

**ENVIRONMENT, PLANNING and AGRICULTURE COMMITTEE**

**of the**

**SUFFOLK COUNTY LEGISLATURE**

**MINUTES**

A regular meeting of the Environment, Planning and Agriculture Committee was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Monday, January 26, 2009.

**Members Present:**

Legislator Jay Schneiderman - Chairman  
Legislator Lou D'Amaro - Vice-Chairman  
Legislator Brian Beedenbender  
Legislator Daniel Losquadro

**Member Not Present:**

Legislator Jon Cooper - Excused Absence

**Also In Attendance:**

George Nolan - Counsel to the Legislature  
Ben Zwirn - Deputy County Executive  
Catherine Stark - Aide to Legislator Schneiderman  
Tom Isles - Director of Planning  
Lauretta Fischer - Real Estate Department  
Chris Kent - Real Estate Department  
Renee Ortiz - Chief Deputy Clerk - Legislature  
Kevin Duffy - Budget Review Office  
Jim Bagg - CEQ  
Paul Perillie- Aide to Majority Leader  
Evan Esposito - Solar Consulting  
Christopher Wesselburg - Tesla Science Center  
Richard Gearhs - Tesla Science Center  
Marian Lindberg - The Nature Conservancy  
All other interested parties

**Minutes Taken By:**

Donna Catalano - Court Stenographer

**(\*THE MEETING WAS CALLED TO ORDER AT 1:14 P.M.\*)**

**CHAIRMAN SCHNEIDERMAN:**

Good afternoon. I'd like to call the meeting of the Environment, Planning and Agriculture Committee to order this 26th day of January, 2009. If you all will rise join for the Pledge of Allegiance led by Legislator Lou D'Amaro.

**SALUTATION**

If you will remain standing for a moment. We have learned today of the passing of National Guard Specialist Jonathan Keller, age 30, from injuries sustained in Afghanistan. He was with the Fighting 69th. His sister and brother -- two brothers live in Wading River. If we could put him and his family in our thoughts and prayers. Also, I learned today that the father of one of our colleagues, Lynne Nowick's father, Eugene Cannataro, passed away this morning as well. So to Lynne and her family, we send our prayers as well.

**MOMENT OF SILENCE**

Thank you. We're going to begin today with a short presentation, then we have two speaker cards, then we will move to the agenda. I'd like to ask Evan Esposito, who's involved with solar consulting to step forward. I think he has a brief presentation, a Power Point for us.

**MR. ESPOSITO:**

Good morning.

**CHAIRMAN SCHNEIDERMAN:**

Good morning.

**MR. ESPOSITO:**

Hello. Once again, my name is Evan Esposito. I represent both the Port Jefferson Village go Green Committee and also, we're aligned with Stony Brook University. I am the Long Island solar consultant. And I've been doing business since the September 11th attacks. And this is a quick presentation. The first presentation couldn't be downloaded, but this is a supplement and will serve as informational to the board.

**(\*A VIDEO PRESENTATION WAS PLAYED FOR THE COMMITTEE\*)**

**MR. ESPOSITO:**

There's been a major push within the County for these type of buildings, eco-friendly buildings. And right now, we have a little bit of a problem. We don't have the manpower if we're really going to roll this out on a huge scale, which we're trying to do. We want to try to spur job growth within the County, job creation, and initiate a policy that will instill that into the workforce.

Right now, the only ones that can install solar panels in the County are Master Electricians. I don't know if any of you know what it takes to be a Master Electrician, but it does require years of understudy. And most of the Master Electricians that I work with personally have no idea how to install photovoltaic solar energy, clean energy. They don't want to even be bothered with it some of them because it's very time consuming.

So I think we should pass -- have new legislation passed that will create solar installers, adopt new licensing within the County, which will also add some monetary benefit to the County. And as we move forward, I think that the County should adopt legislation that mandates commercial buildings to incorporate solar energy for the benefit of our environment, number one, for the -- for the benefit of job creation within the County and also, it's the right thing to do.

There's a lot of green building practices going on throughout the country. New York is lagging. We are, you know, coming up with a new leadership. I don't know if anyone saw President Obama speak this morning, but he's pushing for major growth, green-job, green-collar growth within the USA. And I feel that Suffolk County can lead the way starting with the new solar installers license, which doesn't require a Master Electrician and doesn't even require any type of electrical hook-ups or anything like that. That would be the first step. And then we can move forward into maybe adopting some legislation to require -- actually some law, because I feel that where law ends, tyranny begins.

We need to have laws in place to protect our environment. I've seen a dramatic growth of, you know, carbon -- carbon dioxide usage in the County. I've lived -- I was raised in the County. And I think that we're not doing a good enough job to stop it. I was just on the ferry going to Connecticut yesterday, and -- actually coming back from Connecticut. And I went downstairs into the internal section of the ferry, and you could just smell the CO2 within that ferry. And you could realize what we're doing. And Obama's push now is to try to reduce our emissions. And I think that the County should definitely pass legislation that way, because if we continue on this road, we're headed for disaster.

So I hope that this first step of solar installation licensing that's trying to create job growth here will be a step in the right direction and we'll do the right thing with each other.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. I was just looking over this solar installer license, because as I was listening to you speak, I thought it was sort of analogous to sign installers, that the sign installers can put the sign up, but they just have to have the electrician do the final hook up into the power supply. And that's basically what you are looking for here, would that be a correct analogy?

**MR. ESPOSITO:**

That's correct.

**LEG. LOSQUADRO:**

Because I'm reading what you -- what you have here, and I have to agree with you. It doesn't seem to make sense that the actual installation of the racks and brackets and things of that nature would be covered by the -- or governed by the same laws as the plumbing and electrical licenses. To me, like the signs, it would only be the final hook up that would be subject to that, so. And that may be the case any way. There may be a misinterpretation already, because I know that applies to the signs. So it's something we will have to look into. Thank you.

**MR. ESPOSITO:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Have you found this to be a hurdle or something that's slowing down the solar industry, this requirement?

**MR. ESPOSITO:**

Most people these days -- I mean, I don't even know if the board knows a lot about photovoltaics or its usage. You know, I can probably -- do you know what an inverter is?

**CHAIRMAN SCHNEIDERMAN:**

I do.

**MR. ESPOSITO:**

Okay. That's good. A lot of people don't know what an inverter is. The layman doesn't really know what it is. So I think that as we develop these jobs, the word is going to go out. I mean, I have had -- I've seen problems within my own industry. I had to personally train people, you know, how to do things. A Master Electrician is asking me how to do things with regards to solar. And the up and coming generation, the youngest of our County are very interested in this and they're willing to learn. They don't have the proper training in place. Right now, I'm working with Western Suffolk BOCES. They're looking to take me on as a full time employee to roll out classes with regards teaching solar proficiency.

**CHAIRMAN SCHNEIDERMAN:**

I know that there's a lot of different products out there on the market now in terms of photovoltaics. Some include, like, a roofing shingle. It looks like a roofing shingle, but it's -- it is a roofing shingle, but it also is a solar collector, an active solar collector. So I would think that the skills involved were largely carpentry skills in installing that product.

**MR. ESPOSITO:**

Well, the solar shingles are very, very expensive, and the efficiencies on those shingles are very low. They are cosmetically appealing. But the panel themselves are the highest technology we have for clean energy right now, and they come with a 25 year warrantee. Those shingles come with less of a warrantee, but they are cosmetically appealing. And they are more of a roofing job, so I think that would work well in the carpentry field. But again, you know, you need some type of experience and knowledge, you have to have the testing in place and you have to also be able to, you know, know how to run the job as far as project management and foreman, stuff like that. You have to have some training, and it has to be specific to that -- to that framework.

**CHAIRMAN SCHNEIDERMAN:**

Even installing traditional solar panels, which could, you know, potentially be ripped off a roof in a high wind situation. I mean, you want somebody doing that who has the skills on the -- you know, the structural side. Certainly hooking it into the breaker box, you know, into your panels, that's something, you know, you need to have an electrician so you don't burn the house down for the connection piece. But I'm not sure you need a Master Electrician actually putting the racks up on the roof. Maybe somebody with a carpenter's license. But, you know -- home improvement contractor of some kind, which is pretty much what you are suggesting.

**MR. ESPOSITO:**

It would be specific to the green market, to the green energy market. You know, instead of just having these old terms laying around, we need to have some change and to focus on the jobs of the future I think.

**CHAIRMAN SCHNEIDERMAN:**

Right. You think this would stimulate --

**MR. ESPOSITO:**

Knowledge.

**CHAIRMAN SCHNEIDERMAN:**

No. In terms of the creation of more solar rooftops.

**MR. ESPOSITO:**

Absolutely.

**CHAIRMAN SCHNEIDERMAN:**

Anyone else? It's an interesting idea. Thanks for bringing it to our attention. All right. Thanks. Okay. Let's move on to our public portion. Each speaker will be given three minutes to present. Our first speaker is Catherine Collum.

**MS. COLLUM:**

Thank you for the opportunity to speak today. I'm here regarding the proposed changes to establish notice protocols for applications under review by the Suffolk County Planning Commission because of a situation that happened to me in March of 2008.

After battling many local and County agencies to subdivide my parents' property so that I could build a house and live in the community that I grew up in and currently teach in, I thought I had fought and won my last battle. March of 2008, I had a public hearing before the Town of East Hampton Planning Board, and as far as I knew, this was my last meeting and my last hurdle. The meeting went well. And I had finally completed five and a half years of battle.

The day following my public hearing, a memo was issued by the East Hampton Town Planning Department containing a statement from the Suffolk County Planning Commission. As I read that memo, I learned that Suffolk County Planning Commission had made a determination that said I should not be allowed to subdivide my family's property. The only hope I had was to get a supermajority vote on the town level of the Planning Board which would overturn this decision.

