

**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 November 10, 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:**

Legislator Edward P. Romaine, First District  
George Nolan, Counsel to the Legislature  
Kevin Duffy, Budget Review Office  
Barbara LoMoriello, Deputy Clerk  
Ben Zwirn, Deputy County Executive  
Thomas Isles, Director of Department of Planning  
James Bagg, Chief Environmental Analyst/Department of Planning  
Christopher E. Kent, Director of Real Property Acquisition & Management  
Lauretta Fischer, Department of Planning  
Janet Longo, Department of Real Estate  
Carrie Meek Gallagher, Commissioner of the Department of Environment and Energy  
Linda Bay, Aide to Minority Leader  
Paul Perillie, Aide to Majority Leader  
Justin Littell, Aide to Leg. D'Amaro  
Catherine Stark, Aide to Leg. Schneiderman  
Michael White, Long Island Regional Planning  
Paul Pontieri, Long Island Regional Planning  
Christine Malafi, County Attorney  
Gail Lolis, County Attorney's Office  
Jim McMahon, Director, Department of Public Works, Southold Town  
John Sepenoski, Town of Southold, Land Preservation Committee  
Scott A. Hilary, Town of Southold Planning  
Abigail Wickham, Attorney for Jacoby Family Limited Partnership  
Stephan Tiarks, Suffolk County  
And all other interested parties

**MINUTES TAKEN BY:**

Diana Kraus, Court Stenographer

## 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. If you all will rise and join us with the Pledge of Allegiance led by Legislator Losquadro.

### SALUTATION

You may be seated. All right. We have one speaker's card. If you wish to be heard and have not fill out one, please do so. The only one I have received so far is Abigail Wickham. If Ms. Wickham, do you -- normally I would do this first or do you want to wait 'til after Southold's presentation?

### MS. WICKHAM:

I would wait.

### PRESENTATION

### CHAIRMAN SCHNEIDERMAN:

Okay. I understand. In that case we will move to the presentation. We have Mr. John Sepenoski from the Town of Southold here who wanted to do a quick presentation on the Laurel Lake Preserve that is before us. So, Mr. Sepenoski, you have the floor.

### MR. HILARY:

Yes. Good afternoon, ladies and gentlemen. Just a correction for the record. My name is Scott Hilary. And I'm representing the Town of Southold with John Sepenoski, Land Preservation Committee, the Chairperson of. And Director of DPW James McMahon is also here today representing the Town of Southold.

And on behalf of the Town of Southold, the Land Preservation Department, I'd like to offer comments in support of the County securing a conservation easement on the Jacoby property. The Jacoby property is located within the Laurel Lake Preserve in the Town of Southold. The Laurel Lake Preserve is a complex of properties owned by Suffolk County, the Town of Southold, the New York State DEC and the Suffolk County Water Authority.

The preserve comprises approximately 500 acres of preserved land nearly, and that's a point I would like to make today, nearly encompassing the Lake. The Preserve is part of the Long Island Pine Barrens Maritime Reserve and was included in the New York State DEC Open Space Plan, the Special Groundwater Protection plan, the Suffolk County Drinking Water Protection Plan and the Town of Southold's Community Preservation Plan.

Now, Mr. Sepenoski, if you can make note to our large aerial representation, Legislators, up here, of the Laurel Lake Preserve and its complex. (Indicating) John, what I would like you to do is make special note to the Jacoby property outlined in red. (Indicating) And what is so unique about this complex or area referred to as the Laurel Lake Preserve is the unique partnership we have with land partners. We have the Town of Southold. If you can point out some of those holdings; (indicating) New York State DEC, which is the main access if you're familiar off the main road to access the lake for a fresh water fishery; the County, which has many parcels existing on the lake. But the importance of the Jacoby property and the conservation easement is to make contiguous these holdings, these preserved lands. And, again, John, could you please point that out in red (indicating); as well we provided the Legislators with a handout. If you could look at that, it's the same handout that -- it's just a smaller scale to the larger map here and also is a background -- a

good representation of the Laurel Lake Preserve, the many thousands of hours of time that's gone into preserving these properties, at least twenty plus years, the millions of dollars as well that have gone in as a reserve in securing these properties.

A few other supporting comments regarding the acquisition or the preservation of the Jacoby property. Securing the conservation easement on the Jacoby property is a vital link as John pointed out, the only feasible link, the last remaining link; or, if you will, the last piece of the puzzle. In achieving the contiguous network of preserved lands that as I pointed out earlier, was nearly but now will entirely encompass the Laurel Lake Preserve.

The Suffolk County Parks Board of Trustees in their regular meeting unanimously approved the Jacoby conservation easement. And I can speak to that because I am a representative on the Board of Trustees as the Southold designee. I know because being at that meeting we made that resolution to approve the Jacoby conservation easement, we and the Parks Commission exercised due diligence in consideration for the management of an aspect -- the management aspects of the conservation easement.

The Commissioner and as well the Suffolk County Parks Department and their staff will be responsible for managing this conservation easement also supported the County in preserving the Jacoby property through a conservation easement; the manager of the conservation easement with the collaborative effort again with the Parks Department in the Town of Southold.

Further, the Parks Department and the Town of Southold have an excellent relationship to date, an established relationship over time for managing of all the cooperative lands in the Town of Southold. The Town of Southold and Parks currently have an active stewardship agreement in managing county properties that are part of the Laurel Lake Preserve. But what's -- what I need to point out is that these lands are contiguous and adjacent to the Jacoby property. So as I point that out, this is not just a piece of property that's in the middle of nowhere, that we're going to assign a conservation easement to. It's in an area, a stewardship area, that is already being actively managed by the Town of Southold in cooperation with Parks.

And in closing the Laurel Lake Preserve is a unique sought after recreation designation, which is important, because it is sought after by many recreational enthusiasts, but more so for all County residents and as well as State in engaging in diverse recreational opportunities such as hiking, bird watching, fishing and environmental education just to name a few.

So if this board has any questions at this time, I'll be more than happy to answer the questions.

**CHAIRMAN SCHNEIDERMAN:**

Southold Town is not a partner? Only on the management end? They're not bringing money to the table on this; is that correct?

**MR. HILARY:**

Planning could comment on that. Suffolk County planning? No. That is correct.

**CHAIRMAN SCHNEIDERMAN:**

Maybe Planning could also explain why this is Multifaceted and not Quarter Penny. And I'm assuming this is a conservation easement and not a full fee because the owner was not willing to sell the land to us; is that correct?

**COMMISSIONER MEEK-GALLAGHER:**

Yes, that's correct. It's Multifaceted because it was -- it was actually -- the contract was entered into by the sellers or the property owners in the spring of 2007. So at the time -- in fact, this is Multifaceted money that's already been bonded. It's '07 Multifaceted money that's already bonded. So, hence, the reason it was decided to be Multifaceted at that particular time we were waiting for -- we didn't have the Quarter Percent extension at the time.

**CHAIRMAN SCHNEIDERMAN:**

Can it still be shifted or -- and do it by Quarter Penny or no? The only reason why, it seems like to me it would qualify under Quarter Penny.

**COMMISSIONER MEEK-GALLAGHER:**

It certainly would.

**CHAIRMAN SCHNEIDERMAN:**

And there are other properties that don't qualify under Quarter Penny. And if we have money in the Multifaceted fund, you know, to add to that would require additional bonding and debt service. It might make more sense.

**COMMISSIONER MEEK-GALLAGHER:**

Actually the way that the Quarter Percent extension, the referendum that was passed last fall, it's very broad now. It basically encompassed every type of land acquisition that we did. It encompassed Multifaceted aspects and everything else, specifically because we were concerned that we would not have those funding sources moving forward.

**CHAIRMAN SCHNEIDERMAN:**

Okay. All right. Thank you, Commissioner.

Any other questions related to this? There's a -- in addition to the conservation easement, there's a trail easement; is that right? Or it's within the conservation easement that we have the right to traverse this property on this trail?

**MR. HILARY:**

Again, the County can probably comment to that. But what I'm familiar with, that the goal is to have a trail, you know, that will traverse that property and make contiguous that whole network of systems.

**CHAIRMAN SCHNEIDERMAN:**

Right.

**MR. HILARY:**

But without the trail it still is a preserved property that will make then contiguous all those preserved lands.

**CHAIRMAN SCHNEIDERMAN:**

Right.

**MR. HILARY:**

And without it, it is the missing, again, piece of the puzzle.

**CHAIRMAN SCHNEIDERMAN:**

Yeah, but I've understood that this is a critical piece to complete a trail that encircles this area. No? Mr. Isles, is there a trail that's part of this conservation easement?

**DIRECTOR ISLES:**

I just want to make it clear it's not a requirement of the easement. It is permissive in the sense that if the owner consents to it, as I understand the owner's representative is here today, and the town agrees to develop it and maintain it, that a trail could be placed on a portion of the property, on the perimeter of the property. But it's not automatic.

**CHAIRMAN SCHNEIDERMAN:**

So what does a conservation easement give us? It's like -- is the conservation easement somewhat

like buying development rights over the area?

**DIRECTOR ISLES:**

It's somewhat like that, yeah.

**CHAIRMAN SCHNEIDERMAN:**

So what can a guy do with his property? He can't cut down the trees, right?

**DIRECTOR ISLES:**

We do have a list of the prohibited uses or activities on the property we can provide to you if you'd like it. It does get rather explicit.

**CHAIRMAN SCHNEIDERMAN:**

In terms of valuation, is this now -- does this become deducted from his lot area in terms of other development that can occur?

**DIRECTOR ISLES:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

Okay. We haven't seen a lot of conservation easements, at least I have not. On the town level, yes, but not on the county level. All right. So let the record reflect that we have been passed a list of acts that are prohibited under -- with the conservation easement in place. Okay. Any additional questions?

**MR. HILARY:**

Just one last comment, Legislator Schneiderman.

**CHAIRMAN SCHNEIDERMAN:**

Yes.

**MR. HILARY:**

Again, the Parks Trustee unanimously approved the Jacoby conservation easement and understand the management that comes along with it. And we're in full support of that.

**CHAIRMAN SCHNEIDERMAN:**

And the town would enforce it.

**MR. HILARY:**

And that is correct. And that was one of the points I made earlier is we currently have a great stewardship relationship in working with the County on the neighboring county holdings. You can see just to the north -- John, if you could point that out on the map, please. (Indicating) And it's, in fact, adjacent to -- contiguous with the Jacoby property.

**CHAIRMAN SCHNEIDERMAN:**

Okay. There are several people who wanted to speak on this issue including Legislator Romaine who's not a member of this Committee, but wanted to be heard. So this is -- why don't we take -- Ed, if you will, I know you're in a hurry. Can I take the two other speakers first on this issue?

**LEG. ROMAINE:**

Absolutely.

**CHAIRMAN SCHNEIDERMAN:**

All right. Abigail Wickham.

**MS. WICKHAM:**

Good afternoon and thank you for letting me have a few -- thank you for letting me have a few minutes to address you.

**CHAIRMAN SCHNEIDERMAN:**

Just, again, identify yourself.

**MS. WICKHAM:**

I am Abigail Wickham of Mattituck. I'm the attorney for the Jacoby family who owns this property and who in March of 2006 was approached by the County as the owner of the last remaining large tract of undeveloped land around the lake to acquire a conservation easement. I know that you don't do a lot of conservation easements, but I understand you've done a number of them over the years. And according to the Real Estate Department, this is the best one that you have been entertaining. And it does enable, as Mr. Hilary said, enables the Town and the County to have a large tract of undeveloped property and the last one around Laurel Lake, which is a really important natural resource to the entire area.

While the map is quite significant in terms of the preservation that will be effected, if you actually are on the property, I have to tell you a lot of people use this property, not just local people but there's a wonderful nature preserve. I know my husband and I run there frequently. There's just a great network of trails throughout the County and the Town parkland. It's a beautiful setting on Laurel Lake. This property fronts directly on the lake and will no longer be able to have a house on it. The property is almost eight acres in size on which you would be acquiring the easement.

That will preclude the owner from developing approximately three new home sites on that property. This is a very important thing for Laurel Lake because of drainage and whatnot. And you did ask about what a conservation easement precludes the owner from doing. Mr. Isles passed out quite a long list. But if you go through it quickly, it does preclude density, housing density. They cannot use it to increase density on any other portion of the property. They cannot mow it as lawn area. They're not allowed even to have garden on it. There is woodland and there is open meadow. Those must be maintained.

As part of the Town's review, the Town further put a hundred foot natural buffer area along the lake where nothing can be touched. So this is all designed to remove the possibility of additional contamination and over usage of Laurel Lake. These are all benefits to the County by virtue of the conservation easement, but there are other benefits that this particular deal will give the County that you don't find in any other conservation easement.

One critical thing is it does mean that the Town will now have the opportunity to potentially connect the trail system that surrounds the lake at this point. If this property is developed with houses, I can be pretty sure as a real estate lawyer that those owners aren't going to want a trail going through their backyards. This will enable that to potentially happen. And that is critical.

The other thing that's very important is the County has the right of first refusal should the owners decide to sell this property. And that is huge. As their attorney, frankly, I fought that. But they said, no, they wanted to do it. I think this a great value for the County. Again, I caution them as to whether I thought the County was under paying them and they said, no, we've gone over the price. We want to preserve the property. We're agreeable to it. And I just think it's a great deal for the County. It's a win/win situation on both sides. If you have any questions at all, I'd be glad to try and answer them and shed some light on --

**CHAIRMAN SCHNEIDERMAN:**

Yeah, I have two specific questions. One is I'm not seeing in the list of prohibitions anything regarding fencing. And, you know, assuming --

**MS. WICKHAM:**

Oh, there is a prohibition against fencing around except -- yes, there is a prohibition against fencing other than a limited screening should a trail be developed at the west end of the property just to differentiate the division line between the easement or the trail and the rest of the property.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So although it remains private property, they'll be nothing physical that would bar --

**MS. WICKHAM:**

There can be a perimeter fence but it cannot be -- it has to be --

**CHAIRMAN SCHNEIDERMAN:**

There can? A deer fence?

**MS. WICKHAM:**

Yeah.

**CHAIRMAN SCHNEIDERMAN:**

A stockade?

**MS. WICKHAM:**

Stockade fence, yeah.

