

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 October 5, 2009.

MEMBERS PRESENT:

Leg. Jay H. Schneiderman, Chairman
Leg. Lou D'Amaro, Vice Chair
Leg. Brian Beedenbender
Leg. Jon Cooper (excused absence)
Leg. Daniel P. Losquadro

ALSO IN ATTENDANCE:

Leg. Edward P. Romaine, First District
George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel
Steve Tricaraco, Aide to the County Executive
Kevin Duffy, Budget Review Office
Barbara LoMoriello, Deputy Clerk
Patrick Skip Heaney, Commissioner of Economic Development and Workforce Housing
Thomas Isles, Director of Department of Planning
James Bagg, Chief Environmental Analyst/Department of Planning
Lauretta Fischer, Principal Environmental Analyst, Department of Planning
Janet Longo, Real Property Acquisition & Management
Catherine Stark, Aide to Leg. Schneiderman
Justin Littell, Aide to Leg. D'Amaro
Paul Perillie, Aide to Majority Leader
Linda Bay, Aide to Minority Leader
Dennis Brown, County Attorney's Office
Charles Cetas
Sherry Johnson
Paul Matthews
Stephen Searl
Diana Sanford, SC Parks
And all other interested parties

VERBATIM MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 1:13 PM

CHAIRMAN SCHNEIDERMAN:

Good afternoon. I'd like to call this meeting of Environment, Planning and Agriculture Committee to order. If you all will rise and join us for the Pledge of Allegiance led by Legislator Losquadro.

PUBLIC PORTION

Please be seated. We're going to move to the public portion. I have four or so cards filled out. If anybody wishes to be heard and has not yet filled out a yellow card, please step forward and do so.

Our first speaker is Charles Cetas talking on the Long Island Beagle Club. Mr. Cetas, you have three minutes to make your presentation.

MR. CETAS:

My name is Charles Cetas. I am a resident of the Town of Riverhead. And I am a member of the Riverhead Open Space Committee. And I am also the acting Chair of the Riverhead Open Space Committee. I'm here today in support of Legislator Romaine's resolution number 1697, I believe, which authorizes -- calls for the authorizing of planning steps for the acquisition of the -- as open space of the Long Island Beagle Club located on Edwards Avenue in the hamlet of Calverton in the Town of Riverhead.

I have been involved in the effort to preserve this property since the summer of last year 2008 when the subject first arose at our meeting in June. At that time the committee made some inquiries as to the status of the property. And we learned that there had been a -- that the property had been the subject of a subdivision -- residential subdivision application and -- but that the application was dormant due to the fact that the application had not been the subject of a hearing at that time. And, also, we discovered that the Beagle Club was at that time not pursuing the subdivision application.

So we in September voted as a committee that this property was worthy of consideration of preservation. And we also discovered that the County had entertained previously acquisition of this property under a resolution number 1154, but that resolution had been stricken as of September. So, anyway, our Committee decided to contact the Beagle Club and express our interest in the property and request a site visit which Sherry Johnson did; in October she wrote a letter to the Beagle Club doing that. And we got a site visit. And they responded positively and we got a November site visit.

On November 28th, that's when our site visit took place, we met with Rudy {Carastro} who was President of Long Island Beagle Club and also his real estate agent Frank Profeta. And he gave us a nice tour of the property. It was about two to three hours. We were with them. We rode with them around the property and also we --

CHAIRMAN SCHNEIDERMAN:

You'll have to sum up a little bit here.

MR. CETAS:

Okay. But at any rate we did a -- did a -- also a walking tour of the property on our own. Those of us who are from the committee who were present for this tour were -- and site visit were myself, Sherry Johnson, who was Chair of the committee at the time and also Mary Laura {Lomont} who was a well known naturalist who lives in the Town of Riverhead.

As a result of our site visit, we rated the property according to our rating form which is based on a

100 point system. And we gave this property a score of 73 out of a 100 points. We have several sections to our parcel rating. One -- first section is special features and habitat. We gave the property 25 points out of 35. For size, we gave the property 20 points out of 20. For proximity or contiguity to preserve land, we gave it 10 points out of 20 because it's adjacent to preserved farmland. And it's not too far away from preserved open space land. Town of Riverhead owns open space called the Esposito property which is not too far north of this property. It's also not far from the Boy Scout Camp along Sound Avenue in Riverhead and also the DEC fresh pond preserve on it as well.

CHAIRMAN SCHNEIDERMAN:

You're way past your time here, so. I think we understand the point.

MR. CETAS:

Right. Well, it's -- all right, let me just -- let me just --

CHAIRMAN SCHNEIDERMAN:

Let me ask --

MR. CETAS:

Let me just -- can I just read a brief description that I wrote of the property?

CHAIRMAN SCHNEIDERMAN:

No. You can submit it to us, though.

MR. CETAS:

Okay, I'll do that.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine.

MR. CETAS:

Also there's one other step --

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine's question may give you an opportunity to say a few more things. So Legislator Romaine.

LEG. ROMAINE:

Could you give me a brief description of the property, please?

MR. CETAS:

Okay. Yes, I will. Thank you.

CHAIRMAN SCHNEIDERMAN:

At least we're sticking to our rules.

MR. CETAS:

So I get another three minutes now?

LEG. LOSQUADRO:

Just answer the question.

CHAIRMAN SCHNEIDERMAN:

As briefly as possible.

MR. CETAS:

All right. I will try to -- I'm just going to read the comments I wrote.

