

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 September 8, 2008.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

Presiding Officer, William J. Lindsay
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
Jessica Kalmbacher, Department of Planning
James Bagg, Chief Environmental Analyst/Department of Planning
Christopher E. Kent, Director of Real Property Acquisition & Management
Lauretta Fischer, Department of Planning
Janet Longo, Department of Real Estate
Carrie Meek Gallagher, Commissioner of the Department of Environment and Energy
Linda Bay, Aide to Minority Leader
Paul Perillie, Aide to Majority Leader
Justin Littell, Aide to Leg. D'Amaro
Catherine Stark, Aide to Leg. Schneiderman
Vincent Taldone, nominee for Planning Commission
Joshua Y. Horton, nominee for Planning Commission
Stephen Rosario, ACC
Grant Hendricks
Gail Lolis, County Attorney's Office
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:

Good afternoon. I'd like to call this meeting of the Environment, Planning and Agriculture Committee to order. Please rise and join us for the Pledge of Allegiance led by Legislator Jon Cooper.

SALUTATION

You may be seated. Thank you all for coming. We have no presentations on the agenda. We do have one speaker card. If you wish to be heard and have not filled out a yellow card, you can do that in the front here. The one that I have is from Vincent Taldone. Mr. Taldone, if you will step forward to the podium, and you have three minutes to make your presentation.

MR. TALDONE:

Thank you. Good afternoon, Chairman Schneiderman, members of the Committee. My name is Vincent Taldone. I reside at 135 Northern Parkway in downtown Riverhead.

Today I'm here to present myself to you in relation to intro reso 1800 and to answer any questions you may have. But first, I sincerely want to thank you for considering me for a seat on the Suffolk County Planning Commission. I consider it a great honor. I understand that a copy of my resume has been circulated, but I would like to take just a few moments to highlight some of the most relevant experience.

I have a masters degree in city planning from New York University and worked for the City of New York for 15 years, most of which was spent in various positions at the City's commercial real estate agency as a planner and an administrator. As a volunteer, I presently serve as -- for the Town of Riverhead as a member of the town's Landmark Preservation Commission, site plan reviewer for the town's Handicapped Advisory Committee, which advises the town board on handicapped issues. I serve on the East End Transportation Council's Technical Advisory Group, which is overseeing a multi-town state and local funded study of a coordinated rail and bus network and/or alternatives to provide greatly improved transit services on the east end and eventually if we're on the right track to the entire County.

Also, I serve as a member of Five Town Rural Transit Inc., which is a not-for-profit public transit advocacy group that developed the east end shuttle concepts that the five eastern towns are now studying in the feasibility study by Volpe Transportation Services of Cambridge. I serve as a board member of Riverhead Townscape, my town's not-for-profit beautification organization as its street planting -- street tree planting coordinator. We have managed to install over 400 trees in downtown Riverhead in the area.

And lastly I have previously served this Legislature as the first Chairman of your Transportation Advisory Board under the Public Work's Committee. Again, I wish to thank you for your consideration. And I would be happy to take any questions you may have regarding my experience or the Planning Commission.

CHAIRMAN SCHNEIDERMAN:

We will, we will. Yeah, we'll take this resolution out of order. But while Mr. Taldone is here, do we have any questions? I'll start with Legislator D'Amaro.

LEG. D'AMARO:

Good afternoon, Mr. Taldone. Thank you for putting your name forward and showing that willingness to serve Suffolk County once again. I appreciate it very much. I had a couple of quick

questions for you. And since the Chairman has indicated, we'll just take up your resolution now.

MR. TALDONE:

Great. Thank you.

LEG. D'AMARO:

I'd like to get into that just a little bit.

I did take a look at your resume and it's quite impressive. But I did want to ask you, your -- you started out your career with urban planning. And obviously working with the City of New York it was also involving more of an urban setting --

MR. TALDONE:

Yes.

LEG. D'AMARO:

-- very much an urban setting. But you do have experience also with Suffolk County and as a planner in general. How do you see the difference between the two?

MR. TALDONE:

Well, actually I see a number of similarities because to a large extent with the city agency we were dealing with redevelopment. And for most of Long Island, which is pretty much built out, you and the Commission are looking at how to adjust the existing physical plant with the future development --

LEG. D'AMARO:

Right.

MR. TALDONE:

-- aging populations, special needs populations, all of the energy issues and etcetera that are coming up in an already built environment, which New York City's been facing for a very longtime.

So, you know, the redevelopment experience of my agency -- I have to say the least was difficult for the agency to manage all the varying interests and hopefully I'd bring a little experience to the Suffolk County Planning Commission that will be helpful.

LEG. D'AMARO:

So, the city planning or the urban planning is more about redevelopment as opposed to here, where we still have somewhat of a bite at the apple on how we initially develop. Do you see that as a difference?

MR. TALDONE:

Right. It was largely redevelopment. There are very few spots in New York City that are to be freshly developed, although they exist, such as the Arverne; although that's also a redevelopment area out in the Rockaways.

LEG. D'AMARO:

Yeah.

MR. TALDONE:

But my experience in terms of managing our inventory of properties, considering restrictive covenants, ways of getting public objectives met through the real estate development process on behalf of the City, I think is somewhat helpful. Hopefully in even -- whether it's new developments or redevelopment within largely developed towns. And of course, it's an east/west issue, the western part of the County most developed and the east end still having some properties that are prime for development and hopefully in the smartest process we can deliver.

LEG. D'AMARO:

Okay, yeah. And the experience that you show on your resume, last experiences, and again I just add that's it's an extremely impressive resume and a great career. I appreciate that. New York City Department of Citywide Administrative Services Division of Real Estate Services, you were the director of that office.

MR. TALDONE:

Of the Office of Intergovernmental Affairs.

LEG. D'AMARO:

Intergovernmental Affairs.

MR. TALDONE:

Yeah.

LEG. D'AMARO:

Right. Which was underneath -- right. Now did that involve necessarily taking on planning issues during your directorship?

MR. TALDONE:

Largely -- well, in the early years it did because there was specific programs that we ran. But in the later years it was mostly communicating those projects to the City Planning Commission and the City Council, members of the State Legislature, Congress members would call to find out what these projects are, what they mean in those communities, the land use issues, transportation issues that were related impacts. And it was my job to get that information and deliver it to them. We also marketed surplus properties. I mean, it was quite a varied position in term of responsibilities.

LEG. D'AMARO:

Sure. So it was more of communicating the -- what the other agencies were doing with various interested parties --

MR. TALDONE:

Yes.

LEG. D'AMARO:

-- that were involved in the planning process, yeah.

MR. TALDONE:

As the real estate agency I would be presenting to the elected officials why a certain location met the needs, how people would come and go.

LEG. D'AMARO:

Great.

MR. TALDONE:

What the transportation situation was for the particular population that was --

LEG. D'AMARO:

And drawing on your prior experience from your other positions leading up to that directorship where you were much more involved in the day to day planning process.

MR. TALDONE:

Right.

LEG. D'AMARO:

I would assume.

MR. TALDONE:

Right.

LEG. D'AMARO:

All right. I just had some other quick questions about our County Charter has qualifications. And just for purposes of going through this for the record, you are a resident of Suffolk County?

MR. TALDONE:

Absolutely.

LEG. D'AMARO:

Okay. Are you a party officer? Are you familiar with the Charter requirement?

MR. TALDONE:

Yes. I am not a party officer.

LEG. D'AMARO:

Okay. I just want to make sure of that because I had supported when I first came to the Legislature this modification of our Charter to try and tighten the requirements somewhat. Do you know off -- in what capacity are you being appointed to the commission? Are you an at large member or for a town?

MR. TALDONE:

For Riverhead; Town of Riverhead.

LEG. D'AMARO:

For the Town of Riverhead. Okay. So you're the Town of Riverhead appointment.

MR. TALDONE:

Right.

LEG. D'AMARO:

Each of the ten towns getting one appointment.

CHAIRMAN SCHNEIDERMAN:

Can I interrupt? You're looking at something, I think, old, that we have since changed it. I don't --

MR. NOLAN:

No, this is --

CHAIRMAN SCHNEIDERMAN:

Do you still have ten town appointments?

LEG. D'AMARO:

No, this is current.

MR. NOLAN:

It's still each town.

CHAIRMAN SCHNEIDERMAN:

Each town gets -- okay, I'm sorry because I know we have all these criteria about one member for the --

LEG. D'AMARO:

Yeah. And are you fulfilling any of the other specific requirements, you know, we need one person from Labor, one person from Real Estate, one person from Municipal Planning, etcetera. Do you know if you've been put into any of those categories?

MR. TALDONE:

Honestly, I don't know.

