

ENVIRONMENT, PLANNING and AGRICULTURE COMMITTEE

of the

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Environment, Planning and Agriculture Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Friday, September 11, 2009, at 1:00 p.m.

MEMBERS PRESENT:

Legislator Jay Schneiderman, Chairman
Legislator Lou D'Amaro, Vice Chair
Legislator Brian Beedenbender
Legislator Daniel P. Losquadro

EXCUSED ABSENCE:

Legislator Jon Cooper

ALSO IN ATTENDANCE:

Presiding Officer Bill Lindsay
Legislator Kate Brown, Legislative District No. 3
George Nolan, Counsel to the Legislature
Sarah Simpson, Asst. Counsel to the Legislature
Ben Zwirn, Deputy County Executive
Steve Tricarico, County Executive's Office
Lynne Bizzarro, County Attorney
Tom Isles, Director, Department of Planning
Patrick Heaney, Commissioner, Department of Economic Development
Frank Castelli, Department of Environment and Energy
Paul Perillie, Legislative Aide to Legislator Cooper
Linda Bay, Legislative Aide to Legislator Losquadro
Kevin Duffy, Budget Review office
Pamela Greene, Director of Real Property Acquisition and Management
Janet Longo, Division of Real Property Acquisition and Management
James Bagg, Council on Environmental Quality
Vincent Taldone, Suffolk County Planning Commission
Kathleen Matthews, Brookhaven Town Open Space Committee
Jane Fasullo, Sierra Club
All Other Interested Parties

MINUTES TAKEN BY:

Gabrielle Skolom, Court Stenographer

MINUTES TRANSCRIBED BY:

Kim Castiglione, Legislative Secretary

(THE MEETING WAS CALLED TO ORDER AT 1:10 PM)

CHAIRMAN SCHNEIDERMAN:

Good afternoon. I'd like to call this meeting of the Environment, Planning and Agriculture Committee to order on Friday, September 11, 2009. If you will all rise and join us for the Pledge of Allegiance led by Legislator Losquadro.

(Salutation)

Please remain standing. I'd like to take an opportunity to ask you all for a moment of silence. As you all are aware, today is the anniversary of September 11th from eight years ago, the terribly tragic day. I'll share one personal memory, and I know we all have our own memories. I remember driving to work, I was Supervisor in East Hampton at the time, and first hearing on the radio that a plane had crashed into the World Trade Center and not knowing, you know, back then we all thought it was an accident initially. I got to Town Hall and gathered around a little monitor, black and white monitor, and watched TV. As the day unfolded I remember shutting the airport down in East Hampton, our small little airport. Nobody really knew how extensive this was, where it was going. And sending town employees home and then learning of the terrible disaster and dispatching police officers, firefighters, and then hearing the horrible, horrible news of so many people who we knew and our friends knew who had lost their lives in this terrible act of terrorism. Not just in the World Trade Centers, but the Pentagon and Pennsylvania.

So if we can all share in a moment of silence for all of the victims of that terrible day and also keep in our hearts and prayers all those young men and women who are over in Iraq and Afghanistan fighting for our freedom overseas. If you will join me in a moment of silence. Thank you.

(Moment of Silence)

I only have one yellow card. If anybody wishes to be heard today they need to fill out a yellow card from the front. I only have one such card, Vincent Taldone. Mr. Taldone, if you'll come forward at this point to the podium. The new microphones require that you push the button when you speak, so you'll have to push it and hold it. It will light up as you do so. Mr. Taldone, you have three minutes to make your comments. Thank you.

MR. TALDONE:

Good afternoon, Chairman Schneiderman and members of the Committee. My name is Vincent Taldone and I am the Chairman of the Suffolk County Planning Commission's Task Force on Accessible Design and Smart Growth. I also serve as Chairman of the Southampton Housing Authority's Development Committee. Of course years ago I served as this Legislature's first Chairman of its Transportation Advisory Board, which I'm sure is why a few of you will recognize me.

I'm here today to express my strong support for the proposed legislation, which is IR 1651. I speak on behalf of myself as a longtime advocate for public transportation, transit oriented development, accessible communities and overall smart growth principles. As proposed, IR 1651 provides Suffolk County with an important means for encouraging the most desirable smart growth projects, and it offers communities much needed flexibility in their approach to meeting local workforce housing, economic and community development needs.

I believe the proposed TDR Program changes would be positive overall and do much to encourage creative local development strategies for economic growth by fostering both commercial and workforce housing projects. I believe that the proposed amendment to the provisions of the County's TDR Program will strongly incentivize smart growth land use decisions by municipalities. By studying high, clearly defined and flexible standards for accessing the inventory of bank credits, the County is providing predictability for municipalities and developers, something that will be greatly appreciated.

As you know, the County adopted a Smart Growth Policy Plan in the year 2000, and in 2003 the Planning Department published Smart Growth Criteria. I have copies of the evaluation matrix and full report with me, but of course they are both available on the County's website. The valuable planning tool provides clarity and can guide local governments and developers as they consider access to the Development Criteria Program -- Transfer Program, excuse me. The department's clearly stated criteria can go a long way in creating a very transparent process for the program, which is another factor that will be greatly appreciated by municipalities and developers.