March 13th, 2008 was the day that I learned about the Suffolk County Planning Commission. I was not aware that this agency existed. I was never informed by the Town of East Hampton Planning Department that they had sent paperwork to this agency for review. I was never informed that this commission would hold a hearing that I had a right to attend. And in the end, I was sent a bill by the Suffolk County Planning Commission for their review of paperwork I never asked them to look at.

Through all of my efforts for five and a half years, I was the one that was required to submit paperwork to town and County agencies. At the time of submission, I submitted checks for the fuse. I was made aware of the meeting dates and times for all of these other town and County agencies, and I was allowed to speak on own behalf so that these various boards understood my project and it mattered every single time. There are many individuals who believed that I would never make it to actual subdivision of this land, but I did because I attended these meetings and I spoke and the people could see the value in this project and why it was the right thing to do.

I was not allowed that opportunity with the Suffolk County Planning Commission, because I was never made aware that my paperwork was submitted, much less that there was a hearing. In Spring of 2008, I approached Legislator Jay Schneiderman with my situation. I felt that what had happened to me wrong. The fact that I had a right to be at that meeting but was not aware was wrong.

In the end, my story does have a happy ending, but I do not want what happened to me to happen to anyone else. I ask for your support with these changes so that individuals with applications before the Suffolk County Planning are informed and can exercise their right to appear before this commission at their hearing. I thank you for your consideration.

**CHAIRMAN SCHNEIDERMAN:**

Thank you. Marian Lindberg.

**MS. LINDBERG:**

Good afternoon. I'm Marian Lindberg from The Nature Conservancy. And as usual, I have documents I'd like to show you. I'm here to speak about the second to last item on your agenda, Legislator Browning's planning steps for the Kramer project, 2010 is the resolution number. This is Mastic Beach, the Sheep Pen Creek area. The County owns all of these parcels in green on your map with the exception of one parcel that's owned by the Town of Brookhaven. John Turner of the town brought this project to our attention.

As you can see from the photographs, this is a house that should never have been build where it is. And there's an opportunity now to acquire the land, remove the house, remove the utility poles,

because I think you'll see in the second photograph that the utility line ends at that house. And the road also can be removed and the marsh restored. I think John Turner was trying to reach a couple of you about the town's interest in demolishing the structure. And you may want further commitment in that regard, which we can certainly work on getting.

But I think the important thing is for the County Legislature to understand that this is a great opportunity to do a marsh restoration project that is very feasible. The last time I was before you, I was speaking about a large project, the Cavett acquisition. This is a very small project, but that's attractive in this case, because it's doable, it's feasible, there's no controversy. This isn't a marsh restoration project that involves mosquito ditching or phragmites. It's demolishing a house, which I think you will see in the last photograph, is in pretty poor shape. The owner is a willing seller. I've spoken to him, I have a signed letter of interest. He's in favor of having the marsh restored there. This would be a nice model project and give those people who are speaking about coastal resilience, which is so important on our Island, a real example of how it can be done.

I do not think this will be an expensive project. Of course, there will be an appraisal. The owner has an asking price which I won't even give you, but it does indicate that the project will not be extremely expensive. And there is some danger that if the project -- if the land is not acquired, that somebody could buy property with its waterfront location. A highly motivated, well-funded owner might be able to obtain a building permit and rebuild on this site, which would be a very bad precedent. So the County and the town have an opportunity to undo something that should never have been done in the first place. And hope that you'll support the project. Thank you very much.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Thank you. Christopher Wesselburg.

**MR. WESSELBURG:**

Thank you very much for the opportunity to speak to you. I'm speaking on behalf of Tesla Science Center at Wardenclyffe, formally also know as the Friends of Science East. It's a local group of citizens, of residents, of Shoreham in New York. And we have in Shoreham something, which is not very well known, but it's a gem on Long Island. Long Island, as you know, has an extensive history in science, etcetera. There are lots of names that came from the area. But probably what's not so well known is that Shoreham has the only remaining existing laboratory of Nikola Tesla.

Nikola Tesla, you may know, was the person who brought us our alternating current. So if we didn't have alternating current, we couldn't transport electricity over long distance. And in Shoreham there's this laboratory remaining. It became an industrial site, and that's what it has been for many years. It is now owned by Agfa Corporation. Agfa Corporation bought it from Peerless Company, which was a photo producing company. They made {emultions}, etcetera.

And this property had some industrial legacy, some contamination, which has been cleaned up. But this is finished, and now comes the State when this property is probably ready to be handed over to be disposed of, perhaps sold to someone who can come up with the funds to acquire it. But Long Island with this enormous history in science and technology should really have a place where -- some way of keeping this property within the public arena and not make it into something private.

I should also say that the building itself is still there. It's an old brownstone. It was built in 1901 by Stanford White, who was a renowned Long Island architect. And it was just recently, at a book store, I walked in in Huntington and opened a tomb, it was a book that thick, about buildings that Stanford White had built all around the area. So it's something that this has historic value. The building itself is on the Town of Brookhaven Historic Register. And this -- our group has been trying now for 15 years to pursue the dream of converting this site, a 16 acre site, into a science and technology museum and center. And we -- I'm speaking here on behalf of Resolution 2238, to begin the planning process for acquiring the property.

**LEG. LOSQUADRO:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Thank you, sir. And Richard Gearn.

**MR. GEARN:**

Hello. Good afternoon. My name is Richard Gearn, and I also represent Tesla Museum and Science Center. I'm a local teacher. And I'm here in support of Resolution 2238, to acquire the property -- at least to plan -- begin planning stages.

There's a lot of educational value in the site. I'm not sure if you're aware, but Tesla has a tremendous history in physics, although he's somewhat of an uncelebrated hero of electricity. So I'd like to support the resolution for beginning planning mostly because we would like to pursue the dream of creating a museum that would be dedicated to the legacy of Tesla and electricity. And we think that it's a good location between Brookhaven Lab and Stony Brook University for conducting science workshops and summer camps for students, because there's a tremendous number of people who are involved in science and in education throughout the North Shore there. So we would like to hope you begin that process to take a look at the property. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Thank you, sir.

**LEG. LOSQUADRO:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Let's move to the agenda. First, let me state that Legislator Cooper has an excused absence from today's meeting. Secondly, I'd like to take some of the resolutions that were spoke of in the public portion out of order so that people don't have to stay for the whole meeting. And we can do them in the order that they appear. First one would be IR 2026-08, it's under Tabled Resolutions. So I'll make a motion to take -- 2026 -- 2026-08 out of order, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions?

So **2026-08** is now before us. **2026-08, Authorizing the Suffolk County Planning Commission to establish notice protocols for applications under commission review. (Schneiderman)**

It was tabled after some comments by Commissioner Isles. I've been working with the Commissioner over the last few months to try to address as many of his concerns as I could. The nature of the concerns basically was that the Planning Commission itself doesn't really hold a public hearing. It's an interagency referral process through the towns. And the Commission's concern, which I'm sure he can express more eloquently, was that we were establishing kind of a new protocol in letting the applicant -- providing notice to the applicant, and what about neighbors or people might be opposed. And so I amended the bill to notify the town, but also to notify the applicant as well through some kind of cc process. But I left the methodology for notifying the applicant up to the Planning Commission -- well, to the Planning Director. Commissioner, do you have anything you want to add to that?

**DIRECTOR ISLES:**

Let me begin by saying that I appreciate your cooperation in allowing me and the members of the Planning Commission to review this in greater detail based upon the tabling resolution that occurred at the last meeting and for understanding the Commission's point of view, which is -- their point of view is that they certainly welcome public involvement in their meetings. They are controlled in terms of their actions by General Municipal Law, but nonetheless -- and also on a very tight timeframe in terms of how much time they're permitted to have to review cases, which is a maximum of 45 days.

So here again, on behalf of the Commission, we do appreciate your consideration on this. The Commission has previously adopted a policy to post tentative agendas on the internet, so certainly that portion of this is currently in effect, and the Commission intends to continue that way. As far as the proposed language, it's the belief of the Commission that this could be accomplished in the guidelines. We do -- I did see this today, the language you've proposed, and I think it does help in terms of giving some flexibility to the Commission and to the Department in terms of how to structure this so it has minimal impact in terms of cost of operations and so forth.

So fundamentally, here again, the Commission runs a very open process, they welcome public comments. It is not a public hearing as you mentioned. They have taken steps to provide outreach. They are controlled by General Municipal Law in terms of they are a referral agency. I would be happy to bring this back to the Commission to let them know of the changes. I think this is something the Commission could probably live with from their perspective, not speaking for them, and here again, letting us work out the details in terms of the protocol language.

**CHAIRMAN SCHNEIDERMAN:**

Thank you, Commissioner. Legislator Beedenbender.

**LEG. BEEDENBENDER:**

Good afternoon, Tom. I just had a couple of questions in relation to some of the things that the woman who spoke earlier said. If this is a residential subdivision, why is it at the Planning Commission? I'm not familiar with all the guidelines, but.

**DIRECTOR ISLES:**

There are a number of criteria for referral to the Planning Commission including certain zoning and subdivision matters. In this case it would be a subdivision. It may also be -- have been a matter through the Board of Appeals. A subdivision that falls within certain geographical distances would then be required to be referred by the municipality to the County Planning Commission. And that could be, for example, within 500 feet of a municipal boundary, State or County Road and so forth. So this hit one of those triggers. I believe the issue was an access by easement, so it was what the Planning Commission considered to be landlocked parcel, which is contrary to Commission policy.