**CHAIRMAN SCHNEIDERMAN:**

That I disagree with. I mean it seems to me if you're buying this as part of an aesthetic and it's part of a wildlife corridor, that there ought to be the ability for wildlife to move throughout this property as well as the public to be able to look into the property.

**MS. WICKHAM:**

Well, I could assure you that a stockade -- I mean a split rail fence -- I meant -- if I said stockade --

**CHAIRMAN SCHNEIDERMAN:**

You did say stockade.

**MS. WICKHAM:**

-- I meant -- I'm sorry. A split rail fence is what would be permitted. Specifically prohibited would be a stockade fence. And a split rail is absolutely no impediment to the wildlife I've seen out there. So I think that the visibility into the property was a concern. That was all hammered out not only with the County Real Estate Department and the County Attorney's Office, but also with the Town of Southold in order to enable the visibility to continue from surrounding areas. That was critical. And, of course, along the lake there's nothing allowed; no fencing, nothing.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Who else had questions?

**LEG. COOPER:**

I do.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Cooper.

**LEG. COOPER:**

Couple of questions. I'm somewhat concerned by the previous testimony where it was said that we can only put a trail up with the permission of the owner but that permission is not forthcoming at this point. And it just appears as though one of the main selling factors for this is the possibility of putting up that trail to connect with the rest of the network. So will we have a commitment on the part of the owner that they will grant permission for a trail to be installed?

**MS. WICKHAM:**

One of the main selling points of this easement was that it would give the Town the opportunity to negotiate a trail system with the owner. It was understood by the County, the Town and the owner from day one that a trail was not encompassed within this. However, the parties have worked with all of the documentation and all of the structuring of the subdivision and the conservation easement and the covenants and restrictions to make sure that there is a mechanism in place to effectuate a trail.

We have provided that an easement would be ten foot wide if a trail is encompassed. It would not be paved. It would be maintained most likely by the Town, not by the County. It could be not -- it could not be fenced off with stockade. It could only be fenced with a split rail fence to differentiate so people don't wander onto the property itself. And it has always been understood that a trail is a potential discussion point. The Jacoby's, as I say, are very interested in keeping this property open. They've worked for two and a half years with the County on this basis. And they would like to continue to do that. It is not a contingency but this is -- if you're going to get a trail, this is how you're going to be able to do it, is to enable this conservation easement to take place with all the other benefits that it'll bring to the County.

**LEG. COOPER:**

But what is -- why would the Jacoby family not agree at the outset to --

**MS. WICKHAM:**

Because that has never been discussed. I mean the Town would have to do appraisals. They'd have to figure out exactly what the mechanisms are. They'd have to come up with a management plan. They'd have to figure out the root of it. That has not been done and none of the parties had intended that that be done until the easement was in place. And that has been the intention of both the County and the Town and the applicant from the beginning.

**LEG. COOPER:**

And does the Jacoby family -- I'm looking at the map -- it doesn't appear that they own another property in the area. They don't have a home adjacent to this parcel?

**MS. WICKHAM:**

They have -- there are two homes on the lake that would not be anywhere near where that trail would be. That's why the conservation easement would certainly insulate any home site they had from that. But there are two pre-existing homes on the property that have been carved out of this. And, again, the Town Planning Board has put a number of restrictions on those properties as well in terms of clearing and drainage and impact on the lake.

**CHAIRMAN SCHNEIDERMAN:**

Jon, do you have further questions?

**LEG. COOPER:**

And do you know why the family was not willing to consider a sale of the property to the County as opposed to this approach of the conservation easement?

**MS. WICKHAM:**

At the time that this transaction was done, Mr. Jacoby, who was in his '90's had owned this property for many, many years. He really loved this property. It was important to him to be his land. And I see this often. I do a lot of preservation work with people and that's why they sell development rights and don't sell open space because the land is important to them. They want to see it preserved. They want to know that it's going to be preserved but it's going to be part of their surroundings.

But that's not to preclude the complete restriction of this property from building accessory

structures, clearing, all kinds of things that they are now precluded from doing. They can't run electrical on it. They can't put any plumbing on it. They can't put roads on it. They can't do anything except keep it natural. But that's a very common reaction that I've seen to families. And that's why they were interested in handling this as a conservation easement.

In addition, sir, I think that if the County were to acquire this as an outright parcel, the price would be significantly higher because it is lake front property with three potential home sites on it in a wooded, beautiful area. So it may have been an economic decision on the part of the County as well.

**LEG. COOPER:**

I don't think I've ever voted on a conservation easement before. What right does the public have to access of this property through --

**MS. WICKHAM:**

This is not public access.

**LEG. COOPER:**

So, there's no public access?

**MS. WICKHAM:**

No.

**LEG. COOPER:**

So then --

**MS. WICKHAM:**

You are precluding development. You are enhancing the Laurel Lake watershed area. This was number one on the -- County's number one Master List. They thought it was important. The departments that have reviewed it have all been behind it. They just think it's a really important acquisition as part of the Laurel Lake preserve.

**LEG. COOPER:**

Right. But if there's no public access granted through a conservation easement, if -- then how would construction of a trail permit public access?

**MS. WICKHAM:**

That is specifically allowed in the document, that the owner would be allowed to grant access of a trail easement within the conservation area. That's an exception to the other restrictions of the conservation easement.

**LEG. COOPER:**

So the public -- if that access was granted or permission to move forward with that trail, the public would be able to access the property as long as they remain on the trail but they could not --

**MS. WICKHAM:**

That's correct. But I will tell you that the most likely location of the trail is the upper elevation of the property well above the lake, there's an open meadow that will be open so it's -- they will be -- the public will be able to have a great view shed had of this entire open meadow, which is kind of unusual in that area because most of the open areas have gone fallow and they're all full of vines and kind of a mess. So this is really a nice unique visual aspect that then slants down -- the elevation slants down to the wooded fringe around the lake. It's really beautiful and it would be a great asset.

**LEG. COOPER:**

And that would allow for connection to the existing --

**MS. WICKHAM:**

Yes.

**LEG. COOPER:**

-- trails through either the town owned properties or --

**MS. WICKHAM:**

Yes, yes. Unfortunately Melissa {Spiro} who is head of the Land Preservation Department at Southold Town could not be here today due to a prior commitment. Mr. Hilary and his contingent are here to represent her department. But the Southold Town Land Preservation Department has been very, very actively supporting this.

**CHAIRMAN SCHNEIDERMAN:**

Will the Town or County at least -- let's say town officials who are enforcing this conservation easement be able to enter onto the property to make sure there has been no dumping or clearing or --

**MS. WICKHAM:**

Actually it's the County that has the enforcement rights. If there is a management agreement with the Town, which I understand there will be that will be transferred or delegated, if you will, to the Town. And there are very specific entry inspection and enforcement rights in this easement. And they can be enforced against the owner with injunctions, punitive and damage relief so there is a very strong element of enforcement in, not only this, but any conservation easement. That's the whole point; to make sure that the applicant just doesn't do what they're supposed -- not supposed to do the minute the County turn its back.

**CHAIRMAN SCHNEIDERMAN:**

Can I ask, and this is partly for enforcement purposes, why is this easement -- it seems like the metes and bounds description is quite complicated. Why is it so irregularly configured?

**MS. WICKHAM:**

Well, part of it is the lake front; part of it is just the way that the neighboring properties have been put together, assembled over the years. But it is --

**CHAIRMAN SCHNEIDERMAN:**

We couldn't do a straight line across this property some way that we knew where the easement was and where it was not?

**MS. WICKHAM:**

The only -- are you speaking about towards the lake front? There is a garden area that was carved out of the county conservation easement at the request --

**CHAIRMAN SCHNEIDERMAN:**

The map that I have shows the area of the conservation easement and where it -- and there's an area that is not part of the conservation easement that's part of the Jacoby lot.

**MS. WICKHAM:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

And the two fit together like puzzle pieces.

**MS. WICKHAM:**

Okay. The reason for that is that that is where the Jacoby's have maintained an organic garden for many, many years. The Parks Committee, and I don't know if I have the right terminology, did not

feel that that was an appropriate use for a conservation easement because that was too much of a private use on property the County holds rights on. So that was specifically carved out. And the Jacoby's are not being paid for maintaining that area.

However, the town in their subdivision said, that's fine, you can add it to the residence lot but you can't do anything with it other than garden it. So that also has a town conservation easement on a great deal of it. So the County is effectively getting another portion of that puzzle preserved through the town's restrictions and you are not paying for that. And I would say that was about almost an acre.

**CHAIRMAN SCHNEIDERMAN:**

All right. Miss Wickham, we're going to move onto our next speaker.

**MS. WICKHAM:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

If I could have Scott Hilary.

**MR. HILARY:**

I already spoke.

**CHAIRMAN SCHNEIDERMAN:**

Oh, you already spoke. Okay. And Abigail Wickham. So I don't have additional speakers. I then will move to Legislator Romaine who is attending this meeting specifically for this issue. Legislator Romaine.

**LEG. ROMAINE:**

Yes, thank you very much, Mr. Chairman. I've walked this property. And the reason I was able to walk this property, and let me say it's magnificent, is because the Town, the County and the State of New York have invested in trying to preserve as much of this lake as possible, much of it surrounded by virgin woodland.

It sits almost like a jewel in the middle of Southold. But it would be no different if it sat in Huntington or if it sat in Babylon. Because as those representatives have come to me over the years, I have supported every acquisition in Babylon and in Huntington.

This acquisition started just after I got into office. And actually before because our County Executive placed this on his number one Master List. His name is on this resolution. And this is supported by the County Executive. I'm happy to see that.

The Jacoby family was approached by the County. They didn't approach the County. The County approached them. And the Jacoby family signed -- was offered a conservation easement on March 24th, 2006 and signed a contract with the County 2007. Now at any time the Jacoby family could have said, you know what, real estate values are booming. They may not be today, but they were then. We can subdivide this parcel. We can sell it, we can make money. But Mr. Jacoby was in his '90's and he had watched this property develop and like many had become attached and wanted to see it preserved and not developed.

And when the County offered him a conservation easement, he consented. Unfortunately Mr. Jacoby died at the age of 93 this year. But he worked hard on this property and devoted in keeping it in its natural state.

So all I would say to you is we've already bonded these funds. No new money has to be spent. The owner will continue to pay property taxes in perpetuity on this property. The owner will be responsible for keeping this in a natural state as Mrs. Wickham has indicated. And the use of this

lake front will have been severely curtailed by the Town.

So I would urge my colleagues -- I mean I can go on all day but you have the briefing memos, you have the maps. I certainly would urge your support. I know that I haven't looked at geography when supporting acquisitions. And I have supported them both in Huntington and in Babylon and throughout Suffolk County because I believe in preserving what is left, saving what is left.

If you drive out to the first legislative district and you drive along County Road 48 or State Route 25, you'll see many bumper stickers, green and white that says *save what is left*. This is part of a tactic in the overall strategy of saving what is left. I would ask you to save what is left particularly of this unique lake in Southold. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

All right. Thank you, Legislator Romaine. Legislator Losquadro would like to make a motion to take this out of order.

**LEG. LOSQUADRO:**

Yes, I'd like to make a motion to take 1857 out of order. Excuse me, 1857. '59. I said it again. I'm looking at the first one on the page.

**LEG. COOPER:**

I second the motion.

**LEG. D'AMARO:**

I have a question.

**CHAIRMAN SCHNEIDERMAN:**

Okay, on the motion Legislator Losquadro. I mean Legislator D'Amaro. Okay, we have a motion to take it out of order and a second. Can we just vote simply on the taking it out of order?

**LEG. D'AMARO:**

Oh, yes.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So all in favor? Opposed? Abstentions? So that would be **1859** is now before us.

**(Authorizing acquisition of a conservation easement under the Suffolk County Multifaceted Land Preservation Program, Open Space Preservation Program, for the Jacoby Limited Family Partnership property, Laurel Lake addition, Town of Southold) (County Executive)** I will -- is there a motion to approve? Legislator Losquadro makes a motion to approve. I will second. On the motion, Legislator D'Amaro.

**LEG. D'AMARO:**

Director Isles, I had a question for you, if you don't mind. Oh, Carrie's here also. Okay, thanks.

**CHAIRMAN SCHNEIDERMAN:**

Commissioner Gallagher, if you would step forward as well.

**LEG. D'AMARO:**

Well, good afternoon, thank you. I had a question for you about granting the easement and the prohibited acts. One of the concerns I had about this particular acquisition was that the property is developed. There are two homes on the property. The plan is to continue their use as residential dwellings, I assume. And I know that some of my colleagues had expressed in the past the concern that we're in effect paying to preserve the scenic value of someone's residential dwelling as opposed to the benefit to the County. That's a debatable point.

If we're inclined to grant the easement and retain the prohibited acts, was any provision made or

can any provision be made for what to do with the homes should they no longer be occupied or used or something like that? In other words, the intent being that rather than to continually perpetuate the residential use, if there's an opportunity to discontinue that use, we would have an opportunity to do so.

**COMMISSIONER MEEK-GALLAGHER:**

Not under the conservation easement per se, but if the current owners decided to sell the property then we do have the right of first refusal. And the additional underlying fee that we would have to purchase would be much lower because we've already purchased the conservation easement. And at that point we could --

**LEG. D'AMARO:**

Well, would the right of first refusal and the easement cover the residential dwellings?

**DIRECTOR ISLES:**

I don't believe it does.

**COMMISSIONER MEEK-GALLAGHER:**

Oh, it doesn't cover -- it only covers the easement area, not the residential dwellings? Okay, then I thought it -- I was -- I misunderstood, then, information I was provided.

**LEG. D'AMARO:**

Okay. Yeah, because I believe we curved out a plot for each of the dwellings. And there's no easement being granted covering those dwelling plots. But could the conservation easement include, let's say, a right of first refusal on the two residential properties as well? And it would be for fair value, you know, if you go out and get a bona fide contract, it could be presented to the County. The County would then have the option to purchase the land at that stated price whatever the market be at the time. That would really insure the preservation of the entire parcel.

**DIRECTOR ISLES:**

We could certainly, you know, go back to the Department of Law and ask if that could be addressed. There is a contract in place so it's somewhat late.