In regard to implementation, I suggest that the Legislature consider continuing to authorize low or no cost development rights only for projects that score highest in smart growth ranking, pursuant to the Planning Department's existing smart growth criteria matrix. The highest rank should be reserved for projects that contain affordable housing opportunities, but may also contain substantial commercial components in a smart growth scenario. Projects that do not offer a workforce housing component may still be considered smart depending on other project based and local communities characteristics, but these projects should pay a moderate or otherwise reasonable price for the credits, thereby permitting them to proceed and deliver economic benefits as well as much needed revenue for the County. Those projects that meet two few smart growth standards, and I'll just finish up, and therefore rank low, should pay full market value for development rights or should not be given access to the County's banked credits at all.

Lastly, I suggest the Legislature consider authorizing the dedication of any funds derived from the sale of TDR's to the acquisition of additional land deemed suitable for preservation or to further subsidize new workforce housing. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you, Mr. Taldone. We will have a presentation today, but I'm going to ask that we take one resolution out of order, and then we'll go to the presentation and then we'll come back to the agenda. Are you making a motion? Legislator Losquadro is making a motion to take 1731 out of order.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? ***IR 1731, To appoint member of Suffolk County Planning Commission (Matthew Chartrand). (Co. Exec.)***

Can I have Mr. Matthew Chartrand step forward? Mr. Chartrand, you'll need to press the button so that the microphone is activated. I'm just going to ask you a couple of different questions. First of all, thank you for your interest in serving on the Planning Commission.

MR. CHARTRAND:

Thank you for having me.

CHAIRMAN SCHNEIDERMAN:

If you could provide us with a little bit of background and tell us why you are interested in serving in this capacity and what particular skills or experience you bring to the post.

MR. CHARTRAND:

My background, started as a residential contractor doing home improvements and so forth. I got involved in the iron workers union doing construction, doing skyscrapers or whatever. I worked my way up through the iron workers. I currently am the President of the Iron Workers 361. Community wise I am involved in my community very much. The church and development with children, Little League Baseball, football. I coached Little League for seven years. Just being involved in the community, I think, is a big part, to give back to the community what they have given to me. I look to enhance it going forward and be involved in the Planning Board. I do have a background in

construction. I think I would definitely be able to help out.

CHAIRMAN SCHNEIDERMAN:

Any questions? I typically ask a question about affordable housing because it's just such a pressing need. So many young people have had to leave the area because they just can't find affordably priced places to live. I think it's kind of a real key component to Suffolk's economic recovery.

Sometimes with affordable housing the zone changes, various zoning changes have to occur to allow a higher density in some places. Those can be referred to this Planning Commission. If the Planning Commission says no, it goes back to the Town Board or the Planning Board for a super majority override, which is sometimes very hard to get. So I want to get your feeling about affordable housing. Do you see it as a priority? Obviously preserving open spaces is a priority as well. How do you reconcile some of these difficult choices in terms of land use?

MR. CHARTRAND:

As far as that goes, I would say each situation, you know, you'd have to get into the community and see what actually each community -- if they are highly dense with affordable housing right now, there might be a little relief there, you don't have to have as much, but each individual circumstance you have to look at. If it's an area where there's plenty of open space or whatever and you can put affordable housing in there, sure, I think it would be a definite priority that we have it there to keep the kids here. We don't want the kids leaving the Island. It's bad enough right now the way kids are flying out of here and, you know, going down south. It's hard to afford and live on Long Island the way it is now.

CHAIRMAN SCHNEIDERMAN:

This is a position that requires a certain amount of time. Does it meet monthly, Tom, once a month?

DIRECTOR ISLES:

Yes.

CHAIRMAN SCHNEIDERMAN:

Do you have enough time in your schedule to be able to dedicate what it would require?

MR. CHARTRAND:

Yes, definitely. I have gone to a couple of meetings before, you know, and done my research. Before I threw my hat in the ring I knew I was going to be available and make the time for it.

CHAIRMAN SCHNEIDERMAN:

All right. Any other questions? Okay. Thank you, sir.

MR. CHARTRAND:

Thank you.

LEG. BEEDENBENDER:

Motion.

CHAIRMAN SCHNEIDERMAN:

Can I just ask before we do the motion -- I typically also ask Counsel because we passed a resolution requiring certain skills, certain positions with certain backgrounds. Is this position a geographical position? Is it a position that's based on a particular skill set?

MR. NOLAN:

The resolution indicates he's a representative of labor organization, which is one of the criteria that the members have to meet. That's one of those categories.

CHAIRMAN SCHNEIDERMAN:

So this is labor appointment. Okay. So do we have a motion on 1731, to approve?

LEG. BEEDENBENDER:

Motion.

LEG. LOSQUADRO:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Beedenbender to approve, second by Legislator Losquadro. Any discussion? All in favor? Opposed? Abstentions? 1731 is approved. *(Vote: 4-0-0-1 Not Present: Legislator Cooper)*

Mr. Chartrand, congratulations, you've been approved by the Committee. Your name will now be forwarded to the full Legislature next week, or next Thursday I believe. I don't believe it's necessary for you to be present. It usually is not a problem at that point once it gets through the committee. If it is, we'll certainly let you know.