LEG. D'AMARO:

Okay. I just want to point out to you that there's a 75 percent attendance requirement in the law. Just for your own information.

MR. TALDONE:

Oh, yes.

LEG. D'AMARO:

And also you serve with no compensation, which I'm sure you know.

MR. TALDONE:

I do know.

LEG. D'AMARO:

Yeah. One other question, one of the most important things that you do on the Planning Commission is to review in certain circumstances decisions by town boards on rezonings, variance requests, special permits, if you meet certain distance criteria to parks --

MR. TALDONE:

Sure.

LEG. D'AMARO:

-- or to a village or a municipal line, that kind of thing. And the Planning Commission in that specific instance is empowered with a yes or no authority on town rezone or variance decisions. And in order for the town to overrule the Planning Commission, you need a super majority vote at the local board.

MR. TALDONE:

Yes.

LEG. D'AMARO:

Okay. Just give me an idea what are some of the considerations you may throw into review of those town decisions?

MR. TALDONE:

Well, in all honesty due to my own personal circumstances I have a -- visually impaired due to retinitis pigmentosa. So while I have very good central vision, and I can see each and every one of you, I can only see one of you at a time. So without peripheral vision I don't drive. I rely on public transit, pedestrian access ways. So I believe I'm more sensitive to the mobility/accessibility issues that will impact communities, how will the -- how will the cars get into the lots, how will people get there, how will the seniors arrive at a shopping center, will they have a place to wait. Will the town senior vehicle have a place to pick them up from that's dry and sheltered. Items that sometimes do get overlooked. And we've all seen shopping centers built where there is no place for an elderly person to wait for the town vehicle to pick them up.

And these issues as the communities age out here, become more and more important. So it's not just folks like me who don't drive who arrive by bus who notice the obstacles. I mean, there's young people who don't drive, there's elderly people, there a -- there's lots of folks in sort of lower wage

jobs who need to get to work. They need busses that will deliver them to places of employment, commercial centers, industrial parks and a bus system that also runs after the stores close so they can go home from their work.

I've been working on that for many years and that's -- our hope is to try to not only for environmental reasons to encourage people to get out of their cars, but also to provide the workforce to the locations that need the workers. So I hope to bring that -- my own experiences to bear.

LEG. D'AMARO:

Right. And I appreciate that answer because looking again at the Charter, a lot of the decisions that you'll be asked to make on the Planning Commission go to, and this is right from the County Charter, Environmental Protection, Transportation, as you just mentioned, Population Density, Resource Allocation, Clean Air, Clean Water, Public Health. So it's quite a large array of considerations that go into that.

One final thought I want to leave you with. When you're reviewing those town decisions, it may be a rezone, it may be a variance request, that most comes into play for the Planning Commission when you're within 500 feet of the boundary of a town or a village line.

MR. TALDONE:

Right.

LEG. D'AMARO:

And that at least in my mind, is probably one of the most important things you're going to be doing other than providing planning expertise to the towns, if they request it. Because when you get into these situations where a town is taking action just over the town line on that town side, it may have more of an impact in an adjoining village or town.

MR. TALDONE:

Absolutely.

LEG. D'AMARO:

And we in the County are depending on the Planning Commission in taking a hard look at that and using your expertise and knowledge in implementing proper planning.

MR. TALDONE:

Absolutely.

LEG. D'AMARO:

So I just want to leave you with that thought. Again, I appreciate your qualifications; they're fantastic. And I wish you the best of luck anticipating the vote.

MR. TALDONE:

Thank you very much.

LEG. D'AMARO:

Thank you, Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

Other questions? Quickly, before you sit down, first, thank you for your interest, Mr. Taldone. I know you've been before us in the past under, I think, different rules. In the older rules, there -- it was each town or the town board or town supervisor would make the recommendations. Now we have still a member from each of the townships plus the villages. But they have to fall into certain categories, at least, I think seven or so of the members. Is that correct, Counsel?

MR. NOLAN:

Twelve of them.

CHAIRMAN SCHNEIDERMAN:

And I don't -- 12 of the members have to fall into various categories. And I believe that you're probably covered under having expertise in municipal planning. Is that -- I don't know if you've seen these criteria.

MR. TALDONE:

I've seen the criteria. I assumed I was covered under several, but I don't know if I was designated to be covering any particular one of them.

LEG. BEEDENBENDER:

Transportation.

CHAIRMAN SCHNEIDERMAN:

There is. Number five, at least one member shall be an individual with a background in the field of transportation.

MR. TALDONE:

Right.

CHAIRMAN SCHNEIDERMAN:

My question deals with, kind of the role of the Planning Commission and how it affects the towns, particularly in regards to affordable housing. Sometimes in -- also with commercial types of development, we've struggled, as you know, to create opportunities for young people to stay in our communities. Oftentimes when a town is considering affordable housing, it can be very controversial because maybe people who live in the vicinity of it may have some concerns about increased density.

To get there, the town board often has to amend the zoning to allow that increased density. Whenever the town changes zoning, it goes to the Planning Commission. And if the Planning Commission says, no, it comes back to the town and now you need a super majority. You need a majority plus one. Knowing the politics of affordable housing, sometimes that one extra vote is impossible to get.

And so I want to make sure that the people who I put on the Planning Commission are at least sensitive to this issue and the political complexities of creating housing opportunities for young people. So I wanted to give you an opportunity to address that. That also may -- the same case holds true with commercial zoning sometimes, the zoning has to be changed to allow some job creation in an area. And the same thing could happen if the Planning Commission nixes it, it may not be able to survive a super majority vote. So if you could comment quickly on particularly on the affordable housing piece of it.

MR. TALDONE:

Just quickly. I mean I do understand that the current chairman and members of the Planning Commission are focusing on affordable housing and trying to find a way where the Suffolk County Planning Commission can actually support and help to incentivize the development of affordable housing in the areas where -- where it's needed.

I've also had the experience of building houses myself, with property that I own in Southampton, not actually in Riverhead, in Flanders, an area where we would want affordable housing. And I have experienced the jurisdictional battles between the County and the town. And I've gone through the mill trying to get that project finished and watched costs go through the roof over squabbles over regulations between bureaucrats and different agencies. And having a little background of my own, I could read the statutes and try to work things out. It became very, very difficult. And I can't

actually say that the houses I built were as affordable as I would have liked. They were not done with subsidies and I will probably never do anything like that again.

But I've also seen other projects come up where there are opportunities for the County to support the increased density that would allow the affordable units. And I think there needs to be some clear standards set where the localities will know from the Suffolk County Planning Commission and the County that these are the directions we really like to see you go in long before they start planning a project and then come before the Planning Commission and have the Commission say, well you can't do this and you can't do that.

So the idea of setting guidelines, setting best practices, trying to put that information out to the localities early may help reduce that delay time that is related to the varying agency's views on these things. I mean, as you had said, change a lot line, change the zoning, suddenly the Health Department has to review the project because although it existed on the map in 1981, the lot line's now been moved ten inches and that creates a board of review hearing and a whole process and thousands of dollars and months of delay. You know, that's not what we're looking to create while we're still looking to protect the aquifer and do all the things that the Health Department is supposed to be doing.

So, I'm not sure, I don't have any specific proposals to bring to the Suffolk County Planning Commission at the moment. But my goal would be to make it, and I'm sure its goal, is to make itself more useful.

CHAIRMAN SCHNEIDERMAN:

No, no, no. All I wanted to ascertain was a sensitivity on the issue of affordable housing. You had mentioned, though, you had several properties in Flanders that you had developed in --

MR. TALDONE:

Oh, yeah.

CHAIRMAN SCHNEIDERMAN:

I just want to make sure, and I believe that I'm going to also recommend you for this position, that I'm not putting somebody on who may have recuse themselves in -- a frequent amount of times within -- for applications within your townships. So do you foresee either your own properties or properties adjacent to your properties that may be in front of the Planning Commission?

MR. TALDONE:

Absolutely not and never again. I can say that with all sincerity. But also the properties that were in Flanders are not in the Town of Riverhead so they were never in my own town.

CHAIRMAN SCHNEIDERMAN:

Right. But they still would be before the Commission. So I --

MR. TALDONE:

They never generated anything that would come before the Commission.

CHAIRMAN SCHNEIDERMAN:

Right. And I'm sure ethically if they did you would recuse yourself.

MR. TALDONE:

Right.

CHAIRMAN SCHNEIDERMAN:

I just want to make sure they we're putting in somebody who'd be able to participate most of the time.

MR. TALDONE:

Yes. No, I have one building parcel left I plan on selling. And I am done, I have no other properties other than my own house and I have no intention of acquiring any others for any other purpose.