But just two points I'd like to make to that. Number one, is the parcels do remain on the Master List so they do have planning steps approval that to my knowledge does not expire. So certainly there is always the option for the County to consider an acquisition in the future. I understand your point completely and don't quarrel with it. As mentioned by the attorney, Ms. Wickham, I think this is the first time in a conservation easement we've gotten this right of first refusal on an easement area. So it is a step in that direction. And we think it's important.

The final point, not to belabor the answer to your question is, the context here on Laurel Lake we think is significant. We address the issue of conservation easements in our open space policy plan that we presented to you in June of '07. And we talked about conservation easements as being something we felt should be done very carefully, with limitations as you've discussed today in terms of the limitations on public access and so forth.

We did think, however, there are some times when it is an acceptable plan B. And Laurel Lake is a case where as we've heard today there's probably about 500 acres of protected land around this lake. It is definitely worth the trip some day and you're heading out to the north forth to take a look at it. It's something you would expect to see in Upstate New York. It is beautiful. It is a fresh water lake. This is the last, here again, privately owned piece of open space left.

So with that consideration that Real Estate had made an inquiry for a full fee acquisition that under the circumstances as described today the family chose not to do; that with the public value and public investment in Laurel Lake of the 500 acres surrounding the lake so far, we felt that this was an opportunity to at least prevent future development, provide the option for a potential purchase

down the road. And as far as the existing homes, here again, we wouldn't disagree with that but couldn't represent at this point that that's something that we would be able to secure from the seller at this time.

**LEG. D'AMARO:**

The conservation easement, though, that does not cover the parcel fronting on the lake?

**DIRECTOR ISLES:**

A portion of the easement does touch on the lake but there are the two existing homes that are not the subject of the easement.

**LEG. D'AMARO:**

So there's no provision made going forward other than keeping -- I guess, the residential parcels would remain on our master list. And the County will continue to pursue it as they do with all the properties on the Master List.

**DIRECTOR ISLES:**

Right. And generally we don't look at the Master List or even open space acquisitions as being undeveloped properties. So it's very common to exclude developed sites with our primary emphasize being on vacant natural lands that we can protect from further damage and degradation through development process.

So there are a smattering of homes that exist around Laurel Lake. The public actions that have been taken by the different agencies have prevented scores of new homes and absolutely certain degradation of water quality in Laurel Lake.

Let me just make make a final point. Laurel Lake was also used as a public water supply. There is a Suffolk County Water Authority well field here so it's a direct link to multiple public benefits. Water supply as well as ecological values are manifest here and are part of the consideration.

**LEG. D'AMARO:**

Are both of the residences occupied, do you know?

**DIRECTOR ISLES:**

I'm not certain of that at this time.

**LEG. D'AMARO:**

And how come the owners were not willing to talk about the residences themselves to convey to the County or would we even do that?

**DIRECTOR ISLES:**

I'm not sure if that was brought up in the negotiations. Here again, the primary purpose was to prevent the undeveloped land from getting developed. So I am not certain if that was discussed or not.

**LEG. D'AMARO:**

Okay. Thank you.

**DIRECTOR ISLES:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Beedenbender.

**LEG. BEEDENBENDER:**

Thank you, Mr. Chairman. I have just had one general comment that it's -- it came up as a result of

this but isn't really specifically related to this piece of legislation. A lot of the information that I got after the last committee meeting as it related to this and conservation easements and the ideas, there's one disturbing thing that I got from multiple sources, was that it was somehow unlawful or unethical or unjust for the County Legislature to hold it up with this process. And just for anybody here who's involved in that, that is not -- nothing could be further from the truth, you know. All of our environmental purchases are subject to appropriations and the approval of the Legislature.

So I just wanted to put on the record, you know, because a lot of us, I don't know if everybody got the same correspondence that I did, but I was concerned at that insinuation or that suggestion that we are somehow doing something improper rather than -- perhaps we need more information, but rather than just exercising our oversight. So I just wanted to put that on the record.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Thank you, Legislator Beedenbender. Okay.

**TABLED RESOLUTIONS**

So we have a motion and a second to approve 1859. All in favor? Opposed? Abstentions? **1859 is approved. (Vote: 5-0)**

**PUBLIC PORTION**

Now, I actually want to go back for a moment to our speakers' portion, public portion. I had one other card, Michael white. And then I also will make a motion to take the appointment of Mayor Pontieri out of order as well so, Mr. White, you have three minutes.

**MR. WHITE:**

Thank you, Mr. Chairman and members of the Committee. First let me say thank you for your support with respect to the budget. We are moving forward with the Council. It's certainly going to be somewhat of a struggle to get our complete funding for the entire regional comprehensive plan but certainly the core funding from the Counties will really help us to go forward. And I thank you again for that support. And we'll also be communicating with the Legislature about further reporting and discussions with respect to your direction for the Council.

But I'm here today specifically to support and request your support of resolution 1877 which is the appointment of Mayor Pontieri to our Regional Planning Council. The expansion of the Council, as you know, has included the expansion to include two supervisors and two mayors. We have Supervisor John Cayman from North Hempstead. We have Mayor George Starky from Farmingdale. We have Supervisor Steve Bellone. And we're hoping to finalize with the movement from this Committee to the full Legislature the appointment of Paul Pontieri who has been an outstanding person and elected official in the furtherance of smart growth and affordable housing and certainly regional county planning perspective. So I ask your support of that resolution today.

**CHAIRMAN SCHNEIDERMAN:**

Okay.

**MR. WHITE:**

Thank you.

**TABLED RESOLUTIONS**

**CHAIRMAN SCHNEIDERMAN:**

1877. Okay, I'll make a motion to take 1877 out of order.

**LEG. COOPER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator Cooper. All in favor? Opposed? Abstentions? **1877** is now before us.

**(Appointing Patchogue Village Mayor Paul Pontieri as a member of the Long Island Regional Planning Council) (County Exec Levy)** Mr. Pontiere, if you'll step forward. How are you, Mr. Mayor?

**MR. PONTIERI:**

Good afternoon, gentlemen.

**CHAIRMAN SCHNEIDERMAN:**

Good. Thank you for your patience with this appointment.

**MR. PONTIERI:**

No problem.

**CHAIRMAN SCHNEIDERMAN:**

Thank you for coming down so we could ask you any questions that are in our minds. Always appreciate the interest in long range planning and also local planning in the Patchogue area.

Can you tell us a little bit about why you want to serve in this capacity and what perspectives you'll bring to the commission?

**MR. PONTIERI:**

I think it's extremely important that the small communities are represented. Not only do I represent the Village of Patchogue but in a lot of ways I represent the hamlets, the unincorporated areas that get developed also, the opportunity to speak for those small groups. You know so much of planning happens globally that is affected locally. And I think that myself and Mayor Starky from Farmingdale could give the opportunity for those that are doing the planning to understand the effects of the global planning on the local people themselves, on the the end user of that planning. And I think that that's the kind of perspective that we bring. We bring a downtown perspective because we are the downtowns. Most of your mayors have those downtowns. So I think that it si extremely important for the planners and the legislative bodies to hear that perspective.

**CHAIRMAN SCHNEIDERMAN:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Mayor, welcome.

**MR. PONTIERI:**

Thank you.

**LEG. D'AMARO:**

How are you today? The Planning Commission has regulatory review authority as you know.

**MR. PONTIERI:**

Yes.

**LEG. D'AMARO:**

That authority gives the commission jurisdiction when a town or a village is doing a subdivision approval, variances and the like that fall within 500 feet of the boundary of a town.

**CHAIRMAN SCHNEIDERMAN:**

That's Planning Commission. This is Long Island Regional Planning Council.

**LEG. D'AMARO:**

Scratch all that.

**CHAIRMAN SCHNEIDERMAN:**

While Legislator D'Amaro thinks of his next question, let me ask you while I got you, there was some tragic news, I believe, in your village -- was that yesterday or over the weekend?

**MR. PONTIERI:**

It happened about midnight on a Saturday night.

**CHAIRMAN SCHNEIDERMAN:**

You know, I as a public official have been growing increasingly concerned with the down turn in the economy and people losing their jobs and a resentment that's already out there toward undocumented laborers. I just want to make sure we're doing everything that we can to prevent situations that could lead to violence. And I just -- if you have any thoughts on, you know, whether more police patrols or identifying areas of vulnerability, how we can kind of come together to prevent future incidents like the tragic one that happened quite recently.

**MR. PONTIERI:**

And you are correct. It is an extremely tragic one. And as a small village or as a community, you know, I sometimes wonder when you realize it was the youth of our community that performed what we have as adults and the community leaders as we are based upon the fact we put ourselves out there, have we failed them? Have we not gotten that message out? I think that when you take a look at it, out of the seven kids, there's seven seniors; high school seniors that had had their whole life before them.

We in the Village have worked very hard over the years because in 1990 we had about 12 and a half percent about 12 to 1500 hundred Hispanics in the community. We're up between 24 percent of the 2000 census and probably closer to 30 percent right now of the Hispanic community within the Village itself. We have worked with the library. We have worked with the Outreach Programs. And every year we have held community meetings with the Hispanics community because they're part of the community and it's things like this that happen that make us take a step back and say to ourselves as those community leaders where did we miss it? And I don't know. And I think it's going to take a lot of soul searching on all of our parts to try to figure out where we go next.

When I got the call, the shock of it, that it happens obviously within your community but that it happens at all. And it's incumbent upon us, I think, to kind of regroup ourselves. And maybe the fact that it happens in an incorporated area like the Village of Patchogue, not that we want it to happen because we do have a smaller government and the ability to look at it a lot closer, maybe allows for more soul searching. I don't know. But, Mr. Chairman, it's just -- it's heart breaking. And I suspect the next few days for all of us are going to be very tenuous and tough ones to get through.

**CHAIRMAN SCHNEIDERMAN:**

I was at a meeting just, I think, last Friday of a group of community leaders that were interested in doing a kind of forum on immigration related issues. And I asked that that -- at that forum whether we were doing enough to prevent violence. And just a few days later this incident. And, you know, obviously we need to be reaching out to the, you know, the family of this Ecuadorian individual. But also, if we could come together to identify vulnerabilities, you know, maybe set up some kind of hotline in Spanish where people could call if they feel threatened. You know, whatever your perspective on the immigration issue nobody wants to see anybody get hurt, no less murdered. You know, it's food for thought but I just want to make sure that we're doing everything we can.

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. I just wanted, we have somewhat lengthy agenda so I just want to try to get us back on topic. And I know that this is obviously an issue that your, you know, that you're keeping on top of, but as far as your appointment to this board --

**CHAIRMAN SCHNEIDERMAN:**

Well, tie it into regional planning.

**LEG. LOSQUADRO:**

As far as your appointment to this board, can you tell us a little bit about why you want to serve in this capacity?

**MR. PONTIERI:**

As I indicated before I think it's extremely important that the small communities and those that are most affected by the global planning are represented. And I'm very fortunate in the position that I'm in on a lot of levels. Number one, I've lived in this community my whole life in the Village of Patchogue. And being part of it, you begin to understand more of it.

The second is, I'm retired out of education. And I have the time that I can commit that is my personal time to work on this Committee and to be able to give it the time and the effort that I think that it needs. I come out of education. I'm not a developer. I don't have any investment except in the County, in the Island and in my own community so it's an advocacy not a vocation. And I think that I bring to that.

**LEG. LOSQUADRO:**

And I take it from your statement you feel that it is important to have those stakeholders, those local levels of government that -- especially that have land use power be represented in this capacity. That's something that Mr. White and I had worked very hard to bring into this process. And I know your background. And I for one think you're going to do a very good job representing the small municipalities, the Villages and the like on this board. So you certainly have my support. Thank you, Mr. Pontieri.

**MR. PONTIERI:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

All right. Any other comments or questions? All right so I'll make a motion to approve 1877.

**LEG. COOPER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator Cooper, I think, it was. All in favor? Opposed? Abstentions? **(Vote: 5-0)** Congratulations. Mr. Mayor, there's no need to appear before the full Legislature. This will come up at our next meeting and I don't foresee any issues so --

**MR. PONTIERI:**

I very much appreciate your support. You know I'm down in lonely Patchogue. Anything ever comes up in those issues, you see something we're doing or I'm doing that you agree with or disagree with or something you'd like to be brought forward, please, make sure you make the phone call, get a hold of me. I'm willing to drive anywhere, sit with anybody and talk about planning and communities.

**CHAIRMAN SCHNEIDERMAN:**

I appreciate your open door invitation as well as the work you're doing on the affordable housing issue because it's so sorely needed.

**MR. PONTIERI:**

And just back to that one issue that -- what had happened, if in fact the Legislature decides they're going to put something together or want to work together to put together a committee or task force, please let me know. I'll be very willing to participate. Thank you very much.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Thank you. Before I move the agenda, I am planning as you know an executive session to follow. And I'm curious whether our County Attorney can wait 'til the end of the meeting or would you like us to do that now so that you can go back to your important business? Would you prefer that we take that executive session before the agenda?

**MS. MALAFI:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

Yes, okay. Okay. Is there anyone else here who's here on a specific resolution? If you can raise your hand and just identify that because I would be willing to take a resolution out of order. No one.

Okay. At this point what I'd like to do is to recess the Environment meeting for maybe a ten to 15 minute executive session on the -- just explaining on the Boys Harbor acquisition. So I'd like to make a motion to go into executive session. Do I have a second?

**LEG. COOPER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator Cooper. All in favor? Opposed? Abstentions?

**LEG. D'AMARO:**

Hold on, Mr. Chairman. I just wanted to ask you what was the basis of the executive session?

**CHAIRMAN SCHNEIDERMAN:**

It has to do with litigation involving the Boys Harbor.

**LEG. D'AMARO:**

Pending litigation?

**CHAIRMAN SCHNEIDERMAN:**

Active litigation.

**LEG. D'AMARO:**

Okay.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So I'd like to ask if everybody could step out with the exception of Ms. Malafi and our legal counsel. Miss Gallagher, you can please stay. Mr. Isles, you may stay as well.

**EXECUTIVE SESSION FROM 3:07 PM TO 3:45 PM**

**CHAIRMAN SCHNEIDERMAN:**

All set. Legislator Cooper has an excused absence for the rest of the meeting. And we're going to go back to the agenda starting with CEQ resolutions. Just give us a moment for Legislator D'Amaro to return to the room. Actually there's three of us. We might as well continue. Let's make a motion to return to the agenda.

