this before we do a motion?

**CHAIRMAN SCHNEIDERMAN:**

Sure.

**LEG. D'AMARO:**

Yeah, this is a --

**CHAIRMAN SCHNEIDERMAN:**

Normally we have a motion and second to get it in front of us. Can we just -- let's have a motion and a second to table.

**LEG. BEEDENBENDER:**

Well, I'll make the motion for the purposes of discussion.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Any motion.

**LEG. D'AMARO:**

I'll second.

**CHAIRMAN SCHNEIDERMAN:**

All right. Motion by Legislator Beedenbender, second by Legislator D'Amaro. Okay. It's before us, on the motion, if we could have Commissioner Isles introduce the property to us.

**DIRECTOR ISLES:**

Sure. The subject parcel's located in the Town of Huntington, hamlet of Dix Hills. The map clearly

indicates that it's on the east side of state Route 231 and north of the Long Island Expressway. The property appears to be used as a nursery operation. There appear to be some greenhouses on the property and areas for customer parking and so forth. We have not conducted a site inspection at this point to confirm that, but that's what the aerial seems to reveal.

The resolution indicates the proposal is for an open space acquisition from what we understand of the matter. Based upon that we have completed the rating form for that category. The parcel scored three points for being in hydrogeologic zone one. It scored five points on acreage. The parcel is 9.6 acres so that gave it five points. And then it did gain two points for being located along a major road corridor, potentially offering scenic vista benefits. So the total point scores were ten points.

With that as far as a natural environment's rating, it's not one that we would recommend. And certainly we'd be happy to talk to the sponsor further to get a better understanding, perhaps what he had in mind with this. But based on the information we have at this point, we would not recommend approval.

**CHAIRMAN SCHNEIDERMAN:**

Might this be for like playing fields down the road or something like that or hamlet park?

**LEG. BEEDENBENDER:**

Jay?

**CHAIRMAN SCHNEIDERMAN:**

We don't know. Yeah.

**LEG. BEEDENBENDER:**

Well, I was just going to ask, Tom, if this is a nursery, wouldn't this -- could this qualify in some way, shape or form for farmland?

**DIRECTOR ISLES:**

It possibly could. Certainly nurseries are allowed under the County Farmland Program. We have not evaluated it for that purpose. Our understanding of the resolution was that this was for open space purposes.

**LEG. BEEDENBENDER:**

And I know you can't do this off the top of your head, but wouldn't it most likely score higher under the Farmland Program? Or -- I know if you can't just -- if you can't guess that's no big deal.

**DIRECTOR ISLES:**

Yeah, it is hard to tell.

**LEG. BEEDENBENDER:**

Okay.

**DIRECTOR ISLES:**

Yeah.

**LEG. BEEDENBENDER:**

No problem.

**DIRECTOR ISLES:**

-- at this point. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Yes. So we just passed Legislator Cooper's bill. Correct? Authorizing the department to come up with additional --

**CHAIRMAN SCHNEIDERMAN:**

For different points.

**LEG. D'AMARO:**

-- points. What's your thoughts on this? If you don't mind, you know, if you don't mind me asking off the top of your head.

**CHAIRMAN SCHNEIDERMAN:**

Ten to 12.

**DIRECTOR ISLES:**

Sure. It certainly wouldn't give it 15 points to get to the 25. We haven't done that calculation. We could do it probably in a couple of minutes. It would perhaps add another three or four points possibly to this one. We could check that though. I don't think it would be a determinate though in pushing this over the top.

**LEG. D'AMARO:**

As far as the 25 point threshold goes.

**DIRECTOR ISLES:**

Right.

**LEG. D'AMARO:**

But, you know, it's just interesting that it's really then about the fact that although the parcel is large and located along Route 231, there's no real environmental significance to it.

**DIRECTOR ISLES:**

Right.

**LEG. D'AMARO:**

Is that what we're saying?

**DIRECTOR ISLES:**

That's what I'm saying.

**LEG. D'AMARO:**

So we're left with the choice if you want to preserve open space in western Suffolk County, you have to develop it if the County's going to buy it. It has to be a ball field or something like that.

**DIRECTOR ISLES:**

Well, not an absolute in that manner. We do have -- certainly have ponds and streams. Carlls River, for example, where there's been preservation where it's part of a watershed. In this case, where there's no single strong environmental attribute to this property, it would not stack up well.

**LEG. D'AMARO:**

Right. Yeah, other than the --

**DIRECTOR ISLES:**

Hydrogeologic zone three.

**LEG. D'AMARO:**

-- hydrogeologic zone one, it doesn't pick up any environmental related scoring at all.

**DIRECTOR ISLES:**

That's true.

**CHAIRMAN SCHNEIDERMAN:**

Tom, you're a planner.

**DIRECTOR ISLES:**

Yes, I am.

**CHAIRMAN SCHNEIDERMAN:**

You've been doing this a long time. And I know there's an important need in these areas to maintain, you know, the woodlands that, you know, much of which have been lost. I know in many areas they have setbacks for development that require scenic buffers so that, you know, you have to have a hundred foot of woodland between your development and the road. Do these areas have anything like that? So that when they allow their commercial development and this is obviously a property that's already in commercial development, probably would end up in commercial development. Without short of the County or some other entity coming in and buying all this stuff at a huge cost to the taxpayers, that they could actually allow some of these sites to be developed and still create the appearance that it's a wooded area.

**DIRECTOR ISLES:**

I'm not certain of the zoning on this property. However, if it were residentially zoned since that seems to be a predominant use around this property, as part of a cluster subdivision, the town could mandate certain setbacks and buffering along the state roadway. I don't recall, I don't believe Huntington has an ordinance requiring a certain vegetated area along 231, to my knowledge.

**CHAIRMAN SCHNEIDERMAN:**

Because it's a heavily traveled commercial road.

**DIRECTOR ISLES:**

Right. Heavily traveled and also heavily developed at this point in time. So I think as part of the site plan review, they might, you know, try to get what they can. They certainly do have landscaping requirements and so forth, but I don't think it's as large as that. And I don't think it's as precise as that. I think it's a little bit more on a case by case basis. Certainly we can check into that a little bit further, if you'd like.

**CHAIRMAN SCHNEIDERMAN:**

I'm just thinking that, you know, some of the towns have developed really potent tools for preserving their rural character. And maybe we could have a little more sharing of those things. Again, if this was a residential subdivision, there's no reason why it couldn't look just as it does now

--

**DIRECTOR ISLES:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

-- to the casual driver by and retain that sense of place without having to spend the money. And maybe we have the money to buy the properties that have the trails and the waterfront or the, you know, the thing that -- the environmental attributes in these areas that really need to be preserved. It's just a thought.

**DIRECTOR ISLES:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

I don't -- I know planning very well in East Hampton from my years there, but I don't know what tools are in place in these other areas. So and I think the County -- you're in a position to share --

**DIRECTOR ISLES:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

-- some of those tools and recommend some of those tools.

**DIRECTOR ISLES:**

We do actually. We conduct an annual training program. We offer nine courses and we've done some that have dealt with community character issues and so forth. Generally speaking, the further east you go, the more stringent the land use regulations are.

**CHAIRMAN SCHNEIDERMAN:**

Right.

**DIRECTOR ISLES:**

It's kind of like this linear model. Most of this area was developed a generation or two ago, you know, post-war period and so forth. With that, there's been a greater awareness of and use of other tools, planning tools, that have had the benefit of use in the east end more so than the west end. The west end towns however --

**CHAIRMAN SCHNEIDERMAN:**

Now this is -- we have to talk to the sponsor here.

**DIRECTOR ISLES:**

Sure.

**CHAIRMAN SCHNEIDERMAN:**

And I think there's going to be a motion to table. I certainly would support that. If this were being looked at, let's say as a ball field, and let's say there aren't very many ball fields in this area, I don't know whether there are or whether they need it.