Okay. I have been given one more yellow card. Kathleen Matthews, I believe. Come on up. Hold down the button, please, on the base and keep it down.

MS. MATTHEWS:

Sorry to come in late, but I just want to -- I'm on the Brookhaven Town Open Space Committee and just want to put in a word for preserving the drinking water with keeping that protected land.

LEG. D'AMARO:

Excuse me. Could you speak directly into that microphone? I can't hear you.

MS. MATTHEWS:

Okay. What I said is I'm a member of the Brookhaven Town Open Space Committee. I'm here to ask that the Legislature continue to protect the open water protection area, the Pine Barrens and the other areas that we have made very important to protecting and I don't want to see that disappear. So I'm just putting my two cents in for that. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you, Miss Matthews. Normally we meet on Mondays. As you know, this past Monday was Labor Day. We had to shift the meeting to Friday. Unfortunately in that shift Legislator Cooper was not able to conform with his schedule, so I'm giving Legislator Cooper an excused absence from today's meeting for the record.

So we're now going to move to a presentation. I had a request from Legislator Beedenbender to take a look at the TDR Program. It's come up several times in different capacities. We established a program a few years ago by ballot. The voters approved the program and we now are banking TDR's, really sanitary credits, that are transferable for affordable housing purposes every time we preserve land. What that land had in terms of sanitary flow credits can now be moved into this bank and transferred out for the sole purpose of affordable housing. It's time for an overview of that program to see where we are, how many of those credits have been transferred, if any, and use that information in our discussion and deliberations on the proposal that Mr. Taldone referred to in his presentation, the Presiding Officer's bill toward using some of those credits for smart growth types of purposes.

So joining us today are Commissioner Isles from the Planning Department and Commissioner Heaney from Economic Development. I'm not sure who's going to start. Tom? Okay.

DIRECTOR ISLES:

Thank you. By the way, I'm the Director, so I don't misstate my position. But anyway, thank you

for the opportunity to speak today. We were sent several questions, Commissioner Heaney and myself. Commissioner Gallagher unfortunately can't attend today's presentation, but we did review this with her as well.

So of the questions that were sent to us we put together a slide presentation that consists of a total of two slides. You are seeing the first one, so I'll go to the second one which -- okay. So the first question was how many TDR credits does the County have banked so far. We have two programs in Suffolk County that call for, based on your approval and approval by referendum of the voters, that require or permit the County to collect credits, wastewater credits, from open space acquisitions. The top one is the current program, which is called the New Suffolk County Drinking Water Protection Program.

Very simply what you'll see, the first line are credits available for use. What this means is that these are credits whereby the County is closed on the property we obtain the credits from, and they officially go into the bank at that time. So in that case we have 53 credits that are available for use and the properties are closed.

In terms of credits pending, here again, 198 credits pending. Those are ones where the Planning Department has done an analysis of the credit yield. It is going through the process with legislative authorization to purchase the property and the closing of the property. Once the property closes, here again, then it moves from the pending category to the available for use category. So the total under the New Drinking Water Program is 251 credits in that particular program.

CHAIRMAN SCHNEIDERMAN:

Director, before you move on. Can I call you Director? I'm used to calling you Commissioner.

MR. ISLES:

Go right ahead.

CHAIRMAN SCHNEIDERMAN:

A credit, if you could define a credit in terms of what that corresponds to. We often talk about Pine Barrens credit. We put a value on those types of credits, but is a credit the amount of gallonage per day that a single family home would require? Is that what it amounts to?

DIRECTOR ISLES:

Yes, it does. So essentially it's 300 gallons of wastewater. So that could be used for a single family dwelling, it could be used for a couple of senior citizen apartments, depending on the land use and depending on the flow requirement.

CHAIRMAN SCHNEIDERMAN:

When we talk about Pine Barrens credit, is that the same thing? One credit is equal to one single family home?

DIRECTOR ISLES:

Yes.

CHAIRMAN SCHNEIDERMAN:

All right. And those credits -- I know at one point were selling for about \$100,000 each, so to have 53 of them has a certain value, clearly.

DIRECTOR ISLES:

Except that in the case of the County's program there are limitations on the use of the County's credits. It is specifically -- the credits can only be used for affordable workforce housing projects that are approved by the County Legislature. There are also limitations on the total sale price of the home at \$250,000, and it requires affordability in perpetuity. So based upon that the value would

probably be less.

Let me point out, too, that the program does not, and this kind of leads to the second question that we were given, which is what is the price of the TDR, and the price is zero. So the County's program is that this is a contribution, so to speak, of the County for projects that meet County criteria under Article 36 of the County program wherein this is a benefit that the County would offer. So in terms of the price of the credit the price is zero if it meets the requirements. The actual value of the credit obviously does have value, but here again, the County has chosen to absorb that cost in order to provide affordable housing.