**LEG. LOSQUADRO:**

Second. Or motion.

**CHAIRMAN SCHNEIDERMAN:**

Motion and a second. Motion by Legislator Losquadro, second by Legislator Beedenbender.

**CEQ RESOLUTIONS**

Okay, so we're at CEQ resolution **41-08, proposed Francis S. Gabreski Airport, Shelt Air Westhampton LLC Lease Amendment, Town of Southampton. (Unlisted Action, Negative Declaration)** Is there a motion?

**LEG. LOSQUADRO:**

Motion.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Losquadro, second by Legislator Beedenbender. I actually have a question on this; on the motion. So if Mr. Bagg could step forward.

There is now a body that's been set up by executive order called the Airport Conservation Assessment Panel, which was not created by this Legislature; though I've had a bill to do that at one point and it died. But this body does meet and it is making SEQRA recommendations to CEQ. And I serve on that, what we call ACAP. And when this came up, that body determined that this was not an unlisted action but a Type I Action. So something happened at CEQ to change that decision from Type One to unlisted. Can you give some -- on the record some insight into that?

**MR. BAGG:**

Yes. CEC reviewed the ACAP recommendation was which a Type I Action, negative declaration. And the proposed parcel to be leased is in the middle of the airport. The closest parkland or publically owned parkland is 288 feet away from the boundary of this property. You have to cross an internal airport road. You will go through the proposed industrial park area. You have to cross CR 31. You have to go through other industrial developed property before you hit parkland.

The criteria in SEQRA is saying that it would become a Type I Action. The threshold would be 25 percent of the ten acres; says that it either contains or is substantially contiguous to publically owned parkland. And the Council did not feel that this particular parcel is substantially contiguous to any publicly owned parkland.

**CHAIRMAN SCHNEIDERMAN:**

I think ACAP was viewing it as part of the airport that is contiguous to parkland.

**MR. BAGG:**

Well, I mean that might be the case. But each individual lease is single and separate in and of itself. It's in conformance with the Airport Master Plan per se that was adopted in 1990. And it's not associated with anything else. It's a discreet parcel in the middle of the airport.

**CHAIRMAN SCHNEIDERMAN:**

Can I ask, and I think I remember the answer on this, but originally when Shelt Air came in, they were over ten acres the first time. And they were designated as a Type I. Then they revised. They brought their application down below ten acres and they became unlisted. Now they're adding. But the land they're adding, is it still under the ten acre accumulative total?

**MR. BAGG:**

Yes, most definitely. It's below the threshold.

**CHAIRMAN SCHNEIDERMAN:**

That would have triggered that Type I and --

**MR. BAGG:**

This new amended lease is basically they've added some additional property because they had a proposed hangar and they wanted to -- the recommendation is to move that back to make sure all the hangars are on the same line of sight for security reasons. So, therefore, they're going to be adding to their parcel. I think it's an acre and a half. There is an existing structure they'll be taking down. And they're simply adding the additional property; however, the lease that was originally approved second time by the Legislature is pretty much the same in terms of your building construction and your facilities.

**CHAIRMAN SCHNEIDERMAN:**

And the effective difference between unlisted and Type I is just a presumption of the potential for adverse environmental impacts or --

**MR. BAGG:**

Basically, yes. If it is a Type I Action, it is considered more likely to have a significant impact on the environment. An unlisted action is considered not to be as likely; however, it's all evaluated by, you know, what are the impacts on the environment in terms of significance. And this is an existing facility in the middle of an airport and they're expanding that facility.

**CHAIRMAN SCHNEIDERMAN:**

So the difference really becomes clearer, let's say, a civic group or a neighbor, somebody let's say who has standing challenges the decision and says there should have been more environmental review and environmental impact statement; then they would have, I guess, a stronger case if it was a Type I Action because of the presumption of adverse impacts versus an unlisted? I mean is that ultimately what the --

**MR. BAGG:**

Basically the difference between Type I means that you have to have a long EAF form which this does. I mean everything at the airport has a long EAF form no matter -- unless it's a Type II Action, no matter what it is. So the long EAF was completed that was, I believe, in everybody's packet to the Legislature with everything that's been done with Shelt Air or Long Island Jet application. Once that's done you can still do a negative declaration and then --

**CHAIRMAN SCHNEIDERMAN:**

Even on a Type I action? You can still do it -- yeah.

**MR. BAGG:**

Most definitely. Most Type I's get negative declarations. I'd say probably within New York State 95 percent or greater receive negative declarations.

**CHAIRMAN SCHNEIDERMAN:**

So your position here is basically it just did not meet the standards for Type I because it was -- the lease property itself was not contiguous to the parkland?

**MR. BAGG:**

That's correct. And that's what the Advisory Committee stated. I mean they're taking a stance that anything in the airport that goes on is contiguous to parkland and, therefore, it's a Type I Action. So in that case then technically based on their recommendation anything that's Type II, if you want to, you know, change facilities and whatnot, then technically they could say maybe it's a Type I Action.

**CHAIRMAN SCHNEIDERMAN:**

All right. If there's no questions, let me call the vote on this. And I think what I will do is abstain because I think I concurred with ACAP with the Type I Action. So all in favor? Opposed? Abstentions? I will abstain on this. **Approved. (Vote: 3-0-1-1. Leg. Schneiderman abstained. Leg. Cooper not present)**

**42-08. Same motion, second. This is the CR 3, Pinelawn Road/Wellwood Avenue, intersection reconstructions, Towns of Babylon and Huntington. (Unlisted Action, Negative Declaration) Any questions? All in favor? Opposed? Abstention? Approved. (4-0-0-1. Leg. Cooper not present)**

**43-08, ratification of recommendations for legislative resolutions laid on the table for October 14th, 2008. (Type II Actions) Same motion, same second, same vote. (4-0-0-1. Leg. Cooper not present)**

**45-08, proposed Francis S. Gabreski Airport, Capital Project # 5702, proposed resurfacing of a portion of the existing north perimeter access road at the airport, Town of Southampton. (Type II Action) Same motion, same second, same vote. (4-0-0-1. Leg. Cooper not present)**

**46-08, proposed Francis S. Gabreski Airport, Capital Budget #5738, proposed project to complete the Airport Master Plan update at airport, Town of Southampton. (Type II Action) Same motion, same second, same vote. (4-0-0-1. Leg. Cooper not present)**

**47-08, Review of Southwest Sewer District # 3, Bergen Point Wastewater Treatment Plant Ultraviolet Disinfection, Town of Babylon. (Type II Action) Same motion, same second, same vote. (Vote: 4-0-0-1. Leg. Cooper not present) If anybody has any questions, jump in here.**

**48-08, Review of Division of Vector Control 2009 Annual Plan of Work, recommendation: SEQRA complete pursuant to 617-100(d) (1). Same motion, same second. Before we vote, was this controversial at SEQRA? This has been in the past -- I mean at the CEQ level. The work plan? There had been litigation related to the work plan and their not having a generic environmental impact statement. Mr. Bagg, was this something -- was that discussed at the CEQ level?**

**MR. BAGG:**

Well, actually, you know, they did complete the final generic environmental impact statement. The County Legislature adopted a finding statement. The current 2009 Vector Control Plan is in conformance with the FGEIS and the finding statement and, therefore, SEQRA says that it's complete. And nobody showed up at the CEQ meeting to offer any kind of counter arguments.

**CHAIRMAN SCHNEIDERMAN:**

All right. So we had the motion and a second. All in favor? Opposed? Abstentions? **Approved. (Vote: 4-0-0-1. Leg. Cooper not present)**

**49-08, proposed Charles R. Dominy County Park, West Sayville Country Club extension of the existing maintenance building and construction of two additional structures, Town of Islip. (Unlisted Action, Negative Declaration) Same motion, same second, same vote. (4-0-0-1. Leg. Cooper not present)**

**50-08, proposed Raynor County Park expansion of parking lot, Town of Brookhaven. (Unlisted Action, Negative Declaration)** Same motion, same second, same vote. **(Vote: 4-0-0-1. Leg. Cooper not present)**

**51-08, proposed acquisition of land for open space preservation purposes known as the Froelich/Wicks addition, Riker property, Town of Huntington. (Unlisted Action, Negative Declaration)** Same motion -- you want to -- okay, motion by Legislator D'Amaro, second by Legislator Losquadro. All in favor? Opposed? Abstentions? Approved. **(Vote: 4-0-0-1. Leg. Cooper not present)**

## **TABLED RESOLUTIONS**

Okay, moving onto tabled resolutions, **1457, adopting local law number - 2008, a local law to adopt a full cost disclosure policy for land acquisition resolutions. (Alden)** Public hearing closed on this one. Is there a motion of any kind? This is Cameron Alden's bill that would require certain disclosures relating to land acquisition. I think some of these things the Planning Department has already agreed to provide in terms of the taxes paid on the property; is that correct, Mr. Isles?

### **DIRECTOR ISLES:**

I believe Mr. Kent agreed to that at the last meeting I seem to recall.

### **LEG. D'AMARO:**

I'll offer a motion to table.

### **CHAIRMAN SCHNEIDERMAN:**

All right. There's a motion to table. Is there a second to table? Second by Legislator Beedenbender. All in favor? Opposed? Abstentions? So tabled. **(Vote: 4-0-0-1. Leg. Cooper not present)**

**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. (Stern)** I don't recall why this was tabled. It has been amended now? Counsel?

### **MR. NOLAN:**

It has been amended. Yes. I don't know if that's why it was tabled.

### **CHAIRMAN SCHNEIDERMAN:**

Commissioner, could somebody provide some additional insight here?

### **LEG. BEEDENBENDER:**

We were waiting for a new rating.

### **DIRECTOR ISLES:**

The rating that we have done is, I'm not sure if we handed that out last time --

### **MS. FISCHER:**

We did.

### **DIRECTOR ISLES:**

We did, okay. Has 14 points. I think what made this problematic and maybe reason the reason for pause previously is, this is an accumulation of several parcels that are proposed for an open space acquisition in the Town of Huntington. There was a question as to the participation among the various owners when indicated they wanted to do a conservation easement, I believe, in the back of

the property. Others were full fee.

It was apparently being coordinated through the Town of Huntington. We were under the belief that about a week after the last meeting of this Committee, there was a meeting with the Town and, I think, some of the owners. We tried to get an update on that before today's meeting. We have not received an update. So we expressed previously is that -- the concern that if this is, here again, an agglomeration of about six parcels on its own, it's currently developed for a nursery, the Bissett Nursery, there's also some sort of wholesale nursery type use and some vacant land, if it's all put together then potentially it could work in terms of achieving a high enough point score in representing kind of a critical mass for a county park in partnership with the Town.

However, the big concern is that it's a little bit of a checkerboard potential here. And I think the town had sent out letters of interest or to solicit letters of interest. And that's what we're waiting for, is to see, is this something where all the pieces can come together likely or is it something that we'd get one up on top, skip a few parcels and get one down on the bottom, in which case it would be very disjointed and probably wouldn't make any sense.

**CHAIRMAN SCHNEIDERMAN:**

This was not for Ag, right? So even though it's in agriculture use, the greenhouses would disappear and this would become kind of community park? And was it reviewed as -- for active recreation or was reviewed --

**DIRECTOR ISLES:**

It was reviewed for open space based on the resolution.

**CHAIRMAN SCHNEIDERMAN:**

And the current score of it now? The rating?

**DIRECTOR ISLES:**

Was 14, right.

**CHAIRMAN SCHNEIDERMAN:**

It still is?

**DIRECTOR ISLES:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

Even with the amendments. Would it score better as a active parkland?

**DIRECTOR ISLES:**

It could. You know, details of that have not been brought forward but that's a possibility.

**CHAIRMAN SCHNEIDERMAN:**

I'll make a motion to table and maybe talk to the sponsor. It's still a very low score, right, 14? Normally our threshold is 25 or so?

**DIRECTOR ISLES:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

It might meet the threshold as an active park, though.

**DIRECTOR ISLES:**

That's a possibility. I think we should hear from the town.

**LEG. D'AMARO:**

I thought we -- I'm sorry, Mr. Chair, if I may.

**CHAIRMAN SCHNEIDERMAN:**

No, you may.

**LEG. D'AMARO:**

I thought we talked about that the last time that we tabled the resolution, we were going to talk about perhaps a different use. I apologize. I was -- I wasn't focused on that while you were speaking. I apologize for that, but did you say that you revisited the resolution based on a different use?

**CHAIRMAN SCHNEIDERMAN:**

No, he did not.

**LEG. D'AMARO:**

He did not? Did we talk about that at the last committee meeting? I thought we had.

**MS. FISCHER:**

Not that I'm aware of. We had outreached -- we had talked with the Town of Huntington. They're not at a point where they can move forward until they speak with the owner. So I think we're all waiting to see whether we had interested sellers at this point and then move forward to see what kind of uses, if any, other than open space the town wanted to move forward on. So we're kind of in a waiting pattern right now.

**LEG. D'AMARO:**

So why did we get the new rating?

**MS. FISCHER:**

The new rating was based on the new rating for all three rating sheets that we put in with the changes due the size of the property so it went from 10 to 14 based on that. It wasn't a new -- different rating, it was just an upped -- a population density change in the rating that we reinstated last session.

**LEG. D'AMARO:**

Based on the new criteria that we recently passed?

**MS. FISCHER:**

Correct. Yes.

**LEG. D'AMARO:**

So in this particular -- that's kind of interesting as a side-bar. It went from 10 to 14 under the new bill, under the new legislation.

**CHAIRMAN SCHNEIDERMAN:**

So it earned some more points but not enough to really qualify it.

**LEG. D'AMARO:**

And this involves two parcels fronting on 231; right?

**MS. FISCHER:**

No. Actually it's four -- five; five lots altogether.

**LEG. D'AMARO:**

The aerial that I have shows two parcels outlined in red; is that really four?

**MS. FISCHER:**

I'll give you a new one. You mustn't have the right one. Let me give it to you.

**CHAIRMAN SCHNEIDERMAN:**

It sounds like we have to table it either way so we'll have this more detailed discussion later on. It seems like somebody should talk to the sponsor potentially or not -- first I guess the town has to see if there's other uses other than open space like active parkland or maybe ball fields, soccer fields, base ball fields. If the town's not interested in that, then it doesn't make sense for the sponsor to modify it.