CHAIRMAN SCHNEIDERMAN:

Okay. Any further questions for the Committee? Okay. I'm going to make a motion to take IR 1800 out of order.

LEG. D'AMARO:

Second.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

I'm not sure who seconded first.

LEG. COOPER:

Give it to Lou.

CHAIRMAN SCHNEIDERMAN:

Okay. Lou gets the first second.

LEG. D'AMARO:

I get the first second.

CHAIRMAN SCHNEIDERMAN:

All right. Okay.

LEG. D'AMARO:

And Jon gets the next second.

CHAIRMAN SCHNEIDERMAN:

So it is now in front -- all in favor? Opposed? Abstentions? Okay. Now it is in front -- **1800** is in front of us **(to appoint member of the County Planning Commission, Vincent Taldone)** Is there a motion to approve?

LEG. D'AMARO:

Motion to approve.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

Legislator D'Amaro making motion to approve and Legislator Cooper seconding. Any discussion? All in favor? Opposed? Abstentions?

Approved (Vote: 5-0) Congratulations. Mr. Taldone, you need not come to the main legislative meeting next week. That's when it will, you know, be voted on by the full Legislature. But there's no need to make an appearance. If you want to come you can, but usually they will defer to our own recommendation.

MR. TALDONE:

Great. Thank you very much.

LEG. LOSQUADRO:

Motion to take 1801 out of order, Mr. Chairman.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion to take 1801 out of order to appoint Josh Horton to the same commission, second by Legislator D'Amaro. Mr. Horton, if you will step forward.

LEG. LOSQUADRO:

Call the vote.

CHAIRMAN SCHNEIDERMAN:

Oh, all in favor? Opposed? Abstentions? Thank you. How are you, Josh?

MR. HORTON:

Very well.

CHAIRMAN SCHNEIDERMAN:

Good to see you. Okay. Do you want to take a moment to just introduce yourself to those of us who don't -- aren't aware of -- don't know you? And tell us a little bit of your interest, about your interest in the commission.

MR. HORTON:

Certainly. Thank you, Mr. Chairman. If you don't mind, these are prescription sun glasses. I'm going to put them back so I can actually see you. But I mean not to hide behind my dark lenses. My name's Joshua Horton. I live and have lived most of me blooming life in Greenport Village on the very east end of the north fork. I've served as the Southold Town Supervisor for two terms. I'm currently an executive with the Corcoran Real Estate group. I have a young family and I also own and operate a marketing firm with my wife, Yvonne Lieblein, with offices in Manhattan and Greenport.

In addition to that, my personal life, I founded and am the Chairman of the East End Maritime Institute whereby we provide educational and vocational opportunities for youth throughout the east end, north/south fork and Shelter Island. Expose them to the maritime trades and with the end result in getting them jobs. And that takes up quite a bit of my own personal time.

I was delighted to have the honor of being nominated to the Suffolk County Planning Commission as planning is something that is near and dear to my being and my professional life and as a community member, not only on the east end but throughout Long Island. And I have very strong and long opinions on the development of Long Island, you know, over the stance of time. And I think that my experience with the Legislative process both at the local and County level and my understanding of the many challenges Suffolk County meets in its planning, I think uniquely qualify me to join the Suffolk County Planning Commission.

CHAIRMAN SCHNEIDERMAN:

Let me start out first I want to thank you for your interest. I think that's very important to have somebody of your credentials. Josh, was, if I can -- Mr. Horton was Supervisor of Southold the same time that I was Supervisor in East Hampton. And we often met to discuss issues of mutual concern. And Josh's approach to trying to find solutions to the things like affordable housing that I mentioned before, transportation issues, I had the pleasure of working with Mr. Horton on many issues so it's great to have that expertise. I want to ask you the same question, though, that I asked Mr. Taldone about the real estate piece of it. Yeah, you mentioned that you're heading Corcoran's Real Estate group. And how might that affect your position on the Planning Commission with various things that happen on the south fork? Do you see yourself having to recuse yourself or is there enough of a distance between the owners of the properties that you're representing and development that may be coming before the Planning Commission?

MR. HORTON:

It's a fair question and I appreciate you asking that and having the opportunity to answer it. I have a senior management position with the company. I don't have any direct or day to day contact on any specific real estate transaction as I do not sell or benefit from commission in the sale or transaction of real estate. My role is largely marketing and management and operational. Therefore -- the other component of that is that by and large the company that I'm with deals mostly in high end real estate, single family home transactions. We're not a real estate development company.

CHAIRMAN SCHNEIDERMAN:

So you do not foresee the need to recuse yourself on numerous occasions, on frequent occasions? Okay.

MR. HORTON:

No, no, not at all. And quite frankly I'm very sensitive to that. And would promptly seek the input of those around me on the Planning Commission and whatever counsels available to us to get clarification should the need arise.

CHAIRMAN SCHNEIDERMAN:

Thank you. Any other questions for Mr. Horton? Legislator D'Amaro.

LEG. D'AMARO:

Supervisor, welcome. And to echo our Chairman I appreciate your willingness serve as well. I appreciate that very much. I just want to follow-up on that a little bit working -- I mean the law that we enacted requires someone from the real estate industry, and I assume you're going to be filling that particular slot under the County Charter. So we certainly contemplated someone coming in with the knowledge and expertise.

MR. NOLAN:

He's at large.

LEG. D'AMARO:

Oh, he's an at large? Okay.

MR. NOLAN:

He's an at large appointment. So this appointment doesn't have to meet any of those seven criteria that I mentioned in that section of the Charter.

LEG. D'AMARO:

Okay. Fair enough. But nonetheless, we do contemplate that type of appointment so we do anticipate -- you know, it's not like you're automatically conflicted out because you're in the real estate industry. However, I think it would be in your best interest, and I'm sure you would agree with me to have some mechanism in place to identify who your clientele is should an application ever come before the Planning Commission. Certainly if they were represented by your private business organization, you would be in a position where you would need to recuse. Would you agree with that?

MR. HORTON:

Absolutely, yeah.

LEG. D'AMARO:

Yes. Okay.

MR. HORTON:

I would also think that that mechanism is in place by some Legislative process that I could utilize.

LEG. D'AMARO:

Well, I think the way it works is that -- just tell me again what is the Corcoran Group, what primarily is the function of that?

MR. HORTON:

It's a real estate sales organization.

LEG. D'AMARO:

Sales or management?

MR. HORTON:

Sales.

LEG. D'AMARO:

Sales.

MR. HORTON:

Correct.

LEG. D'AMARO:

A real estate brokerage.

MR. HORTON:

Yes.

LEG. D'AMARO:

Right?

MR. HORTON:

Yes.

LEG. D'AMARO:

So it is possible that a sale, just to make this up off the top of my head, that a sale could be contingent on obtaining, let's say, a variance; that variance request is for property that's within 500 feet of a village line, it comes up to Planning Commission, okay. And if your company has an interest in that sale going forward, you need to be aware of that and in my opinion you would need to recuse in that circumstance.

MR. HORTON:

Certainly.

LEG. D'AMARO:

Okay.

MR. HORTON:

Certainly.

LEG. D'AMARO:

I just wanted to clarify that. Now, I just want to go through just very quickly the other questions that I asked Mr. Taldone. You're a resident of Suffolk County.

MR. HORTON:

Yes, I am.

LEG. D'AMARO:

Obviously. And are you currently a party officer?

MR. HORTON:

No.

LEG. D'AMARO:

As defined under the Charter? No, okay.

MR. HORTON:

I can't even find a party to talk to me.

LEG. D'AMARO:

Well, the next question, are you an elected official in any capacity?

MR. HORTON:

No. I'm not.

LEG. D'AMARO:

Okay. And of course I'll just point out to you as well there's an attendance requirement that -- a target attendance requirement in our Charter, as well as you serve, which we appreciate, for no compensation.

Again, I think, you know, bringing your expertise to the board is something I very much appreciate and I look forward to having you on the Commission. Thank you. Thank you, Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

Thank you. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. Good to see you, Mr. Horton.

MR. HORTON:

Good to see you.

LEG. LOSQUADRO:

As Legislator Schneiderman pointed out earlier to Mr. Taldone, I'm sure you are very aware of the political complexities of the interaction between local and County government given your background. And I know you had pointed out that you have certain strong feelings about planning and how things should move forward.

Could you just give us and maybe an example of an area where you think that there could be improved communication or interaction between an agency like the Planning Commission and those local town boards and the town supervisors that doesn't exist right now?