CHAIRMAN SCHNEIDERMAN:

But if it wasn't for affordable housing these credits would be worth some \$5 million, roughly in that range. So it's basically our contribution toward affordable housing, something roughly equivalent to \$5 million.

COMMISSIONER HEANEY:

I'm just going to pipe in with regard to Pine Barn credits because, Mr. Chairman, you raised that issue. As I recall in my days in town government, as one of the three towns that ratified the Pine Barrens Preserve Act, we had to develop specific receiving areas in the town that corresponded with the amount, the number of the credits, that were being rescinded within the Central Pine Barrens core region. That created a marketplace. That's different from the rights that are accruing to these programs by virtue of the purchase of open space. We've been content that if, in fact, we can make available residential development right for sanitary credit purposes, and in exchange we're able to get a workforce housing unit in perpetuity tied and indexed to maximum -- I should medium -- income for the region for an extended period of time that goes into decades, that's a pretty good outcome for us. When the purpose, in the case of the SOS Program, was the purchase of open space in order to preserve that natural resource, the fact that we have the capacity or the ability to exact a secondary benefit from that program by creating in the long-term new opportunities for affordable housing, that's, you know, that's a very good outcome as well.

CHAIRMAN SCHNEIDERMAN:

Thank you, Commissioner.

DIRECTOR ISLES:

Okay. Continuing on, then, with the identification of credits available. We go to the lower part of the slide and it indicates the credits under the Save Open Space Program, which as we know, is a three year program that is now expired. So this program is closed. We do have credits available, as indicated, 69 credits. There is still one credit pending, so a total of 70 credits.

Of the two programs, then, in summary, between the SOS Program and the Quarter Percent Drinking Water Protection Program, there are 122 credits available, and in total between available and pending there are at the moment 321 credits total. Obviously this is a moving target. As parcels close we add credits into the program. In terms of credits that have been requested for use, there is one credit where we have reviewed it and it's awaiting a closing on an affordable housing to use that credit.

Before going into the next question you had, which was how does the County market these, which I will turn to Commissioner Heaney on, I'd like to just explain briefly how the process works. The Legislature adopted this program by a specific plan back in 2005, and what it set up is that the program is administered by the County Planning Department. We actually have the bank in the County Planning Department and we have a system that's been generated that provides for what we call a cradle to grave tracking of all the credits. So that is administered by our Regulatory Review Section and Chief Planner, Andy Freleng.

What they do is when the County is about ready to purchase a parcel, his unit will do an analysis of yield of credits, advise Real Estate. They then include it in the resolution to you for an authorization to acquire. Once it's acquired, it goes in the hold part of the bank. Then the other side of it is when

somebody wants to use a credit. That is an application to the Department of Economic Development and Workforce Housing. They do their review; they then send it to both Planning and the Health Department to determine if that credit can be used at that location. That part of the system, I think, has been working well in terms of the administration above the collection of credits and the consideration of the use of credits. In terms of the marketing, I'll turn it over to Skip at this point.

CHAIRMAN SCHNEIDERMAN:

One question before we go to Skip. In terms of where these credits are used, are there limitations? Do they have to be used in the same aquifer area or they -- in other words, if we preserved a piece of land in Montauk, can that credit be used in Huntington, or does it have to be used in the area that the land was preserved.

DIRECTOR ISLES:

Okay. The program is set up to be used within the same groundwater management zone where the credit came from and within the same municipality. It was indicated in the plan that that would be the first priority. However, there is an option that it can go outside of municipal boundaries upon mutual consent of the municipalities. So the first priority was to use it within, however, we didn't want the credits, you know, being unused. So they do have the option of going out with consent, and then ultimately with Legislative approval as well.

CHAIRMAN SCHNEIDERMAN:

Do you have a breakdown of credits per municipality or not at this point?

DIRECTOR ISLES:

We do and we could provide that to you, absolutely. Here again, that's another moving target, but we produce an annual report on the credits, but we can certainly produce one for you and supply it to the committee on a breakdown by municipality, sure.

CHAIRMAN SCHNEIDERMAN:

This may be important to have as we discussed the other bill, too, in terms of smart growth, are there credits within the areas that people are contemplating smart growth. We may have lots of credits, but they may not be transferrable into that area.

COMMISSIONER HEANEY:

I'd just like to add to your question about marketing strategies. Over the last year myself and Jill Rosen-Nikoloff Thompson and Dan Gulizio from Planning have made a presentation before Long Island Builders Institute Board of Directors in an effort to broadcast the availability of these rights. I have also personally written to every Planning Director in every town and village in Suffolk County to broadcast the availability of these rights. We have brought them out of public in terms of availability, in discussions at the County Executive's Workforce Housing Commission, and personally have done outreach on a one-by-one basis if necessary when we've learned about opportunities to try to promote the use of these rights.

We are in the throes of an economic downturn. If one examines the permit activity at town levels over the last 18 months, we know that that activity is down 40 to 60%, so we have not come here this morning ready to talk about huge successes. We have been successful in the Noyak area in promoting the use of two rights that can be applied to second story accessory apartments on a mixed use development, and there is at least one other opportunity in which I have had conversation with Jefferson Murphy, who is the Planning and Development Director in the Town of Southaven, and we've also had conversation with officials in the Town of East Hampton and Brookhaven as well.