The Commission does not intend to substitute for local decision makings, but it does bring forward matters of County-wide and inter municipal significance that it believes should weight into the local decision.

**LEG. BEEDENBENDER:**

All right. And the second thing that -- I apologize, I don't remember the woman's name -- but she said that she got a bill from the Planning Commission. Is that standard practice, because I hadn't heard of that before?

**DIRECTOR ISLES:**

It is standard practice. Approximately 13 years ago, as I recall -- well, before my time, the Legislature did adopt a fee structure for the County Planning Commission. So if matters go to the Planning Commission on zoning, site plan, subdivision, there is a fee, I believe it's \$50 a lot for a subdivision, that is then billed to the applicant.

**LEG. BEEDENBENDER:**

Okay. I just simply was not aware that that was in existence. Okay. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

We can bill them, but we can't tell them that their piece is up for discussion.

**LEG. D'AMARO:**

Commissioner, you asked that it be tabled for the Commission to review, is that what you are asking

today?

**CHAIRMAN SCHNEIDERMAN:**

No, I don't think so.

**DIRECTOR ISLES:**

We had asked for that at the last meeting. I'd certainly be happy to bring this back to them, the revised language, they have not seen it. I think this probably covers most of what they are looking for, but here again, I can't speak for them. Obviously, if it tabled, that gives me the opportunity to do that.

**LEG. D'AMARO:**

Do you have any idea what the protocol would be for notifying applicants that their application is going up to the Planning Commission?

**DIRECTOR ISLES:**

We've considered that in terms of how could we accomplish the intent of the Legislature if this is passed. Since we are a referral agency, and I talked to my staff about this who would actually implement it, we feel we could without creating a large additional amount of work for the department notify the municipalities relatively easily. The municipalities send about 2500 cases a year to the County Planning Commission. A small fraction go to the Commission for regular meetings. We feel, based upon our analysis of the work, that we could provide a notification back to the municipality seven days prior to the meeting that, hey, this item is -- these items are scheduled for the Commission meeting to be heard on such and such a date. And then the suggestion -- which is not something we currently do -- then the suggestion that we somehow copy, cc, the applicants so that they're also aware of it.

I will tell you that it is not uncommon for municipalities, and it's not uncommon for applicants to track their applications. I realize this applicant is not a professional applicant or developer or something of that nature, but in my eight years or almost eight years with the County, this is the first complaint of this nature that I've received. We respect it, we understand it, and we'll try to accommodate it, but we're trying to do so with the least amount of cost and impact to the County, but still accomplishing what the Legislature may chose to do.

**LEG. D'AMARO:**

So if you sent a cc of the correspondence back to the town, that would be a direct notification to the applicant from the Planning Commission.

**DIRECTOR ISLES:**

Yes.

**LEG. D'AMARO:**

Why is the preference to do it as a cc as opposed to addressing the applicant in that letter? Any reason for that?

**DIRECTOR ISLES:**

Because our primary jurisdiction is as a referral agency to the municipalities. So they are our customer of sorts in that first sense. And the Commission -- you know, for example, the Commission has a policy whereby any of the materials that the Commission considers what's called a full statement of the facts, that the Commission is allowed to weigh in on an application has to meet material that comes through the municipality. Extraneous material that may arrive, we always refer to the municipality for them to valid that it is in deed part of this case and pertinent to that case.

So the process is set up, here again, as a referral process. And we'd like to stick with that at least in terms of our preference and the Commission's preference to keep the municipalities in the loop so

that they're aware of materials going back and forth, information that may be presented in the record is shared with both agencies, and here again, especially the originating agency.

**LEG. D'AMARO:**

The Planning Commission has a public portion where an applicant, if they know that their application is being heard or reviewed rather, could come in and comment on the record with respect to their own application, and would those comments be considered by the Planning Commission?

**DIRECTOR ISLES:**

The Planning Commission does have a formal public portion of every meeting. And any member of the public certainly could appear before the Commission and address the Commission directly on specific cases, certainly they can bring forward information. The Commission would then have to weigh its relevance, significance and validity, but certainly they can consider it. I will tell you that that may then seek verification of information from the municipality. But certainly, there is a formal process, the Commission encourages public comment and participation, and certainly that would continue.

**LEG. D'AMARO:**

Okay. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. At the end of the day, we all work with for the residents of Suffolk County. And I understand that this may be a referral-type situation for the towns, but I think any of the processes should be navigable by the average resident. And I know when I just renovated my house, I went through the process myself, the whole permit process. I didn't have a professional do it. And I think it's something that everyone in elected offices should go through once in their life to understand what people actually face. And sometimes it is daunting and sometimes you do feel like you need a professional to navigate it. And I think sometimes we make things so complicated or make information so difficult to find, and not even deliberately. It's just that, well, the town is the one who we're referring this information to, so that's the way we do it.

I think this is certainly worthwhile to add one extra component to this; that when we notify the town of this, that if we do it as a cc, as you suggested, but in some way create a mechanism that the applicant, not the expediter or anyone else who's tracking this process or who knows the ins and outs of it, but the actual owner of the property who's going to be affected by this decision is notified in the same manner in which the governing municipality, be it town or villages. I think it's a good idea. I think it's a relatively simple step to put in place, at least I hope it is. And I think it's something that would be very worthwhile.

As you said, we may not hear it very often, this may be the first time you heard about it, but I know I hear from people all the time about the difficulty of navigating the permit process, be it with the town or with the Health Department. You know, oh, now I have to go to the County. I think if people had clear information presented to them, it would certainly make this process easier for them to follow, easier for them to understand and give them something that's very important to all of us, which is a level of confidence that government is doing things in their best interest. So I think this is a good proposal.

**DIRECTOR ISLES:**

If I can just comment on that. I just want to underscore once again that the Department and the Commissioner have no quarrel with the intent to this. And the comments that are being stated are relating to the formal general municipal role, but also the practical aspects of this. About 95% of the referrals that are made to County are reviewed and returned to the municipalities within about ten days, so it's a pretty quick process that we do. And typically, it doesn't slow down the review

process.

But the context too, in terms of the review, certainly, the notification to land owners, applicants, one can certainly understand that. And the intent is 100% understood. As we talked about at the last meeting, as you think about this, sometimes you think, well, then, okay, so we're going to give direct notification to the town, that makes sense, direct notification to the applicant, that make sense. But what about -- are we then going to have a situation, well, in fairness to everybody, then we should give notification to the adjoining neighbors, to the civic groups perhaps who also may have a say in this. And here again, not quarreling with the intent, but then it's --

**LEG. LOSQUADRO:**

Well, first of all, civic associations, while I know that towns or other people look to them for guidance, they are not an elected level of government. So they technically, and I'm sure you know this, have no legal say in the process. As far as the adjoining adjacent landowners are concerned, they are notified by registered-return receipt mail, because I know I had to go through that myself and had to spend a lot of money sending those letters out. They already are formally notified of the process at its outset. And if they want to continue to follow it themselves, they receive a formal notification that the process has begun.

I understand you are saying it's well intentioned, but you keep trying to qualify it along with the way. I think we're in agreement that the intent of the legislation is a good one. I don't think it opens up the type of issues that you are -- you're seeming to, you know, extrapolate out different possible outcomes here, scenarios here. I don't think those apply. I think this is a simple matter of a formal notification to the applicant. And I don't think it really goes beyond that.

**CHAIRMAN SCHNEIDERMAN:**

There is a provision in the bill, the Commissioner spoke of earlier, that does provide additional notice in general by -- and they already have this in place, but it codifies a procedure that's already happening, which is to place it on to the website. So if somebody, a neighbor, is following the process, they could pick up by checking the website that the application is going to be in front of the Commission. So there is a procedure for that.

**DIRECTOR ISLES:**

But if I can just add, you know, here again, the registered receipt, you know, notification, that's for the public hearing at the local level. So a neighbor may say, "Hey, wait a second. You had this meeting at the County Planning Commission, you notified the applicant, but you didn't bother notifying me, and I'm the one who's going to be affected by this."

Here again, I don't want to carry it to extremes. Here again, the Commission has no problem with the intent of this, and the Department has no problem administering it the way it had been currently drafted by the sponsor. So, please, don't misinterpret it as opposition to the idea. It's just being candid in terms of the practical aspects and also the -- really the planning impacts. I worked for a municipality that customarily notified civic associations, and here again, in terms of a level playing field and fair process, we want to do the best that we can at least to ensure that the process remains fair.

**CHAIRMAN SCHNEIDERMAN:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Just to pick up on that. You make an excellent point. When an application goes in to a town, for example, and it goes to, let's say, the Engineering Department and then the Planning and Development Department, there's a review, a level of review, that goes on within the town where the applicant's not given notice that an agency or an arm of town might be reviewing that application. So I can understand your analogy.

The difference is that here you have -- it's going to a different level of government. It's not within the town where you apply originally. And also, there is a public hearing that's held. And certainly if it's, by its very nature of a public hearing, that someone wants to come down and be heard, well, they can't be heard if they don't know about it. But I just want to maybe pick up on your point that I would be concerned should the applicant be notified, but the neighbor who's affected and may be in opposition never got that notification. I think that's a legitimate concern. And maybe we should expand the legislation to mandate that affected neighbors be notified. What would be your thoughts on that?

**DIRECTOR ISLES:**

Here again, the thought then would be how can we accomplish that in meeting the timeframes in General Municipal Law and County Law. We would then have to get a copy of the notification list from the municipality. We would then --

**LEG. D'AMARO:**

Well, no. What if you required -- what if you required that the applicant do that similar what the towns do, I believe, and then, you know, would just sign an affidavit that the mailing has taken place?

**DIRECTOR ISLES:**

That would be easier. Two comments on that. One, here again, can we accomplish that in the timeframes we have? The Commission has 45 days upon receipt of an application to review it and return a response back to the municipality.