**DIRECTOR ISLES:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

Or the community needs it. This might be a wonderful spot to create a community facility like that. But maybe this is the wrong program to do it under. It's a Drinking Water Protection Program, though it has been modified now to allow those types of uses so --

**LEG. BEEDENBENDER:**

Yeah, I'll make a motion. I'll withdraw my motion to approve and make a motion to table so we can speak to the sponsor and see exactly what the plan is.

**CHAIRMAN SCHNEIDERMAN:**

That's fine. I'll second that. All in favor? Opposed? Abstentions? **Tabled. (Vote: 4-0-0-1. Leg. Losquadro not present)**

**1711, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law number 24-2007, Medford Gardens property, Town of Brookhaven. (SCTM No. 0200-631.00-03.00-002.001) (Eddington)**

**LEG. COOPER:**

Motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

And there's a motion to approve by Legislator Cooper.

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator D'Amaro. You have before you an area -- I mean an aerial showing the targeted property and, Commissioner, if you can give us some more information.

**DIRECTOR ISLES:**

Correct. The parcel is 55 acres. Just getting a sense of the scale of this property. It's rather large compared to the surrounding lots, especially to the south. It was rated under the Natural Environment's Program. Located within the Central Suffolk Special Groundwater Protection Areas so that gave it eight points. It's over 50 acres so it did get ten points for that. It's within 300 feet of the Gordon Heights County Nature Preserve, five points; and then two points for town land that's preserved in that area. So it did get a total of 25 points.

I will point out to you that this property, and I think it was alluded to you by one of the earlier speakers, has a little bit of an interesting history in that the County acquired this property through non-payment of taxes sometime ago and then sold it at auction, we believe in the mid 90's. So we did have it in our possession at one point. At this time it is in private ownership at this point.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Beedenbender.

**LEG. BEEDENBENDER:**

Okay. Well, that's both disheartening and many other things. But the natural question that begs is our policies are such now that we check those things before we -- this would not happen anymore.

**DIRECTOR ISLES:**

I hope not.

**LEG. BEEDENBENDER:**

Okay.

**DIRECTOR ISLES:**

No. I don't think it would happen now. We have a very good process to pull parcels off, they're vetted through Planning and Department of Energy and Environment and we recommend to Energy and Environment which parcels to retain for park purposes.

**COMMISSIONER MEEK-GALLAGHER:**

Right. And we listen to them now.

**LEG. BEEDENBENDER:**

Okay. Well, I would very much like to see this approved. It's not in my Legislative district, but it's not very far away either. And, I guess -- so I would imagine that we sold it and now we're going to buy it and we end up losing quite a bit in that transaction. Well, at least it won't happen again. I don't really know what else to say.

**CHAIRMAN SCHNEIDERMAN:**

Nothing's going to be very helpful, I don't think. Legislator D'Amaro.

**LEG. D'AMARO:**

It is rather disappointing, but when the property was sold -- when was it sold at auction, do you know? Chris?

**MR. KENT:**

We don't know, but it was sometime, I would say, mid to late 90's.

This is a property where we'd like to actually, if we could maybe table it for one cycle to look into something with the County Attorney's Office as to the sale of this piece. There are some issues.

**CHAIRMAN SCHNEIDERMAN:**

Motion to table.

**MR. KENT:**

I mean, this is just a planning steps resolution, but I don't want to mislead the Legislature by going forward with the planning steps resolution and then there might be some other issues that might make it unwise to go forward.

**LEG. D'AMARO:**

You mean with respect to the auction sale?

**MR. KENT:**

The ownership and things like that.

**LEG. D'AMARO:**

Okay.

**MR. KENT:**

So I think we -- I would request that.

**CHAIRMAN SCHNEIDERMAN:**

Have you -- yes, I would absolutely support that. But I just -- it is -- obviously borders a very large development area. This was not part of that original development plan that might have been set. It looks like a reserved area.

**DIRECTOR ISLES:**

Right. It certainly does. I agree with you completely on that. What we've looked at thus far is it does not reveal, like in this original subdivision map, the file map that was part of that. So we will continue to look into that, but at this point --

**CHAIRMAN SCHNEIDERMAN:**

We need to do kind of an exhaustive deed search to make sure that this actually is a developable piece of property.

**DIRECTOR ISLES:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

Because on its face it looks like it may have been a reserve for a large development.

**DIRECTOR ISLES**

Right. And I think it predates, this is really just a file of grid subdivision that's to the south and they probably predated town requirements for parkland dedications and so forth. But it's the first thing we saw too --

**CHAIRMAN SCHNEIDERMAN:**

Right.

**DIRECTOR ISLES:**

-- is that should have been part that. At this point in time it does not appear.

**CHAIRMAN SCHNEIDERMAN:**

Right. Maybe it was never filed, but it may have been a requirement. All right so, yeah.

**DIRECTOR ISLES:**

We'll double check it.

**LEG. BEEDENBENDER:**

Jay, could I just -- Chris, you had said, you know, is that something with the legal issues that you'd be able to give us an answer at the next meeting? Because like I said, I would like to know the answer to those questions because I'd like see this preserved and I'd like to see us move forward as soon as we can. But is that something you'd be able to give us the answers for at the next meeting?

**MR. KENT:**

Yes. We would run an -- we would request our abstract unit to run chain of title. We'd also look at subdivision maps. We'd also research possible town approval of this map and see if there were any restrictions on these lands.

**LEG. BEEDENBENDER:**

Okay.

**LEG. D'AMARO:**

And the surrounding properties, I would assume.

**MR. KENT:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

All right. So I made a motion to table, seconded by -- who?

**LEG. D'AMARO:**

I'll second.

**CHAIRMAN SCHNEIDERMAN:**

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

**1712, Amending the 2008 Capital Budget and Program and appropriating funds in connection with the Charter Law extending and accelerating the Suffolk County 1/4 percent Drinking Water Protection Program for environmental protection for land acquisition. (CE Levy)**

**LEG. COOPER:**

Motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion by Legislator Cooper.

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator D'Amaro. Can I have any information on this, Mr. Kent?

**MR. KENT:**

Yeah, I'd like to pass out, I have copies for the committee of all the parcels that we're potentially going to acquire with this money.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So we're just basically putting money in place now?

**COMMISSIONER MEEK-GALLAGHER:**

Right. It would be authorizing us to bond an additional 25 million against the future --

**CHAIRMAN SCHNEIDERMAN:**

Okay.

**COMMISSIONER MEEK-GALLAGHER:**

-- anticipated revenues of the quarter percent sales tax. This will have to then take us through to the spring borrowing. So what we've done is evaluated all of those properties that we will be -- we know we will close on before the next borrowing, which would be in the spring of 2009 and we're requesting that amount of funding. There may be additional parcels that we could close on in that time frame, but these are the ones that we're sure of. And we only, you know, want to be very conservative in our estimates of what we'll close on and make sure we're only requesting that amount for borrowing.

So we're requesting an additional 25 million on top of the 32 million that was previously authorized, which will give us 57 million for this year. We have approximately 52.5 million in actual acquisition costs and then another 4.5 million in the soft costs. That would be associated with those, the appraisals, title search, phase I's, phase II's as needed, closing costs, etcetera.

**CHAIRMAN SCHNEIDERMAN:**

And that's all the debt services paid from quarter penny proceeds.

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

Okay.

**LEG. BEEDENBENDER:**

Carrie, what does that bring the total up? If you add that 25 million, how much have we borrowed against it so far?

**COMMISSIONER MEEK-GALLAGHER:**

So we borrowed 32 million that was authorized in the spring.

**LEG. BEEDENBENDER:**

So it would be up to 57, okay.

**COMMISSIONER MEEK-GALLAGHER:**

So we'll be up to 57 million for this year, for 2008. And then this will carry us through to the spring borrowing in 2009.

**LEG. BEEDENBENDER:**

So we still have about 200?

**COMMISSIONER MEEK-GALLAGHER:**

Well, we could do 322 million --

**LEG. BEEDENBENDER:**

Okay. So then --

**COMMISSIONER MEEK-GALLAGHER:**

-- in the first four years, so it takes us down to --

**LEG. BEEDENBENDER:**

Then we have a lot more than 200 left.