MR. HORTON:

I can and I won't preface it or respond to the question as though communication doesn't exist. But the -- to your point, I think to cite an example where County Planning Commission and County Planning Services probably did -- probably could -- probably did play a vital role and probably could have played a much more vital role should the, you know, had the County had stronger or more defined planning authorities, I think the planning of the Tanger Mall in the Deer Park area was a near -- was a -- is a good example that affected more than just the municipality with zoning governance over that application. I think that's an example of planning where, you know, a number of roads converged, the state, the County and town roads are affected as well as a number of other interests in communities outside of the Town of Babylon. I think that's -- so that's an example of where the Planning Commission can play a very strong role in making sense of development on Long Island.

LEG. LOSQUADRO:

And I appreciate that example. And we have a number of other projects, some of which much further east that are of regional significance that are going to be coming forward. And I look forward to having your expertise on the board. And, again, thank you for being willing to serve in this unpaid capacity. Thank you.

MR. HORTON:

It's my pleasure. I'd also, if you don't mind, Mr. Chairman, I'd also note that one of the clients that we've represented is the Suffolk County -- I'm sorry, is the Suffolk County Village Officials Association. And the service we've provided for them, they're a not-for-profit organization that basically represent -- basically provides communication about state initiatives or a certain County initiatives that would affect villages. And we're the communications conduit for the villages in Suffolk County.

CHAIRMAN SCHNEIDERMAN:

You're currently in that capacity? I didn't see that in your -- in the resume.

MR. HORTON:

There are -- there are --

CHAIRMAN SCHNEIDERMAN:

I was actually going to ask you about the Village Association. So you're --

MR. HORTON:

They're a client of ours.

CHAIRMAN SCHNEIDERMAN:

Okay.

MR. HORTON:

But we -- to that end, again, that's a not-for-profit organization that has no authority over any particular village and quite frankly has very limited village participation. And one of the things that we've tried to do is broaden communication between the villages and other bodies of government to, you know, advance various initiatives that would benefit the parties involved.

CHAIRMAN SCHNEIDERMAN:

Any other questions for Mr. Horton?

LEG. LOSQUADRO:

Make a motion to approve.

CHAIRMAN SCHNEIDERMAN:

Okay. We have motion to approve -- oh, I'm sorry, let's get the motion and a second and we're on the motion. So on **1801 (to appoint member of County Planning Commission Joshua Y. Horton. (County Exec.)** we have a motion by Legislator Losquadro, second by Legislator Cooper. On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Yeah, just to follow-up on that last disclosure and I appreciate that you brought it up. Did you bring it up because you felt it may be something we need to know or consider before we vote?

MR. HORTON:

No. I brought it up because it -- the title of the organization, Suffolk County Village Officials Association certainly sounds prominent and sounds official, with the word official being in there. But I wanted to --

CHAIRMAN SCHNEIDERMAN:

So you brought it up to impress us?

MR. HORTON:

No, I brought it up because should that raise a question to, you know, so that you know that the Suffolk County Village Officials Association as a 501(c)(3) not-for-profit organization in no way plays any role in permitting or planning of any particular village initiative.

LEG. D'AMARO:

But it does --

MR. HORTON:

And does not get involved with planning initiatives on behalf of villages.

LEG. D'AMARO:

So it does not advocate on behalf of villages for something that involves planning?

MR. HORTON:

Not on planning issues. No, absolutely not.

LEG. D'AMARO:

Okay. That's fine. Thank you. Just want to clear that up.

CHAIRMAN SCHNEIDERMAN:

Any other questions? All right. So we had a motion and a second. All in favor? Opposed? Abstentions? If the Clerk would list me as a co-sponsor on this one. **Approved (Vote: 5-0)** Mr. Horton, you, again, as I said to Mr. Taldone, do not need to come to the Legislative meeting unless you for some reason want to next week --

MR. HORTON:

To see your colleagues roll their eyes perhaps.

CHAIRMAN SCHNEIDERMAN:

-- next Tuesday, come back to Hauppauge. But the questions really are answered here at this -- in this forum. So congratulations and we look forward to you being approved by the full committee -- full Legislature next week.

MR. HORTON:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you.

MR. HORTON:

Thank you for your time.

CHAIRMAN SCHNEIDERMAN:

Okay. Was there anyone else who wished to be heard by the Committee?

Okay. Okay, we're going to move to the agenda starting with CEQ resolutions.

CEQ RESOLUTIONS

25-08, ratification of recommendations for legislative resolutions laid on the table for

June 24th, August 5th and August 19th, 2008. These are all Type II Actions. Motion by --

LEG. LOSQUADRO:
Motion.

CHAIRMAN SCHNEIDERMAN:
Legislator Losquadro.

LEG. COOPER:
Second.

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

26-08, DPW's request to obtain engineering assistance to address process and capacity improvements to sewer district number 20 - William Floyd, CP8147, in the Town of Brookhaven. (Type II Action) Same motion, same second. All in favor? Opposed? Abstentions? **Approved (Vote: 5-0)**

27-08, DPW's request to obtain engineering assistance to address odor related issues at sewer district number 05 - Strathmore Huntington, CP 8115 in the Town of Huntington. (Type II Action)

LEG. LOSQUADRO:
Same motion.

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

28-08, DPW sewer district number 13, Windwatch STP expansion in the Town of Islip. (Unlisted action, negative declaration) Same motion, same second, same vote. **Approved (Vote: 5-0)**

29-08, and anyone could stop me if these are not the wishes of the committee in the same seconds, motions and votes. Proposed acquisition for open space preservation purposes known as the Warner Duck Farm property in the Town of Riverhead. (Unlisted action, negative declaration) Same motion, same second, same vote. **Approved (Vote: 5-0)**

30-08, proposed acquisition of a conservation easement known as the Laurel Lake County Park addition - Jacoby LTD Family Partnership property in the Town of Southold. (Unlisted action, negative declaration) Same motion, same second, same vote. **Approved (Vote: 5-0)**

TABLED RESOLUTIONS

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

LEG. BEEDENBENDER:
Motion to table.

LEG. COOPER:
Second.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Beedenbender, second by Legislator Cooper. On the motion, Legislator D'Amaro.

LEG. D'AMARO:

It's just -- I know the sponsor, Legislator Alden, is not here so I don't know if anyone has the answer to this question. But is the information, I'll ask BRO or maybe even Director Isles, if you know off hand -- no, you don't know?

DIRECTOR ISLES:

I'm not here on that reso.

LEG. D'AMARO:

Okay. Well, it's just a general question. This resolution is calling for the disclosure of indirect costs of land acquisition. The acquisition of environmentally sensitive land, which as you all know we consider on just about a daily basis here. And I come from the school that says, you know, the more information, the better to make an informed decision. In fact, when I first came to the Legislature I sponsored a bill that would require fiscal impact statements, which my colleagues were kind enough to support prior to taking even committee votes. And the bill requires information such as what is the cost to each taxing jurisdiction and other indirect costs, what is the affect on our debt service as we pass the bills authorizing acquisition of real estate. And my question is, is that information readily available to us before we cast the vote?

MR. DUFFY:

As you look at it, there will be certainly those -- if you look at the, I guess, information the cost of acquisition, real estate taxes, that would be readily available. Impact of acquisition on tax roles and each affects the jurisdiction. My opinion, that'd probably wouldn't be something that's readily available. Impact on the County debt service, that would relate to a calculation on what the amount you would be purchasing and the debt service if you were using debt service to pay for it. Stewardship and maintenance cost and benefit associated with the jurisdiction, in my opinion that would probably not be readily available.

LEG. D'AMARO:

Okay. So acquisition costs, I agree with you would -- would be available because we're not voting, we would certainly know the purchase price at that point. The real estate taxes paid by jurisdiction, you mentioned would be available. How would I go about finding that information? Just, if you know.

MR. DUFFY:

Off the top of my head, if you had the tax bill for the parcel, that would contain the information --

LEG. D'AMARO:

Okay.

MR. DUFFY:

-- as to the taxes that were paid in the last year and broken down by the various taxing jurisdictions they were paid to.

LEG. D'AMARO:

Right. But right now there's no requirement that the tax bills be submitted to the committee. But of course that is public information, which we could probably get quite easily.

MR. DUFFY:

Correct.

LEG. D'AMARO:

Yeah, okay. The impact of the acquisition on the tax roles of each affected, same answer I would

assume.

CHAIRMAN SCHNEIDERMAN:

That's a complex question.

LEG. D'AMARO:

On the tax roles?

CHAIRMAN SCHNEIDERMAN:

Well --

MR. DUFFY:

The tax roles, the property if it was acquired by a government as part of its governmental purpose would eventually be taken off the role.

LEG. D'AMARO:

Okay.