**LEG. D'AMARO:**

What is that, 45?

**DIRECTOR ISLES:**

Forty-five.

**LEG. D'AMARO:**

Right.

**DIRECTOR ISLES:**

The Commission meets once a month. So a lot of times we're compressed into, like, a two week time period. If we could accomplish it in that time period, that wouldn't be a problem. If we were to notify the municipality and the applicant by cc, it's the applicant's responsibility to service notice based on the notification list. And if they have enough time to do that, then it could work. If they don't have enough time, then obviously, people may not be given adequate notice of the Planning Commission Meeting. So that's just one comment in terms of a practical thing.

The second comment is here again, something we talked about a little bit last time is the more philosophical is what is the role of the County Planning Commission. And if the neighbors and the applicant are given notice and come down to a County Planning Commission Meeting, the County Planning Commission is not to substitute or take the place of a local body. But if it starts to walk like a duck and talk like a duck, does it then take on the feeling of a local planning board?

That's looking, here again, as an extreme scenario, maybe I'm going a little bit too far on that. But it may start to convey the impression to the public, oh, we have a Zoning Board hearing or we have a Planning Board hearing. And General Municipal Law is specific in terms of the County Planning Commission can look at County-wide and intercommunity issues. They're not necessarily there to be looking at local issues and second guessing the municipality in that sense. So it's a fine line distinction and maybe it wouldn't be an issue. But it would be something of concern to me that we're now creating this whole process hearing or at least what's going to look like a hearing process. It's something I can certainly think about further if we do do that broader notification. And I'd probably like to -- I think it would be fair to ask the municipalities how they feel about it too.

**LEG. D'AMARO:**

Yeah. I think that's all fair concern. You don't want to throw out the impression to an applicant that the zoning authority or planning authority lies with this particular commission when it does not. But I've also found that if you make those statements at the beginning of a meeting, "whoever is here to address on a particular application be aware of the limited jurisdiction of this Commission," you know, something like that might be a very quick way to get around that.

But, you know, I think like most of my colleagues or all of me colleagues, we err on the side or more disclosure, more transparency, more notification, more participation in the process, and that's something that I would favor as well. So I appreciate you working along with the Chair of this committee to come to, I think, what is an acceptable compromise, if I'm hearing correctly, on both ends. And I appreciate that, Director.

**CHAIRMAN SCHNEIDERMAN:**

Thank you, Legislator D'Amaro. Thank you also, Commissioner, for working with me. And thank you, Ms. Collum, for bringing this matter to our attention. I will make a motion to approve 2026, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions? **APPROVED. (Vote: 4-0-0-1 Not Present: Legislator Cooper)**

I now make a motion to take IR 2238, this is the Tesla property that was discussed before, known as the Agfa property, 2238, out of order. Do I have a second?

**LEG. LOSQUADRO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Seconded by Legislator Losquadro. All in favor? Opposed? Abstentions? And Legislator Losquadro would like to make the motion.

**LEG. LOSQUADRO:**

Motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

I'll second. All in favor? Opposed? Abstentions? I'm sorry, I jumped ahead. It's in front of us and seconded. It's out of order. We did have a motion and a second to approve, so it is before us.

**2238-08, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Agfa property - Town of Brookhaven). (Losquadro).**

**CHAIRMAN SCHNEIDERMAN:**

Commissioner.

**DIRECTOR ISLES:**

Okay. The subject property is indicated in an aerial photograph that has been circulated to committee. The subject parcels are outlined in red ink and -- on the aerial photograph indicating a parcel of about 13.4 acres in Shoreham in the Town of Brookhaven along State Route 25A on the north side of the property.

The property, as you can see on the aerial photograph, is a site that's predominantly developed, primarily with industrial-type uses; manufacturing and similar type activities. A portion of the property to the west and south is wooded.

The resolution before you is for planning steps to move ahead with consideration under a -- under the new Drinking Water Program for active recreation and history hamlet park, cultural park uses.

Accordingly, we did complete a rating form for that program and have submitted that with the aerial photograph as well. The rating form comes up with a total of 29 points for the subject parcel.

The Planning Department about a year ago had discussed with this committee a request that sponsors for active recreation uses complete a questionnaire that would aid the department in the review of these cases. And the reason we do that is when we're buying open space, it's pretty straight forward what's going to happen to the property; the trees are going to remain trees, the wetlands, wetlands and so forth.

When we're dealing with active recreation, it's -- they're much more complex in terms of the transition from an idea to an actual active parkland use. We've had a wide variety of historic buildings, of demolitions, park development and so forth. So the form has helped us to organize this information and provide input back to you in terms of -- and the County Executive on the planning and park -- Parks Department impacts.

In the case of this proposal, we did receive a form completed by the sponsor that does outline some of the aspects of this proposal. So as we understand it, is how the form was completed, which is the 29 points. As we understand it, and the sponsor is here today, the proposal involves purchase of this site for little or no consideration -- and we'd just like to hear that. We're not sure about that, but that's what we understand it to be.

Secondly, we understand that most of the buildings on this site are going to be demolished and removed from the property, obviously with the exception of the Stanford White Building, the historic building on the site that is the most notable building. From that, we also understand that there will be a management plan put into affect for the property. And those three considerations in terms of the purchase price, the cost of site preparation for the ultimate use, the park active recreation use, and then the ongoing management are all considerations that weigh into the ultimate question of an appropriate County participation in this.

County Parks Department, as we may suspect, has been -- had a significant obligation in terms of the current park system. Active parks have a much higher demand for County Parks services and a cost for County Parks services. So here again, that consideration of ongoing management maintenance becomes important. But that's the report of the Department at this point.

It scored 29 points based on the information we have. It was based upon those assumptions, which I laid out at this point. We do understand that planning steps is just that, it's planning steps. And certainly going into final authorization to acquire, a lot more information would be necessary. But once again, our experience has shown that with planning steps, a lot of this front-end information is important, because obviously, this is considerable effort expended. And a lot of it has to come together with those pieces; the -- how is the site going to be developed and how is it going to be managed and who is going to pay for it. Those are key questions that go way beyond just acquiring real estate. If you have any questions, we'll try to answer those questions.

**CHAIRMAN SCHNEIDERMAN:**

A few, I think. Commissioner, what is the threshold? I forget. On the various programs, there's different threshold numbers before there's a recommendation Planning Department. Is 25 the number under this program?

**DIRECTOR ISLES:**

Twenty -- five, yeah.

**LEG. LOSQUADRO:**

If I could, Mr. Chairman just add a couple of points before you --

**CHAIRMAN SCHNEIDERMAN:**

Also, because I haven't seen the park plan for active use, can you tell me what it contains?

**DIRECTOR ISLES:**

I'm not sure if I understand the question.

**CHAIRMAN SCHNEIDERMAN:**

Was it football fields, baseball fields?

**LEG. LOSQUADRO:**

Jay, I can explain it.

**CHAIRMAN SCHNEIDERMAN:**

Let's go to the sponsor.

**LEG. LOSQUADRO:**

It's a very unique -- it's not the typical active use that you're thinking of. Well, first of all, I'll just say, in Part A of the rating form, Historic Cultural Features, this parcel could very easily rank many more points, perhaps as many as 13 point. But the problem is only the owner of a site can register something as a historic landmark. So up until this point, while the DEC was managing the cleanup of this property, the owner of the property has not been willing to register the Stanford White Building as a historic site.

It's clearly a very important history site, as was pointed out by the gentlemen who are here from the Tesla Science Center Organization. This is Tesla's last remaining laboratory. It is designed and constructed by Stanford White, who, if you've ever been down to Washington Square Park, designed and constructed the arch down there in Manhattan. A very important architect nationally, not just here locally. So this could rate even higher than it does.

But it has some very unique possibilities given Long Island's history with wireless communications, with the RCA property, which is very close by, {Marchony's} work that took place in the same area. To be able to not only preserve that building for its historic significance, but also to incorporate Brookhaven National Laboratory, Stony Brook University, to have a science center and perhaps even an active science museum that people regularly travel to Brooklyn or to New Jersey to some of these facilities to go to, we really have the possibility, I think, of creating something that -- that we can bring the business community in, a private partnership, as well as multiple levels of government.

Obviously, most of you have heard my talk about the fact that I was a history major, so this is something that I've been very, very interested in. And now that we are at the point that the property could be open for consideration, I certainly want to take point on this.

As was referenced by Planning, we don't exactly know what the ultimate disposition of this parcel will be. There's been a lot of discussion of this parcel being donated to a level of government, be it the town, the County, the State. We're not sure at this point. But we do know that Agfa does have plans to remove some of the outbuildings already. As soon as the cleanup was completed, they have plans to remove those buildings that are not of any historical significance.

This parcel has been under tremendous scrutiny for a number of years because of Peerless Photos' activities during decades past there. So there are a number of portions of this parcel that could not be developed. It would make this parcel difficult to develop as a standard subdivision or as a stand commercial use, because there are some monitoring wells. There is Tesla's original tower base, which cannot be built upon.

So I think the most prudent course of action at this point, being that we are a level of government that despite sometimes what people may think, can actually move pretty expeditiously, that we move forward with these planning steps and allow that process to start to evolve as we bring in other levels of government. We've already had conversations with Federal representatives, State representatives regarding this. And I am hopeful that should we get this on the National Register of

Historic Places, which there's certainly no reason why we wouldn't be able to given its significance, that we could even have, you know, potentially Federal Park monies involved here.