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**MR. KENT:**

Yeah, we have a lot of work. If we're going to expend that money we have a lot of work to get the parcels identified.

**LEG. BEEDENBENDER:**

Well, absolutely. I -- just trying to keep an idea of where we are.

**CHAIRMAN SCHNEIDERMAN:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Yes, through the Chair, Commissioner Gallagher, you used to give us a chart indicating the status of each acquisition program. Can we -- do you have an update?

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**LEG. D'AMARO:**

That would be great.

**CHAIRMAN SCHNEIDERMAN:**

Commissioner, would you, on the record, take us through this a little bit in terms of where we are? I hate to do this in the context of talking about a bill, but it is a pretty appropriate time, so.

**COMMISSIONER MEEK-GALLAGHER:**

Right. So what we're asking for additional money for is that very last column, the bonded Quarter Percent. Okay. The bonded Quarter Percent Drinking Water Protection Program. You'll see that balance of accounts. We're actually at 75 million. And then as you take out what's in contract, what we have in accepted offers, what's in negotiation, we get up to the total projected expenditures of 105 million and we're roughly \$30 million short in order to meet all of those obligations.

And really the active funds is Legacy funds and the bonded Quarter Percent Drinking Water Protection Program if you're looking at being able to purchase in a broad category. The old Drinking Water Protection Program, which is the first column, the 12-5-a is restricted farmland preservation, is really zeroed out. Open space preservation, again, restricted from the 1986 bonds. South Setauket Woods, restricted to just that area. There's still a short fall in the New Quarter Percent Drinking Water Protection Program, but I assume we're transferring those over, Chris? Where it still --

**MR. KENT:**

The New Quarter Percent? Oh, in there.

**COMMISSIONER MEEK-GALLAGHER:**

The 2000 one. Are we still transferring some of those acquisitions out?

**MR. KENT:**

That farmland money?

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**MR. KENT:**

We are working still acquiring, yeah, some of those properties. The farmland money will go into the --

**COMMISSIONER MEEK-GALLAGHER:**

The farmland money, but even the open space where there's a shortfall. Are we still -- we had that -- we were transferring some into the --

**MR. KENT:**

No. Those we're moving those with technical corrections --

**COMMISSIONER MEEK-GALLAGHER:**

Okay.

**MR. KENT:**

-- to other programs. What we're trying to make up with the 25 million is the \$37 million deficit that we're showing in the bonded Quarter Cent in the second to last category at the bottom. But we're really only projecting that we'll need 25 million now in order to -- that we will anticipate expending in the next six to eight months.

**CHAIRMAN SCHNEIDERMAN:**

Any questions? Okay. Thank you. So we have before us 1712. There was a motion and a second. All in favor? Opposed? Abstentions? **Approved. (Vote: 4-0-0-1. Leg. Losquadro not present)**

**1718, authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program, Open Space Component, for the Zebrowski and Mulvihill Estate property, Long Pond Greenbelt, Town of Southampton. (SCTM Nos. 0900-025.00-01.00-012.000 and 0900-025.00-01.00-045.000) (CE Levy)** I will make the motion.

**LEG. COOPER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator Cooper. Okay. You now have before you an aerial showing the targeted properties. Commissioner Isles, if you can give us a brief introduction.

**DIRECTOR ISLES:**

Okay. This is a resolution to authorize acquisition of this property. It is not a planning steps. The parcel itself is 10.3 acres. It consists of two separate lots along Middle Line Highway; a paper street. The subject parcel also has access to a cul-de-sac to the south. It's depicted in red in the aerial photograph.

This is an area where there's been extensive conservation efforts by both the town and the County, the Long Pond Greenbelt area. It is a parcel -- we did do a rating form, this not part of a master list. It was part of a separate resolution. This parcel rated 26 and is attached. It would be directly

adjacent to town land, directly to the west and across the street, on the paper street, the County land to the north. The acquisition is 10.3 acres. The purchase price is \$1,445,000. If you have questions, we'll do our best to address those questions.

**CHAIRMAN SCHNEIDERMAN:**

Any questions? All right. There's been a motion and a second. All in favor? Opposed? Abstentions? **Approved. (Vote: 4-0-0-1. Leg. Losquadro not present)**

**1719, authorizing acquisition of land under the Suffolk County Environmental Legacy Fund for open space preservation for the Beechwood Horseblock Building Corp property, Overton Preserve, Town of Brookhaven. (SCTM No. 0200-544.00-01.00-008.002) (CE Levy)**

**LEG. COOPER:**

Motion.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Cooper, second by Legislator Beedenbender. You all have the aerial in front of you. Commissioner Isles?

**DIRECTOR ISLES:**

Yes. Resolution 1719, Beechwood Horseblock Building Corp., this is a parcel that's being under -- acquired under the Environmental Legacy Fund. So this is a site that's part of the Overton Preserve. Here again, this was -- this area was spoken of a little bit in the public portion of the meeting. The Overton Preserve is located in the Hamlet of Coram, partly Hamlet of Medford, just east of 112, State Route 112 in the Town of Brookhaven.

It's an area of overall probably around 500 acres of land. We have circulated a map that shows a number of different things. The subject parcel for resolution 1719 is outlined in red. That's a parcel that's proposed to be a joint acquisition with the Town Brookhaven, a 50/50. Total land area is about 16 acres. The total purchase price is \$1,894,041 of which Suffolk County's share would be \$947,020.50.

The -- this area is within the Central Suffolk Special Groundwater Protection Area. It's within the Central Pine Barrens in the compatible growth area. The -- we have done a rating and the rating has been done or was done at the time for all of the Overton properties when they were presented in the planning steps resolution. It was based on the form that was used at that time and it did achieve a point score of 80 points, here again, the overall Overton properties.

So that summarizes the facts with resolution IR 1719, in terms of the location of the property, the environmental rating as well as the purchase price as negotiated through the Division of Real Estate and reviewed by the Environmental Trust Review Board. If you have any questions, we'll try to address those questions.

**CHAIRMAN SCHNEIDERMAN:**

Any questions?

**LEG. D'AMARO:**

So just to clarify, we have three maps and it's the next three resolutions in a row.

**MS. FISCHER:**

Yes.

**LEG. D'AMARO:**

That's what we're looking at?

**MS. FISCHER:**

These are the next three.

**LEG. D'AMARO:**

Right. And, okay.

**LEG. COOPER:**

And 1719 is a 50/50 partnership with the town?

**MS. FISCHER:**

Yes.

**DIRECTOR ISLES:**

Yes, it is. Yes.

**LEG. D'AMARO:**

Do you know -- I'm sorry, Legislator Cooper -- do you know if -- it says on the rating form that preliminary plans or subdivision plans have been filed. Do you have any further information? Mr. Kent, do you know anything about that?

**MR. KENT:**

Not on this one.

**DIRECTOR ISLES:**

I'll believe what that related to was, here again, the rating form was done for the overall Overton Preserve. As you will see, in the words Granny Road, which runs around the south side of the map, there is development that was beginning to occur or is shown on this map as beginning to occur and that's a townhouse/condominium type development. So I believe at the time that the rating form was done, when the original planning steps were done, I don't think that was under construction at that time or the development plans were filed at that time.

Obviously subsequently what happened is the development plans were approved, construction commenced and at this point construction is complete. The subject parcel, to my knowledge, there are no development plans pending that we're aware of at this time nor is there any construction that has commenced.

**LEG. D'AMARO:**

Oh, because it says on the rating form, preliminary development plans filed, zoning in place, secondary criteria subcategory E.

**DIRECTOR ISLES:**

Right.

**MS. FISCHER:**

That was for all -- that was part of the evaluation of all 400 acres. If you look at the map and all the areas that are identified with a diagonal black line, were the areas with -- that were reviewed under that as a one in all.

**LEG. D'AMARO:**

I see. So the entire -- the entire area received 80 points.