CHAIRMAN SCHNEIDERMAN:

What I guess -- why it's a complex question is, yes, you can see what the property's currently paying in taxes. Often we're buying undeveloped land and the taxes are quite low on undeveloped land in most areas versus improved property. But if we didn't buy it and it was improved, then that's a whole other question as to what the taxes would be if it was developed according to zoning in terms of the County, the town and the school districts, etcetera.

LEG. D'AMARO:

That's a great answer.

CHAIRMAN SCHNEIDERMAN:

So that's why I'm saying it's a complicated question.

LEG. D'AMARO:

Okay. And it would really be speculative to know whether or not that land would ever get developed, could it be developed as a matter of right and what would be the effect on the tax role. Impact on County's debt service, that would just be really a chart, I would assume, where you take the acquisition costs and spread it out over the term of the bond.

MR. DUFFY:

Correct.

LEG. D'AMARO:

Roughly, generally speaking.

MR. DUFFY:

I would believe so, yes.

LEG. D'AMARO:

Yeah. But that information is not calculated as we go parcel by parcel by the Budget Review Office.

MR. DUFFY:

No, it's not.

LEG. D'AMARO:

All right. Do we ever get a cumulative update of the impact on debt service of land acquisitions?

MR. DUFFY:

We discussed it in our capital report where they broke down the various aspects of where debt service goes.

LEG. D'AMARO:

Yeah, okay.

CHAIRMAN SCHNEIDERMAN:

On that question, too, I mean, in general it's going to be directly proportional to the cost of the property unless we have partners involved, you know, on the town or the state level so --

LEG. D'AMARO:

And the last is an interesting, I found the most intriguing part of this particular bill, the stewardship and maintenance costs. I'm not sure how -- how would we project that?

MR. DUFFY:

The only thing I could see off the top of my head is that if we had a partner and as part of the agreement approaches the partner, was going to assume all the costs, there would then be no cost to the County. Other type of costs, it may depend if we're requiring development rights. That would be something the farm would still retain ownership and there would be a benefit from that.

And as far as other stewardships, I remember from a while ago there's Legislator Towle, I believe, had introduced some type of legislation that he required a certain number of park rangers based upon the total number of acreage the County has acquired. That would be the only type of cost I could think of off the top of my head.

LEG. D'AMARO:

I think the intent of the bill though is to throw out the concept that while we're protecting the environment and proceeding with land acquisition, there is a cost to that acquisition. Now, the formula may come down and weigh heavily on the side of protecting the environment. I know that -- at least that's where I'm coming from. But nonetheless, you know, this is the type of information, if you're going to make a fully informed decision, I think would be beneficial to have. The problem I have, though, is I'm not sure how we would really accurately project some of these items. Commissioner Gallagher, I appreciate that you came up. Do you have anything to add on that?

CHAIRMAN SCHNEIDERMAN:

Yeah, I'd like to comment on that one, too. So, let's hear from Commissioner.

COMMISSIONER MEEK-GALLAGHER:

Yeah, I think just on the last one, that would be very difficult for the Parks Department to estimate ahead of time. You don't necessarily know ahead of time what -- how much usage the parcel's going to have. They might be able to estimate to a certain extent based on if you had similar parcels or if you were just adding it to an existing parkland, but certainly stewardship and maintenance costs and then benefits associated with the acquisition, it's not always easy to put a price on the benefits, you know, how do you calculate the benefits of protecting X number of acres over a Special Groundwater Protection Area or of children being able to play outside or -- I mean, it's, you know, it's just getting fresh air, of having that much more contiguous habitat for wildlife or threatened or endangered species. It's very difficult to put a price tag on that.

LEG. D'AMARO:

And I think as we vote on the acquisitions, I think we're all aware that there are indirect and affiliated and associated costs going forward, at least it's something I kept in my mind. But I found this legislation interesting, wondering -- it prompted me to think through whether or not we could actually come up with a number on a parcel by parcel basis before we vote to acquire.

CHAIRMAN SCHNEIDERMAN:

But, I think, certainly we ought to be able to get what the current taxes are, yearly taxes on the

property. That should not be difficult, right, Mr. Isles? To be able to provide that information?

COMMISSIONER MEEK-GALLAGHER:

Right. We could be able to -- yeah, there'd be a record from the prior year.

CHAIRMAN SCHNEIDERMAN:

I think some of these other things are going to be complex -- complicated. The stewardship question, and I think this is an important question as we, you know, amass more and more property, certainly properties that have buildings on them that have to be maintained, lawns that need to be cut, trails that need to be maintained, signage. We have to check occasionally, I guess, for illegal dumping. There are liability questions that go with ownership. And if we're not -- if we take pieces that are far away from other things we don't really have the staff to check on them.

I think these are important questions. I don't know how you calculate a number for it, though. I think that we have to in our mind look at each property and make a determination whether we have the capacity to properly steward it. I think that's important. But I wouldn't want to shut down the Real Estate Program because we didn't have an exact number or even an estimate.

So, I think, Legislator Alden, raises, I think, some really important concerns. But it's really the tax one that I think we can get a number on and these others are so gray that I think that approving a resolution like this would kind of make it impossible to buy land.

LEG. D'AMARO:

Or perhaps, and I agree with you, and perhaps the stewardship and maintenance cost is something that if you want to ask about it at the time of acquisition, we'll know what program we're in, what the proposed use of the property may be and we can have that discussion at the time.

But I'm not necessarily opposed to getting more information especially, you know, what this bill calls for. But I have a little difficulty trying to support it in the sense that I'm not sure we could fairly and accurately come up with some of these numbers.

LEG. COOPER:

Jay?

CHAIRMAN SCHNEIDERMAN:

Dan, did you have --

LEG. LOSQUADRO:

Yeah.

CHAIRMAN SCHNEIDERMAN:

Yeah, Legislator Losquadro and then Legislator Cooper.

LEG. LOSQUADRO:

Thank you. Some of the questions I wanted to ask were already addressed with the dialogue you two had back and forth between each other there. But I think the Chairman touched on a very important point here, which was finding a way to try to determine the impact on the tax roles. And quite frankly I think it would be entirely incomplete, you would need to compare apples to apples to be able to do that. And until such time as property were to be developed and determined what the highest and best usage for that property would be or perspective change of zone or change of use on it and what the actual impact of that development would be to all the other taxing entities, to the school district, to the fire department, you know, emergency services, everything else associated with that, I think it's near impossible to be able to determine that on every single parcel.

And even if you did try to undertake that, I think it would immediately result in paralysis of the entire system to try to look at every single parcel down to that minutia and quite frankly being

unable to do so accurately because you don't know what would ultimately built -- be built there. You don't know if a change of zone would be filed for. So it would be entirely speculative anyway so -- and I personally saw it on the side that Legislator D'Amaro does, that I think that land preservation actually stabilizes taxes because of the incredible increase in the use of services that results from continued development in those areas. I think it has to be balanced.

So I think that, again, while well intentioned to try to get more information, which is always good, I think that trying to get this level of information is just fatally flawed. And I don't think it's a good idea or in the best interest of keeping our preservation program viable and thriving.

CHAIRMAN SCHNEIDERMAN:

I know I've seen some reports I'm sure Commissioner Isles is familiar with, that show that just what you're saying that open space preservation economically is the best alternative. That the cost of the development and what it does for, you know, the cost of providing additional police or additional classrooms, etcetera. But one of the factors I think that factor into that -- right -- well, and that's an interesting point. As an east ender, you know, it really depends on the type of development. Some developments are not putting kids in the school system.

It also depends on if infrastructure is in place or not, are there roadways, are there electrical, you know, utilities in place. And it would be very hard for us or the Planning Department or Real Estate to be able to give us that kind of information and make a determination what -- if it were developed how that might affect the tax roles. So but I think we've covered that so -- all right, any other comments? Okay. So there's a motion to table and a second. An interesting debate. All in favor? Opposed? Abstentions? So **tabled. (Vote: 5-0)**

All right. Moving onto **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)**

LEG. D'AMARO:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

The motion was -- motion to table by Legislator D'Amaro, second by Legislator Cooper.

LEG. BEEDENBENDER:

Hold on one second. Was this amended, Tom?

CHAIRMAN SCHNEIDERMAN:

This has been amended, yes.

DIRECTOR ISLES:

Not to my knowledge.

LEG. BEEDENBENDER:

Not to your knowledge.

MR. NOLAN:

Yes, it was amended September five. I believe it added two additional parcels to the exhibit for

acquisition.

LEG. BEEDENBENDER:

So we'll have to wait for Tom to do the new rating anyway; so I guess we should table it then.

CHAIRMAN SCHNEIDERMAN:

You have not done the rating yet, Mr. Isles?

DIRECTOR ISLES:

No. We weren't aware of the change at this point.