This is a very, very important site. I can't even discuss this in terms of my district. This is for Long Island, New York State and really for this country given Tesla's work, which has only really gotten recognition in the modern era through outlets like the History Channel and the Science Channel and the Discover Channel. His work that Westinghouse and others took the patents on and really built upon is really a chapter of our history in this country that is largely forgotten. So I'd like to see Suffolk County be progressive and not be reactionary as Agfa is looking towards the disposition of this property.

**CHAIRMAN SCHNEIDERMAN:**

I'm sure there's lots of questions. I have some. First, I'm going to Mr. Zwirn from the County Executive's Office.

**MR. ZWIRN:**

Thank you, Mr. Chairman. I have no quarrel with Legislator Losquadro's motives with this. It's his district and it's a nice piece of property. But I just am looking at what we've gone through for the last couple of months with respect to the Vanderbilt Science Museum, you know, on the National Register of Historic, you know, Treasures. I know we're having trouble funding the Vanderbilt, Long Island Maritime Museum, we can't get Third House finished out in Montauk because -- I mean, we wanted to use it as an observatory, we can't finish the floors out there. We've got a report on historic structures, which vary, some that are in good shape, some that are in poor shape.

It is a very difficult problem. The easiest part of this would be the acquisition, because we're going to use quarter percent money, which we could find and is probably available. And if they don't want to ask a lot of money for the property, we probably could acquire it. The problem we have then is once we have it, what do we do now. We have had a very difficult time. Unless there is somebody who can run this or finance it -- and Legislator Losquadro knows, he's been involved with the budget stuff from the very beginning.

**LEG. LOSQUADRO:**

Absolutely, Mr. Zwirn. And that's why I made a point of asking the individuals from the Tesla Science Museum -- and this is an organization, when the town has held celebrations and recognition for Tesla's work, this has garnered international attention. That is why the Planning Department asks for this form, that we do know upfront that this would be a public-private partnership, much in the way -- and I'm proud to say it was done successfully in my district -- with the property formally known as the Wedge, which is now the Heritage Park up in Mount Sinai. It was between two levels of government and a private not-for-profit agency, and it was very successful.

I certainly would not want to see Suffolk County get involved in something here where we would be solely responsible for running this. I think that if this were to come to fruition at some point in the future, again, this is getting the process started so we can determine what the disposition of this property would be, that I would envision is to be not only through more than one level of government, but bring a private entity and a perhaps business, corporate sponsors, to be involved as well to make this a reality, because we do know that there's going to have to be an investment to make that type of vision a reality, to what we're talking about; the historic structure, a science museum. And that's not something I would want to commit Suffolk County to because I know it's something we can't commit to.

**MR. ZWIRN:**

My only -- my only point is when we start the planning steps process, the process goes relatively quickly. An appraisal goes out, we ask if there's a willing seller, in this particular case, there seems -- you're acknowledging that there seems to be a willing seller who will sell it at a good price after they clean up the property. So once that happens, once the appraisals are done, it can come back to this board in -- you know, that fast.

And the question that's always happened when there's a public-private partnership, generally, the Budget Review Office will do an analysis of the financial situation of the organization that would like to partner on the property and is going to run the property. We've done that with athletic organizations, I know, up in your district, and they have -- they met the criteria, and they have been successful in running programs up there. But I think that's what we're concerned about. We could buy the property and then be in a position, with the Vanderbilt again, where we have no way to fund it. And that's the only reality. It's not going into the merits of the acquisition or making it a public piece of property. It's just the actual reality, can this organization make the commitment and have the financial wherewithal to maintain it after -- if it is acquired?

**LEG. LOSQUADRO:**

I will just reiterate what I stated earlier, which is I would not anticipate Suffolk County entering into any agreement to acquire this property without the necessary financial backing from private, corporate and support of other levels of government. So as I said, given the timing of this, given, as you pointed out, Suffolk County's ability to move expeditiously, I think we are a natural lead agency on this, but I don't anticipate us moving forward without significant support from the business, private and governmental realms.

**MR. ZWIRN:**

Absolutely.

**CHAIRMAN SCHNEIDERMAN:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Just through the Chair, Legislator, just -- or maybe, Ben, if you know, how do we get this commitment if -- I don't really have a problem with going with the planning step today, but let's say that it does come to fruition and we're ready to vote on an acquisition? And I hear that you're agreeing that you don't really believe the County should be put in a position similar to Vanderbilt and some other museums. So how does that work? How do we get that commitment?

**LEG. LOSQUADRO:**

The Planning Department, much as we've done with sports organizations, there would have to be a formal written agreement, you know, legally binding agreement with whoever we're going to partner with on this. And like I said, there has been some expression of interest on the part of wireless communication companies because of Tesla's pioneering work there that they would like to, you know, perhaps have, you know, naming rights or some sort of sponsorship, you know, to -- I'm not -- just throwing the name out there, but, you know, perhaps the Verizon Wireless Technology Center or something along those lines. So we see tremendous possibilities here.

**LEG. D'AMARO:**

The County have -- we would have, I guess, Legislative approval required for any entity that came into manage the County site. So we would be reviewing that prior to acquisition?

**LEG. LOSQUADRO:**

Oh, absolutely. Like I said, it may come down at the end of the day to the County not even being the controlling agency. The Agfa Corporation -- we may develop a plan here, much as was done with the Wedge parcel, where the Town of Brookhaven Parks Department was responsible for the maintenance of the athletic fields, and the County was responsible for the purchase of the underlying land.

I mean, there are a number of possible scenarios that we can envision here, one of which even being carving out the historic site so that it remained in private hands and was not ever the responsibility of a government agency. There are a number of different scenarios that could play out here and -- all of which would have to be very carefully crafted legally and then have those

agreements in place before the County went ahead with an acquisition or accepting a donation, whatever it may be. I would anticipate that we're going to get a lot of cooperation here, but it's going to -- Mr. Zwirn said that it can happen quickly. I expect this to be a bit more complicated process and one that's going to take a little bit longer to work our way through because of the complexities involved.

**LEG. D'AMARO:**

So you would have an organization that's looking at running -- running this --

**LEG. LOSQUADRO:**

Yes.

**LEG. D'AMARO:**

-- once the County acquires it?

**LEG. LOSQUADRO:**

Yes.

**LEG. D'AMARO:**

But how do we avoid getting into the situation similar to what happened with the Vanderbilt for one reason or another; we just can't raise enough money to do it, it's County-owned property, help us pay for this?

**LEG. LOSQUADRO:**

In the case -- and I keep going back to it, but in the case of the Heritage Park, the Heritage Center that the not-for-profit agency is responsible for that they built and maintained, that piece of property was actually carved out and belongs to them so that government is not responsible. And they did have some fundraising challenges along the way to meet their goal, but government was not there to bail them out, because we didn't own the property and it was solely their responsibility. So like I said, that's a possibly scenario here as well to carve out that parcel and leave it in private hands.

**LEG. D'AMARO:**

I appreciate you answering my questions. I just had one more. Would it be possible to get a more firm commitment or understanding of that before even going ahead with planning steps?

**LEG. LOSQUADRO:**

Until we have potential scenarios in place, until we know exactly what the Agfa Corporation is willing to do, I don't think we could put anything formal in place. I think the first step has to be a letter of intent on the part of the County going out to the Agfa Corporation. And, you know, we know anecdotally that, you know, they want to have a positive outcome to this parcel given its embattled history. But until we get a formal response from them given the legal matters that have surrounded this property, I don't think we can do anything formally.

**LEG. D'AMARO:**

So in other words, you feel the planning steps need to come before formulating how you're actually going to manage the property or what entity would do that and at whose cost.

**LEG. LOSQUADRO:**

Absolutely. At this point, we are cautiously optimistic given how long everyone has looked at this parcel and how long everyone has wanted to see something positive come out of it. So we're finally at a point, given the completion of the cleanup, that we can move forward, but without those formal processes taking place, we can't enter into any -- any agreements.

**LEG. D'AMARO:**

I appreciate that. I would be more comfortable with something a little more concrete even at this early stage only because of the fiscal -- you know, the payment concerns for the property.

**LEG. LOSQUADRO:**

Being that the parcel is not in our hands and nor would it be -- and I don't anticipate that if it did come down that Suffolk County would be the sole responsibility agency, that any member of this body given the difficulty we've seen with the Vanderbilt Museum and the difficulty that every level of government is facing given the state of the economy would be inclined to vote in favor of that acquisition if we were the sole responsible agency.

**LEG. D'AMARO:**

Thank you again. I appreciate it.

**LEG. LOSQUADRO:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Anyone else? We had a motion and a second to approve the planning steps for 2238. All in favor? Opposed? Abstentions? **APPROVED (Vote: 4-0-0-1 Not Present: Legislator Cooper).**

Okay. We had one more that comes from our public portion. This is IR 1020. I'll make a motion to take 1020 out of order. This is the Kramer property in Brookhaven. Do I have a second?

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions?

**1020, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Kramer property - Town of Brookhaven - (SCTM No. 0200-984.60-03.00-037.000). (Browning)**

Okay. 1020 is now before us. Why don't we put it in -- why don't we have a motion and a second. Can I get a motion and a second at least for now so it's in front of us?

**LEG. D'AMARO:**

Motion.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator D'Amaro, seconded by Legislator Beedenbender. Commissioner.

**DIRECTOR ISLES:**

Okay. On the matter of IR 1020-2009, the subject parcel is indicated in an aerial photograph that's been circulated to the committee. It's outlined in red, a triangular parcel at the midpoint of the peninsula along Moriches Bay and the Mastic-Shirley Conservation area. What you will note on the aerial photograph includes parcels outlined in green, which are currently owned by Suffolk County. You'll also see parcels that are cross-hatched that are on one of the master lists, Master list 2 in this case that have been developed and approved by the Suffolk County Legislature and the County Executive.