**MS. FISCHER:**

Exactly. The original.

**LEG. D'AMARO:**

And we don't have an individual --

**MS. FISCHER:**

We done that one sub -- cut out.

**LEG. D'AMARO:**

I'm just curious if we're seeing the results of the slowdown in the housing industry here. If these are properties that were owned and ready to be developed and then offered to the County because -- for market conditions.

**LEG. BEEDENBENDER:**

Well, if I could add in, Legislator D'Amaro, as and Mr. and Mrs. Seubert would certainly tell you, if you go up and down 112 there are at least two if not three Fairfield complexes that already exist. And this area -- and those were not there ten years ago. And I mean, there's no way they're Fairfield's. There are several other apartment complexes that have sprung up all along this road, just to the south and as well as to the north.

So I can't speak directly to the individual parcel whether the town has filed a map. But being that it's on 112 and it's a highly populated area and there are stores and everything you could ever want around here, this has been an area that has been developed over and over. There's, I mean, there's luxury townhouses up and down the whole east side of 112. So I wouldn't be surprised if the company that owns this, Fairfield -- well, actually the next two are Fairfield, I wouldn't be surprised if this was something they'd be looking to build here as well.

**MR. KENT:**

This one is owned by Beechwood, which is also a developer; a competing developer. The answer to your question, Legislator D'Amaro, would probably be, yes, if that's sufficient. If you want me to go further, I can explain it. The developers are coming back and are less likely to develop and more likely to sell for preservation.

**LEG. D'AMARO:**

So from the County's perspective, it's a good time to buy.

**MR. KENT:**

It is a good time to buy because the prices have gone down too.

**LEG. D'AMARO:**

Yeah. But my point was that are we removing parcels now that when the economy does come back we're just -- we're taking now property that could be developed as residential subdivisions. And, you know, are we driving up the cost of housing by doing this on a large scale?

**MR. KENT:**

You'd probably have to go to an economist to answer that question.

**LEG. D'AMARO:**

Yeah.

**MR. KENT:**

I don't feel qualified to answer that question.

**LEG. D'AMARO:**

Yeah. I think we are.

**MR. KENT:**

But there are costs of developing, I think, land that goes into development might be more costly to the public than land that goes into preservation.

**LEG. D'AMARO:**

Well, except, you know, we have workforce housing programs, and, you know, maybe the County has leverage here when buying property that was slated to be developed maybe -- how come this is not being considered as a potential site for workforce housing? It's large. It was going to be developed anyway, preliminary plans have been filed. You know, what's the thinking behind that?

**MR. KENT:**

That would be a Planning issue. But I don't know if there were preliminary plans filed on this parcel. I don't think there were. Because the value that we're buying it --

**LEG. D'AMARO:**

Well, I can -- I'm sorry to interrupt, but I would almost bet my bottom dollar that if Beechwood owned it, that it could be developed.

**MR. KENT:**

Oh, no, I'm not saying it couldn't be developed.

**LEG. D'AMARO:**

Right.

**MR. KENT:**

I'm just saying that I don't believe plans were filed on this particular map or else the price would be even higher than \$118,000 per acre.

**LEG. D'AMARO:**

Right.

**MR. KENT:**

But the question you're asking is really a Planning question of whether or not this could be a workforce housing site appropriate for workforce housing.

**LEG. D'AMARO:**

Right.

**COMMISSIONER MEEK-GALLAGHER:**

Yeah. If I might just comment, I'm sure Tom's going to add to it, this is in the Central Suffolk Special Groundwater Protection Area. It's been heavily developed as you can see, and as Legislator Beedenbender could attest to. So anywhere where we can preserve land here in the Central Suffolk Special Groundwater Protection Area we would prefer to do that and site housing in an already developed, a downtown or somewhere else.

I think there's also the issue of the sale of being able to develop, say workforce housing economically on such a large parcel, you might be able to get a very small percentage, but certainly it wouldn't be economical for most developers to do that. And to acquire this with the money that we have available for affordable housing would tap out the entire affordable housing acquisition given the cost of the acquisition here because at least on some of the properties, an upcoming property the town has increased the density and allowed, you know, increased density on the subdivision map, which makes it --

**LEG. D'AMARO:**

Whether or not we have sufficient funding in the Workforce Housing Program is another issue. And also, you know, developing on a small scale may be actually what we want to be doing as opposed to larger scale workforce housing developments. And, you know, I understand the environmental

significance here. It's in a special designated area, but it is developed completely around this area. So you would have some type of workforce housing that would adjoin neighboring residential areas. And, but the point I'm making is that none of this then is looked at with that eye.

**COMMISSIONER MEEK-GALLAGHER:**

Well, yeah.

**DIRECTOR ISLES:**

If I could, just one point I wanted to make is that certainly the Town of Brookhaven has looked at this as part of their plans. One of the things Brookhaven has done and has been reviewed and accepted by the County Planning Commission is they've done a study of the Middle County Road corridor, which is basically State Road 25. That goes thru Coram Hamlet Center just to the north of this and extends into Middle Island.

As part of that process, what they've done is they've designated areas of nodes of higher density residential development as well as mixed-use commercial activities. In fact, the Suffolk County Planning Commission has received two referrals from the town for higher density housing developments in Middle Island. So we're looking at this in a very small scale of looking at Overton Preserve, but in the larger scale the Coram community and going into Middle Island, the town has planned for growth of workforce housing as well as market rate housing and diversified uses within walking distance of commercial services, transportation services. So I think they have taken that big picture, look and planned accordingly for preservation as well as development.

**LEG. BEEDENBENDER:**

And if I could just add, through the Chair, there's a development going on on 25 in Coram right now; it's just to the north of here. And it's that very idea, it's an entire housing complex as well as a proposed downtown walkable area just to the east of it, at the corner of 25 and 112, right by where the movie theater is.

**DIRECTOR ISLES:**

Right.

**LEG. BEEDENBENDER:**

And, you know if you drive past it, you see humongous buildings that sprung up almost overnight.

So I think in this particular area -- I mean, there's a paintball field that's located in this property, too, that we're not buying yet, because I see it's carved out of here. But that's what this is being used for so I think that it would be better, I think -- you know, I would definitely be in favor of moving forward with this.

**LEG. D'AMARO:**

Yeah, I'm not necessarily opposed to it, but if this County's ever going to get serious about workforce housing, you know, we need to not rely on the towns doing it for us and doing their studies. I think we really need to start, you know, taking a close look even -- and no one wants it in their district, you know, there's all the negatives that are attached to it. But, you know, I'll even go as far as saying the parcel that Legislator Stern had previously, you know, why not there? I know down the road on Deer Park Avenue there's some housing that went in right in off of Deer Park Avenue. It was high density,, it was done very nicely behind a shopping center. A portion of that was made affordable through the town program.

So, you know, again, the point I'm making here is that, you know, you're always going to have some recharge zone or area that's going to prohibit you or lean towards preserving it for environmental purposes, but, you know, we need to strike a balance between the two competing interests. And I think when I look at properties like this, that really comes to mind. I mean, you have subdivisions all around residential neighborhoods and maybe we need to talk about, you know, increasing the funding into the Workforce Housing Program so that we can't say, well, you know, if we just by this

one parcel it's going to deplete that fund. Well then, it's just not funded properly. But I'll support the resolution.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Any other discussion? All in favor? Opposed? Abstentions? **Approved. (Vote: 4-0-0-1. Leg. Losquadro not present)**

**1720 (authorizing acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) open space component, for the Fairfield Coram 112, LLC property, Overton Preserve, Town of Brookhaven. (SCTM No. 0200-524.00-01.00-047.001) (CE Levy) Same motion, same second. Do we need -- no.**

**LEG. D'AMARO:**

It's the same.

**LEG. COOPER:**

Depends who made the motion.

**CHAIRMAN SCHNEIDERMAN:**

What?

**LEG. COOPER:**

Who made the motion?

**CHAIRMAN SCHNEIDERMAN:**

Who made the motion?

**MS. LOMORIELLO:**

Jon, you did.