The Long Island Beagle Club property is located in the hamlet of Calverton on the west side of Edwards Avenue about halfway between New York State Route 25 and Sound Avenue. At a 150 acres in size, it is one of the largest undivided, undeveloped and unreserved parcels in the agricultural protection zone of Riverhead Town. This parcel provides significant groundwater protection as it is located in a deep recharge area in the Central Suffolk Special Groundwater protection area. The Beagle Club parcel is bounded by preserved farmland on the north and west sides and by a sod farm on the south side. A large residential housing development is directly across the street on the east side of Edwards Avenue. About 100 acres of this property was farmed prior to the Beagle Club's purchase of it during the late 1960's. Since that time the Beagle Club has allowed the property to return to nature and maintained it for the primary use of running Beagle dogs. The property now contains about 100 acres of old field growth and about 50 acres of woodland. The property is also extremely -- also extensively interspersed with meadow areas and crisscrossed with a well maintained trails system. It is mostly flat or gently rolling with a few dry hollows or depressions that may contain water during the seasons -- during wet seasons or extended rainy periods.

The Beagle Club buildings consist of a clubhouse and two large steel barns at the entrance to the property from Edwards Avenue. The property is completely fenced with a four foot chain link. The Beagle Club parcel contains a diversity of plant life and provides important wildlife habitats. During the committee's site visit a New York State special concerns species Cooper's Hawk was observed or was sighted.

LEG. ROMAINE:

I want to thank you because I didn't want to -- I'm not on this Committee and the Chairman was gracious enough to ask me a question. You do have the rating form? First of all, I want to thank you for your service in Riverhead Town and serving on this committee; does a great service to the Town and certainly to the County. What I'd like to do is ask you if you could forward to my office a copy of your rating form where you gave 73 of the 100 points. Today we're going to get a rating form from our Planning Department. And I want to compare both forms. And if there's any discrepancies, come to an understanding of those discrepancies.

So if you could forward that to me, I'd appreciate it. I believe in this acquisition. I believed in it last year when I sponsored the resolution. Unfortunately it was tabled to death. And that's why the resolution is back again because of the work of your committee because I think we want to give it a second look. And I certainly believe in its acquisition. But I want to thank you for your efforts.

MR. CETAS:

Okay. Just one --

CHAIRMAN SCHNEIDERMAN:

Okay. There are several other people who are speaking on this, Mr. Cetas. So I'm going to ask you to step down at this point so we can hear from some of the other people. You have had three times the allotted time. Okay? Thank you, sir. You can submit any other comments in writing.

MR. CETAS:

Okay. Thank you.

CHAIRMAN SCHNEIDERMAN:

Sherry Johnson.

MS. JOHNSON:

Good afternoon members of the Committee. My name is Sherry Johnson. I live in Manorville, New York. I'm here also to speak about the Beagle Club introductory resolution 1697. In preparing for today, I started to think about the very first time I spoke to anyone about open space preservation.

It turns out it was some 23 years ago in this very room. The 1986 Open Space Program was a remarkable piece of legislation as is the Drinking Water Protection Program, which I was back here for several years later also to support.

The fact that the spirit of both of these programs has been continued through these many years gives testament to its foresightedness and value in saving Suffolk County's most important places that you all are still continuing today. The list of properties that has been acquired under those programs is literally in the hundreds. I don't have to go through them. And I certainly stopped clipping the news articles several years ago.

I hope that you'll have time for just one more parcel to be added to that list and that's the Beagle Club. The Long Island Beagle Club is 150 acre parcel of old fields, shrubs, woods and trails situated off Edwards Avenue just south of Sound Avenue in the Town of Riverhead. It's one of the very few largest parcels remaining and is on the edge of a very large agricultural protection zone. It's wonderful wildlife habitat of woodlands and old field that provides a buffer. And it's a very important buffer between active farmland, that ag zone that I mentioned, and the residential community that's grown up across the street from this property. It's in very close proximity to the Town of Riverhead owned Esposito property, which is just a short stroll away down a farm lane. That piece of property is directly across the street from the Baiting Hollow Boy Scout Camp, which is almost next to Wildwood State Park. The Otis Pike Preserve is also in that area.

This parcel is a key link in an east/west greenbelt trail that could connect all those properties. And it certainly could serve as a trail head with the facilities that exist there. There is an opportunity for -- I believe for a group to manage this property. And you make good use of those facilities.

The New York State Department of Environmental Conservation has recognized the significance of the parcel and included it in their 2009 open space plan. According to the 2009 -- I'm sorry -- 2009 open space plan. According to the 2009 Long Island Index land preservation is important for reasons both environmental and economic. Preserved lands protect the Island's drinking water, provide critical habitat for wildlife, ensure the viability of the Island's farming industry and maintain the strength of its tourism sector.

The Beagle Club property is representative of that statement. And there won't be a better time to act on its acquisition. I urge you to please move this resolution out of Committee so that it can go before the full legislature. Thank you.

CHAIRMAN SCHNEIDERMAN:

All right. Our next speaker is Paul Matthews.

MR. MATTHEWS:

Good afternoon. This is a new concept that I'm presenting to you today that springs out of my work with Cornell Cooperative Extension and the Spat Program. It all has to do with the early release of shellfish which Ed Romaine has helped us with in the past. The SERV, S-E-R-V or Spawning Early Release Vessel Program, is the manifestation of ongoing research being conducted by myself in association with the Cornell Cooperative Extension of Suffolk County Marine Program. The SERV Program involves an array of innovative methods and strategies for larval release delivery of scallops, clams, oysters and other desirable mollusks. Larval delivery or the early release method or saturation spawning is an innovative technique which performs the same function as spawner sanctuaries might, i.e. delivering spat into the bays for settlement and recruitment. This is in perfect accordance with ecosystem base management which is now the mandate for New York State.