**LEG. D'AMARO:**

So in other words our -- but our rating's not based on -- it's based on use?

**CHAIRMAN SCHNEIDERMAN:**

Yes. Well, there's different forms. The form it was rated on is an open space form.

**MS. FISCHER:**

And that's what it was put in as.

**LEG. D'AMARO:**

I thought we had this whole discussion weeks ago for some reason.

**CHAIRMAN SCHNEIDERMAN:**

It's a -- it's a completely different rating system for active parkland. And it might score quite well. But the town may not be interested in having an active park here. There may be --

**LEG. D'AMARO:**

Can I request that you rate it based on active parkland?

**MS. FISCHER:**

If the -- I suppose we could. Would the sponsor -- do you want us to contact the sponsor to see if he's interested?

**CHAIRMAN SCHNEIDERMAN:**

I think you need to find out -- yeah, I think you should before you take their time out to rate it. If the town or the sponsor has no interest -- there may be issues with an active park there. Maybe additional traffic concerns, ingress, egress, noise elimination. There might be all kinds of reasons that may cause the community to not want an active parkland.

**LEG. D'AMARO:**

Yeah, but these are planning steps. We don't do all of this before we pass planning steps.

**DIRECTOR ISLES:**

Right. Well, the only one I'll make -- I'll be happy to reach out to the sponsor and see if there's an updated information on the town and with the use. The only point, however, with active recreation in January of this year we spoke to you about the idea of active recreation requesting of legislator sponsors and executive sponsors information on what's proposed. Because the active recreation we get in sometimes is very vague. And so it's helpful to us when we're rating it to find out what's proposed keeping buildings and things like that.

**LEG. D'AMARO:**

I don't want to replace the thought process of Legislator Stern. And I certainly think it should come from him. So I have no issue with that at all, but I just seem to recall having this entire discussion at the last committee meeting. So I'll reach out to him as well. Okay?

**DIRECTOR ISLES:**

Okay. The next meeting, I think, is in two weeks. We'll have it ready for then.

**LEG. D'AMARO:**

Yeah, that's fine.

**CHAIRMAN SCHNEIDERMAN:**

I'll make a motion to table. Lou, you second?

**LEG. D'AMARO:**

Yeah.

**CHAIRMAN SCHNEIDERMAN:**

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

**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. (Montano)** I'll make a motion to table --

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

-- at the request of the sponsor. Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1. Leg. Cooper not present)**

**1791, adopting local law number - 2008, a local law prohibiting the distribution of plastic carryout bags by retail stores. (Viloria-Fisher)** I think this needs to be tabled. The hearing is not closed.

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Same motion, same second, same vote to table. **(Tabled. 4-0-0-1. Leg. Cooper not present)**

**1812, authorizing planning steps for the acquisition of land under Suffolk County Drinking Water Protection Program as amended by Local Law number 24-2007 Marist property, Town of Brookhaven. (Browning)**

**LEG. D'AMARO:**

This is 1812?

**CHAIRMAN SCHNEIDERMAN:**

This is 1812. Planning, can you refresh our recollection as to why we tabled this?

**THE AUDIENCE:**

It was at the request of the sponsor.

**CHAIRMAN SCHNEIDERMAN:**

Is the sponsor still requesting the tabling? It was just amended. Counsel, can you tell us what the amendment --

**MR. NOLAN:**

Yeah, the amendments were made apparently after consultation with the Planning Department to make it clear that the County would be planning to purchase only 7.6 of the 9.6 acres. There's two acres that's going to be purchased by a foundation that has a structure on it. Apparently these were recommendations of Planning so we incorporated them into the amended copy that I hope is before you.

**LEG. BEEDENBENDER:**

Tom, 13 is the rating?

**DIRECTOR ISLES:**

Yes. The only thing I'd like to add if you would like to hear it is the -- okay. There's also been indications from -- I didn't want to interrupt anybody's reading -- indications from the Town of Brookhaven that they've been interested. We've sought clarification of that. I did speaker to the Director of Land Preservation John Turner recently. He indicated that the town board is scheduled on Thursday night to consider a resolution supporting a planning steps and also tentatively offering to co-acquire this with the County. If that occurs, that would add about five points to the acquisition if there's an active town participation.

**CHAIRMAN SCHNEIDERMAN:**

What's the current rating?

**LEG. BEEDENBENDER:**

13.

**DIRECTOR ISLES:**

13.

**LEG. BEEDENBENDER:**

Motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Any discussion? The low score on this, you say it'll go -- if that partnership is there it'll go to an 18?

**DIRECTOR ISLES:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

And we have reason to believe that we'll be there so it would probably help to wait slightly then. All right. I'll support the tabling motion. All right. Any other conversation? All right. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1. Leg. Cooper not present)** It may not help enough but 18's getting close.

**1823, to promote environmental protection throughout Suffolk County by requiring the remediation of Brownfields properties. (Romaine)** Is there any motions?

**LEG. D'AMARO:**

Motion to table.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator D'Amaro, second by Legislator Beedenbender. All in favor? Opposed?

Abstentions? **1823 is tabled. (Vote: 4-0-0-1. Leg. Cooper not present)**

**1857, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, Open Space Component, for the Elgart property, Patchogue River Wetlands addition, Town of Brookhaven. (County Exec)**

**DIRECTOR ISLES:**

Okay. These are three lots located in the Patchogue River watershed in the Town of Brookhaven. The proposed acquisition is consolidated into one purchase totally \$20,000 in value. We had requested a tabling of this at the last meeting based upon a question involving property to the west; that's also pending acquisition by the County. It is a much larger piece.

We did consult with the Department of Law on the status of that acquisition. We do not have a certainty we're going to acquire it but we believe it's likely. And we think that that is a factor in whether the County should proceed with the current or the subject acquisition. Based on the likelihood of the acquisition occurring to the west, we believe we should proceed at this point with these three lots especially given the value. They are wet lots. They are undeveloped. And we feel that, here again, as part of protection of the Patchogue River watershed, which is impacted in a number of locations and stressed like many of the west end stream corridors are, that at this time it would be appropriate to move forward. These parcels were on Master List Two so it's continuing implementation of that plan.

If you have any questions, I'll do my best to answer those.

**CHAIRMAN SCHNEIDERMAN:**

So we don't have ratings on them because it's they're part of that old system, right?

**DIRECTOR ISLES:**

Right, part of the Master List, yeah.

**LEG. BEEDENBENDER:**

Motion. Sorry.

**LEG. LOSQUADRO:**

One quick question.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

The southerly lots, being that there is -- there are a number of developed lots around it, could those two lots potentially be an assemblage that could be buildable at some point or it would be very difficult given the wetland, the wet nature of the lots?

**DIRECTOR ISLES:**

We believe it would be difficult.

**LEG. LOSQUADRO:**

But possible.

**DIRECTOR ISLES:**

But possible, right.

**LEG. LOSQUADRO:**

Okay. Very good. I'll second the motion.

**CHAIRMAN SCHNEIDERMAN:**

Who made the motion?

**LEG. BEEDENBENDER:**

I did.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Beedenbender made the motion, seconded by Legislator Losquadro. On the motion, Legislator D'Amaro.

**LEG. D'AMARO:**

Yes. So the reason why this property is targeted is because it's located in the New York State Freshwater Wetlands; is that why we see this on the Master List?

**DIRECTOR ISLES:**

Yes, it's part of the wetlands stream corridor for Patchogue River watershed. It also happens to be regulated New York State wetlands.

**LEG. D'AMARO:**

The hatched area on the aerial is the Master List target area?

**DIRECTOR ISLES:**

Yes.

**LEG. D'AMARO:**

So in other words, the area just to the east of that is not a targeted area? What is this, based on some underground mapping or something?

**DIRECTOR ISLES:**

The area to the east or to the west? I'm sorry, just to make sure I understand.

**LEG. D'AMARO:**

How can we say we want to buy these ten parcels but not everything -- I'm just trying to understand how this is on the Master List.

**DIRECTOR ISLES:**

Okay. Because it is within -- you want to handle it -- but it's within the watershed. It is undeveloped land. It is regulated both by New York State as well as Town of Brookhaven as wetlands. The attempt in defining the Master List is to identify the watershed which is by both hydro-geology as well as by vegetation and to protect that resource as much as possible.

**LEG. D'AMARO:**

And of this targeted -- I'm sorry, what did you call it? The watershed area?

**DIRECTOR ISLES:**

Watershed, right. The drainage way into the Patchogue River essentially.

**LEG. D'AMARO:**

Okay. Right. And so that makes sense to me. But how much of the watershed have we acquired? We don't have like the overall picture looking at the zoomed in aerial map. I mean I'm just curious are we successful here? Are we achieving what we're trying to achieve?

**MS. FISCHER:**

Yes, absolutely. And there are a number of branches of the Patchogue River. This is actually a western branch. And then just to the east of there, it goes up on {Yurkanin} Lake. And north of there is the main tributary that consists of what the watershed of the river itself is.

So this is the western -- one of the western branches. And, yes, we have been very successful. We own hundreds of acres along this watershed that flows actually right south into Great South Bay. So not only this area but the area north of County Road 99 which is shown on your map, we own properties as well as the town north of there to the headwaters of this river.

**LEG. D'AMARO:**

So of the entire watershed targeted area, what percentage have we acquired?

**MS. FISCHER:**

I'd say greater than 80 percent of what we'd like to see.

**LEG. D'AMARO:**

So this is fitting in some more of the final pieces of the puzzle so to speak?

**MS. FISCHER:**

Yes, yes. This is like the last 20 percent of the watershed that we're looking towards acquiring.

**LEG. D'AMARO:**

Right. And the goal of protecting the watershed is to protect the river and prevent polluting the river.

**MS. FISCHER:**

The surface waters, the wetlands and the -- actually also groundwater. So your primary interest is protecting the surface water of the river as well as then the groundwater underneath it and low-lying flooded -- flooding areas as well, drainage issues, the whole gamut of protecting wetlands.

**LEG. D'AMARO:**

Is the surface water of the river or the underwater groundwater below acceptable standards presently? Pollution standards?

**MS. FISCHER:**

This river itself? I'd have to look into it. There are portions of it -- there's a fresh water wetland portion of it and a tidal wetland portion of it. They have different classifications. And I'd have to go back and look at it more clearly which sections might be classified acceptable. And there might be portions of it in the tidal section that are not.

**LEG. D'AMARO:**

Yeah, the reason why I ask that question is because if we have certain goals for acquiring the watershed, is it possible the goals are achieved short of acquiring a hundred percent?

**MS. FISCHER:**

It depends on how much development has occurred to date in that watershed and what influences and impacts that exist now. It depends on what possible uses could be developed on the property in the future and how close it is and how relative it is to the groundwater water table. And all those influences would make that the answer to your question. At this point we don't -- at this point I'd have to do a look, see at the whole watershed and give you a better evaluation of that but --

**LEG. D'AMARO:**

Well, the reason -- I don't want to do that in this particular instance. I'm asking the question because, you know, we're going ahead with these acquisitions that were mapped out, I assume, sometime ago. But are we also measuring what -- you know, have we achieved our goals and do we need -- do we reevaluate whether or not we need to continually acquire 20 by 80 parcels of land to protect groundwater that's not polluted? And, you know, I'm just trying to understand if we have ever re-visit that.

**MS. FISCHER:**

This river, Patchogue River has been a very highly stressed impacted river corridor. It's in western Town of Brookhaven, western area of the Town of Brookhaven. And, you know, I feel -- and I think one of the goals is to protect any further development within a stressed watershed to the extent possible. Obviously any increases in density and development in these areas are going to impact these stream corridors especially within the wetland area of which these three properties exist in.

**LEG. D'AMARO:**

Yeah, I don't disagree with you and I don't really question, you know, the goal of trying to acquire as much as we can in these identified areas. I just was wondering whether or not we're actually measuring the level of success that we're having and if we revisit the acquisitions and the targets because maybe, you know, at some point with resources being stretched so thinly, it might be time to take a look at that. That's what I'm suggesting.

**DIRECTOR ISLES:**

There was an effort, just on that point, that was done a couple of years back with the Health Department on Carmen's River Corridor where they did an extensive water quality analysis from top to bottom. And it was -- you know, and that whole idea, well, what's happening to it, and what have the efforts to protect the river corridor resulted in the past. And it did -- it did provide fruitful information, one of which was that the land preservation did make a difference in terms of nitrogen loading, pollutant loading, contaminant loading. And it was quantified, you know, in intervals along the corridor.

In this case, no, we haven't done anything recently, certainly not a simple thing to do. Our key aspect was the remaining part of the watershed south of the county road there. Will these parcels be able to attach to that? We believe that they can. We believe they're directly within the wetlands and are high impact parcels.

And, I guess, the final comment is in western Suffolk, unsewered areas, we've seen in a number of locations, the small lot can result in large damage in terms of filling septic system discharge and so forth. So I think just in my experience they have a disproportionate impact and a severe impact that has to be looked at and considered as part of the open space planning that occurs in these corridors.

**LEG. D'AMARO:**

Yep. Thank you. I agree with everything you said and I'm certainly in favor of going forward. I just wanted to know if we're monitoring this excessive -- all of these acquisitions or, you know, do we reach a saturation point.

**DIRECTOR ISLES:**

Just a final point. I'm not meaning to clog the agenda. The south shore estuary also monitors this too as a state agency to something that they do in a broad sense.

**CHAIRMAN SCHNEIDERMAN:**

All in favor? Opposed? Abstentions? **Approved. (4-0-0-1. Leg. Cooper not present)**

**LEG. D'AMARO:**

You know, because the Water Authority always touts how clean our drinking water is. So when do we stop, you know?

**MS. FISCHER:**

But it might not be if they get developed. It might be compromised if we don't protect it.

**CHAIRMAN SCHNEIDERMAN:**

All right. All in favor? Opposed? Abstentions? That was approved.

The next two we've already taken care of so that moves us onto introductory prime.

## INTRODUCTORY RESOLUTIONS

**1888, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law number 24-2007, Boatyard Vistas, Inc property, Town of Brookhaven. (Schneiderman)** Ms. Fischer, if you have an aerial.