**CHAIRMAN SCHNEIDERMAN:**

So you don't want to make the motion and a second?

**LEG. BEEDENBENDER:**

I'll make the motion.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Legislator Beedenbender makes the motion on 1720, seconded by Legislator D'Amaro.

**MS. LOMORIELLO:**

Second by who? I'm sorry.

**CHAIRMAN SCHNEIDERMAN:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Well, I'll second for purposes of discussion.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Commissioner?

**DIRECTOR ISLES:**

Okay. The next parcel, the one encompassed in the resolution 1720 is the second map that we've handed out to you. And just to make sure we're all on the same page, This is the parcel that is located on the left side. It's outlined in red. It's along the east side of State Route 112. The

subject parcel was approved in the planning steps resolution that approved the prior parcel as well. At this point in time, the parcel has advanced through the process. There is a willing seller and an acceptance of an offer for the property.

Once again, the rating was done overall for the entire 400 acre Overton Preserve area. So it is generic in that sense and it did achieve a point score 80 points. Some of the more significant features, here again, it's within the Central Suffolk Special Groundwater Protection Area. There are surface water bodies located within the Overton Preserve freshwater wetlands, endangered species; the tiger salamander and other information that's expressed on the rating form.

As far as the acquisition itself, it is a Suffolk County acquisition. Brookhaven has done acquisitions in the -- on other large parcels in this area. This would be by the County. The acquisition is \$11,200,000. It is 23 acres and, here again, it encompasses the western boundary of the Overton Preserve.

I will tell you, too, that the -- if you're looking at the map, the area to the north is an area of small lots. It's an old filed map system. That also is within the planning steps resolution. It's kind of hard to see that in terms of the cross-hatching on that property. But, here again, this parcel would then, if we preserve the parcel to the north, square off this end of the Overton Preserve. If you have any questions, we'll do our best to address those questions.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Cooper.

**LEG. COOPER:**

I was wondering if you could explain why the cost per acre for this acquisition is so much higher than 1719? 1719 was 118,000 per acre. This is close to a half million dollars per acre.

**MR. KENT:**

This had an approved map for an over -- it actually was an overlay approved by the town that allowed for multiple residences per acre.

**LEG. COOPER:**

And was this one of the parcels where you said that the town increased the density?

**MR. KENT:**

Yes.

**LEG. COOPER:**

Do you know when that was done?

**MR. KENT:**

No, I don't know when it was done. But it was done through the town approval of a map, I would say, within the last four years.

**LEG. COOPER:**

It just bothers me where -- we have a case where this instance the town increases the density; therefore, that greatly increases fourfold, almost fivefold, the cost of the acquisition. And in this case the town is not partnering with us. They partnered with us on the cheap parcel, but the expensive one that's now expensive because they approved the higher density, they're not giving us a penny. So I just have a problem with that.

**LEG. D'AMARO:**

Well, and if I could just tack onto that, that kind of goes back to the point I was making earlier where, you know, these parcels were slated for development. You had this go through that town board system for probably a rezone -- maybe a rezone, but at least, you know, site plan approval

and that kind of thing. And here you are now in a softer economy where it's not economical to develop it, but we're going to be purchasing property that in a different market may have been developed subject to town requirements for workforce housing.

So I'm just wondering if we need to, you know, keep that in mind here. I mean these are parcels that, again, are surrounded by residential areas; it looks like residential subdivisions from the tax map.

**CHAIRMAN SCHNEIDERMAN:**

On the bus route.

**LEG. D'AMARO:**

On the bus route.

**CHAIRMAN SCHNEIDERMAN:**

This one is.

**LEG. D'AMARO:**

Yeah. And, so, you know, again -- but from the environmental's perspective, hey, you know, then this presents an opportunity to grab something that we wouldn't get otherwise. And I agree with Legislator Cooper also that what's the town's thinking on not partnering on this particular acquisition?

**MR. KENT:**

Well they have acquired other properties in -- within the Overton Preserve alone. So where -- this is one that we're acquiring. The town really doesn't have the money at this point. The Town of Brookhaven probably would have partnered with us had their CPF been approved.

Just so -- for informational purposes on your map that you're looking at, the yellow checkered area to the north of this parcel is also slated for acquisition and is being presented to ETRB at the next meeting.

**LEG. D'AMARO:**

So that's also laid out as a subdivision. Those are individual tax maps? Tax slots? A file map?

**MR. KENT:**

That's an old filed map that they have, you know, that they have the rights -- their rights have been retained on that.

**LEG. D'AMARO:**

Yeah, wow.

**MR. KENT:**

They're single and separate lots.

**LEG. COOPER:**

I don't think I'm comfortable supporting this without a partnership from the town. Talking about a lot of money.

**LEG. BEEDENBENDER:**

Well, they don't have any money.

**LEG. COOPER:**

Well, so let them put in open space bond before the voters like Huntington did. And that's replenished our fund.

**CHAIRMAN SCHNEIDERMAN:**

You know, my concern here -- I'm actually a little bit surprised because we did the planning steps for this a longtime ago and, you know, we should have said then if our intentions were to do it as a joint acquisition -- I've always -- when we did these Overton preserve properties, and actually had raised questions when this was before us for planning steps, whether we should be going after the whole thing because some of it seemed like it might be good for workforce housing, you know, along the bus routes. But we did as a body move forward with planning steps resolution. And now we're poised to acquire it and all we have to do is do the authorizing resolution. It just seems to be -- it's a bit late to say we need to have a partner.

**LEG. D'AMARO:**

You don't know the price at the time.

**CHAIRMAN SCHNEIDERMAN:**

That's true, we don't know the price. But I would have preferred that at the beginning of the process rather than the end suddenly saying we're going to have a requirement before we buy it that the town kick in. So I'll support it. We'll see what happens.

**LEG. BEEDENBENDER:**

I was just going to say that, you know, I will certainly be the first one to admit that working with the Town of Brookhaven could make you go gray very quickly, but -- or lose it and you lose your hair entirely.

**LEG. D'AMARO:**

You're going gray already.

**LEG. BEEDENBENDER:**

Yeah, I know, I'm going gray, it's the job. But I think that, you know, if this has to be tabled once, I understand. But the town -- the town doesn't have the money not because of any bad reason, they spent it all and they put something before the voters that didn't have their approval. So I think, you know, well, I don't know what will ever come out of the Town of Brookhaven. But I don't think anywhere in the near future they will be in the position to be a partner on this. Certainly not in anyway I could see within the next six or seven months.

So I agree that \$11 million is a lot of money. However, if we're at the point now where we can buy it, I'm not sure what's going to happen in the next six or seven months if there will be something put before the voters. And if not, then we're talking about a year-and-a-half before the Town of Brookhaven would really have anything that they could contribute to this. So -- especially in the light of the fact that this is 400 acres and this is a piece of it, but a 400 acre piece of property in an area of the Town of Brookhaven that probably hasn't gotten any if very little of all the money they've spent.

This isn't, like I said, this is not my district, but it is strikingly similar to what mine looks like. And the 400 acres here -- I don't know why we keep calling it a preserve because it's not quite preserved yet. I think we're -- I like that we're being very hopeful though.

So if this particular piece of it -- if we'd like to look at it more, I wouldn't be opposed to tabling it once, but with the understanding that I think that -- if we're hopeful for the town to partner, it's going to be a longtime.

**CHAIRMAN SCHNEIDERMAN:**

Can I just say one more thing or ask one question to Mr. Kent because the real estate market, we all know, is in a bit of trouble. And we're seeing now depreciation, lowering of property values. And knowing how the process works with the town, well, you know, we did the planning steps. We do multiple appraisals and appraisal reviews and ETRB. It seems to me possible that by the time it comes for an authorization the appraisals we're using could easily be a year old. And if real estate is

going down by ten or 20 percent -- I know some of the, you know, the most recent things they were saying, 15 percent drop in real estate values. Are we accounting for that? Do we have a mechanism to put the breaks on and not overpay for these properties?