The difference and improvement is that in this innovative method the larvae are retained safely in tanks for one to three weeks until a later stage of larval development just before settlement. In this way later stage larval delivery from competent to settle pediveligers is guaranteed and measurable numbering in the hundreds of millions. Cooperation with the SERV Program needs to be bilateral between local towns, universities and CCE of Suffolk County. Efforts will be proactive actually

restoring populations for academic measurement within the environment; thus appropriately enhancing the needed research for local universities and academic institutes while attaining real world results. This paradigm of activism indeed fosters and affords the need for the SERV Program. For seeding is the first priority for the restoration of the shellfish industry as it is with land based farming. Seeding, then sowing and harvesting. Seeding first. Then sowing and harvesting.

Cooperative efforts combine volunteerism and activism as well as donations in kind. When this is combined with education and outreach and real world practices, the sky is not the limit. The bottom of the sea is now the new limit.

The model SERV pilot program Mobile Hatchery Vessel ARC, which has been the subject of other presentations here, is standing by in Shinnecock -- thank you, Mr. Romaine -- and is ready to go into service next April. An early scallop release program for Flanders Bay is the first project being contemplated. Funding is needed to support the SERV Pilot Program. Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Thank you. Right on time.

LEG. ROMAINE:

Quick question.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine.

LEG. ROMAINE:

Very quick question. Paul, what you're saying is that this vessel named ARC would be the mobile hatchery and then you would take it into the bays. And when the samplings were ready, you would release them. And because you had them in larval stages, it's unlikely that predators or other conditions would terminate a great deal of them and you would have tremendous success in spawning the shellfish in the Bay; is that the essence of it?

MR. MATTHEWS:

Yes, sir. There is, of course -- the whole idea of keeping the larvae in tanks keeps your swarm, say, of forty million that you had on day one, you still have them on day ten.

LEG. ROMAINE:

Right. So you're not losing a lot of larvae to conditions in the Bay or predators or things of that nature.

MR. MATTHEWS:

Well, you will lose some, but the idea is -- it's a numbers game and you beat the odds.

LEG. ROMAINE:

Right. You tremendously increase the spawning of shellfish by the system that you have devised?

MR. MATTHEWS:

That's right.

LEG. ROMAINE:

And that would mean a healthier shellfish population. Shellfish population is so key to our baymen and the marine industry, and to the cleanliness of the bays since scallops have that effect of cleaning local waters?

MR. MATTHEWS:

They absolutely clear the water. A very effective demonstration can be set up. When we go into our operation, we'll be docked in some place like Riverhead and we'll be doing all kinds of networking,

outreach and actually try to raise funds so that people can see that their dollars are going directly into restoration. And part of that would be having a tank, if you fill up an 80 gallon tank and it's all cloudy, and you have some clams in there or scallops in there, when your tourists come back in an hour, the tank is clean. And that's the most compelling and most, I would say, convincing argument for -- or explanation of the argument that they do clean -- indeed clean the bays. And this type of program basically takes the spawner sanctuary, which has been a tremendous success, that -- the one that's oriented -- that we're all aware of, and we can create the same type of numbers in a lab in a controlled way and bring it to where they need to go. So basically we're referring to it as a movable feast now or something like that.

LEG. ROMAINE:

And dramatically raise the shellfish population, the scallop population of Peconic Bay; dramatically raise.

MR. MATTHEWS:

Certainly we can do that with scallops. Hopefully with clams and oysters.

LEG. ROMAINE:

Yes. Thank you so much. You tried to summarize what the intent of your program is which would pay a great dividend both economically and environmentally.

MR. MATTHEWS:

I think so. And education and outreach, all the things really that I've learned by being a Cornell Cooperator.

LEG. ROMAINE:

Thank you again.

CHAIRMAN SCHNEIDERMAN:

Before you step down, Mr. Matthews, Legislator D'Amaro also has a question.

LEG. D'AMARO:

Thank you, Mr. Chairman. Sir, I just had a couple quick questions. Your letterhead lists Wampum Unlimited. Is that your company?

MR. MATTHEWS:

That's me.

LEG. D'AMARO:

Okay.

MR. MATTHEWS:

So I've been here before under Long Islanders for Environment. Wampum Unlimited is my personal d/b/a.

LEG. D'AMARO:

And this is a new method and strategy for larval release, delivery of scallops, etcetera. At the end of your presentation you asked for funding. How much are we talking about? What do you need to get this program up and running and what are the continuing costs?

MR. MATTHEWS:

Well, in order to operate the boat throughout the year, I need about \$400,000. That would be from April to October. So, you know, that's how I budgeted it to be a full time occupation for some people and all like that. There's all sorts of interim ways to do it. And we've been doing experiments to bring forward the technology. There's a lot of new things going on, things that I really can't even talk about on the record because they're proprietary vis-à-vis the details.

LEG. D'AMARO:

Okay. 400,000 a year, is that just the County portion or is that the total program cost of your estimate?

MR. MATTHEWS:

That's the entire -- with the one vessel and with the other things, until it expands, yes.

LEG. D'AMARO:

What program would it replace that the County is presently using?

MR. MATTHEWS:

It really wouldn't replace any program. It would enhance, for example, the scallop restoration program, which has been so successful. And it would -- it would basically take the concept of spat, which has aquaculture -- has a very high level of community activity. And it would bring the community activity into a SERV Program which is now -- in order to spread the word about the larval release. So it doesn't really replace anything; it enhances.

LEG. D'AMARO:

And my last question was, this is a new methodology? And has it been tested in practical sense?