### **DIRECTOR ISLES:**

While the aerial is being circulated and the rating form, just to give a little bit of background on this, this is a parcel that's located directly on Moriches Bay. It is in the Town of Brookhaven. As indicated it's about four and a half acres. It is a bulkheaded site containing also fill material, probably dredge spoil material or other similar materials. It is a site that has been affected by that activity meaning that the natural environment has been compromised.

We looked at in the rating form and it came up to 22 points which was not a bad score; however, we were concerned about it, here again, from a natural environment standpoint since it's a disturbed site and would consider it to be a low priority for acquisition for that purpose.

We also consulted with the County Parks Department Commissioner on his thoughts on this in terms of county open space planning. And we even had a discussion about possible county active recreation uses. And we were not able or he was not able to identify any particular needs that could be satisfied here.

Just a final comment is the Town of Brookhaven owns the wetlands to the north and east which are outlined in the purple line. And they also own the boat launching ramp directly adjacent to the subject parcel at the end of the road there on the south end of the subject parcel. Perhaps this would be a case where a Town of Brookhaven acquisition may be more appropriate and certainly I'm not speaking for them. But since they have an interest in the area that we do not, perhaps they would be willing to consider that.

So in sum total it achieved a 22; however, given an examination of the parcel in the surrounding area, we would not recommend it at this time based on the information before us.

### **CHAIRMAN SCHNEIDERMAN:**

Has you spoken at all with Brookhaven? Are they willing to partner because that would it bring over the 25 level, if they would.

### **DIRECTOR ISLES:**

I have not; not at this point.

### **CHAIRMAN SCHNEIDERMAN:**

All right. So don't we table it and see if we can get -- to explore the points there, the additional five points, does it require a 50 percent partnership or any partnership?

### **DIRECTOR ISLES:**

No, I don't think it specifies the percentage.

### **CHAIRMAN SCHNEIDERMAN:**

Okay. Because I have Brookhaven -- I don't know -- you know, it's my understanding is Brookhaven is quite interested in seeing us preserve this piece of property; at the same time I don't know that they have the funds to help. I guess it depends on how important it is to Brookhaven.

**DIRECTOR ISLES:**

I think we'd like to know what they have in mind, too; is it just basically let it vegetate back to normal. There is a cost impact to maintaining that bulkheading that the Commissioner of Parks pointed out to us.

**CHAIRMAN SCHNEIDERMAN:**

There's no marina space; no slips on this property?

**DIRECTOR ISLES:**

Well, there is a little cut-out there that could accommodate a small number of slips. There is a private marina next door. I'm not sure if -- here again, speaking to the Commissioner he didn't seem too interested in pursuing a public marina on this site.

The County did buy what's part of the former Tuthill's Creek Marina further to the south. And I believe if we are going to develop any additional marina capacity, his thought would be to do it there. But if the town were to do, let's say, a fishing pier as a town facility, not a county facility, you know, maybe that makes sense from a neighborhood or community park planning standpoint.

**CHAIRMAN SCHNEIDERMAN:**

Is this a former dredge spoils site?

**DIRECTOR ISLES:**

We believe, it's, yeah, dredge spoil.

**CHAIRMAN SCHNEIDERMAN:**

Do we have dredge spoil sites in this area for that inlet? It looks like an important inlet, right next to it, to, I guess, the east of it.

**DIRECTOR ISLES:**

I'm not aware if we do.

**CHAIRMAN SCHNEIDERMAN:**

I'll make a motion to approve.

**LEG. D'AMARO:**

I'll second.

**CHAIRMAN SCHNEIDERMAN:**

All in favor? Opposed? Abstentions? Approved. It got approved, yes. Approved. It's a motion to approve and a second and the vote. **(Vote: 4-0-0-1. Leg. Cooper not present)**

**1889, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program as amended by Local Law number 24-2007, Lack property, Town of Southampton. (Schneiderman)**

**DIRECTOR ISLES:**

Okay, as indicated this is located in the Village of Northaven which is just north of Sag Harbor in the Town of Southampton. The subject parcel is outlined in the aerial photograph that Lauretta is circulating. As you can see, it consists of the portion that's presently dedicated as open space as part of a subdivision approval granted by the Village of Northaven Planning Board.

We believe then that the intent of the resolution would be to acquire the five vacant building lots that are outlined on the map. We did do a review of this, of course, based on the County's open space criteria. And the parcels achieved a rating of 21 points.

This is one that we believe raises a policy question for you in terms of whether to consider acquiring

building lots in an improved subdivision where there's not any county land in the vicinity. So we looked at this from our standpoint and we said, okay, the wetlands are protected through the cluster subdivision process utilized by the town. They adjoin a conservation easement owned by the Peconic Land Trust to the north. So the critical or the most critical aspect of the environmental conditions are protected presently.

There's then the question of the marginal value environmentally of buying the development lots, the five lots to the east. How much extra protection is afforded, does not make sense for the County to consider given our holdings in this area.

You had a SEORA resolution -- resolution on recently for the {Riker} acquisition in the Town of Huntington by Froelich Wick Farm. And that was two subdivision lots but they were directly adjacent to a large County park. We felt that that had a reasonable connection to a strong county interest.

So in the case of the subject parcels, certainly in an ideal world buying them would be, you know, certainly would make sense; however, in considering, you know, competition for funds, constraints in the program, that's why I phrased it as a policy question for you, given that the critical resources protected, we would just question and at this point severely question the added value of getting these lots which are probably going to be expensive lots given that they're ready to develop at this point. They've completed the review process. So we wanted to bring this to your attention, the policy level and certainly stand ready to answer or attempt to answer any questions you may have.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Any questions? I think this is a critical piece to preserve that adjoins --

**DIRECTOR ISLES:**

Let me just make the point, I'm sorry, that we didn't count the open space piece as part of the rating so just so you know that.

**LEG. D'AMARO:**

I got to ask a question.

**CHAIRMAN SCHNEIDERMAN:**

You didn't -- you didn't count the conservation easement or you didn't count the --

**DIRECTOR ISLES:**

The dedicated open space.

**CHAIRMAN SCHNEIDERMAN:**

Which is part of the subdivision.

**DIRECTOR ISLES:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

Right. But you did count the contiguous with preserved land, right?

**DIRECTOR ISLES:**

Yes, we did, yes.

**CHAIRMAN SCHNEIDERMAN:**

And have we talked to Southampton on this one? They might partner I would think on this. We don't show a partnership.

**DIRECTOR ISLES:**

Yeah, I think the Nature Conservancy, Randy Parsons, was doing a lot of the outreach on this.

**CHAIRMAN SCHNEIDERMAN:**

Yeah, so it's possible that we'll pick up an additional five points there through some component with the town.

**DIRECTOR ISLES:**

I'm not sure if they would partner. I don't know.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Beedenbender.

**LEG. BEEDENBENDER:**

Tom, sorry, I know you said it the first time but it didn't soak in for me. The dedicated open space that's part of this map, it was dedicated how?

**DIRECTOR ISLES:**

It was through a subdivision process to the Village of Northaven Planning Board. As a condition of the subdivision approval, the applicant agreed to preserve and dedicate the open space to the village. I believe that's the ultimate holder.

**LEG. BEEDENBENDER:**

But it's surrounded by the red but we're not buying it?

**DIRECTOR ISLES:**

Here again we didn't rate it as the County buying. We just rated it as the County buying the development lots.

**LEG. BEEDENBENDER:**

So it's the ones to the east and the northeast?

**DIRECTOR ISLES:**

Yes.

**LEG. BEEDENBENDER:**

I guess maybe I'll just -- we're not purchasing that piece of property that says dedicated open space?

**CHAIRMAN SCHNEIDERMAN:**

You'd get ownership of it, right?

**DIRECTOR ISLES:**

Yeah, it was included in the resolution, we believe, in terms of the numbers but --

**CHAIRMAN SCHNEIDERMAN:**

It's a reserved area and a subdivision. So, yes, we would own it ultimately.

**LEG. BEEDENBENDER:**

Let me ask the question I really mean, then. Are we paying -- are we paying -- is it, you know, proposed that we would pay something for that?

**DIRECTOR ISLES:**

We would suggest no, that we don't pay for that.

**LEG. BEEDENBENDER:**

Okay.

**CHAIRMAN SCHNEIDERMAN:**

But it will be reflected in the lot values of the land that we are acquiring. So in essence you are paying for it.

**DIRECTOR ISLES:**

That's a good point.

**MS. FISCHER:**

I mean that's how it's proposed.

**LEG. BEEDENBENDER:**

If it's already open space, I don't want to pay for it. And I understand that it will reflect the lot values because it is near open space to the west and to the north. And that's not something I can control. As long as we're not going to pay a dollar to maintain something as open space that's already done.

**CHAIRMAN SCHNEIDERMAN:**

It does look like one of those lots is developed already. So that would not be part of the acquisition.

**DIRECTOR ISLES:**

We looked at that close and we do have an aerial close up on that one. We're not sure what that is but it seems to be an old tennis court.

**CHAIRMAN SCHNEIDERMAN:**

Oh, it's a tennis court, okay.

**DIRECTOR ISLES:**

I can show you a picture here in a moment. I have one, actually. Here it is. No, it isn't. It's a different one. Anyway, we have it.

**CHAIRMAN SCHNEIDERMAN:**

Okay, any other questions. Yeah, Legislator D'Amaro.

**LEG. D'AMARO:**

All right. So this is proposed to acquire this property under the Suffolk County Drinking Water Protection Program as amended by local law 24-2007. That was the same program that we just authorized the acquisition on resolution number 1857, which was the Patchogue River wetlands addition. So there we purchased a half acre. And it was recommended that we approve. And here we're looking at 27, almost 28 acres. And we're saying that this is -- this acquisition wouldn't protect the groundwater as much as the half acre?

**DIRECTOR ISLES:**

Well, to begin the 27 acres includes all the parcels in the resolution which includes the dedicated open space. We're suggesting that the dedicated open space not be included in the acquisition by the County if this were to go forward.

**LEG. D'AMARO:**

Just putting that issue aside for a moment, though, it seems to me -- you know, that's what I was -- that's what I was asking before about this criteria. So, here's 28 acres that's near water and wetlands, you know, so -- I don't understand how a half acre could be more pivotal and vital to protecting groundwater than 28 acres that could be developed.

**DIRECTOR ISLES:**

I'll give two explanations from my perspective. Number one is that in the case of the Patchogue River parcels those small parcels were directly within the wetlands area as regulated by the two

agencies, were more critical. In this case the village has done a fine job in moving the development outside of the regulated areas and protecting the wetlands areas. And it's really a text book way of doing a cluster subdivision.

The second point and the differences in the two is that the County has extensive holdings as reported by Laretta Fisher on the Patchogue River corridor where we have a substantial County investment and in terms of the management and operation of the County park there, we have a presence. Here we do not. This would be our first presence in, I think, in essence, in Northaven. And maybe that's appropriate. Here again, it's a policy decision.

But so the two differences then, one, it doesn't have a direct impact; it has an indirect impact to be assessed as to how important that is. The other one, secondly, was a continuing pattern of County ownership and protection. This would be starting a pattern, question mark, do you want to do that?

**LEG. D'AMARO:**

Okay, well, I appreciate that. This is very close to the Shelter Island Sound. This also looks like some wetlands on this -- the dedicated open space area any way. So in my mind that seems to be critical as well. You know, I just don't -- I don't really understand how we're splitting hairs on these properties.

**CHAIRMAN SCHNEIDERMAN:**

I do think it's worthy of planning steps approval, but I would like to see the town brought in here, at least in some regard, whether they're going to manage the property. But I would like to see them partner to some level. And I would like some outreach, you know, if this planning steps is approved to the town.

**DIRECTOR ISLES:**

Right. That would typically be done, you know, along the way. Here again, we're not arguing -- the rating is the rating. So this one is at 21 points and we would call it the way we see it. 21? Oh, 18. No, we added three points for the Peconic Estuary so 21 points.

**CHAIRMAN SCHNEIDERMAN:**

21. And if the town comes in, it'll be 26 so --

**DIRECTOR ISLES:**

We just wanted to call your attention to the fact that we have subdivided lots that are not adjacent to other county lands. So this is -- to me it's a little bit different than what we've seen so; and it's a question of, you know, how much is it worth it to protect something that's adjacent to a wetland area. It's a judgement call. As far as the outreach, it is within the village. We would contact them first and then we would go to the town second.

**CHAIRMAN SCHNEIDERMAN:**

I'm not sure we had a motion or a second. So I will make the motion. Legislator D'Amaro? Yeah, to approve. Second?

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

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

**IR 1892, adopting local law number - 2008, a charter law to authorize the use of development rights for smart growth, community development and job creation. (PO Lindsay)** This has to be tabled for public hearing.

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

So I'll make the motion. Second by Legislator D'Amaro. All in favor? Opposed? Abstentions. So tabled. **(Vote: 4-0-0-1. Leg. Cooper not present)**

**IR 1894, adopting local law number - 2008, a local law to reduce the use of fertilizer near surface waters in Suffolk County.** Also needs a public hearing. I'll make the motion to table. Same second, same vote. **(Vote: 4-0-0-1. Leg. Cooper not present)**

**IR 1905, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program as amended by Local Law number 24-2007, the Little Portion Friary property, Town of Brookhaven. (Losquadro)**

**DIRECTOR ISLES:**

Okay, we are circulating an aerial photograph. The subject parcels are outlined in red. As indicated this is for property located in the Town of Brookhaven, hamlet of Mt. Sinai. It does -- it is a parcel with rather significant grade changes, topography to it. It does drain into Mt. Sinai Harbor which drains out to Long Island Sound.

The total parcel is about 68 acres in size. Based on the rating form for open space and natural environments, the parcel achieved a rating of 34 points and that's explained in further detail in the rating form.

Our comment on this is that certainly the 34 points is significant. We do believe it's a meritorious acquisition proposal from the standpoint of the Long Island Sound study and coastal protection and so forth. The only issue we would have is, a portion of one of the lots does include buildings and development. And we would suggest that probably be removed from the -- or somehow excluded from the planning steps resolution or excluded from the appraisal process, depending on the intent of the sponsor. But that would raise a whole host of other questions if that's to be included. And we are to consider that in terms of County use.