**MR. KENT:**

Well, it's difficult. This one has gone through the process. It was approved by ETRB within the last nine months, I mean, the value was set at that time, the offer was made based on the value.

**CHAIRMAN SCHNEIDERMAN:**

It was approved by ETRB nine months ago.

**MR. KENT:**

Well, I would say -- I'm saying within nine months. I don't know the exact date off the top of my head.

**CHAIRMAN SCHNEIDERMAN:**

Because that means the appraisals were probably done --

**MR. KENT:**

But that's the process. Do you want --

**CHAIRMAN SCHNEIDERMAN:**

-- based on comps that were over a year old now.

**MR. KENT:**

That would be a policy decision if you want us to reserve within our offering letter that we're making you this offer today, but by the time we close on this property we want to pay you less because of the passage of time. That's basically what you're suggesting and, I mean, if that's your policy --

**CHAIRMAN SCHNEIDERMAN:**

Well, let me just think out loud here. So let's say you were personally going after to buy a piece of property. And it took a year to close and the property value went down by 30 percent. What would be your avenues? You could walk away, you would lose your deposit.

**MR. KENT:**

You're going -- you're establishing by the date of closing. It really has to be thought through on the date of contract. We entered into contract in this shortly after ETRB approval. The problem is it takes time to go from contract to closing. And it's been a few months and I know the market's been going down.

**CHAIRMAN SCHNEIDERMAN:**

Well, here's the catch on that.

**COMMISSIONER MEEK-GALLAGHER:**

It goes both ways.

**CHAIRMAN SCHNEIDERMAN:**

Because you're entering into contract not based on Legislative approval, but on planning steps approval, which we always think is just kind of a preliminary approval and we're going to take a harder look at it later. So the contract that you talk about entering into is a contract that's contingent upon Legislative approval.

**MR. KENT:**

But that was established by the Legislature in the resolution in 2004, which set up our steps, our streamline process, which forces us to go from ETRB --

**CHAIRMAN SCHNEIDERMAN:**

Right.

**MR. KENT:**

-- to an offer within 45 days, to an accepted offer, to a certain time period within which we have to prepare the contract and get it executed.

**CHAIRMAN SCHNEIDERMAN:**

Is there a second stage of that contract that is kind of a contract that now has the Legislative approval but hasn't closed? So I know what you're saying, once you're in -- if you were going to buy the property, once you're in contract, you're buying it, you could walk away and lose your deposit. But other than that you're kind of locked in. And I think what you're saying in the County's process there ought to be a point, okay, where we've made a decision, we've locked in, wouldn't be fair to the seller, though I don't know -- even know if -- we don't put a deposit down on our contracts.

**MR. KENT:**

Just remember if we do it in a market that's appreciating and you enter into contract --

**CHAIRMAN SCHNEIDERMAN:**

Then we benefit.

**MR. KENT:**

-- and then six months passes and the property values go up, are we then willing to pay more money?

**COMMISSIONER MEEK-GALLAGHER:**

Right. It goes both ways.

**MR. KENT:**

We're just in a downward market right now.

**CHAIRMAN SCHNEIDERMAN:**

Right. And we don't put a deposit down. Do we?

**MR. KENT:**

No. No deposit.

**COMMISSIONER MEEK-GALLAGHER:**

No.

**CHAIRMAN SCHNEIDERMAN:**

No money down. Well, it is a concern. If the real estate market really were to go down significantly, and we don't -- didn't have Legislative approval yet, we still could -- we could say no. And we're under no obligation to purchase that property. And then we could renegotiate it. So I just -- I think --

**MR. KENT:**

Really the contract isn't fully --

**CHAIRMAN SCHNEIDERMAN:**

-- it's something that we as a body need to be aware of. And it's not to fool the person selling the property to us, but I think we take a long time as fast -- you know, and things are maybe better than they were in the past, but it still is a long process. And the comps for this appraisal as well as many others are probably a year old. And the national trend, at least the articles that I've been reading are saying a 15 percent lowering in prices. And so that is not factored into the prices we're paying. And I just think we need to be aware of that that we may be buying these properties

ultimately for more than they are sellable for in the current market.

**MR. KENT:**

You mean in closing on the property? But you're closing on it based upon a contract that was entered into a few months ago.

**CHAIRMAN SCHNEIDERMAN:**

But a contract that was contingent upon Legislative approval.

**MR. KENT:**

That's correct. And the County Exec has not signed this yet.

**CHAIRMAN SCHNEIDERMAN:**

And they know that.

**MR. KENT:**

Has not signed -- he doesn't sign the contract.

**CHAIRMAN SCHNEIDERMAN:**

But the seller understands that they don't -- they have a contract, but it's not -- it doesn't have the authorization yet from the County --

**MR. KENT:**

That's correct.

**CHAIRMAN SCHNEIDERMAN:**

-- to purchase subject to approval by the Legislature. It's just something we as a body I think have to sort out in a declining real estate market.

**LEG. D'AMARO:**

Question. Very quickly, do you know when the planning steps were passed? Does anyone have that information?

**COMMISSIONER MEEK-GALLAGHER:**

2004.

**LEG. D'AMARO:**

2004.

**COMMISSIONER MEEK-GALLAGHER:**

For all of the Overton Preserve parcels.

**CHAIRMAN SCHNEIDERMAN:**

But can I say, as far as planning steps go, I mean, all the master list properties were passed around 2004, too, so it is not uncommon for us to be authorizing resolutions that the planning steps from several years ago. Easily four years ago.

**LEG. D'AMARO:**

And one other question, the Town of Brookhaven has depleted land preservation funds completely?

**MR. KENT:**

Yes. They have a balance of roughly \$5 million in their fund and they've dedicated that to one acquisition that's remaining open.

**LEG. D'AMARO:**

So they're out of money.

**MR. KENT:**

Well, they're also considering -- they have a committee that's considering authorizing another 20 to \$25 million worth.

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**LEG. D'AMARO:**

For a committee.

**COMMISSIONER MEEK-GALLAGHER:**

Yes. For the duration of this year they are out of money.

**LEG. D'AMARO:**

Right.

**COMMISSIONER MEEK-GALLAGHER:**

They would have to put a bond before the voters in November, which means that you'd have nothing or most likely they would want to put it before the voters to make sure that it was actually approved by the taxpayers and then they would have nothing until say the, you know, spring of next year realistically.

**LEG. COOPER:**

But they don't have to put it before the voters.

**COMMISSIONER MEEK-GALLAGHER:**

They don't have to, but they tend to prefer to do that.

**LEG. D'AMARO:**

You mean they don't have to, that they won't do it or that they'll do it without putting it before the voters?

**LEG. COOPER:**

They could pass it without --

**LEG. D'AMARO:**

Without putting it before the voters.

**LEG. COOPER:**

-- putting it before the voters.

**CHAIRMAN SCHNEIDERMAN:**

The board may, but it is a permissive referendum.

**MR. KENT:**

Right. It'd be subject.

**LEG. D'AMARO:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

So that it is subject. If somebody were to challenge it with appropriate number of signatures, they could force it.

**LEG. D'AMARO:**

So going forward in land acquisition with property located within the Town of Brookhaven, we're not looking at any partnering in the foreseeable future within the next year?

**COMMISSIONER MEEK-GALLAGHER:**

Correct.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So right now there is a motion to approve and a second. Are you making a motion to table or do you want to go forward? What's your pleasure?

**LEG. D'AMARO:**

Well, what happens if we wait a year for the Town of Brookhaven?

**CHAIRMAN SCHNEIDERMAN:**

Might save some money in this case.

**MR. KENT:**

We'd probably have to terminate the contract.

**COMMISSIONER MEEK-GALLAGHER:**

Right.

**MR. KENT:**

We may present it to ETRB. It would have to be represented to ETRB. The value might go down and we might be able to offer a lower purchase price, but that's all speculative. I don't know.

**COMMISSIONER MEEK-GALLAGHER:**

Right. Or they might try to develop it.