So we're doing what we can. It's odd that we've had a marketplace for Pine Barn credits at \$100,000 up until recent years. I do not think there has been very much activity there yet, and now we're confronted with a program where we have to do the outreach to actually say we have free rights available, and it's difficult to generate their use, and I think that that's tied to the economy

myself.

CHAIRMAN SCHNEIDERMAN:

As you are making groups like LIBI aware is there a movement toward using these things? I'm just wondering if there are other really impediments, whether it is local zoning or other factors. Certainly the economy is slowing things down, but there may be other factors involved here, too.

COMMISSIONER HEANEY:

The large impediment would be the limited use of these rights for housing purposes. You, I think, are going to have some discussion about the Presiding Officer's initiative, which would look to expand on that. I think that initiative is tied to a proposition.

CHAIRMAN SCHNEIDERMAN:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Mr. Chairman. I appreciate the presentation on the workforce housing component of the program and that policy decision has already been made. I don't want to debate that here. You can question whether or not TDR is really just a fiction that defeats the Sanitary Code. But what I wanted to ask you was you had mentioned that a development right has to stay within the same groundwater management zone. Meaning that different zones, I guess, have higher levels of protection than others, that's why we have like a zone one, two, three, and four. Is that correct, Director Isles?

DIRECTOR ISLES:

Yes, it is. Just to understand that there are basically two categories of density among those zones, and essentially it is either a permitted discharge without treatment of either 300 gallons per acre or 600 gallons per acre, which could equate to one house per acre, and one house per two acres. But as I indicated, although the preference is within the same groundwater management zone, there is the ability to go beyond, here again, as a second priority.

LEG. D'AMARO:

All right. And since these TDR's have been authorized since 2005, correct, we've only had one requested credit use since 2005? Is that what this chart is saying or is that what's on request now, but we've used some others in the past?

DIRECTOR ISLES:

We've had, I believe, a number of requests that have come into Economic Development. This is one that's actually gone through the process and the credit has been allocated to a project, although not actually used. But I think there have been a couple that have been proposed or in the works in some form. I'm not aware of any that have actually been taken out of the bank and applied to a parcel yet.

LEG. D'AMARO:

So it seems that the impediment to the use of the credits is just the whole serious of impediments we have to workforce housing and developing workforce housing. The credits are there, they are available and they are free of charge, so it's not really the fault of the program. We've made them available, but there are other reasons why the workforce housing is not moving forward, unless we're constructing workforce housing in areas where the credit is not needed, I guess would be a part of that as well.

DIRECTOR ISLES:

I think it is. Number one, obviously you would not need a credit if you are within a sewer district, so with one-third of the County being within a sewer district, that wouldn't apply. The committee should also be advised that TDR applies and can be a benefit in certain instances, but it's not something that's going to benefit every project. What I mean by that, TDR's can be used to allow a maximum of double density over this typical County Health Department standards. So if you could

do one house per acre in a certain groundwater management zone, with a credit you could do two, but you can't do three and you can't do 15 or some high number. So many projects are projects that are of a high enough density where they need sewage treatment of some sort, either on on-site plan or a connection. So the TDR's were only going to be applicable to a project that is a double density situation that's outside of a sewer district and so forth. So it's not something that's going to be attractive to every development project, but it will have its place. It's just another tool in a toolbox of aids to the development of affordable workforce housing.

LEG. D'AMARO:

It's there, it's available, but the use -- the utility of a credit is really limited by those factors that you mentioned, and that's probably part of the reason why the credits are not moving forward. If you are in a sewer district the limitations on their use, the amount of credited actually, or relief that a credit actually provides, is not substantial enough for larger projects. So there are a lot of reasons why they are not being used. But in an instance where there is a need for one at least we have them there and they're ready to go, and it's a good underlying policy to promote the workforce housing so they are there if they are needed.

CHAIRMAN SCHNEIDERMAN:

It sounds like one of the basic problems is that you still can't make the numbers work, that because they have to deliver these houses with an affordable rent or an affordable sale place, and they can only get to double the density under I guess Article 6 of the Health Department, when the private developers are looking at these things, probably it is just not adding up. Even though it may be worth \$100,000, that credit, it's still not making the numbers work that it's moving the economics in favor of affordable housing. Is that basically a summation?

COMMISSIONER HEANEY:

I wouldn't disagree with your observation. I mean, when we made a presentation to Long Island Builders Institute, the limitation that Tom just described, was prominent in that discussion as well. There is a small window in which is it useful but above it or within a sewer district there's no applicability.

LEG. D'AMARO:

I mean, if you wanted to make it more economically utilized or available, as the Chairman points out, we would have to make these credits worth more under the Sanitary Code. I'm not sure that's something that anyone is willing to do, but it's really the only way you're going to see a demand created for them with respect to -- just limiting discussion to workforce housing. If I were a developer and I had several lots I could develop as workforce housing and could get the credits to do that there would be more of a demand for those credits. The problem is that we are equating -- when we strip the development rights off a property we are keeping it's worth to what that property, the underlying property, provided. What would need to happen is you'd have to provide a higher density. The credit would have to be worth something more under the Sanitary Code than the property it came from. But, you know, that's a policy decision, but that would certainly move the program I would think.