MR. MATTHEWS:

We've been testing it with clams. I found anecdotal -- when you free release the clams, you seem to get a good result. Now this creates some problems when a scientist wants to measure something. I think it's called the Heisenberg uncertainty. As soon as you put something in a box and try to measure it, somehow it doesn't want to be measured. The clams just want to be released into the environment. But the fact that the spawner sanctuary has put measurable spat into the water, and I'm working with Dr. Steve Tuttleback on this very issue at the moment, really proves in a prima facie way that if you just put spat in the water and count them, you're doing the job. So it would be an enhancement of the Scallop Program to start.

LEG. D'AMARO:

Thank you.

MR. MATTHEWS:

Thank you very much.

CHAIRMAN SCHNEIDERMAN:

And our last speaker card belongs to Steven Searl, also speaking on the Beagle Club property.

MR. SEARL:

Good afternoon, Chairman Schneiderman and members of the Committee. My name is Steven Searl. And I'm project manager with the Peconic Land Trust. I'm here to express our strong support for preservation of the Beagle Club property. And there are a few reasons why I think the County should pursue this now before it's too late.

First, its size. It is 150 acres, one of the largest undivided open space parcels in Riverhead. Second, it is located in a special groundwater protection area. Third, it boasts a rich array of plant and wildlife habitat. Fourth, it has over half a mile of road frontage on Edwards Avenue. Fifth, it has the potential to provide opportunities for both public access and passive recreation. And last but not least, as you've heard from the other speakers, it is the last piece of vacant land that if preserved would complete one of the largest blocks of preserved land on Long Island, at least 450 acres.

The parcel is on a list of priority projects for both the State of New York and the Town of Riverhead. And it would serve as a buffer between the active agricultural land that stretches down the west side

of Edwards Avenue and the large scale residential development directly across the street. The trust has been working on and off of this project for years. And I think we have a golden opportunity here given the market and a willing seller.

One final note, I would be happy to coordinate a site visit to the property if any committee members are interested. It is a truly unique and special place that you should see for yourself. I can be reached at 283-3195, extension 22. Thank you so much.

LEG. ROMAINE:

Quick question.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine.

LEG. ROMAINE:

One, I'll take you up on that offer. I'll give you my business card. I'll be happy to do that. I'm not a member of the Committee so again I thank the Committee Chairman for his indulgence. I just want to emphasize this project is considered a priority acquisition by the Town of Riverhead and by the State of New York; is that correct?

MR. SEARL:

That's correct.

LEG. ROMAINE:

And I will be comparing the rating form that the gentleman spoke about with the County rating form; because that was one of the problems the last time I brought up this resolution, that the Planning Department's rating form had not rated the Beagle Club sufficiently high. But New York State has listed this as a priority acquisition as has the Town of Riverhead. Thank you.

MR. SEARL:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you, sir. All right. That is it for speakers. We'll move to the agenda. I think I'll just pause for a second to see if we can get Legislator Beedenbender back in the room.

Legislator Cooper has an excused absence from today's meeting.

TABLED RESOLUTIONS

IR 1418, adopting Local Law No. -2009, A Local Law to reduce the use of disposable bags by retail stores. (Viloria-Fisher)

LEG. D'AMARO:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Romaine -- I'm sorry, by Legislator D'Amaro. And do we have a second?

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Beedenbender. All in favor? Opposed? Abstentions? **1418 is table. (Vote:**

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

IR 1573, authorizing the planning steps for the acquisition of land under the Suffolk county Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Dreeben property Town of Southampton) (Schneiderman) This was held up. I'm trying to remember why. Oh, I'm sorry. I'm being told I skipped CEQ resolutions. All right. Let's rewind, let's go back to CEQ resolutions.

CEQ RESOLUTIONS

32-09, ratification of Recommendations for Legislative Resolutions Laid on the Table for August 27th, 2009 meeting of CEQ (Type II Actions). Is there a motion? Motion by Legislator Beedenbender, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **Approved.** (Vote: 4-0-0-1. Leg. Cooper not present)

33-09, proposed Sidewalks on CR 92, Oakwood Road, in the Town of Huntington. CP 5497. (Unlisted Action, Negative Declaration). Same motion, same second, same vote. (Vote: 4-0-0-1. Leg. Cooper not present)

34-09, proposed Sidewalks on CR 79, Bridgehampton-Sag Harbor Turnpike, in the Town of Southampton. CR 5497. (Unlisted Action, Negative Declaration). Same motion, same second, same vote. (Vote: 4-0-0-1. Leg. Cooper not present)

35-09, proposed Sidewalks on CR 85, Montauk Highway, in the Town of Islip. CP 5497. (Unlisted Action, Negative Declaration). Same motion, same second, same vote. (Vote: 4-0-0-1. Leg. Cooper not present)

TABLED RESOLUTIONS

Now, we're back at **1573. (Authorizing the planning steps for the acquisition of land under the Suffolk county Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Dreeben property Town of Southampton). (Schneiderman)** Maybe, Director Isles, you can refresh my memory here; what was holding it up? I think there was no rating in the past?

DIRECTOR ISLES:

This is the Peconic Paddler. And I think the question was in terms of the proposed use and development of the property and the proposed management of the property. I understand or I recall that there were potential conversations between the two Towns, Southampton and Riverhead, but we haven't received anything in terms of what the disposition of that is at this time.