**MR. KENT:**

Or they might try to develop. This one has an approved plan. And this is a per unit value, not a per acre, so it is 23 acres, yeah.

**LEG. D'AMARO:**

Right. Once you -- the further you go along on that planning process the higher it becomes.

**MR. KENT:**

The more valuable it is.

**COMMISSIONER MEEK-GALLAGHER:**

Right.

**LEG. D'AMARO:**

That's why people do that, yeah.

**LEG. BEEDENBENDER:**

And --

**CHAIRMAN SCHNEIDERMAN:**

Legislator Beedenbender.

**LEG. BEEDENBENDER:**

I understand the concern. I guess, maybe I'll just say what I said before better. I'm certainly not looking into any sort of crystal ball. But with the situation in the Town of Brookhaven, I severely

doubt that we will have anything before the voters anytime soon. And, you know, there was a bond passed a couple of years ago, but they spent it and then they put the CPF forward. And I think probably wrongly assumed that the acceptance would be the same as it was in some other towns. So -- but I don't think, you know -- if there's problems, I understand, but let's not base it on Brookhaven maybe coming up with money because, you know, it's August, August 11th at this point. So there's not going to be anything on the ballot in November.

And then God knows what's going to happen come January, the town's going to be looking -- might be looking for a new supervisor or new council people or new everything, who knows. So I really wouldn't put any stock in something coming from the Town of Brookhaven. Not to disparage them, but with the situation over there where they can't agree on hurricane guides, I doubt we're going to get an agreement on a hundred million dollar bond for land.

**LEG. D'AMARO:**

How bad do you guys want this property?

**LEG. BEEDENBENDER:**

Not anybody directly though.

**LEG. D'AMARO:**

What's that?

**LEG. BEEDENBENDER:**

No, I am not running, Paul.

**COMMISSIONER MEEK-GALLAGHER:**

Just to add to that, they did -- the Town of Brookhaven between 2005 and 2007 did spend a hundred million dollars of their own money and they actually have acquired 136 acres within the Overton Preserve on their own. Not with partnership with the County.

**LEG. D'AMARO:**

So it's not like they've turned their back on this particular global acquisition?

**COMMISSIONER MEEK-GALLAGHER:**

Right.

**LEG. D'AMARO:**

They just -- they ran out of money, but were partnering with us until it was depleted.

**COMMISSIONER MEEK-GALLAGHER:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

All right. Is there a motion to table?

**LEG. D'AMARO:**

No.

**CHAIRMAN SCHNEIDERMAN:**

No? Okay. So all we have is a motion to approve and a second. All in favor? Opposed? Abstentions?

**LEG. COOPER:**

Abstention.

**CHAIRMAN SCHNEIDERMAN:**

One abstention, Legislator Cooper, abstaining. **Approved. (Vote: 3-0-1-1. Leg. Cooper abstention - Leg. Losquadro not present)**

**1721, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, open space component, for the Fairfield Mill Estates, LLC as contract vendee for the P and F Mining Corp property, Overton Preserve, Town of Brookhaven. (SCTM No. 0200-495.00-05.00-007.001) (CE Levy)** I'll take a motion if there's one.

**LEG. COOPER:**

Motion.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Cooper, second by Legislator Beedenbender. Commissioner?

**DIRECTOR ISLES:**

Okay. This is the third map handed out in the Overton Preserve stack. This is a parcel that has kind of a U shape to it. It's outlined in red on the map. It's along Mill Road, on the north end of the Overton Preserve. It is a parcel of about 48 acres in area and as with the two prior resolutions, the environmental attributes include the location within the Central Suffolk Special Groundwater Protection Area, the Central Pine Barrens. The size of the location as pointed out earlier, this is close to 400 acres for the overall Overton Preserve. Hence, the 80 points that were received under the old rating form.

The subject parcel, as I indicated, is about 48 acres. This is proposed to be a County acquisition; a 100% County acquisition. The purchase price would be \$5,772,720. It's a full fee acquisition of the property. It directly adjoins to the south, land at the Town of Brookhaven. I believe that's about 70 acres from what I recall.

So this in the central part of the preserve itself. And the parcel is in a residence -- pardon me, a half acre zone, I believe it is in the Town of Brookhaven. It is not in the multi-family zone we saw on the prior matter. If you have any questions, we'll try to answer those questions today.

**CHAIRMAN SCHNEIDERMAN:**

Any questions? All in favor? Opposed? Abstentions? **Approved. (Vote: 4-0-0-1. Leg. Losquadro not present)** We do an environmental audit on those, I'm sure. All right.

**1722, authorizing acquisition of the residual fee under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(b) for the Gazza property, Pine Barrens Core, Town of Southampton. (SCTM Nos. 0900-242.00-01.00-009.000, 0900-242.00-01.00-011.000, 0900-285.00-01.00-012.000, 0900-305.00-01.00-004.000, 0900-327.00-02.00-002.000, 0900-333.00-02.00-011.000, 0900-333.00-03.00-029.000, 0900-335.00-01.00-011.000, 0900-335.00-01.00-024.000). (CE Levy)**

**\*\* (Legislator Cooper left the meeting) \*\***

I believe this is in the Westhampton area. I will make the motion. Seconded by Legislator D'Amaro.

**LEG. D'AMARO:**

Wait, let me get my microscope out.

**CHAIRMAN SCHNEIDERMAN:**

You just seconded.

**LEG. D'AMARO:**

How much is this, a million an acre or something?

**LEG. BEEDENBENDER:**

We're getting eight acres for \$27,000?

**COMMISSIONER MEEK-GALLAGHER:**

It's residual fee, it's Pine Barrens.

**LEG. D'AMARO:**

Oh, residual fee.

**LEG. BEEDENBENDER:**

Oh, okay.

**COMMISSIONER MEEK-GALLAGHER:**

Pine Barrens Core, yeah.

**LEG. BEEDENBENDER:**

I was going to say, I'll move, I need a place to live.

**COMMISSIONER MEEK-GALLAGHER:**

Yeah, no, you can't develop there.

**LEG. BEEDENBENDER:**

When you talked about this last time, when I was --

**LEG. D'AMARO:**

You'd be harming our groundwater.

**COMMISSIONER MEEK-GALLAGHER:**

You'd need a hardship exemption from the Central Pine Barrens Commission.

**LEG. BEEDENBENDER:**

What if I promise you I won't.

**CHAIRMAN SCHNEIDERMAN:**

You won't harm the groundwater. You're going to hold it in.

**LEG. BEEDENBENDER:**

I'll just put a tarp under the house.

**LEG. D'AMARO:**

Motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

You made the second actually. You weren't aware of it.

**LEG. D'AMARO:**

Oh, okay. That's what I meant to say.

**CHAIRMAN SCHNEIDERMAN:**

I made it for you. All right. All in favor? Opposed? Abstentions? **Approved. (Vote: 3-0-0-2. Leg. Losquadro and Leg. Cooper not present)**

**IR 1725, authorizing planning steps for the acquisition of land under the Suffolk County**

**Drinking Water Protection Program, as amended by Local Law number 24-2007, R.I. Miller Place Corp. property, Town of Brookhaven (SCTM No. 0200-013.00-01.00-002.001) (Losquadro)** I will make a motion for the purpose of discussion, seconded by Legislator Beedenbender. And, Commissioner, we have the aerial. If you could describe it.

**DIRECTOR ISLES:**

Okay. The subject parcel's located in the Hamlet of Sound Beach in the Town of Brookhaven. This is along the North Shore, Long Island Sound. The parcel's depicted in red on the aerial photograph extending north of lower Rocky Point Road right up to the shoreline edge of Long Island Sound. It is a parcel that is -- slopes towards the Sound, but also has a steep ravine in the property as well so it does serve as a drainage area.

The parcel was rated according to the natural environment's rating system. Points were considered or awarded based on the proximity to tidal wetlands being Long Island Sound. Points also for habitat diversity, both the coastal as well as the upland woodland habitat. Other aspects, here again, deal with the proximity to Long Island Sound. Unique geological land form characteristics, the size, and special view and so forth that's provided.