DIRECTOR ISLES:

I think there would be -- that's a large question. I think there's a real question there in terms of Article 6 and protecting groundwater in Suffolk County. I think, here again, the point about the recession. The Census Bureau has been tracking building permits for 60 years in Suffolk County and last year was the lowest on record, so we are -- recession, not to mention a real estate recession. I'd be curious to see as we start to come out of the recession, there obviously has been a price adjustment in the market. With the availability of the program, with that \$250,000 sale cap, will, as we come out of the recession, will this be more attractive, where right now there is very little activity on it.

The program does allow private sector use of these credits, so it's not just limited to towns and villages and so forth. The private sector would have to agree to limit profits, and here again, we

haven't seen a lot of interest from that sector yet. But I think as indicated, this program exists -- it was recommended in the smart growth plan prepared in the year 2000 that the County do this on open space, so the County has accomplished that. It's something still relatively new. The Pine Barrens has been in existence certainly for a while and established, but I think as the recession ebbs, as the economy comes back, and I think as we do more market research in terms of why is it not being used, why is it not capturing the interest of the private sector, the municipal sector and so forth. Then maybe we need to adjust the program in some manner to reflect something maybe we don't know that's happening out there, because we are curious about it, that the reaction has been soft.

COMMISSIONER HEANEY:

I might just add to that that I think there is great potential over the course of years as towns and villages implement comprehensive master plans or updates or do corridor studies or hamlet center studies, where there is never going to be an opportunity for a sewer system to come in, but there is a concerted effort to try to redevelop a particular area or corridor. I think that there is where mixed use can be promoted that allows for apartments to be constructed in conjunction with some retail or commercial uses that currently wouldn't permit it because the gallonage that's permitted is consumed by the primary business, that there is an opportunity as towns and villages promote their own corridor studies and their own hamlet center studies for this program to have more applicability. I think that that just has to be factored in. Right now there's not a whole lot of activity out there on the street.

CHAIRMAN SCHNEIDERMAN:

I just wanted to make one comment on Legislator D'Amaro's reference to the limitations under the Sanitary Code and whether they could be more lenient, if I understood it, for affordable housing, because this is an issue that has come up in the past. Under the current program there is no deference between the private sector buying a Pine Barrens credit or us. It's the same limit in terms of how much you can build. It's just that our credit is free if it is for affordable housing. I think there may be some case law on this, but to make the density higher for affordable housing, there's a scientific component there that's assuming that there's somehow a different effect on groundwater from an affordable house versus a non-affordable house. That's just simply untrue, and that's, I think, where you run into problems, where you can't just simply amend the Sanitary Code and say for affordable housing we'll allow more effluent. We're going to have to come up with, I think, another way of approaching this other than going back and trying to amend Article 6. Legislator Beedenbender -- oh, do you want to respond to that?

LEG. D'AMARO:

Just very quickly. I'm not aware of that, but I could see where it might exist. But just to get back to what Commissioner Heaney was talking about. You know we have to, in this discussion here and also on the discussion on the bill that's pending, we have to be mindful of the fact that when you -- when the County goes out and expends taxpayer's funds to buy property, it's doing it for the reason primarily of preserving groundwater. When we take that right to build and just put it to another area, even if it's in the same management zone, we're defeating one of the purposes of that purchase. Now, that may be justified in some circumstances, whether it is workforce housing or smart growth, as the bill that's pending points out, but I think we have to keep that in mind, that the Sanitary Code is there for a very important purpose, we all know about that. And when we transfer those development rights over to another property, which is just a fictitious way, really, of defeating the Sanitary Code, there is an impact to that. There is an impact to the groundwater and there is also an impact of negating one of the purposes of purchasing that property in the first place.

COMMISSIONER HEANEY:

Well, I think that might be true if every square foot of land that was acquired for preservation purposes was then developed somewhere else in equal measure. But I think that if at the end of the day the purpose of the Open Preservation Program, in terms of protecting drinking water, is a net nitrogen reduction plan, then I think if we're acquiring 100 acres in one place but permitting two or three or four development rights to go on to a main street, that at the end of that analysis there is

still a dramatic reduction in nitrogen loading, not an increase. So I don't know that it defeats the program at all.

P.O. LINDSAY:

Mr. Chair.

LEG. D'AMARO:

I --

CHAIRMAN SCHNEIDERMAN:

If you don't mind, because Legislator Beedenbender has been waiting patiently, too. And if I could just put you on the list --

P.O. LINDSAY:

Just put me on the list.

CHAIRMAN SCHNEIDERMAN:

Okay.