The review of the aerial photograph indicates a significant County presence here, both existing and planned with, here again, those future acquisitions. Mastic-Shirley has been before this committee

and the Legislature on numerous occasions. And the reasons for that are twofold; one is the extensive wetlands location here in terms of their value to the ecosystem of the Peconic -- excuse me -- the Great South Bay-Moriches Bay area. Looking at the fact that Mastic-Shirley is one of the densely developed communities in Suffolk County, this provides offsetting open space in terms of reduced nitrogen loading and so forth.

But the second primary reason is that this is located on Narrow Bay. That was a subject of the County Planning Department study about ten years ago. Narrow Bay is a location where there are high hazard flood conditions that occur here, velocity conditions. So for both reasons of environmental protection as well as public safety, this area has been a target for conservation purposes.

The subject parcel itself has been reviewed as indicated in public testimony earlier today. The parcel is improved with a dwelling at the present time. We think that is a factor that needs to be considered. As far as the rating form, it was conducted under the Natural Environments Rating Form with the intention to conserve the property. The parcel received points for the presence of freshwater and tidal wetlands on the property -- pardon me -- tidal wetlands. The property also received points for other aspects including geological landform boundaries, location and so forth. And primarily also because of proximity, here again, to other County holdings.

So from an environmental standpoint and a public safety standpoint, the site itself scores 37 points in terms of Natural Environments Rating and that significance. In terms of the existing structure, that is something that we feel, here again, is an issue. We feel that the County's program should target undeveloped properties first that are threatened with develop, and develop can then be avoided with the County acquisition.

In this case, this is a -- here again, we consider it to be a high-value property in terms of its physical aspects and environmental aspects. We heard earlier that the Town of Brookhaven has represented to the Nature Conservancy that they would be willing to demolish the structure and remove the demolition materials from the site. If that's the case, that certainly would be an important consideration.

In summary then, the property does certainly meet environmental criteria and public safety criteria. We are concerned about the structure and the priority of acquisitions on improved properties. We would like further information on the town's commitment if that's what it is at this point to removing the structure. The photograph that was circulated by TNC earlier, I think is an important indication of just how this structure is so out of place with this natural wetlands environment on which this peninsula is located. So I think it does give a good perspective and does point to the uniqueness of this property. If you any further questions, we'll do our best to answer those questions.

**CHAIRMAN SCHNEIDERMAN:**

Real quick. On the demolition piece -- and, you know, I know typically it would be nice to have something from the Town Board in Brookhaven saying that they will cover the cost of, you know, the demolition and removal and disposal. In ETRB, though, when we do these appraisals, we knock right off the acquisition price whatever the costs of demolition are as well. So either way.

**DIRECTOR ISLES:**

Either way. It can be negotiated with the seller whereby the seller agrees to remove the structure prior to the purchase. I have certainly not had any discussions. I believe TNC has had discussions with the seller, and I'm not sure what their disposition is on that, if they would remove it, or if, based on the conversation with TNC to the town, the town is coming in to make this deal happen. That's fine with Planning providing the property is in, you know, an undeveloped state at the point of acquisition.

**CHAIRMAN SCHNEIDERMAN:**

Is the house currently occupied? It doesn't look like it.

**DIRECTOR ISLES:**

I'm not certain.

**CHAIRMAN SCHNEIDERMAN:**

And where would the -- currently, if it were occupied, where does the septic effluent go?

**DIRECTOR ISLES:**

It would go into the wetlands most likely at the present time.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. I was going to echo the comments of Legislator Schneiderman, which were regardless of an agreement on the part of the town, we do calculate demolition costs. And I think in this case, for the town to issue a demolition permit, which, of course, you need, Town of Brookhaven requires demolition permit, I think there would have to be certain considerations as far as mitigating debris entry into the -- into the water, especially with the installation that the building may have, things of that nature.

So I think the demolition costs as calculated would be a little higher than average. So that would, if we calculated that, as Jay said, come off the top. So I think that the -- I would certainly like to see the town pick that up, because they would obviously have to conform to their own guidelines. But I think at the end of the day, as far as an appraisal value goes, it really doesn't -- it really doesn't make a difference.

**DIRECTOR ISLES:**

I think sometimes it's a function of what the seller wants to do. And sometimes they're saying, okay, we'll eat the price of the house and sometimes they're saying they won't. I don't know in this case what their disposition is, but I don't disagree with whether seller does it or whether the town volunteers to do it.

**LEG. LOSQUADRO:**

Given it's clearly existing nonconforming use, I'm assuming that the building -- that the house could only maintain any of its current use, that if you wanted to do any sort of renovations to it, you would be subject to tremendous restrictions; is that correct?

**DIRECTOR ISLES:**

It would be -- well, depending on the nature of the renovations, certainly if there's an addition proposed, that would be subject to DEC permits. There is no question, however, if they have a CO for this -- a Certificate of Occupancy for this structure, they do have certain vested rights, and there are certain rights to be able to maintain the property and so forth.

**LEG. LOSQUADRO:**

Apparently looking at the pictures they have Direct TV. So maybe that answers some questions about it being occupied. Okay. Thank you very much.

**CHAIRMAN SCHNEIDERMAN:**

Commissioner, it seems pretty obvious that this -- if this property would have not been developed, this would have ended up on Master List 2, would it have not?

**DIRECTOR ISLES:**

Definitely.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So it wasn't put on because it had a structure.

**DIRECTOR ISLES:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Beedenbender.

**LEG. BEEDENBENDER:**

Thank you, Mr. Chairman. This is mostly related to this bill, but I'm just trying to understand something. We had a debate when I first got here about the -- I can't even remember -- the property next to Lake Ronkonkoma. Ben, you know it. The Bavarian Inn, right. Thank you. Thank you. The Bavarian Inn. And at that point -- at that point, what I was trying to understand, I know that when we go forward and we try to -- we do an appraisal on a piece of property, we take off the demolition costs, right? If the County is required to do demolition, we take it off the total. But the thing that I was trying to understand at that point is -- but we still bear that cost if we are doing the demolition.

So while if something costs -- is appraised at 100,000 and it's going to cost 20 to demolish, we might only give the owner 80, but we would still pay the 20 later ourself. So is that how you understand it? Because the thing that encourages me about this property is that -- I spoke to Legislator Browning last week, because we would take -- you know, if the town is going to demolish it, then we don't bear that cost either. And the value of this house is not on there, so from a County perspective, we save some money.

**DIRECTOR ISLES:**

I'll defer to Real Estate.

**LEG. BEEDENBENDER:**

Well, I see Chris shaking his head in the affirmative.

**DIRECTOR ISLES:**

I think they pretty much try to absorb the demolish cost, whether the seller absorbs that cost or the County accurately measures the demolition cost so if we do buy it, we do have that number firm. So it's part of the whole deal, we understand it. But if Mr. Kent has anything to clarify on that certainly --

**LEG. LOSQUADRO:**

Well, if I may through the Chair. Either way we're entitled -- we're obligated to pay them the value of the property. So say it's a \$100,000, we're going to pay them \$100,000. If they do the demolition, they get the full 100. If the demolition is going to cost 50, we only pay them 50 and it costs us 50. Either way, it's still costing us \$100,000,

**LEG. BEEDENBENDER:**

Right. But the reason I ask is I because -- the follow up to that that I was going to ask, the demolition cost, does that come out of the quarter percent? We can use -- if it's \$100,000 out of quarter percent, we can use that money for demolition of a structure on there.

**MR. KENT:**

Yes.

**LEG. BEEDENBENDER:**

Yes. Okay. I was just trying to figure that out. That's why I was going down the path. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

All right. So we have a motion and a second. If there's no further discussion, all in favor? Opposed? Abstentions? **APPROVED (Vote: 4-0-0-1 Not Present: Legislator Cooper)**.

Mr. Bagg has been waiting patiently in the back here. We're going to start with CEQ resolution number.

**1-09, Ratification of Recommendations for Legislative Resolutions Laid on the Table for January 5th, 2009. (Type 2 Action).**

**DIRECTOR ISLES:**

I'll make a motion, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions? **APPROVED (Vote: 4-0-0-1 Not Present: Legislator Cooper)**

**2-09, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Drybrook Holdings, LLC Property in the Town of Brookhaven. (Unlisted Action, Negative Declaration).**

This is an unlisted negative declaration. Why was this unlisted? Because it must be active use; is that correct?

**MR. BAGG:**

That's correct.

**CHAIRMAN SCHNEIDERMAN:**

Oh, it's the actual acquisition and not the planning steps. Okay. So we're doing these all as unlisted. Same okay. So same motion, same second, same vote. **APPROVED (Vote: 4-0-0-1 Not Present: Legislator Cooper)**

**3-09, Proposed Rehabilitation of CR 17, Wheeler Road, from CR 100, Suffolk Avenue, to Vicinity of Bretton Road, Town of Islip. (Unlisted Action, Negative Declaration).**

Same motion, same second, same vote. If anybody has any questions, I am a member of CEQ, I can help answer. If there's no discussion, all in favor? Opposed? Abstentions? **APPROVED (Vote: 4-0-0-1 Not Present: Legislator Cooper)**.

## TABLED RESOLUTIONS

**1706-08, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Bissett/Palumbo properties - Town of Huntington) (SCTM Nos. 0400-262.00-02.00-036.002 and 0400-262.00-02.00-038.000). (Stern)**

**LEG. BEEDENBENDER:**

Motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Motion to table by Legislator Beedenbender, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? So **TABLED (Vote: 4-0-0-1 Not Present: Legislator Cooper)**

**1790-08, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 St. Joseph's**

**property -- Town of Islip (SCTM No 0500-160.00-02.00-072.00 p/o). (Montano)**

**LEG. BEEDENBENDER:**

Motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Same motion, same second, same vote. **TABLED (Vote: 4-0-0-1 Not Present: Legislator Cooper)**

**1823-08, To promote environmental protection throughout Suffolk County by requiring the remediation of Brownfields properties. (Romaine).**

**LEG. D'AMARO:**

Motion to table.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator D'Amaro, seconded by Legislator Beedenbender. Any discussion? All in favor? Opposed?