CHAIRMAN SCHNEIDERMAN:

So this property is located in the Town of Southampton but on the boarder with Riverhead. And I think they had looked at this property as an extension of the park that's along the circle there. And I think we reached out to see if -- both to Southampton and Riverhead so see if they were interested in partnering with us. So, I don't know that we've heard back yet. So, I'll make a motion to table on 1573, second by Legislator Beedenbender. All in favor? Opposed? Abstentions? **So table.** (Vote: 4-0-0-1. Leg. Cooper not present)

IR 1592, authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the VW Enterprises LLC property Mitchells Lane Farm Town of Southampton (SCTM No. 0900-050.00-01.00-005.000). (Co. Exec.) I'll make amotion to approve. We have the information now. The Town Board in Southampton has passed a resolution to partner with us.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

There is a second by Legislator D'Amaro. Any discussion? All in favor? Opposed? Abstentions?
1592 is approved. (Vote: 4-0-0-1. Leg. Cooper not present)

IR 1603, authorizing the commencement of Eminent Domain Proceedings for the Bavarian Inn property, Town of Smithtown (SCTM No. 0800-171.00-05.00-015.000). (Kennedy)

LEG. D'AMARO:

Motion to table.

LEG. BEEDENBENDER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

In unison. That's a unison motion; co-motion. I'll give the motion to Legislator Beedenbender to table, second to Legislator D'Amaro. Any discussion? All in favor? Opposed? Abstentions? **1603 is tabled. (Vote: 4-0-0-1. Leg. Cooper not present)**

IR 1651, adopting Local Law No. -2009, A Charter Law to authorize the use of development rights for smart growth, community development and job creation. (Lindsay)

LEG. BEEDENBENDER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Same motion, same second, same vote. **(Vote: 4-0-0-1. Leg. Cooper not present)** So that's tabled.

IR 1696, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Passionist Monastery of Our Lady of the Isle property Town of Shelter Island). (Romaine)

LEG. ROMAINE:

Better known as St. Gabrielle's. I believe the Planning Department's going to give us a rating sheet today. We have yet to get that. You did do a visit out there.

DIRECTOR ISLES:

Yes, we did. This resolution was put forward under an active recreation clause in the resolution. The parcel is located in Shelter Island. It consists of about 24.8 acres. It is a retreat, a religious retreat site. It is developed with approximately ten buildings used as -- associated with the retreat operation. It also includes accessory facilities such as a swimming pool, tennis court, driveways and some parking areas.

Most of the site is lawn beyond the developed portions of the site. It is adjacent to County parkland to the west. Based upon the initial resolution for an active parkland use, we had contacted the sponsor as we customarily do with active recreation and suggested and requested the completion of a questionnaire that we began suggesting back in January of 2008 to gain more information about the proposed active use. We did receive that and we appreciate that.

Information provided from the Town of Shelter Island indicated that they would be open to considering maintenance of the exterior parts of the site but indicated that they could not maintain or would not maintain or were not able to maintain the buildings.

Subsequently in conversations with the sponsor's legislative aide, a question was as to what portions of the site does the sponsor want to consider for open space. And the question was brought back to Planning what would we recommend? Based upon that we did conduct a site inspection last week with members of the County Parks Department as well. And we are tabulating that information at this point and can then provide back to the sponsor our suggestions.

The challenge we face here is -- the problem really is the site is -- the development of the site is across the board, meaning from one end to the other. So at this point it's not easy to just draw a simple line and saying that well, this would be a logical addition to what the County already owns. So that's the challenge, is that the buildings are spaced pretty evenly around the site.

We'll be happy to continue a conversation with the sponsor and his office to provide more feedback of our inspection; but at this point there's nothing that emerges as being a clear line. Once that is identified as to the desired open space area as the sponsor may want to go forward, then we can complete a rating form. But at this point based on the development that already exists on this site and the fact that very little of it is natural, most of it is lawn area, we need to just clarify the sponsor's intention as to the open space. And we understand the sponsor was looking for us for feedback. And the site inspection has given us more information now to discuss this and to seek possibilities as to what might work.

And we have circulated in prior meetings an aerial photograph including an oblique aerial, which I think is very helpful in that it gives you a good perspective of the site and the fact that the buildings are interspersed throughout the parcel.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine.

LEG. ROMAINE:

Very quickly. I'll be working with Planning. I'm surprised to hear you say that the Town has expressed no interest. I've spoken to many -- most of the Town Councilmen and they are interested even if the County isn't interested in moving forward in securing at least one of those buildings as a town recreation center or senior center. And specifically they were referring to the farmhouse which is the first building you pass as you enter the property. And they were very interested in the farmhouse.

So that's something you may want to check into because at least in personal conversations with me, and I've gone out there with the Councilmen to tour that property, they have expressed interest because the only other public building in Shelter Island is the American Legion, which the Town Board is now purchasing as a youth center and they were looking for either a senior center or community center that could serve other than youth. And they thought of the farmhouse. If you know the building I'm talking about, it is easily distinguishable from the other -- they were thinking about the farmhouse for that purpose.

So that's something you may want to check with Supervisor Dougherty and some of the Town Board members. The other Town Board member that I toured that with was Ed Brown when we had that discussion about using that as a community center. So that's something you may want to check back into because they've given me just the opposite in face to face discussions with them regarding that particular building. Thank you, Mr. Chairman.

DIRECTOR ISLES:

Thank you for that information. And I'm basing it upon the information we have which says Town of Shelter Island open spaces portion only and does not have resources to maintain improvements. But I will be happy to follow up with the Supervisor and just see if a portion of it --

LEG. ROMAINE:

They did have that conversation with me. Maybe they're saying something to me in person that

they didn't want to commit to on the form because they hadn't taken a Town Board vote on that. But in person they've said to me the farmhouse would be ideal as a community center much as Founders Landing is in Southold, if you're familiar with Founders Landing, that facility is used by everyone in the community, much like that, is used and they use that as the reference point.

CHAIRMAN SCHNEIDERMAN:

Is there a motion?