**LEG. LOSQUADRO:**

I'd like to make a motion to approve. And I believe that that would be something that we would handle during -- because I don't know what the intent is, a continued use, raising the structures which in that case as we do in our appraisal process would we factor in that cost of demolition and removal to come out of the overall acquisition price. I think that can be worked out along the way throughout the appraisal process if they want to carve a portion out, if they just want to see the buildings removed and we offer to have them do it themselves or take it out of the cost, as I said.

But I certainly agree with the first part of your statement, that it's a very meritorious parcel. And I do think that the steep slopes which you alluded to will be beneficial from an acquisition cost standpoint because I think being that -- especially because Town of Brookhaven has passed a resolution recently regarding steep slopes, that the build -- the number of parcels that would be buildable on this site would be affected by that change in the town code and, therefore, would go towards a reduced value of the property.

**DIRECTOR ISLES:**

You've clarified the point about the buildings; that there's no intent to use it for a recreation center or something of that nature.

**LEG. LOSQUADRO:**

No.

**DIRECTOR ISLES:**

So we understand going forward.

**LEG. LOSQUADRO:**

No.

**DIRECTOR ISLES:**

Okay.

**CHAIRMAN SCHNEIDERMAN:**

What type of buildings are on that property? Is that -- are those dwellings or -- they look quite small and scattered.

**DIRECTOR ISLES:**

We believe they're residential use for the friary. We would also similar to the prior discussion be interested to know if the town was going to be partner on this or not. And they originally had it on their list.

**MS. FISCHER:**

They had actually asked us when we were doing our last Master List if we'd be interested and they were going to be pursuing this. So I was just curious if you had gotten any input. And we held back at the time.

**LEG. LOSQUADRO:**

I know that the town is interested in this parcel. When and if the time comes for acquisition it will come down, of course, to a question of availability of funds for all parties involved at that point, I guess. But I know that the town has been interested in this parcel and continues to be interested in this parcel and they would be a willing participant, of course, if they have the funds to do so.

**CHAIRMAN SCHNEIDERMAN:**

Tom, what is the really large parcel along the water that looks quite similar? It seems to be just one large parcel. Just to the --

**MS. FISCHER:**

Oh, that is a somewhat -- something similar to a summer retreat area. It's one lot with a number of residential structures on it. Some are bungalows, some are year round residences. It's kind of an interesting hodgepodge of structures. There's also, I think, a church -- small church that's on the property. And I think there was some connection to a religious group at one time or a sect that grew out of the ownership that owned this. And then people just started to develop it kind of in an ad hoc fashion. It's a very interesting piece of property and unusual in this day in age.

**CHAIRMAN SCHNEIDERMAN:**

Because it seems like -- and there may be significant portions of open space on that piece as well.

**MS. FISCHER:**

Yeah, just be careful on that one and the fact that the structures are scattered throughout the property. And, it's you know, it would be hard to cut out large or, you know, expanses of undeveloped open space in there. There's a number of trails, number of roadways and it would be very hard to subdivide.

**CHAIRMAN SCHNEIDERMAN:**

Right. At the same time somebody could come along and --

**LEG. LOSQUADRO:**

Mr. Chairman, if I may.

**CHAIRMAN SCHNEIDERMAN:**

-- buy this single lot and subdivide it and end up with --

**LEG. LOSQUADRO:**

No. If I may, many of these are held in corporation status where the individuals who own -- these exist all along the north shore throughout my district and just to the east of my district where an individual who owns a bungalow actually holds a share in the cooperation. I'm not sure if this is the way same.

**MS. FISCHER:**

Yeah, I think so.

**LEG. LOSQUADRO:**

I believe it is.

**MS. FISCHER:**

Yeah.

**LEG. LOSQUADRO:**

So you have a Board of Directors and your stock -- basically stock owners that own a share in the cooperation. These exist, as I said, throughout my district especially out into the Wading River area where many of these summer -- bungalow communities still exist along the north shore. And they were summer retreats, some of which shares were given away, even like in Sound Beach, of course, that's all broken up now, but were given away with subscriptions to newspapers. So there's very interesting history to many of these areas but that one in particular to the north of here is, as Lauretta pointed out, it's very spread out throughout the property, the development, and isn't something I think that would be under great threat to be purchased and developed as a separate lot. But the friary one, unfortunately is because it's mainly open space. I made a motion.

**CHAIRMAN SCHNEIDERMAN:**

We can't just acquire it through a newspaper subscription? There's a motion by Legislator Losquadro, second by Legislator Beedenbender to approve. All in favor? Opposed? Abstentions?  
**Approved. (Vote: 4-0-0-1. Leg. Cooper not present)**

Moving along rapidly here. SEQRA determinations. **1907, making a SEQRA determination in connection with the proposed CR 58 reconstruction, early implementation project, Town of Riverhead. (PO Lindsay)** I think I'll make that motion and to place on the consent calendar. Do I have a second?

Did I read the wrong one? 1892 was a while ago. 1892 we tabled for public hearing. 1894 we tabled for public hearing. 1905 we approved. There we go.

**LEG. LOSQUADRO:**

I will second the motion to approve and place on the consent call.

**CHAIRMAN SCHNEIDERMAN:**

So all in favor? Opposed? Abstentions? **Approved. (Vote: 4-0-0-1. Leg. Cooper not present. Place on consent calendar)**

**IR 1908, again, making a SEQRA determination in connection with the proposed Suffolk County brownfield, former Bellport Gas Station, Town of Brookhaven. (PO Lindsay)** Motion to approve and place on the consent calendar. Same motion, same second. Any discussion? All in favor?

**LEG. LOSQUADRO:**

Same motion. Same second.

**CHAIRMAN SCHNEIDERMAN:**

Same vote.

**LEG. LOSQUADRO:**

Placed on the consent call.

**CHAIRMAN SCHNEIDERMAN:**

Yes. It's approved. **(Vote: 4-0-0-1. Leg. Cooper not present. Placed on consent calendar)**

**IR 1909, making a SEQRA determination in connection with the proposed Suffolk County brownfield, former Blue Point Laundry, Town of Brookhaven. (PO Lindsay) Same motion, same second, same vote. That motion includes placing on the consent calendar. (Vote: 4-0-0-1. Leg. Cooper not present. Placed on consent calendar)**

**IR 1910, making a SEQRA determination in connection with the proposed Suffolk County brownfield, former canine kennel, Suffolk County Gabreski Airport, Town of Southampton. (PO Lindsay) Same motion, same second, same vote. (Vote: 4-0-0-1. Leg. Cooper not present. Placed on consent calendar)**

**IR 1911, making a SEQRA determination in connection with the proposed Suffolk County brownfield, Gabreski APDD, Town of Southampton. (PO Lindsay) Same motion, same second, same vote. (Vote: 4-0-0-1. Leg. Cooper not present. Placed on consent calendar)**

**IR 1912, making a SEQRA determination in connection with the proposed Suffolk County brownfield, former Ronkonkoma Wallpaper facility, Town of Islip. (PO Lindsay) Same motion, same second, same vote. (Vote: 4-0-0-1. Leg. Cooper not present. Placed on consent calendar)**

**IR 1913, approving planning steps for the acquisition of farmland development rights, September 2008. (Co. Exec. Levy)**

**LEG. BEEDENBENDER:**

94 acres in Riverhead.

**DIRECTOR ISLES:**

Yeah, there was one parcel that's been recommended by the Farmland Committee from their meeting in late September. It is as indicated 94 acres in the Town of Riverhead. It's actually located next to Splish Splash, the theme park. And it's just to the west of that. It's also adjacent to Abbots Farm to which Suffolk County owns the development rights to the west of that.

The County Farmland Committee has rated the parcel. The rating is attached and included in the resolution package. The rating was 12.5. The general passing grade for Farmland Program is 10 so it did hit that. So if you have any questions, we'll do our best to answer those questions.

Let me just point out that the Farmland Committee did exclude a portion of the lot that is wooded which is kind of an olive green color to the right or to the east of the area proposed for the PDR purchase.

**LEG. LOSQUADRO:**

I'll make a motion to approve.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Is this going to prevent Splish Splash from expanding one day? Actually it's a fun -- no, I like that place. It's a fun place. All right. There's a motion and a second. All in favor? Opposed? Abstentions. **Approved. (Vote: 4-0-0-1. Leg. Cooper not present)** Nobody goes there, it's too crowded?

**LEG. BEEDENBENDER:**

I'm sorry, I just pictured Jay in a --

**CHAIRMAN SCHNEIDERMAN:**

Stop right there. My Speedo?

**LEG. BEEDENBENDER:**

No, that was not part of --

**CHAIRMAN SCHNEIDERMAN:**

I do take my kids. It is a lot of fun. All right.

**IR 1914, authorizing acquisition of farmland development rights under the Suffolk County Environmental Legacy Fund for the Amsler Family Limited Partnership property, Town of Huntington. (Co. Exec. Levy)**

All right.

**DIRECTOR ISLES:**

Okay. This is as indicated Amsler Family Limited partnership. This would be, I believe, the first partnership with the Town of Huntington for a farm in the Town of Huntington. It is an orchid. It is a fruit farm, as you can see by the aerial photograph with the neat rows of trees.

This was reviewed by the County Farmland Committee. And the rating form is attached. And actually what we've done is we've updated the rating form to reflect the recent change in policy for locations with higher population density. This achieved a score of nine. And for western Suffolk that was pretty good.

The parcel fulfills the requirements of the program in terms of active commercial agricultural use. It's obviously not contiguous to a large belt of farmland that would give it additional points due to the development that surrounds it. But the Committee -- the Farmland Committee has recommended it.

The matter before you today would actually authorize the acquisition of the development rights to 15.8 acres. The overall site's about 23 acres. The acquisition as indicated would be a shared acquisition with the Town of Huntington to the tune of a 50/50 split on the acquisition cost. The County share would be \$2,528,000 which would be half of that amount.

**COMMISSIONER MEEK-GALLAGHER:**

Now that Tom's giving you that nice overview, I did want to mention that we're moving this out of Legacy Fund into Quarter Percent out of concern for having, you know, reducing the amount of acquisitions that would be capital borrowings. So that resolution should be getting laid on the table at the next meeting.

**LEG. BEEDENBENDER:**

So you're going to withdraw this?

**COMMISSIONER MEEK-GALLAGHER:**

I guess we have to. I believe that --

**LEG. BEEDENBENDER:**

Why don't you just amend it?

**COMMISSIONER MEEK-GALLAGHER:**

Maybe that's what they sent. Maybe they sent an amending resolution. I know -- unfortunately I did not bring that with me. I know that a resolution was sent up to -- you have it? You have the resolution? Is it amending it? No, that's -- okay. They did just send it up as an amendment.

**CHAIRMAN SCHNEIDERMAN:**

I'll make a motion to approve.

**LEG. D'AMARO:**

Second.

**LEG. BEEDENBENDER:**

Did they send it up or did they file it?

**COMMISSIONER MEEK-GALLAGHER:**

They sent it up. I don't believe that it's been filed yet.

**CHAIRMAN SCHNEIDERMAN:**

I'm sorry. I withdraw that.

**COMMISSIONER MEEK-GALLAGHER:**

That's why -- I couldn't -- I was trying to get an answer before Committee today. I did not get the answer as to whether it had actually been filed.

**LEG. D'AMARO:**

Do you guys want to do this? You have until five o'clock today to amend. Do you want to --

**COMMISSIONER MEEK-GALLAGHER:**

It's been amended. It just hasn't been filed yet.

**LEG. D'AMARO:**

Right. You have until five o'clock so --

**COMMISSIONER MEEK-GALLAGHER:**

To file it? Yeah, I don't know that -- I don't know that that will happen because I wasn't even able to get an answer before Committee today whether it had actually been filed or not.

**LEG. LOSQUADRO:**

Motion to table.

**CHAIRMAN SCHNEIDERMAN:**

No. I mean I think we should approve it and table it on the floor if we don't have the amended but --

**COMMISSIONER MEEK-GALLAGHER:**

Oh, by the time it gets to the meeting?

**LEG. LOSQUADRO:**

Discharge without recommendation?

**LEG. D'AMARO:**

Yeah, we can do that.

**CHAIRMAN SCHNEIDERMAN:**

I think it's a good acquisition.

**COMMISSIONER MEEK-GALLAGHER:**

Oh, yeah.

**LEG. D'AMARO:**

If it's not filed by five, it just doesn't go on.

**CHAIRMAN SCHNEIDERMAN:**

Even though it scored low --

**LEG. D'AMARO:**

Can't act on it Tuesday. That's all right.

**CHAIRMAN SCHNEIDERMAN:**

So I'll make a motion to discharge without recommendation.

**LEG. D'AMARO:**

You have an hour and ten minutes.

**CHAIRMAN SCHNEIDERMAN:**

Is there a second?

**COMMISSIONER MEEK-GALLAGHER:**

Unfortunately it's not in my control whether it gets filed or not.

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

There is a second to the discharge without recommendation motion. All in favor? Opposed? Abstention? Discharged without recommendation. **(Vote: 4-0-0-1. Leg. Cooper not present)**

**IR 1928, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program as amended by Local Law number 24-2007, Lake Panamoka property, Town of Brookhaven. (Romaine)** Oh, I remember my summers on Lake Panamoka. No, I'm just kidding. It does sound very relaxing.

**LEG. LOSQUADRO:**

Actually I do. My grandmother had -- that was my grandparents's summer house on the lake.

**CHAIRMAN SCHNEIDERMAN:**

Oh, really. You actually had summers on Lake Panamoka. Sounds very peaceful.

**LEG. BEEDENBENDER:**

Tom? Actually, you know what, you'll probably answer my question any way.

**DIRECTOR ISLES:**

Okay. The subject parcel is outlined in red on the aerial photograph being circulated. The parcels of which there are six in the resolution total in land is area -- pardon me -- 3.79 acres. This is on Lake Panamoka which is in the Town of Brookhaven in the hamlet of Ridge in the eastern part of the Town of Brookhaven.

Obviously we have done a rating form based on the natural environments rating and considered a number of factors that this parcel represents including the fact that it has a significant wetlands area directly on the subject parcel as well as buffer areas. There are a number of factors dealing with the

physical land forms, natural habitat and so forth, the presence of a threatened or endangered species and so forth that gave this a rating of 58 points.

There is some significant County ownership present as outlined in the green lines on the aerial photograph. There's a small amount of town land also in open space in the vicinity. Here again, this does support other county acquisitions in the vicinity of Lake Panamoka. So based on the rating score and meeting the criteria of the program, we would recommend this acquisition for planning steps.