So the total point value is 24 points. This is a parcel that is the subject of a subdivision application that's pending in the Town of Brookhaven. It was referred to the County Planning Commission. The planning steps resolution, you know, we feel overall that the point value is 24, indicates that the parcel we feel is probably worth pursuing for planning steps given the density of development in this area, the opportunity to provide access to Long Island Sound from lower Rocky Point Road. And probably one of the last opportunities for open space conservation in this area.

**CHAIRMAN SCHNEIDERMAN:**

Any questions?

**LEG. BEEDENBENDER:**

We never owned this one, did we?

**DIRECTOR ISLES:**

To my knowledge we never did, no.

**CHAIRMAN SCHNEIDERMAN:**

What's the extent of development on this, any potential?

**DIRECTOR ISLES:**

There is a subdivision application pending with the Town of Brookhaven.

**CHAIRMAN SCHNEIDERMAN:**

Okay.

**DIRECTOR ISLES:**

I think it's a one acre zoning district.

**CHAIRMAN SCHNEIDERMAN:**

Are we going to get some access to the waterfront with this acquisition?

**DIRECTOR ISLES:**

Sure.

**CHAIRMAN SCHNEIDERMAN:**

Parking and trail or whatever.

**DIRECTOR ISLES:**

Right. There is a -- apparently an existing trail on the property.

**CHAIRMAN SCHNEIDERMAN:**

Are we going to be putting a road in and a parking area?

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**MS. FISCHER:**

Yes, that could be possible.

**CHAIRMAN SCHNEIDERMAN:**

And this is going to be partnership with Brookhaven or no?

**DIRECTOR ISLES:**

Not to our knowledge.

**CHAIRMAN SCHNEIDERMAN:**

It's going to be County. We're going to own a little stretch of beach. Do we have plans for that beach? Bathrooms?

**MS. FISCHER:**

We were not informed of that from the sponsor.

**DIRECTOR ISLES:**

Can't speak for the sponsor.

**CHAIRMAN SCHNEIDERMAN:**

Lifeguards, bathrooms, anything?

**DIRECTOR ISLES:**

Can't speak for the sponsor. To our knowledge there's been nothing presented to us about that part of it.

**LEG. BEEDENBENDER:**

Well, if I could just go back for a moment, you mentioned there were subdivision plans filed.

**DIRECTOR ISLES:**

Right.

**LEG. BEEDENBENDER:**

Well, I guess, my -- I'm not -- one of the things that I know very, very little about among anything is town zoning. And so, I guess, in light of what happened earlier where we were talking about a parcel that was -- cost us a lot more because a map was approved, I guess, my -- my question would be should I go to the town and really encourage them not to improve this because it's going to cost us more money?

**DIRECTOR ISLES:**

I wouldn't -- I would kind of keep the two separate.

**LEG. BEEDENBENDER:**

Okay.

**DIRECTOR ISLES:**

I think they're distinct matters. So just in my own opinion, but the -- as far as the subdivision, I

think that should be weighed on its merits or lack thereof if that's the case. Suffolk County Planning Commission did recommend disapproval to the Town of Brookhaven Planning Board by reason of an overly long cul-de-sac design. The access was coming in off of lower Rocky Point Road, going very much way up to the north end of the property. They felt that a greater cluster design could be done, preserving more open space, not having the property in such close proximity to the sharp ravine and bluff areas, and clustering it further to the south end of the property.

As far as, here again, the acquisition, we always view that as a separate matter --

**LEG. BEEDENBENDER:**

Okay.

**DIRECTOR ISLES:**

-- on a -- live and die on its own merits and attributes at that point.

**LEG. D'AMARO:**

This is only for planning steps.

**LEG. BEEDENBENDER:**

Yeah. I have no problem with this.

**LEG. D'AMARO:**

So what zone are we in here?

**CHAIRMAN SCHNEIDERMAN:**

Twilight zone, I believe.

**LEG. D'AMARO:**

The twilight zone. Oh, it's the -- the five points for the soil type. Is that for the sand on the beach? No, really what's different about this soil type that you get five points? Drainage with at least one of the following soil types and there's about 12 of them. Oh, it's not -- it's not that.

**MS. FISCHER:**

No.

**LEG. D'AMARO:**

It's not that. It's site contains the buffer area.

**MS. FISCHER:**

It's the five.

**LEG. D'AMARO:**

Okay. I see that.

**MS. FISCHER:**

Yeah. Right. It's for the whole group of them.

**LEG. D'AMARO:**

And the Planning Department is in favor of the planning steps resolution?

**DIRECTOR ISLES:**

Yes. It's 24, it's within a reasonable range.

**LEG. D'AMARO:**

Okay.

**DIRECTOR ISLES:**

We think it's -- given the density of development in the surrounding area, given the limited access to the waterfront in this location, given the severe site constraints with the swale ravine extending through the property, given the goals of the Long Island Sound Study National Estuary designated property, location, I should say, we think for all those factors at least warrants planning steps.

In terms of whether the County should buy it, should do it solo, what's going to happen with the management of the property, the beach and so forth, the points that were raised earlier today, we think those are all valid and should be considered further in the review process.

**LEG. D'AMARO:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

There was a motion and a second. All in favor? Opposed? Abstentions? **Approved. (Vote: 3-0-0-2. Leg. Losquadro and Leg. Cooper not present)**

**1734, amending resolution number 1357-2007, in connection with the Brownfields Program. (CP 8223.111) (CE Levy)** Let's get a motion and a second for discussion. I'll make a motion. Legislator Beedenbender seconds.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

We're going to need an explanation as to what the amendment does. Commissioner Gallagher.

**COMMISSIONER MEEK-GALLAGHER:**

Yes, I think you'll like this one, it actually --

**CHAIRMAN SCHNEIDERMAN:**

I hope so.

**COMMISSIONER MEEK-GALLAGHER:**

-- amends it so that we're going to borrow less money because we're receiving \$46,000 in state aid towards the remediation of the Bellport gas station site. So it simply now authorizing instead of originally there were \$855,000 appropriated in a hundred percent Suffolk County funds for this particular Capital Program, which goes towards Brownfields remediation.

**CHAIRMAN SCHNEIDERMAN:**

So we're amending it to lower the County's contribution.

**COMMISSIONER MEEK-GALLAGHER:**

Right. So now the County's contribution --

**CHAIRMAN SCHNEIDERMAN:**

We can't possibly support that.

**COMMISSIONER MEEK-GALLAGHER:**

-- is going to be 800 -- yeah -- so now you get to that same \$855,000 figure by \$808,000 in County serial bonds and 46,000 in state aid.

**CHAIRMAN SCHNEIDERMAN:**

A motion to end debate and vote. All in favor? Opposed? Abstentions? **Approved. (Vote: 3-0-0-2. Leg. Losquadro and Leg. Cooper not present)**

**IR 1748, amending resolution number 683-2006, creating a regional Solid Waste Management Commission to reduce pollution, traffic congestion and financial impact of current solid waste disposal practices in Suffolk County. (Schneiderman)** This is -- this actually extends the deadline for this committee by -- till when? To the end of this year. We're almost done. We have a draft, we just need to review it a little bit more.

**LEG. BEEDENBENDER:**

Motion.

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Okay. I think I -- has there not been a motion yet? Okay. A motion by --

**LEG. BEEDENBENDER:**

Or if you would like to motion.

**CHAIRMAN SCHNEIDERMAN:**

-- that's okay. Legislator Beedenbender motions to extend the trash commission --

**LEG. BEEDENBENDER:**

That's right.

**CHAIRMAN SCHNEIDERMAN:**

-- Solid Waste Management Commission. Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **Approved. (Vote: 3-0-0-2. Leg. Losquadro and Leg. Cooper not present)**  
That concludes our agenda. Thank you all for coming. We are adjourned.

**(THE MEETING CONCLUDED AT 3:31 PM)**

**{ } DENOTES SPELLED PHONETICALLY**