LEG. D'AMARO:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator D'Amaro, second by Legislator Beedenbender. Any further discussion? All in favor? Opposed?

LEG. LOSQUADRO:

Opposed.

CHAIRMAN SCHNEIDERMAN:

Abstention? One opposition, Legislator Losquadro. **(VOTE: 3-1-0-1. Leg. Losquadro opposed. Leg. Cooper not present)**

IR 1697, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Long Island Beagle Club property Town of Riverhead). (Romaine) This is the Long Island Beagle Club. Director Isles, do you have additional information on this?

DIRECTOR ISLES:

Yes, I do. This is the Beagle Club which we heard of just recently with some testimony presented to Committee today located in the Town of Riverhead, the hamlet of Calverton on the west side of Edwards Avenue. Previously we did circulate a copy of the aerial photograph and rating form. If any members would like to receive an extra copy now, we can provide that.

The property as indicated in some of the testimony today was used as a farm up until, we believe, the 1960's for at least 100 acres of the property. And it is second generation regrowth that's occurring now on the property. We did do a rating based on the County's rating system and, here again, this is based on the information available to us which we've actually reviewed several times now with some of the additional information that's presented.

Based on the County's rating form, it was given 8 points for being within the Central Suffolk Special groundwater Protection area. In terms of additional points, it was given 8 points for the size of the parcel which exceeds 25 acres, so that's the maximum number of points. It did well on that. We also felt it warranted two points for being on a scenic roadway. Edwards Avenue is a scenic corridor extending between the Expressway and Sound Avenue. And, therefore, at this point based on the rating we have, it achieved a score of 18 points.

Two additional comments I'd like to make. Number one is in terms of the Cooper's Hawk on the property, the source, and I'll defer to or ask Laretta to speak if there are questions on that, we refer to the New York State Natural Heritage Program for location of endangered or threatened species. We've done that. We've checked that. And at this point we're not coming up with that on this property. Here again, if there's information that we don't have other than just a sighting of the birds flying over, that necessarily -- wouldn't necessarily give it the point value. But using the state source so far it hasn't come up. So, therefore, we have not given it points for that.

But as far as the -- there is an option also for a partnership agreement. There was some discussion at a prior committee meeting if the Town would be a partner on this, and we heard today the Town

Open Space Committee certainly is supporting it. And through the sponsor there was a -- check with the Town on this -- there have been communications, my understanding from the correspondence I've received is that the Town may not be able to come in as a financial sponsor but may be able to come in as a management partner with the County.

What that then resulted in was a question from a representative from the Town, saying, well, what would that management involve? Based upon that we then scheduled a site visit on this site as well with the Parks Commissioner and representatives of the Parks Department to find out, well, what would be involved in managing this property so that an answer could be provided to the Town, well, this is what would be involved.

That occurred last week. I think it was either Tuesday or Wednesday of last week. And we actually had conversations with the Parks Commissioner today, late morning, to quantify or to identify what that management role might be. Our intention is to share that with the sponsor. I can do that right now if you want or subsequently. And then at that point see if the Town will step in as a management partner. If that's the case, it does add five points to the rating form. So that was the basis of our rating.

CHAIRMAN SCHNEIDERMAN:

That will bring it up to 23?

DIRECTOR ISLES:

It'll bring it up to 23.

CHAIRMAN SCHNEIDERMAN:

And what's our normal threshold?

DIRECTOR ISLES:

Normally it's 25.

CHAIRMAN SCHNEIDERMAN:

But that would be pretty close. Did you want to share some of that information about management of the property?

DIRECTOR ISLES:

Sure. The following items were identified: That, here again, if the Town of Riverhead were to be a partner with the County on the management, number one, would be to provide access to the site, daily access, to open and close the gates each day to make some arrangement for that. The property is fenced. To maintain the lawn areas and trails. You may recall the parcel has three buildings along Edwards Avenue and the rest of it is undeveloped, open space. So the lawns around the building would have to be cut periodically and the trails would have to be maintained periodically as well.

Third item, remove litter, trash and debris. That's a standard, just a clean up as it may occur. Number four would be maintain the three buildings on the site. At least at the present time because the buildings exist there. There's one building that's a clubhouse for the Beagle Club itself. And there are two barns. There is a possibility that those buildings or some of those buildings could be removed upon further investigation into this, but at the present time they're there and that would be something that -- somebody would have to maintain those.

Fifth, is to maintain the driveways and parking areas. Here, general maintenance of those. Six, is to maintain the perimeter fencing. And then seven is to provide site security as needed, you know, depending on how much activity the site has. And the last item which was the idea of eventually if the County were to move ahead with this, there probably should be developed a management plan. And that should be done either through the Town or by the Town or with the Town or some other method to actually produce a management plan for the property. Managements plans are typically

done after the property's acquired and further studied.

So that's identifying some of those things that would be -- likely to be done. The Parks Commissioner did express concern that he doesn't have a presence out there presently. Obviously we're looking at the North Fork Preserve. That's something that previously the Legislature authorized planning steps on. But at the present time the management agreement with the Town might be something that might make it work better.

CHAIRMAN SCHNEIDERMAN:

What about carving out some of the buildings; is that possible? And have the open space or -- and a related question there, too, this was former farm field. It's surrounded by farm field. Could there be a way of restoring some farming on this property or is it environmentally significant what's grown up there in the last 40 years.

DIRECTOR ISLES:

In terms of the first question of a cutout, I would say the answer is yes. I mean that's a possibility. It represents a few acres of the property so I don't think it could be too difficult to cut it out and not purchase that and provide a separate entrance or separate parking area on the property. So I think it's possible.