LEG. D'AMARO:

I agree with you, and we'll make the policy decision whether or not, you know, what level of reduction is acceptable, should there be more, should there be less. And these are all the questions and issues surrounding this program when it was adopted as well as the bill that's pending before us right now. But speaking for myself I can tell you that that is a consideration that I am going to keep in mind because it's not a zero sum game. The fact of the matter is that the Sanitary Code is there for a reason. It's been there for a long time. It's been complied with. It's been doing a relatively good job of protecting groundwater, and if you start to chip away at that, I'm not in a position to tell you what the limitations are, how many TDR's you can transfer before you're having a real net effect. So, I'm not disagreeing with you, I'm just saying I think that's something that we should keep in mind when we consider expanding this program.

COMMISSIONER HEANEY:

I think we all agree with that.

CHAIRMAN SCHNEIDERMAN:

Okay. Let's move on to Legislator Beedenbender, who actually requested this presentation. I think he has a series of questions.

LEG. BEEDENBENDER:

Well, the good news is I had a serious of questions, but we've answered a bunch of them already. The double density answer is what really answered a lot of my questions, because at first what I was going to say is we seem to have a limitation on size. I can only think of the project that was proposed in Selden, in my area. It doesn't look like it's going to go forward, but it seems that after we get to the point of not being able to use these credits, the available program we have is the Infrastructure Program, because if you can't build enough density by getting these credits for free, we'll give you infrastructure money to build the sewer plant that you need to do it anyway. So I think it's good from a County perspective we kind of tried to handle both sides of that equation. Commissioner, you look like you wanted to say something.

COMMISSIONER HEANEY:

I'm just going to agree with you.

LEG. BEEDENBENDER:

Okay.

COMMISSIONER HEANEY:

I think the Infrastructure Program is a huge success.

LEG. BEEDENBENDER:

All right. Well, the other question, do you think that the \$250,000 limit -- I know given the price correction and we are kind of in a fluid situation right now. Did that \$250,000, is that something that's really putting a limitation? Because we know the double density, but I don't want to have another pinch point. Is that something that if it was possible for us to amend you think might be appropriate?

COMMISSIONER HEANEY:

It might be appropriate because I don't think that we have a one size fits all maximum price when you look at the County, in terms of individual communities. If you look at some communities where the median home price might be \$300,000 and compare it to other communities where there are many moderate income families living where the median income for a house could be a million dollars.

LEG. BEEDENBENDER:

Well, it seems, the other reason I asked the question is because I know several years ago the County was successful and we lobbied -- with our affordable housing programs there was a cap on the cost of the house. I think it was at 250 if I remember correctly, and it was completely inordinate for our community and we got that raised so we could get more people in a house because we simply don't have that much of the housing stock at that price before we had this correction in price. There wasn't that many houses that filled that need. So it seems to me we made that correction to address a problem in that program, and perhaps that same correction would be appropriate here.

COMMISSIONER HEANEY:

It may very well be because it would add flexibility to your program.

LEG. BEEDENBENDER:

I guess we would probably have to have a whole referendum discussion again at that point, but I will leave that discussion aside for now. My other question, it seems like if we were to move forward with the Presiding Officer's bill, and one of the reasons I asked for this presentation, and I thank the Chairman for indulging me, is because I want to have a better understanding of this. We've only used one, because this program has some limitations, it certainly has a utility, but it does have some limits. If we were to set up a TDR sale, which would be different than this, because we are not selling these, under the Presiding Officer's bill, with all of these limitations it seems like we could without, you know, dramatically impacting the environment, we could do some good. It might need to be more refined, but I know we've heard, I guess, Commissioner Isles -- Director Isles, this question would be for you.

I've heard a lot about the fact that selling these credits could be bad for the environment, but it seems to me that if we were to set up this sale of a credit for a defined set of purposes, and it had the limit of double density, isn't that exactly what the Pine Barrens Commission is doing right now? Because I know there is a development in my district, a shopping center, that just bought a Pine Barrens credit because they wanted to do more at the request of the community. The community asked them to build more and they said happily absolutely. Wouldn't we be in the same business?

DIRECTOR ISLES:

That's a policy question in terms of does the County choose to give these as a subsidy on affordable workforce housing projects, a complete subsidy and no cost, or that the County would prefer to open up the program to a broader array of uses and possibly charge for it at that point. So it's, here again, a policy choice of yours.

What happened with the SOS Program by reference into the New Drinking Water Program, is there was a referendum. The law was conditioned upon a plan being written, sent to you, and reviewed

by the Legislature and approved. So any adjustment to that would appear to require a review and change of the plan. In terms of -- I guess two comments specific to this. Number one is, obviously at this point the cost is zero, and at least for affordable workforce housing with the conditions involved we're not getting many takers at this point in time. So obviously charging a fee at this point would be questionable. But as far as broadening it to other uses, the question that would come up, we think, on that one would be the method of determining value. We think that's something that would require some careful consideration.

The Pine Barrens has an open market of buyer and seller and it pretty much functions as a free market. There are a number of options that you could consider, but it would have to be something that would be addressed. It would have to be something that would be fair, and it would have to be something that would be uncomplicated, because that's another factor of how these are used. If it takes a year to get a credit, it's going to be less attractive to a developer than if it takes two weeks or something. So I think that would be something we would suggest, if the Legislature goes in that direction, be carefully considered.