CHAIRMAN SCHNEIDERMAN:

Okay.

DIRECTOR ISLES:

But we'll do it for the next meeting, sure.

CHAIRMAN SCHNEIDERMAN:

Okay, okay. So there's a motion and a second to table. All in favor? Opposed? Abstentions? **IR 1706 is tabled. (Vote: 5-0)**

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:

Motion to approve by Legislator Cooper.

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Beedenbender.

LEG. LOSQUADRO:

On the motion.

CHAIRMAN SCHNEIDERMAN:

On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

If Planning could just refresh our memory on this. I know we had tabled it, what was the rating and what were some of the deficiencies noted or were there questions remaining as to why we hadn't moved forward yet?

DIRECTOR ISLES:

The Planning Department did do a rating on this property. It is property located in Medford as the name Medford Gardens implies. It's located just to the east of State Route 112, pardon me. And it's a parcel about 55 acres, which in itself is pretty large. It borders a rather densely developed neighborhood to the south. At the last meeting we reported that the, you know, the basis for the points that were awarded based on the County's rating form, it is in a Special Groundwater Protection Area so that was certainly a high factor in the points. It is over 50 acres, which gave it

points as well in terms of encouraging larger lots. It is within proximity to the Gordon Heights County Nature Preserve and it is also within 300 feet of other protected lands. We also pointed out, however, you know, just as a matter of fact --

LEG. LOSQUADRO:

What was that total rating?

DIRECTOR ISLES:

The total rating, pardon me, was 25 points.

LEG. LOSQUADRO:

Okay. Thank you.

DIRECTOR ISLES:

-- this is property that was owned by the County that we acquired through tax default and we sold in the early '90's. So that was just something for you to be aware of. At that time, certainly the Legislative body at that point determined that it was not suited for open space, it was recommended for preservation by Planning at that time I understand from the records. At this point it is privately owned. It was acquired by someone at the auction sale at that time and they still own it. So just so you're going into this eyes open.

CHAIRMAN SCHNEIDERMAN:

Commissioner, if I could interrupt.

DIRECTOR ISLES:

Yes.

CHAIRMAN SCHNEIDERMAN:

Okay. And that's important that we understand that it's privately owned. But not all privately owned property is developable. And I've seen where reserved areas and subdivisions fall into private hands. Have you done title work on this to make sure that this property -- because that's I think one of the reasons why we tabled it is for you to look to see if it wasn't a reserved area for the large development that is adjacent to it.

DIRECTOR ISLES:

So far the information we have is we don't believe that it is. We don't have definitive information, but we can report to you that there is a live subdivision application pending in the Town of Brookhaven. It has been subject of a subdivision hearing before the planning board. And in the information we have, which here again we're waiting to confirm is that it's not attached to any other property. It's not part of the reserve or open space of another subdivision, that it is independent of that. There are issues with the subdivision application as it exist that are being reviewed at the present time by the -- here again, by the local planning board.

CHAIRMAN SCHNEIDERMAN:

Legislator D'Amaro.

LEG. D'AMARO:

Yes, thank you. Director Isles, there's a letter in our backup dated August 10, 2008 from the Affiliated Brookhaven Civic Organization, which states the following: the site plan was recently denied by the town planning board due to developer's absolute refusal to cluster homes at the site. Is that the same active site plan that you're aware of?

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

So it seems like there was some action taken. It doesn't mean it cannot be revised, but at least it's been denied by the town. Whether or not it would be revised or not, I don't have any knowledge of that.

DIRECTOR ISLES:

Neither do I. I don't think it's uncommon for back and forth to happen in applications. The mere denial by the Planning Board, I don't think, puts it to an end completely.

LEG. D'AMARO:

And this is only for planning steps.

CHAIRMAN SCHNEIDERMAN:

Planning steps.

LEG. D'AMARO:

To see, perhaps, if we can short circuit perhaps the revision of the site plan and see if there's a willingness to do business with the County and sell the property to the County.

I also just want to note for the record that this civic Association, MaryAnn Johnston, is the president, was kind enough to write to us and states that -- in her letter states that, *this organization has been a steadfast supporter of preserving this parcel as it has been identified for purchase by the town's open space committee and was included in the community preservation fund targeted preservation inventory.* But I would assume that that's the fund that is out of funds.

CHAIRMAN SCHNEIDERMAN:

That never existed.

LEG. BEEDENBENDER:

That's the one that didn't get passed.

LEG. D'AMARO:

Or didn't pass.

CHAIRMAN SCHNEIDERMAN:

Doesn't exist.

LEG. D'AMARO:

Right, so --

CHAIRMAN SCHNEIDERMAN:

Is Brookhaven a partner on this one?

DIRECTOR ISLES:

Not to my knowledge.

CHAIRMAN SCHNEIDERMAN:

Legislator Cooper.

LEG. COOPER:

Can you just let me know for the record who the owner of this property is? The current owner.

DIRECTOR ISLES:

We have the name of the owner as being -- here we go, Medford Gardens One LLC, which -- with an address in Lindenhurst, New York.

CHAIRMAN SCHNEIDERMAN:

Commissioner, would this be used as a passive park or active park or hamlet park or what's the proposed use? I know it borders a large subdivision and a lot of homes in that area. Is this going to be for ball fields or is this going to be just for woodlands?

DIRECTOR ISLES:

The resolution presented by the sponsor indicates proposed use for open space. Accordingly the rating was based on the natural environments open space form, considering environmental factors, such as the Special Groundwater Protection Area designation. Therefore, we're assuming then that it would not have active use on the property.

CHAIRMAN SCHNEIDERMAN:

Any other questions?

LEG. D'AMARO:

Just one more.

CHAIRMAN SCHNEIDERMAN:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Yeah, just again for the record, if you know, this property was purchased at auction?

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

Was it by the present owner, do you know?

DIRECTOR ISLES:

Either the present owner or a preceding entity of the present owner.

LEG. D'AMARO:

Okay. Do you know what the successful bid amount was?

DIRECTOR ISLES:

I do not.

LEG. D'AMARO:

Do not.

DIRECTOR ISLES:

I do not, no.

CHAIRMAN SCHNEIDERMAN:

All right. I'm not sure it's totally relevant if they got a great deal that's -- I mean, I think what it -- it really begs the question is, before we auction these things off, we really ought to analyze whether there's something that we might want for preservation purposes. I would not want to prejudice --

LEG. D'AMARO:

Without having to explain the relevancy of my question --

CHAIRMAN SCHNEIDERMAN:

Okay.

LEG. D'AMARO:

-- I appreciate you trying to answer it. Thank you.

LEG. BEEDENBENDER:

But I think Director Isles said last time that we have situations in place where we would not be selling this off. It's either Director Isles or Mr. Kent that said that this wouldn't happen anymore.

CHAIRMAN SCHNEIDERMAN:

Right. All right. I just -- the only reason I brought that up is because I don't want somebody to say we prejudiced against somebody because they got a good deal.

LEG. LOSQUADRO:

I was just going to say regardless of who the owner is, we certainly aren't prejudiced against going out to any owner of any property to ask for their willingness to sell, whether or not we do business with them at that point; but certainly the County wouldn't want to be in a position to be claimed that they prejudiced themselves in anyway in the process.

CHAIRMAN SCHNEIDERMAN:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, just, you know, we're using the word prejudice about a figure that's a matter of public record so I'm not sure that we're using the right term. But, no, I asked about the price. The successful bid amount.

LEG. LOSQUADRO:

I was more -- I was more leaning towards the ownership.

LEG. D'AMARO:

Oh, okay. We'll I -- Medford Gardens One, LLC, I believe you said. Right?

DIRECTOR ISLES:

Yes.

CHAIRMAN SCHNEIDERMAN:

And, Commissioner, the question about clear title or the ability to -- what -- you know, whether there is some easements or limitations on development, that will come up later should we approve the planning steps, you'll do a full title search.

DIRECTOR ISLES:

Right. With the Division of Real Property Acquisition and Management under DEE, they certainly do do title work. As far as County planning, we would assist them with any of that. Typically, in my handling of subdivisions, it would be a deed covenant placed on the reserve area and in fact, the reserve areas are typically dedicated to the municipality or some sort of a controlling entity of either a public entity or a not-for-profit land preservation entity. But we -- that would all be DEC checked and part of the basis of determining the value of the property.

CHAIRMAN SCHNEIDERMAN:

Okay. So, Madam Clerk, we did have a motion and a second on this; Correct?

MS. LOMORIELLO:

Yes, correct.