**LEG. LOSQUADRO:**

Opposed.

**CHAIRMAN SCHNEIDERMAN:**

Abstentions? Legislator Losquadro is opposed. **TABLED (Vote: 3-1-0-0 Opposed: Legislator Losquadro; Not Present: Legislator Cooper).**

**1892-08, Adopting Local Law No. 2008, A Charter Law to authorize the use of development rights for smart growth, community development and job creation. (Lindsay)**

**LEG. BEEDENBENDER:**

I'll make a motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

Motion to approve.

**LEG. LOSQUADRO:**

Motion to table.

**LEG. D'AMARO:**

Second on the table.

**CHAIRMAN SCHNEIDERMAN:**

A third on the table. There's a motion and a second to table. There's only one motion to approve. The tabling takes precedence. Any discussion? All in favor? Opposed? Abstentions to tabling?

**LEG. BEEDENBENDER:**

I'm opposed to tabling.

**CHAIRMAN SCHNEIDERMAN:**

One opposition to tabling. The tabling is **APPROVED (Vote: 3-1-0-1 Opposed: Legislator Beedenbender; Not Present: Legislator Cooper)**.

**1894-08, Adopting Local Law No. 2008, A Local Law to reduce the use of fertilizer near surface waters in Suffolk County.**

I'll make a motion to approve.

**LEG. D'AMARO:**

Second.

**LEG. LOSQUADRO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Thank you. I'm not sure who seconded it first. Somebody seconded it second and somebody seconded it first. I think Legislator D'Amaro seconds. This law has been amended in the past. So it's 20 foot setback. You're exempted if you have a natural buffer of ten feet or more. I've exempted all artificial ponds as well in this bill. If there's no discussion, all in favor? Opposed? Abstentions? **APPROVED (Vote: 4-0-0-1 Not Present: Legislator Cooper)**.

**1929-08, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Toppings Farm property) - Town of Brookhaven. (Romaine)**

I might need a memory refresher on this one.

**LEG. BEEDENBENDER:**

Motion to table. I think the rating on this was 13, if I remember.

**LEG. D'AMARO:**

I'll second the motion.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion to table and a second. Yes, Legislator Losquadro. On the motion.

**LEG. LOSQUADRO:**

And it wasn't a farmland acquisition, which that number wouldn't be bad for a farmland acquisition.

**DIRECTOR ISLES:**

Right.

**LEG. LOSQUADRO:**

Okay. I just wanted to refresh my memory. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Okay. There's a motion and a second to table. All in favor? Opposed? Abstentions. So **TABLED (Vote: 4-0-0-1 Not Present: Legislator Cooper)**.

**1989-08, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Cohen property - Town of Riverhead). (Romaine)**

**LEG. D'AMARO:**

Motion to table.

**CHAIRMAN SCHNEIDERMAN:**

Motion to table.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second. Which one is this again?

**DIRECTOR ISLES:**

This is the long skinny strip that separates the two pieces in Riverhead.

**LEG. LOSQUADRO:**

I'm going to make a motion to approve.

**MR. ZWIRN:**

We have tax liens on this property. If we just wait, we're going to pick this up for back taxes. There's no hurry, there's no development pressure here. There's no good financial reason or environmental reason to move forward at this time.

**CHAIRMAN SCHNEIDERMAN:**

There are tax liens on it? All right. I'll support the tabling. All in favor? Opposed? Abstentions?

**TABLED (Vote: 4-0-0-1 Not Present: Legislator Cooper)**

**2028-08, Adopting Local Law No. 2008, A Local Law to adopt a full cost disclosure policy for land acquisition resolutions. (Alden)**

Anybody want to motion one way or the other?

**LEG. BEEDENBENDER:**

Motion to table.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion to table by Legislator Beedenbender. There's one motion to table. Is there a motion to approve? It's going to die for a lack of a motion.

**LEG. LOSQUADRO:**

I'll second the motion to table.

**CHAIRMAN SCHNEIDERMAN:**

All right. There's a motion to table and a second. All in favor? Opposed? Abstentions?

**LEG. D'AMARO:**

Wait a minute. I wanted to vote no on the tabling motion.

**CHAIRMAN SCHNEIDERMAN:**

Okay. I'm sorry. The last vote was three to table and one opposed to tabling. Legislator D'Amaro opposed to tabling. **TABLED.**

**(Vote: 3-1-0-1 Opposed: Legislator D'Amaro; Not Present: Legislator Cooper).**

**2208-08, Making a SEQRA determination in connection with the proposed Francis S. Gabreski airport, Holey Moses Cheesecake - lease an existing building (No. 337) at the airport, Town of Southampton. (Pres. Off.)**

Don't laugh. It's great cheesecake. I will make a motion on this one.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

A heart cheesecake second over there by Legislator Beedenbender and to place on the Consent Calendar. All in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDAR (Vote: 4-0-0-1 Not Present: Legislator Cooper)**

**2209-08, Making a SEQRA determination in connection with the proposed Francis S. Gabreski airport, Hampton Jitney - lease 3 acres to relocate a bus shelter and parking lot, Town of Southampton. (Pres. Off.)**

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR. (Vote: 4-0-0-1 Not Present: Legislator Cooper)**

**2210-08, Making a SEQRA determination in connection with the proposed Department of Public Works Sewer District No. 2 - Tallmadge Woods - (CP 8188), Town of Brookhaven (Pres. Off.)**

Same motion -- new motion. Legislator Losquadro making the motion and to place on the Consent Calendar. Seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDAR. (Vote: 4-0-0-1 Not Present: Legislator Cooper)**

**2211-08, Making a SEQRA determination in connection with the proposed Francis S. Gabreski airport, Ocean Aviation - lease 3 acres to construct 13 small aircraft hangars on the north side of the airport, Town of Southampton. (Pres. Off.)**

I'll make the motion here, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? And to place on the Consent Calendar. **APPROVED** and placed on the **CONSENT CALENDAR (Vote: 4-0-0-1 Not Present: Legislator Cooper)**

**2212-08, Making a SEQRA determination in connection with the proposed CR 50 stormwater remediation to Champlin Creek at CR 50, Union Blvd., Town of Islip. (Pres. Off.)**

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (Vote: 4-0-0-1 Not Present: Legislator Cooper)**

**2213-08, Making a SEQRA determination in connection with the proposed highway and drainage improvements to CR 11, Pulaski Road, from Larkfield Road to NYS Route 25A - (CP 5095), Towns of Huntington and Smithtown. (Pres. Off.)**

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (Vote: 4-0-0-1 Not Present: Legislator Cooper)**

**2232-08, Authorizing acquisition of farmland development rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Gerard property - Wagner Farm - Town of Riverhead - (SCTM No. 0600-136.00-01.00-005.000 p/o). (Co. Exec.)**

Same motion -- no. It's a different motion. I will make a motion to approve. Well, let's put it in front of us.

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Legislator D'Amaro is making a second.

**DIRECTOR ISLES:**

Okay. This is a farm property, so it's a purchase of development rights acquisition. This is the acquisition resolution. This was originally considered by the Suffolk County Farmland Committee in July of 2001. At that time it rated 17 points. The Legislature subsequently approved a planning steps resolution. And here again, eight years later, we're getting to the point of having a tentative deal or contract with the seller.

The proposal involves the -- a parcel of 9.7 acres, most of which would be incorporated in the PDR purchase. The property is, here again, outlined in red on the subject property. An outlined area in the blue is to be retained by the owner and not included in the PDR. And that is, in fact, part of the residential portion of the subject parcel. At the time of review by the Farmland Committee, the property was in use as a vegetable farm. It may have changed as farming operations change and crops are rotated and so forth over time, but that's the last information we have.

I will point out that the property to the east, which is to the right on the map, is in negotiation at the present time as a possible County PDR acquisition as well. So with that, we would address any questions you may have at this time.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Beedenbender.

**LEG. BEEDENBENDER:**

Commissioner, just for the purposes of the record, since this is farmland, 11 would be considered the general score we go by?

**DIRECTOR ISLES:**

Typically, it's ten.

**LEG. BEEDENBENDER:**

Ten. So this is well in excess of that.

**DIRECTOR ISLES:**

Let me just correct the acreage too. The overall site is 11.7 acres. The PDR purchase is 9.7 acres.

**LEG. BEEDENBENDER:**

Thank you very much.

**DIRECTOR ISLES:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

What's the price?

**DIRECTOR ISLES:**

Eight hundred and seventy-three thousand dollars.

**LEG. LOSQUADRO:**

Motion.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

We actually made a motion and a second earlier. So let's call the vote. All in favor? Opposed? Abstentions? **APPROVED (Vote: 4-0-0-1 Not Present: Legislator Cooper).**

**1001, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Drybrook Holdings LLC property - Town of Brookhaven (SCTM No. 0200-587.00-03.00-046.001). (Romaine)**

**MR. ZWIRN:**

Mr. Chairman. This will have to be amended. I understand the funding source was SOS, unless it was amended and we haven't seen a copy. I think the funding source expired.

**CHAIRMAN SCHNEIDERMAN:**

Let's hear from the Commissioner. If this is an acquisition, it usually comes from the County Executive's Office. This does not. Commissioner. Counsel, if you could fill us in on whatever issues there might be.