In terms of the idea of reverting part of the property to an agricultural use, yes, I think that could be done. There is some substantial regrowth, but I think it could be done. And certainly that would be consistent with the other farms in the area.

As far as environmentally and the significance or potential significant impact of clearing that vegetation, none of it is regulated as far as we can tell in terms of any, you know, obviously tidal wetlands, fresh water wetlands are obviously not present on this site. In terms of any other protected species under article eleven of Environmental Conservation Law either endangered or threatened species that are also regulated, here again, there's no known protected species on the property. So there doesn't appear to be any impediment to that.

In terms of, you know, testimony, we've heard about the value of the habitat in terms of the meadows and woodland and so forth, obviously that would be affected if it were cleared. But in terms of any -- but the secondary growth vegetation of the property, but in terms of any, here again, statutorily limiting factor on clearing, I don't know that there is any of that present here.

CHAIRMAN SCHNEIDERMAN:

You've been to the site, yes?

DIRECTOR ISLES:

Lauretta was at the site. I've been by the site a million times. But she conducted the site inspection on behalf of the department last week.

CHAIRMAN SCHNEIDERMAN:

You know, when you have basically what was a fallow farm field and suddenly it grows in, I would imagine that you'd end up with, you know, the hardiest of the invasive species coming in and that you would not have the same kind of characteristics as you would with some of the more mature woodlands and the pristine woodlands; is that true?

MS. FISCHER:

Yes, it's true. It's secondary growth primarily so that you've got thickets and, you know, invasive species in there primarily. So it's a, you know, it's not as pristine obviously as a mature forest habitat at this point.

CHAIRMAN SCHNEIDERMAN:

It seems to me that because it's surrounded by farmland, it might make sense if we are going to

acquire it, to get it back into farming, hopefully organic farming, but, you know, have it build on that farm block there. I think, aesthetically and economically it might be the best direction for it.

MS. FISCHER:

There are three farms that surround the property that are presently protected under the County and Town farmland PDR's. And to the east is a residential community.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine.

LEG. ROMAINE:

Thank you, Mr. Chairman. I'll make it very quick.

First of all, as anyone knows in land acquisition Town of Riverhead has expended all of its funds and bonded it out for the future to buy as much as it could when it could. That's why it can't be a financial partner. Let me ask our Planning Director, have you spoken -- I know you spoke to the Parks and Recreation Director for Riverhead Town; is that correct?

DIRECTOR ISLES:

No. I worked through Lisa Keys who had then gave me an e-mail from Barbara Blass, who presented, well, what exactly would be required for management.

LEG. ROMAINE:

Right, right, okay, which is good because the key thing that I would encourage you to do, and I will be happy to be a conduit to speak to the Town Board on this. What I would appreciate you doing, as your schedule permits, is to put together a letter explaining to the Town Board what a management plan would entail. And I will speak to each one of the elected Council people and the Supervisor about this. Because I think when confronted with this and the possibility of the town cooperating in that fashion, and the County preserving this property, the Town would step up to the plate.

I'm going to get a copy of -- Miss Stark is going to give me a copy of the rating sheet so that I can review it with the members of the Open Space Committee in Riverhead Town so that we can see where the points were that weren't given and possibly try to enhance that. Right now it's scoring 18 points. And usually this Legislature doesn't take a look at acquisition unless it's scoring 25. So we're going to look to see if we can rescore this property. And we're going to go over every single point carefully. I'm going to meet with the Town officials, with their -- Ms. Johnson and everyone else, to take a careful look at this because it's important that every point that is eligible for this property gets. And I'm also going to work with the Town elected officials so that they by formal resolution will adopt a management plan.

So if you will forward to me or copy me on a letter to the Supervisor and the Town Board members on a management plan, I believe that the Town will after due consideration agree to that. The Town has been very, very aggressive in trying to save open spaces in farmland to their credit. Thank you.

CHAIRMAN SCHNEIDERMAN:

Director, what's the zoning on this property right now? It was mentioned that this is in a special groundwater protection area. Is it three acre or five acre zoning?

DIRECTOR ISLES:

It's in an agricultural protection zone as I recall. And it would be a two acre zoning. And Riverhead also has the option of doing a TDR off of that at one acre yield and the TDR coming off of that.

CHAIRMAN SCHNEIDERMAN:

So if this property's developed, and what'd we say, it's 150 acres?

DIRECTOR ISLES:

So half, you know, 75. But then you take off for roads, there's usually like an 80 percent factor so you're probably looking, I'm guessing, at like 65 units or something, maybe 70.

CHAIRMAN SCHNEIDERMAN:

Do they require clustering; I imagine they do, right? So you'd have some kind of reserved area.

DIRECTOR ISLES:

My recollection from the Riverhead code is yes, they do require some clustering. I can get you a firm answer on that for the next meeting if you'd like, but I believe they do.

MS. FISCHER:

If I could just -- also just note that the rating that the Town did on the property is a different rating than the County's. So they do have different criteria and categories than we do. I just wanted to make that clear.

CHAIRMAN SCHNEIDERMAN:

Any other discussion? Committee, where do you want to go with this?

LEG. BEEDENBENDER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

All right. There's a motion to table by Legislator Beedenbender.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator D'Amaro. Any discussion? All in favor? Opposed?

LEG. LOSQUADRO:

Opposed.

CHAIRMAN SCHNEIDERMAN:

Abstentions? All right. **1697 is tabled. (Vote: 3-1-0-1. Leg. Losquadro opposed. Leg. Cooper not present)**

Moving onto **IR 1821, authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(b)] - for the Blachly property - Pine Barrens Core - Town of Southampton (SCTM No. 0900-274.00-01.00-007.000). (Co. Exec.)** It's a 26.7 acre property. And Laretta is distributing the aerial. Director Isles, do you have some information?