CHAIRMAN SCHNEIDERMAN:

Okay. So this is to approve. All in favor? Opposed? Abstentions? Okay. **1711 is approved.**
(Vote: 5-0)

INTRODUCTORY RESOLUTIONS

Moving onto introductory prime, **IR 1760, approving planning steps for the acquisition of farmland development rights, July 2008. (SCTM Nos. 0600-045.00-01.00-013.003 & 0600-136.00-01.00-002.000 p/o) (Co. Exec. Levy)** I guess, is that the name? Oh, this is a master list. A master list of two parcels. For two parcels. All right. If we could have some background, Commissioner.

DIRECTOR ISLES:

Sure. You have before you in resolution 1760, a resolution that has been put forward based on a review by the Suffolk County Farmland Committee, that review taking in late July of this year. The matters before you are cases where the property owners have come forward to the County and have requested to be included in the Suffolk County Farmland Protection Program. These are therefore proposed to be considered for planning steps for the acquisition of development rights in order to continue agricultural activity.

Beginning with the first parcel, that of Peter Harmon, this is a parcel of about 5.5 acres that is surrounded by farmland currently. It was rated according to the rating forms used by the County Farmland Committee, which are scaled on a basis of zero to 22, with ten being the suggested quote unquote passing grade. In the case of the subject parcel, the Farmland Committee identified both characteristics of the proximity to existing PDR, to vistas or visibility from road frontage, Soils, which is a very important consideration as well as estimated of value per acre. Based upon that they achieved a rating of 11.5 for this property and thus did recommend it for inclusion in the County program for planning steps only at this purpose of course.

The second parcel is a larger parcel known as the Adamczeski Farm, in Calverton Properties Inc. This is a parcel of about 85 acres out of a much larger piece of about 115 acres. So there's about 85 acres that's actively farmed. There's about 30 acres of woodland that would be excluded if the County were to move forward. This, too, is, here again, rated by the Farmland Committee with assistance from the Suffolk County Planning Department staff and achieved a rating of 15 points, here again, on that scale of zero to 22. The information is in front of you if you would like to go over it, but considering the same characteristics of the prior form and assigning the appropriate values accordingly.

So with that, the Suffolk County Farmland Committee did recommend to the County Legislature the approval of that parcel for inclusion in the program for the purposes of conducting the planning steps studies at this time. If you have any questions, we'll do our best to address those questions.

CHAIRMAN SCHNEIDERMAN:

Legislator Cooper.

LEG. COOPER:

Director Isles, can you clarify what crop is being farmed on the first parcel, the Northville parcel?

DIRECTOR ISLES:

Sure. Let me ask our farmland administrator. You can come forward. That's good. This is Jessica Kalmbacher who's a planner in the department. You may have met her at prior meetings, but she's taken over the Planning Department's administration of the Farmland Program from Roy Fedelem who served the County for 30 years. And we hope Jessica does, too. In this case, if you just have any information on that.

MS. KALMBACHER:

The question's on the Northville property?

DIRECTOR ISLES:

Yeah. This is Mr. Cooper. On the first parcel, the actual farm activity that's occurring.

LEG. COOPER:

Yes, please.

DIRECTOR ISLES:

Just to get back to your question. If you have the answer.

MS. KALMBACHER:

And you said it was for the Northville property; is that correct?

LEG. COOPER:

Yes.

MS. KALMBACHER:

Okay, the property itself as far as I've been told is being farmed and the property is -- let's see, to the northwest and to the northeast are also being farmed. And the property to the southeast, I believe, is a horse farm.

LEG. COOPER:

But do you know what the crop is?

MS. KALMBACHER:

No, I don't. I'm sorry, not at this time.

LEG. COOPER:

Because the crop is specified on the larger parcel, but not on this.

MS. KALMBACHER:

No, I don't.

LEG. COOPER:

It isn't it unusual to acquire farmland development rights for a parcel this small size, its only five acres?

DIRECTOR ISLES:

It is a --

LEG. COOPER:

I mean, is something of that size viable?

DIRECTOR ISLES:

Well, that's a key question that we do ask. And the -- we would look at, and what the Farmland Committee would look at, would be the -- here again, is it viable? It's a fundamental thing of how small is it -- what is the configuration of the parcel, the shape of the parcel, what is the estimated value of products that could be produced from this parcel and what is its importance in terms of other parcels in this vicinity? And one of the things the aerial photograph shows is that this is, and perhaps doesn't show well enough in terms of the scale of this thing, is that it is part of a much larger farm band that exist in this location.

I will tell you that the County Farmland Committee, which consists of 19 members, consist of many farmers, at least ten or so farmers in the committee. And that's one of the things the committee, at least, we relay on from a staff's standpoint is that they do have a lot of knowledge on each individual farm in the County.

So we will, you know, be certain to get back to you on the initial -- the actual crops on this site. But the -- it's something certainly the Farmland Committee members, the farmers would have been aware of. And this is set up for crop agriculture in this case. But -- so the 5.5 acres, it was certainly a consideration. The conclusion of the committee was that given the viability of the configuration of the property rectangular and functional for farming and its importance in terms of this larger farm band, it was deemed to be worth at least a planning steps resolution at this point.

LEG. COOPER:

And one other minor question, do you know why these two parcels were lumped together in one planning steps since they're not adjacent parcels?

DIRECTOR ISLES:

What we did and what we customarily do is we take all of the recommendations from the County Farmland Committee and present them in a resolution to the Legislature. So in this case, there were two farms, usually there are more. The Farmland Committee meets four times a year, they just changed their schedule to meet six times a year. So at the conclusion of their meeting, we then prepare a resolution for your consideration.

LEG. COOPER:

Okay. Thank you.

DIRECTOR ISLES:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Is there a motion?

LEG. BEEDENBENDER:

Motion. There's been no motion.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Beedenbender, second by Legislator Cooper. Any further questions? All in favor? Opposed? Abstention? **Approved. (Vote: 5-0)**

IR 1780, authorizing the acquisition of farmland development rights under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, for the Terry Girls Realty, Inc property - Town of Riverhead - (SCTM No. 0600-066.00-02.00-017.000) (Co. Exec. Levy) I'm getting the rating form. It's being distributed. But I'm not seeing an aerial. Is there an aerial that can be distributed as well?

LEG. LOSQUADRO:

Is this for acquisition?

CHAIRMAN SCHNEIDERMAN:

This is for acquisition, yes. Okay. Let's get a motion and a second. We'll put it before us.

LEG. LOSQUADRO:

I'll make a motion.

CHAIRMAN SCHNEIDERMAN:

I'll make a motion and a second.

LEG. LOSQUADRO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Losquadro. Okay, it's before us. You all have seen the rating form. Commissioner, I also have a copy of an aerial if anybody wishes to see that, I'll pass it along. Commissioner, if you can you give us some additional information.

DIRECTOR ISLES:

Sure. Okay, this is property located in the Town of Riverhead. This is a proposed acquisition that has gone through the process of review by the County Farmland Committee. As noted, the rating form has been presented to you. In this case, the parcel scored a total of 11 points, here again, the scale being zero to 22. This went through some time ago for the initial planning steps, which was approved by the Legislature previously.

We have before us now is a resolution to acquire the development rights to a portion of this property, the portion that's actually being used for agricultural purposes. As the resolution indicates, the proposed area of this parcel for the purchase of development rights would be 14.16 acres. The proposed acquisition price is \$87,000 per acre. The property is adjacent to other farmland.

And, here again, if there any questions you have regarding the assessment, the rating form in terms of the soils, the valuation and so forth, we'll be happy to attempt to address those questions.

CHAIRMAN SCHNEIDERMAN:

Any questions? No questions. Okay. Legislator D'Amaro.

LEG. D'AMARO:

The -- I'm sorry it's 87,000 an acre times the 14 plus acres.

DIRECTOR ISLES:

Correct.

LEG. D'AMARO:

And the rating is 11 out of a possible 22?

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

Do -- I mean, that's only 50% of the available points.

DIRECTOR ISLES:

Here again, ten is typically viewed as being --

LEG. D'AMARO:

Ten.

DIRECTOR ISLES:

-- the quote unquote passing grade. If it's below ten, the committee will have concerns and, you know, seek to find why it should be considered if it's that low.

LEG. D'AMARO:

Right.

DIRECTOR ISLES:

But as 11 it's certainly is a quote unquote passing grade. There are very few parcels that get above 15, quite frankly, the way this system is structured.

LEG. D'AMARO:

Okay.

DIRECTOR ISLES:

So 11 is an acceptable grade. It's a judgement, it's a guide as to whether you feel on behalf of the County that it's the best interest of the County to acquire this property. But as far as the Farmland Committee was concerned, in their initial planning steps review, they felt it was.

LEG. D'AMARO:

And just on the form, section D, approximate development rights value per acre --

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

-- how do you put a number on the per acre per parcel?