**CHAIRMAN SCHNEIDERMAN:**

I'll make a motion.

**LEG. LOSQUADRO:**

I'll second that.

**CHAIRMAN SCHNEIDERMAN:**

All right. So I made the motion, second by Legislator Losquadro. On the motion, Legislator Beedenbender.

**LEG. BEEDENBENDER:**

Tom, I remember it was either last year or the year before, we had a Lake Panomoka resolution that didn't move forward. I guess this is not that one.

**DIRECTOR ISLES:**

We remember that, too.

**LEG. BEEDENBENDER:**

We had something with Lake Panamoka.

**LEG. LOSQUADRO:**

That was a water study.

**LEG. BEEDENBENDER:**

That was a water study, okay. All right. Then that's one question. Then the second question and maybe this is a foolish one but on this map part of the red includes the water.

**DIRECTOR ISLES:**

Yes.

**LEG. BEEDENBENDER:**

And I know that sometimes people own some land into the water but we're not actually paying for that, are we?

**DIRECTOR ISLES:**

I don't think so. It would be part of the appraisal problem as to study the value of the property. Here again, there was a prior resolution on this property for an acquisition. It was withdrawn as we understand it.

**LEG. BEEDENBENDER:**

I was thinking of the water study, though.

**DIRECTOR ISLES:**

Okay. That's fine.

**CHAIRMAN SCHNEIDERMAN:**

All right. There's a motion and a second? All in favor? Opposed? Abstentions? Approved. **(Vote:**

**4-0-0-1. Leg. Cooper not present)**

**1929, authorizing steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law number 24-2007, Toppings Farm property, Town of Brookhaven. (Romaine)**

**DIRECTOR ISLES:**

Okay. This is property located along County Road 51. It's just south of the intersection with County Road 111 and just north of the intersection with Sunrise Highway. The property is actually not a farm even though it's called Toppings Farm. That's the name of the owner. It is a wooded parcel, here again, with extensive frontage along County Road 51, which is East Moriches Riverhead Road.

We did do an evaluation based on a natural environments criteria based on the resolution. And the parcel achieved a score of 13. The parcel is within the Pine Barrens compatible growth area so it is within the Central Suffolk Special Groundwater Protection Area. That gave it the highest single score value of eight points. It achieved some other points for the size of the parcel as well as view along a scenic roadway.

However, we would consider this to be not a strong acquisition. We wouldn't recommend it to you at this time. We had previously -- there had been resolutions submitted on this in the past couple of years that we have not recommended. And the reason for that is, here again, environmentally the values are limited. And the presence of other county land, we have a few tax lots we own to the north, but there's really nothing significant here in terms of a county park presence. So with that if you have any questions, we'll do our best to address those.

**LEG. LOSQUADRO:**

I recall some of the discussion surrounding this from previous resolutions. And the parcel across the street on the other side of County Road 51 is now developed; correct?

**DIRECTOR ISLES:**

Yes.

**LEG. LOSQUADRO:**

What is the status of that Dream Catcher farm that's adjacent? What's the status of that acquisition? Because I know -- we're saying we don't have other holdings in the area, but we have potential holding and I think that's what we said, if it went through then this one would make sense. What's the status of that acquisition?

**DIRECTOR ISLES:**

There was a planning steps resolution approved for the Dreams Come True property for a purchase of development rights and for farmland protection purposes. Frankly I'm not aware of the precise status at this point. I know it was sometime ago so I don't get the sense that it's active at all.

**MS. FISCHER:**

I don't recall off the top of my head. I'd have to --

**DIRECTOR ISLES:**

We can certainly check for you. There is a farm to the south of Dreams Come True which is known Eastport properties. That's also a county PDR planning steps. And that's in active negotiation at this point. That one I'm familiar with. So for the farmland side of it, yes, the County has been active in pursuing properties. But as far as Dreams Come True I'm not aware of anything proposed or pending at the moment in terms of a real deal.

**LEG. LOSQUADRO:**

Okay. I guess at this point we're still sort of in a holding pattern. I guess once again this property would make more sense if those other holdings were to come into the County's possession so to

speak. All right. Thank you.

**CHAIRMAN SCHNEIDERMAN:**  
What's across CR 51 from it?

**DIRECTOR ISLES:**  
That's now developed as a senior citizen homeowners association type development.

**CHAIRMAN SCHNEIDERMAN:**  
In what looks like an old sand pit.

**DIRECTOR ISLES:**  
No. This is recent clearing that you're seeing on the aerial photograph. It was an undeveloped wooded parcel prior to that point.

**CHAIRMAN SCHNEIDERMAN:**  
So it's across from a senior housing. What's the zoning? What's the zone?

**DIRECTOR ISLES:**  
Sorry?

**CHAIRMAN SCHNEIDERMAN:**  
How is it zoned? Is it commercially zoned?

**DIRECTOR ISLES:**  
The subject parcel? The subject parcel's zoned residential. There's a subdivision application pending for, I believe, four lots. The town -- I've looked at the map and the subdivision map requires a buffer along the county road and pulling the development as far away from CR 51 as possible.

**CHAIRMAN SCHNEIDERMAN:**  
All right. Is there any motions of any kind?

**LEG. BEEDENBENDER:**  
Motion to table.

**CHAIRMAN SCHNEIDERMAN:**  
Motion to table by Legislator Beedenbender. Is there a second?

**LEG. LOSQUADRO:**  
I'll second it.

**CHAIRMAN SCHNEIDERMAN:**  
Second by Legislator Losquadro. All in favor? Opposed? Abstentions? Tabled. **(Vote: 4-0-0-1. Leg. Cooper not present)**

**1932, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program as amended by Local Law number 24-2007, Swan Lake property, Town of Brookhaven. (Eddington)**

**LEG. BEEDENBENDER:**  
Mr. Chairman, I think Legislator Eddington was going to withdraw this because it was no longer necessary. I don't know if he's done it. He had indicated that at one point.

**CHAIRMAN SCHNEIDERMAN:**  
Why don't we table it then?

**LEG. BEEDENBENDER:**

Motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

All in favor? Opposed? Abstentions? Tabled. Did you get who made the motion? Motion was Legislator Beedenbender, second by Legislator D'Amaro. **(Vote: 4-0-0-1. Leg. Cooper not present)**

**IR 1936, amending the adopted 2008 Operating Budget to transfer funds from fund 477 Water Quality Protection, amending the 2008 Capital Budget and Program and appropriating funds in connection with installation of anti-litter signage of county roads. (Co. Exec. Levy)** This is \$30 thousand from 477. There's a motion by Legislator D'Amaro. Do we have a second? I'll make a second. Legislator Losquadro.

**LEG. LOSQUADRO:**

How does --

**CHAIRMAN SCHNEIDERMAN:**

I seconded it.

**LEG. LOSQUADRO:**

How does anti-litter signage, I mean is it going to clog up storm drains or --

**COMMISSIONER MEEK-GALLAGHER:**

Yeah, it's actually part of the new phase two requirements is to try to implement better recycling and better reduction of litter. And this, what we're doing is --

**LEG. LOSQUADRO:**

I thought that would be more like the, you know, the signs that say whatever goes down the drains go into the bays and our drinking water, you know, that they put on the storm drains.

**COMMISSIONER MEEK-GALLAGHER:**

Right. But this is actually to try to address people not throwing or dumping litter on the sides of roads that are near --

**LEG. LOSQUADRO:**

Storm drains.

**COMMISSIONER MEEK-GALLAGHER:**

No, not just storm drains but actually near bodies of water or near, you know, I can't think any more today, near watersheds. Thank you. It's been a long day. So the idea was that DPW had actually looked into projects that -- programs that exist in other parts of the country and could we just fund a pilot project with 477 funds. And if it works they would then expend --

**LEG. LOSQUADRO:**

That's fine. This is actually a real pet peeve of mine. Will this also include information regarding the penalties associated with littering? Thousand dollar fine, 500, whatever -- whatever laws we have on the books. Unfortunately people need to sort of be reminded with a good hard smack in the face about this sometimes. And, you know, if that's a sign, you know, you see those signs unfortunately all too infrequently in our part of the country here, but in other areas it's really put right in your face, you know, littering \$5,000 fine, \$1,000, whatever it may be. So I think a component of this should be that whatever -- I know we do have laws on the books.

**COMMISSIONER MEEK-GALLAGHER:**

Right.

**LEG. LOSQUADRO:**

That whatever laws we do have on the books be included very prominently on this signage.

**COMMISSIONER MEEK-GALLAGHER:**

We can do that. The final design of the sign is not completed so we can certainly settle on --

**LEG. LOSQUADRO:**

I'd like for you to please, you know, send me a copy of that before the design is concluded.

**CHAIRMAN SCHNEIDERMAN:**

30 thousand sounds like an awful lot of money for a signage.

**COMMISSIONER MEEK-GALLAGHER:**

It's multiple signs along multiple roadways so the idea -- it actually is a small amount if you want to be effective on however many, I don't know, hundreds of miles on county roads that we actually have that would qualify but --

**CHAIRMAN SCHNEIDERMAN:**

Can 477 funds be used for this purpose?

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

Because I, you know -- recently I had a question, I had a group that wants to, you know, is concerned about litter in general and actually not looking for signage as much as they are picking up litter along parklands. And, you know, I had the question of whether that might be something that could be covered under 477. And I guess the answer litter removal --

**COMMISSIONER MEEK-GALLAGHER:**

Actually cleaning up, now that there's land stewardship initiatives on parkland if it's cleaning up trails, etcetera and so forth, it would qualify.

**CHAIRMAN SCHNEIDERMAN:**

It would qualify.

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

Okay. It's good to know. I mean I'd rather see actual litter removal even is more important than signage. You could have signs and still end up with litter but okay. So we had a motion and a second. All in favor? Opposed? Abstentions? **Approved. (Vote: 4-0-0-1. Leg. Cooper not present)** Has that been through Water Quality Committee?

**COMMISSIONER MEEK-GALLAGHER:**

Yes, everything that you see coming before you that's 477 funded has gone through the Water Quality Review Committee first.

**CHAIRMAN SCHNEIDERMAN:**

Okay.

**IR 1938, amending the adopted 2008 Operating Budget to transfer funds from Fund 477**

**Water Quality Protection amending the 2008 Capital Budget and Program and appropriating funds in connection with a Village of Babylon Storm Water Runoff Filter Installation Program. (Co. Exec. Levy)** This is \$310 thousand for 477 for the Village of Babylon.

**LEG. D'AMARO:**  
Motion.

**CHAIRMAN SCHNEIDERMAN:**  
There's a motion by Legislator D'Amaro, second by Legislator Beedenbender. Anything on the motion? All in favor? Opposed? Abstentions? **Approved. (Vote: 4-0-0-1. Leg. Cooper not present)** Almost there.

**IR 1944, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, open space component, for the Kasper property, Hauppauge Springs, Town of Smithtown. (Co. Exec. Levy)**

**DIRECTOR ISLES:**  
Okay, as indicated this is an authorization to acquire so this is the final stage of the process. This is located just to the east of where we are today past the golf course on State Route 347 along the north side.

The subject parcel's 9.6 acres of land outlined in the red line. This was included with Master List One as part of the Hauppauge Springs acquisition initiative. Existing county lands are indicated in the green. And the proposed acquisition price is \$960,000. It's a sole acquisition by the County although we've been working with the town on some other preservation efforts a little bit to the east of this. If you have any questions, we'll do our best to address those. West. Yes, west of this.

**CHAIRMAN SCHNEIDERMAN:**  
Legislator Beedenbender.

**LEG. BEEDENBENDER:**  
Tom, where is the old hospital? Is that just to the east of this?

**DIRECTOR ISLES:**  
That's further to the east by -- let me just by guess a scale of 7 inches.

**MS. FISCHER:**  
About a half mile.

**DIRECTOR ISLES:**  
Okay, half mile. Depending what scale.

**LEG. BEEDENBENDER:**  
I don't have any questions, Jay. I'm just happy that you didn't make a joke.

**CHAIRMAN SCHNEIDERMAN:**  
It may not be too late. No other questions? Is there a motion?

**LEG. LOSQUADRO:**  
Motion.

**LEG. BEEDENBENDER:**  
Second.

**CHAIRMAN SCHNEIDERMAN:**  
A motion and a second. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1. Leg. Cooper not**

present)

Last one, **IR 1946, authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program, C12-5 (E) (1) (a), for the Kerendian property, Carlls River Watershed addition, Town of Babylon. (Co. Exec. Levy)**

**DIRECTOR ISLES:**

Okay. An aerial photograph is being circulated. This is a resolution to authorize acquisition. This is a parcel that was included on Master List Two. This was an initiative at the Carlls River watershed which you have seen many parcels come through over the past year or two. We have achieved a high level of county acquisition at this point as you can see with the green line boundary work.

So we have -- you have and the County Executive has achieved, I think, a significant protection of this watershed through the acquisition of many small lots to medium size lots. The subject parcel is point 229 acres about 10,000 square feet, I believe. The acquisition price is \$85 thousand. It is determined or was determined to be a buildable lot. So certainly one that was threatened by development. We would recommend the authorization for acquisition at this time.

**CHAIRMAN SCHNEIDERMAN:**

All right. Any questions?

**LEG. D'AMARO:**

Motion.

**CHAIRMAN SCHNEIDERMAN:**

What was the price on it?

**LEG. D'AMARO:**

85.

**CHAIRMAN SCHNEIDERMAN:**

85? All right. There's a motion by Legislator D'Amaro, second by who? Legislator Beedenbender?

**LEG. BEEDENBENDER:**

I second; whatever you say, Jay.

**CHAIRMAN SCHNEIDERMAN:**

There you go. Thanks. Just as long as I don't make any jokes. All in favor? Opposed? Abstentions? **Approved. (Vote: 4-0-0-1. Leg. Cooper not present)**

That concludes our agenda and we are adjourned.

**COMMISSIONER MEEK-GALLAGHER:**

And, Mr. Chair, I'd just like to add that the Amsler Family Farm amended resolution has now been filed so you will be able to take action on it next week.

**THE MEETING CONCLUDED AT 4:08 PM  
{ } DENOTES SPELLED PHONETICALLY**