DIRECTOR ISLES:

Okay. The subject property is located in the Town of Southampton, the hamlet of Eastport. This is along the north side of Sunrise Highway and a short distance east, pardon me, of County Road 111. The parcel's outlined in red in the aerial photograph. It's 26.7 acres. It is in the core of the Pine Barrens. What you have before you, then, is a resolution to ask you to authorize acquisition of the property under the old Drinking Water program. The subject property was previously included in a broad based resolution authorizing the Pine Barrens Core for acquisition. In this case the Division of Real Property, Acquisition and Management has completed the appraisal and ETRB review process. And we do have a contract on this for a purchase price of \$654,150, and here again approved by the ETRB.

If you have any questions, I'll try to address those. I will finally just in closing point out that the green on the aerial photograph indicates County holdings so we do have extensive holdings within this area as well.

CHAIRMAN SCHNEIDERMAN:

Just for establishing value purposes, if you took the 650,000 plus the Pine Barrens credits, they would add up roughly to the market value of the property if it were developable?

DIRECTOR ISLES:

I'll defer to Real Estate on that but --

MS. LONGO:

The core Pine Barrens properties when we buy it full fee are valued with the Pine Barrens credit value plus the underlying fee. We get appraisals done. And each one is a little bit different. The Pine Barrens credit value, depending on the Town, you know, we look up on the Pine Barren's Commission website and determine how much a credit is. They also tell us with a letter of interpretation how many credits a piece of property is eligible for.

CHAIRMAN SCHNEIDERMAN:

Some of the credits have already been sold or transferred on this?

MS. LONGO:

No, no. That's how you value a property in full fee.

CHAIRMAN SCHNEIDERMAN:

Okay.

MS. LONGO:

None of the credits have been transferred. This is a full fee purchase of this property.

CHAIRMAN SCHNEIDERMAN:

Okay. Any questions? Okay, I will make a motion to approve.

LEG. LOSQUADRO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Losquadro. Any discussion? All in favor? Opposed? Abstention? **1821 is approved. (Vote: 4-0-0-1. Leg. Cooper not present)** Will the Clerk list me as a cosponsor. Also, will the Clerk list me as a cosponsor on 1592. It's one of the tabled resolutions that got passed.

Moving into **IR 1825, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Chandler Estate addition Clarke property, Town of Brookhaven. (Pres. Off.)**

LEG. LOSQUADRO:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Losquadro. Does this need to be on the consent calendar? There's a motion by Legislator Losquadro to approve and place on the consent calendar, second by Legislator Beedenbender. All in favor? Opposed? Abstentions? Approved. **(Vote: 4-0-0-1. Leg. Cooper not present. Approved and placed on consent calendar)**

IR 1826, making a SEQRA determination in connection with the proposed highway and drainage improvements to CR 11, Pulaski Road from the vicinity of Woodbury Road to the vicinity of Depot Road, Town of Huntington. (Pres. Off.) We'll take the same motion, same second, same vote. **(Vote: 4-0-0-1. Leg. Cooper not present. Approved and placed on**

consent calendar)

IR 1827, making a SEQRA determination in connection with the proposed rehabilitation of movable bridges (CP 5806) and (CP 5838). (Pres. Off.) Same motion, same second, same vote. (Vote: 4-0-0-1. Leg. Cooper not present. Approved and placed on consent calendar)

IR 1828, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Mederos property - Patchogue River wetlands addition - Town of Brookhaven (SCTM Nos. 0200-893.00-01.00-023.001 & 0200-893.00-01.00-038.001. (Co. Exec.) This is a 2.6 acre parcel for \$50,000. Laretta is distributing an aerial. Director Isles, if you want to provide us some background.

DIRECTOR ISLES:

Okay. This is a parcel located in the Town of Brookhaven in the hamlet of North Patchogue touching north of Sunrise Highway. And on your map, of course, the subject parcels are outlined in red. To the south is County Road 99 which is also known as Woodside Avenue. The subject parcel was included in Master List II. The parcel is 2.6 acres. And as you can see by the aerial photograph, there is substantial County presence in land ownership and conservation in this portion of the Patchogue River corridor. This would add to that at a purchase price of \$50,000. If you have any questions, I'll try to address those.

LEG. D'AMARO:

Motion.

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

There's a motion by Legislator D'Amaro, second by Legislator Beedenbender. If there's no discussion, I'll take a vote. All in favor? Opposed? Abstentions? **Approved. (Vote: 4-0-0-1. Leg. Cooper not present)**

IR 1829, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Jennings property - Saw Mill Creek addition - Town of Riverhead (SCTM No. 0600-109.00-01.00-012.000). (Co. Exec.) It's roughly a quarter acre for \$13,000.

DIRECTOR ISLES:

This is a parcel on Saw Mill Creek. Once again it's point 236 acres so it is small. However, it is directly in the stream corridor. And as you can see by the aerial photograph, there is a pattern of County ownership that exists here in the green parcels. This is an acquisition that was recommended on Master List II at a total purchase price of \$13,000.

CHAIRMAN SCHNEIDERMAN:

Okay. Motion by Legislator Beedenbender, second by Legislator D'Amaro. Any discussion? All in favor? Opposed? Abstentions? **Approved. (Vote: 4-0-0-1. Leg. Cooper not present)**

That was the last thing on our agenda and we are adjourned.

**THE MEETING CONCLUDED AT 2:12 PM
{ } DENOTES SPELLED PHONETICALLY**