DIRECTOR ISLES:

Right. We've been working on that actually with the Division of Real Property Acquisition and Management. It is a judgement that's made -- now this is done in the planning steps phase.

LEG. D'AMARO:

Okay.

DIRECTOR ISLES:

And we have very little information on the property. It is done, what we use now with Jessica Kalmbacher's supervision or administration of this action would be to work with Real Estate and the Appraisal Review Unit. So she would contact Mr. Fred Ford who heads up that unit to solicit his advisory comment on the valuation category. And then as Jessica's completing the form in preparation for the Farmland Committee, would set that number in there.

So it's a best estimate that can be gained at that time. The principle behind this is that certainly is that to weight a higher score for lower cost farmland to get more value for the dollars per acres acquired for the County. And that's historically been in place since the 1970's when this program began. What happens periodically is we do adjust the numbers in terms of the market and kind of getting into the ballpark.

But in answer to your question directly, it's based on consultation with a licensed certified general real estate appraiser within the Division of Real Property Acquisition and Management.

LEG. D'AMARO:

Great. Thank you.

DIRECTOR ISLES:

Thank you.

CHAIRMAN SCHNEIDERMAN:

I mean, that's the first time I really looked at that section D, and I think, Commissioner, that's a -- brings up some interesting points as to -- yeah, it's similar to what Legislator Cooper was concerned about with properties in western Suffolk getting lower scores. This may complicate it, too, in terms of preserving farmland. If the development rights per acre are high, it ends up with a lower -- automatically a lower score. In areas where land is cheaper obviously, you get a higher score. It seems like somewhat of an arbitrary -- I mean, I can see arguing that, you know, if you're near

other farmland and you have more of a critical mass to sustain farming or if you have excellent soils, you can grow things that have a higher market value. But simply getting points for how inexpensive it is, I think that's a stretch.

DIRECTOR ISLES:

Well, I think it goes back to what was the County's intention with this to begin with and the goal at that time in the 1970's --

CHAIRMAN SCHNEIDERMAN:

Was to preserve as much farm --

DIRECTOR ISLES:

-- was to preserve 30,000 acres of farming, of agricultural land in Suffolk County. In 1996, that was amended to 20,000 acres in the Agricultural and Farmland Protection Plan that this County did. And so it's based upon the idea that a critical mass of land is necessary to sustain the agricultural economy in Suffolk County.

Then the next question being, how does the County provide for that? And in that instance more is more in the sense that if the County can acquire more land just physically on the acreage basis and get closer to achieving the critical mass necessary to support the industry and supporting industries and so forth. So that's where it began.

I think when we get to guide forms that we often talk about at committee, I think we all recognize that no single form is perfect. A lot of these forms have gone through different revisions and there are always extremes in -- well, what about a parcel in western Suffolk that cost more than a parcel in eastern Suffolk? I don't think it's -- anything lives or dies on one consideration. But certainly I respect, you know, the call of the Legislature and the County Executive in terms of those policy decisions. And this is really -- the purpose of this review is for you to see everything and make your determination as to whether Suffolk County should purchase Terry Girls Realty, which is the one before us.

But as far the basis on value, it was considered at the beginning of the program in 1977, thereabouts that acreage was an important element and that would be one way of achieving it.

CHAIRMAN SCHNEIDERMAN:

Legislator Cooper.

LEG. COOPER:

I'm sorry, you may have covered this but section E, adjustments, the two points were given for what positive factor or factors?

MS. KALMBACHER:

Okay. The two points that were added there were for the fact that the property was located within one of Suffolk County's agricultural districts. And that enables the farmer to have the protections under right to farm law.

LEG. COOPER:

All right. Okay.

DIRECTOR ISLES:

Any part of the County is eligible to go into the ag district. It's not geographical limited either.

LEG. COOPER:

I'm sorry, can you explain that more. I don't --

DIRECTOR ISLES:

Well, I'm just saying, any part -- any property in the County is eligible to apply to be in an agricultural district. So that would be regardless of east, west geography. Just by way of background.

LEG. COOPER:

I see.

CHAIRMAN SCHNEIDERMAN:

All right. Any other questions? All right. We had a motion and a second to approve this authorizing to acquire resolution. All in favor? Opposed? Abstentions? **Approved (Vote: 5-0)**

1790, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law number 24-2007 St. Joseph's property - Town of Islip (SCTM No. 0500-160.00-02.00-072.002 p/o) (Montano)

LEG. COOPER:

Motion to table.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

There's a motion to table by Legislator Cooper, second by Legislator D'Amaro.

LEG. LOSQUADRO:

On the motion.

CHAIRMAN SCHNEIDERMAN:

On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

Do we have a ratings form on this?

DIRECTOR ISLES:

Yes, we do. This was presented earlier this year. I believe there are two times we've had it presented so we had circulated rating forms. If you'd like additional copies, we can provide those. It rated eight points with the prior presentation to you.

LEG. LOSQUADRO:

And currently, still the same?

DIRECTOR ISLES:

Still is eight points.

LEG. LOSQUADRO:

Okay. The way you said it it made it sound like something may of changed.

DIRECTOR ISLES:

Not to our knowledge.

LEG. LOSQUADRO:

Okay. And just as an aside, is there any 12-5E money left for Islip, or is that all gone now?

DIRECTOR ISLES:

I'll defer to Real Estate on that.

LEG. BEEDENBENDER:

It's about the 12-5E money for Islip, Chris.

CHAIRMAN SCHNEIDERMAN:

If that is not readily available, we're -- it seems like we're going to table this if you -- if that could be provided later.

LEG. LOSQUADRO:

Yeah, I was just -- just if somebody knows that off the top of their head.

PO LINDSAY:

I don't think so, Dan. I don't think there's any left.

DIRECTOR ISLES:

If we have and how much.

LEG. LOSQUADRO:

Yeah, okay. Well, we'll get that answer. I'm just curious.

CHAIRMAN SCHNEIDERMAN:

Right. If you can provide that for maybe for the next meeting.

LEG. LOSQUADRO:

Because if there's money to be spent in an individual township, that sort of, you know, and it can be earmarked only for that township, then that may factor in differently for an area that doesn't have a lot of land to preserve. So --

CHAIRMAN SCHNEIDERMAN:

Commissioner Gallagher.

COMMISSIONER MEEK-GALLAGHER:

Yes. We have a million fifty-five thousand for Islip.

LEG. LOSQUADRO:

Okay. Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay. So there has been a motion to table and a second. All in favor? I think Legislator D'Amaro you were second. Legislator Cooper made the motion. Seconding for a second time. All right. This is 1790. All in favor of tabling? Opposed? Abstentions? Okay. **1790 is tabled. (Vote: 5-0)**

1791, adopting local law number -2008, a local law prohibiting the distribution of plastic carryout bags by retail stores. (Viloria-Fisher)

LEG. LOSQUADRO:

Public hearing.

CHAIRMAN SCHNEIDERMAN:

Table for public hearing.

LEG. LOSQUADRO:

Motion.

CHAIRMAN SCHNEIDERMAN:

All right. There is a motion to table by Legislator D'Amaro, second by Legislator Cooper. All in favor? Opposed? Abstentions? **Tabled. (Vote: 5-0)**

1792, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law number 24-2007, Hubbard property, Town of Riverhead (Romaine) Laretta is passing out the rating and aerial. How did we miss this one on the master list? I guess that happens.

MS. FISCHER:

Actually, when this was proposed for acquisition the other side of the -- in orange is proposed acquisition in progress by the Hubbard family as well. There was an error put in by I think at the time, Legislator

Caracciolo did not include it although we did want to see it acquired. It's part of the same ownership. It's the same family, the Hubbard family.

CHAIRMAN SCHNEIDERMAN:

Right. It's on the water. It borders our park --

DIRECTOR ISLES:

Right.

CHAIRMAN SCHNEIDERMAN:

-- and our golf course. Certainly, visually makes perfect sense for open space acquisition.

LEG. LOSQUADRO:

I'll make a motion to approve, Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

Thank you.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Cooper. So a motion by Legislator Losquadro, second by Legislator Cooper. Any -- this is a planning steps. I don't know that we really even need to have much discussion on this. So all in favor? Opposed? Abstentions? **Approved. (Vote: 5-0)** So Legislator Beedenbender would like to --

LEG. BEEDENBENDER:

No, no, no.

CHAIRMAN SCHNEIDERMAN:

Careful what you wish for. All right. So 1800 we already took care of and 1801 we took care of. So that concludes our agenda. We are adjourned. Thank you.

**(THE MEETING CONCLUDED AT 2:21 PM)
{ } DENOTES SPELLED PHONETICALLY**