**MR. NOLAN:**

Well, the issue has been raised by Real Estate that the planning, I believe, was done under the SOS Program. This acquisition is under New Drinking Water. So Real Estate is taking the position that there has to be a new planning steps resolution under the new program. This debate -- you know, this issue has been kicking around for the last three years since I've been here whether we've need a new planning steps resolution. I still take the position, I don't believe we need a new planning steps resolution. We could proceed with the -- with the purchase, but as I said, Real Estate has taken the position that we have to do a new planning steps resolution before we do an acquisition.

**CHAIRMAN SCHNEIDERMAN:**

Can I ask -- this is kind of an interesting question, I think. We've already made an offer to the owners; is that correct?

**DIRECTOR ISLES:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

And they've agree upon it, and that's why we have an acquisition. If we went back and did the planning steps, we'd have to reappraise the property in today's current market and we'd end up with probably a fundamentally different price.

**DIRECTOR ISLES:**

I'll defer to Mr. Kent on that. It probably would, I would imagine.

**CHAIRMAN SCHNEIDERMAN:**

That basically starts the whole process over.

**MR. KENT:**

Yeah, we may have to do that. But I'm concerned because the planning steps resolution -- this was bulked together in kind of an omnibus resolution under SOS that identified a total of 67 acres of property to be acquired under that resolution. It identifies clearly the capital project that refers to SOS funding.

**CHAIRMAN SCHNEIDERMAN:**

And SOS is done, right?

**MR. KENT:**

SOS expired December 31st, 2007.

**CHAIRMAN SCHNEIDERMAN:**

Right. But when we as a Legislature, the body, approved it, we approved it not -- to me, not specific on SOS funding. I mean, that's -- the idea was to move forward with planning steps to try to work toward the acquisition of the property.

**MR. KENT:**

It's actually specific -- it specifically identifies the capital project, which is the SOS funding. So it becomes problematic to me that you could just change it and acquire it under a different funding source.

**CHAIRMAN SCHNEIDERMAN:**

Have we done that before, though, where we've changed the funding source without going back to the very beginning?

**MR. KENT:**

Usually when it's an expired funding source, we've gone back and done new planning steps resolutions. When it's a funding source that hasn't expired --

**LEG. LOSQUADRO:**

Counsel, is that true?

**MR. NOLAN:**

I'd have to go back. I know and believe that we've approved acquisition resolutions under a different program than was the planning steps resolution. But like I said, this has been an ongoing point of discussion in this committee for three years where we've argued about whether or not we need a new resolution for planning steps. Legally, I don't believe we do. I think we can approve the acquisition under this program. We did the planning steps under a different program, but I don't think that precludes us from doing the acquisition under new drinking water.

**MR. ZWIRN:**

We would -- if we proceed, we'd like to be able to speak to the merits of the proposed acquisition as well.

**LEG. D'AMARO:**

Before we do that, Mr. Chair, if I may. Mr. Kent, if the resolution, the planning steps resolution, had been passed naming the correct program, would anything different have -- would have occurred in those planning steps?

**MR. KENT:**

Would anything different have occurred?

**LEG. D'AMARO:**

If the planning steps came in naming -- that resolution named a different program, would the planning steps have proceeded any differently?

**MR. KENT:**

No, I don't believe they would have.

**LEG. D'AMARO:**

So give me the basis for needing the new resolution.

**MR. KENT:**

The basis has been that I've been advised of that since I've been here that when a program has expired, and that was the source of the funding under the planning steps resolution --

**LEG. D'AMARO:**

So we might have made a decision that we were willing to go ahead and do planning steps and consider a purchase, but only if it was under this program?

**MR. KENT:**

Perhaps you might have.

**LEG. D'AMARO:**

And you view that as a specific grant or directive for planning steps, and switching programs may not be reflecting the will of what the Legislature voted at the time of those original planning steps.

**MR. KENT:**

That might have been your will. It's specific in the notice First Resolved Clause. It directs -- it authorizes, empowers and directs the director to take all preliminary planning steps necessary and appropriate as set forth in the Third Resolved Clause, funding for which shall be provided in Capital Project Number 8705.210 to acquire the title parcels. And it also make reference to the Suffolk County Save Open Space, Farmland Preservation, Hamlet-Parks Fund and Preservation Open Space Programs. So it's specific to the program, and that program has expired. Now, we have in the past --

**LEG. D'AMARO:**

I think it might just be putting, you know, very formalistic standard over the practicality of the fact that the planning steps are done, they're complete, they would have proceeded the same way under either program, and we still have the opportunity to vote yes or no on the acquisition anyway if we don't like the program that it's now propose under. So I don't really see the harm in not requiring them.

**MR. KENT:**

Well, I definitely think then you should make some type of correction saying that you're transferring it from one capital project to another. I would relate that to perhaps a DPW project which is going forward under one capital project, and then you said, "Oh, well, that money is expired, let's just fund it under another one," without ever even making mention of it in the authorizing resolution.

**LEG. D'AMARO:**

Yeah, that's true, but we do get to vote on that. You know, if you don't agree with the switch, you can just vote no, right? But dotting the i's and crossing the t's, I think, is important too. But our Counsel is telling us that there's no -- George, there's nothing that prevents us from going forward in this matter as opposed to having the new planning steps or requiring them?

**MR. NOLAN:**

I do not believe we need a new planning steps resolution, but I've been saying that for a couple of years.

**CHAIRMAN SCHNEIDERMAN:**

Let's put that debate aside for a moment. Let's talk about the actual acquisition, and then we'll decide whether we can proceed or not. I know Mr. Zwirn, I believe, had comment on the merits of the acquisition to begin with.

**MR. ZWIRN:**

I'll ask Mr. Isles to comment on it, but if you look at the map, you'll see that it is a small piece of property with nothing -- no County property around it. The property that's immediately to -- I guess that's the east, which is cross-hatched is not part of this acquisition. So there's County acquisitions way to the east, but not contiguous to this property, and they're not large -- they're not large parcels.

**LEG. BEEDENBENDER:**

Mr. Zwirn, maybe this question is better for Mr. Isles. The purple, I guess, that's things we're in negotiation with now, because the purple refers to a specific IR, which I don't know off the top of my head?

**DIRECTOR ISLES:**

Right. Let me make mention of that since you pointed it out. Mr. Kent made reference to a resolution that authorized planning steps for 67 acres. That incorporates the purple area, and that was done approximately two years ago. The master list included the property to the east that Mr. Zwirn referred to which is cross-hatched. The subject parcel, of course, is outlined in red which is about 12 acres.

I'd like to call your attention to the second page which is a broader aerial photograph which, here again, indicates the subject parcel in red and indicated County holdings in green. And you can see we have two significant areas of County holdings; Southaven County Park to the west, to the left, which is which is along the Carmans River corridor, and then to the upper right, we have a number of County parcels that are in Pine Barrens Core as part of protection of Peconic River corridor.

The issue we have with this is there was at one time a consideration of a County park or County acquisition in this area with both the master list as well as the sponsor's resolution affecting the 67 acres. What's happened over the course of years now is that there is no movement whatsoever on the cross-hatched piece, which is owned by AVR Realty and zoned industrial. And in addition, to our knowledge, there's no negotiations pending on the remaining parcels in the 67 acre resolution.

We feel that although this property overall, the 67 acres, scored 25 when it was considered for planning steps, the subject parcel taken by itself scores at best a 20. We feel that this has not really achieved a critical mass to warrant a County park or County preservation area. We feel it's very unlikely we're going to get the master list parcel to the east. So although on concept in the beginning maybe this was something worth pursuing, and I think it was worth pursuing, upon further review, discussions with owners and the reality of what we're facing today is we're going to end up with a skinny 12 acre parcel. Further, I'd like -- here again, with little environmental benefit, because we're not going to have control of the remaining parcels.

Two other points. I did speak to the Commissioner of Parks regarding this acquisition. He expressed to me serious reservations about this acquisition in terms of the length of road frontage, the isolation of this road, South Street, the chronic problems that occur in this situation with dumping and maintenance and cleanup and so forth and the shallowness of the parcel itself in terms of any kind of park use.

And the third and last point is that these parcels as well as the cross-hatched parcels are all zoned Industrial 1 or L-1 in the Town of Brookhaven. We can, therefore, look to the future as this being an industrial park of sorts planned by the Town of Brookhaven and not second guessing that. We'd end up having a little 12 acre patch of woods surrounded by industrial development.

So we think two years ago or three years ago when these lists were being put together it was worth considering. However, upon closer analysis of the specific proposal, Planning would not recommend the authorization to acquire this property due to the failing to achieve a critical mass and also looking at it comparatively in terms of priorities of acquisitions, here again, in the Pine Barrens Core and the Carmans River corridor and so forth where there's a clear County presence and public interest that can be furthered by additional acquisitions.

**LEG. BEEDENBENDER:**

Motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

All in favor? Opposed? Abstentions? **TABLED (Vote: 4-0-0-1 Not Present: Legislator Cooper)**

**1021, Authorizing the granting of a permanent easement to the Suffolk County Water Authority for production, distribution and transmission of drinking water on drinking water protection lands of the County of Suffolk (SCTM No. 0200-300.00-01.00-005.001 p/o). (Romaine)**

This is the last one on the agenda, which will need to be tabled. Counsel is telling me it needs to be tabled. It needs to go to CEQ. So I'll make a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? So **TABLED (Vote: 4-0-0-1 Not Present: Legislator Cooper)**.

That concludes our agenda. We are adjourned.

**(\*THE MEETING WAS ADJOURNED AT 3:02 P.M.\*)**

**{ } DENOTES BEING SPELLED PHONETICALLY**