LEG. BEEDENBENDER:

Okay. And just one follow up and then I'll yield. First of all, let me say I appreciate all of this information because most of the stuff I heard today was stuff that I just didn't know before then, so this is very helpful. Commissioner Heaney, you had mentioned areas that may or may not ever get sewers. The Selden/Centereach area is one of them. It represents a really difficult problem for sewerage because we don't have the open space to put a plant, especially the size of space that you need when you are going to put up a plant that doesn't discharge into a body of water, which we don't have either.

So from my perspective, the only way we can get the growth is through something like this. And that community, the Middle Country community, just completed an entire visioning process. So I guess if I could ask you, Commissioner, or Tom, if you have an answer as well, it seems to me that if we were to put this upon, if we are going to talk about smart growth and say, you know, for those communities that have completed a visioning process and have an adopted smart growth policy, which is about this thick from the town for the area, I think having something like that could make something like this possible, and it's based on a document that has been supported by the community and the local municipality. Do you have any reaction to that or response?

COMMISSIONER HEANEY:

Well, in fact, Tom and I have had discussions with a small working group that have raised that very type of condition, that getting beyond the argument about how do you set value, let's talk about use and where will we make them available. Clearly if there were a comprehensive plan involved, or an urban renewal plan involved, or a visioning process that resulted in a corridor study that made certain recommendations, and then the town wanted or the village wanted to work with the County in order to promote implementation or the action items in that plan, this has that potential for being a very valuable stool.

LEG. BEEDENBENDER:

Thank you, Mr. Chairman. I'll yield. I don't have any more questions.

CHAIRMAN SCHNEIDERMAN:

On those comprehensive plans, are they -- those go through the Planning Commission as well, don't they, those corridor studies and comprehensive plans in general?

DIRECTOR ISLES:

Yes. They are required to prior to adoption by the municipality.

CHAIRMAN SCHNEIDERMAN:

Okay. So the County would have some say as well. Mr. Presiding Officer.

P.O. LINDSAY:

I just wanted to say that the lack of use of the credits in the Affordable Housing Program isn't a huge surprise to me; not that I think that the program isn't valuable. It's valuable, but in very select situations. And the problem is economics and it's more true now than it was before. Last time I looked to build a new house, about \$120 a square foot. So, you know, if you build a moderate sized house of 1800 square foot, you know, you're at your \$250,000 regardless of land and the credits don't even factor into it. And if you combine that with a very soft economy where used houses are selling at almost affordable prices, at least in some of my communities. You can pick up a house in a lot of the communities I represent now for about \$300,000. So it really depresses the incentive to build affordable houses even if you are giving away the credits. It isn't a factor.

On the other hand, we're talking about my bill. What I have seen in my district, small downtowns, no sewers, tremendously difficult for small businesses to expand. Tremendously. A young man I have known his whole life owns a little storefront, wants to make it into a little restaurant. He wound up, and how this happened I don't know, he wound up buying credits from Pine Barrens in order to get the expansion, and he's in Islip. How the hell he got -- but that's what he had to do. Another restaurant a mile or two away, same thing.

And I, you know, everybody has this picture of this grand scheme that we're going to take all these credits from open space and make these huge developments. My purpose in this is to kind of revitalize our downtowns to keep them alive because they are dying, guys. They can't expand and we can't get sewers. My hope first would be to get sewers, but I think it's really important, certainly to my communities that are downtowns, remain stable and be able to expand in areas where they need to expand. That's it.

CHAIRMAN SCHNEIDERMAN:

Anyone else on this? Legislator Losquadro.

LEG. LOSQUADRO:

Either to the sponsor or to Counsel, being that this is --0 I believe there's a referred attached to this?

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Did we already pass this year's deadline? Yeah, I thought so. I just wanted to double check. Thank you.

P.O. LINDSAY:

Yeah, well, when the bill was originally introduced it wasn't past the deadline.

LEG. LOSQUADRO:

I meant as of today.

CHAIRMAN SCHNEIDERMAN:

Any other discussion related to the presentation? Thank you both.

P.O. LINDSAY:

Just one last word on it, too, is when the bill was originally proposed last year there wasn't a referendum connected to it, and we had many a speaker here say that "Oh, if there was a referendum with it we would support it." Well, this year there's a referendum and they are still not supporting it, so.

LEG. BEEDENBENDER:

Great job, Bill.

CHAIRMAN SCHNEIDERMAN:

Thank you, Director Isles and Commissioner Heaney. There may be one more yellow card heading my way. We have one last public presenter, Jane Fasullo. Ms. Fasullo, if you could limit your comments to three minutes and then we will move right to the agenda.

MS. FASULLO:

I hope this will be very quick, but workforce housing is something which to me is very near and dear to my heart having come from a family where we ourselves were barely able to afford to live on Long Island. And quite honestly I'm finding two terms being thrown back and forth here without clarity. One is the word affordable, and the other being workforce. It's my understanding they are not the same. What we consider affordable for the vast majority of workers is not what officially is affordable. Officially affordable is between 80 and \$120,000 a year income. I don't find that our workforce is actually, especially not in this day and age, able to afford affordable.

It's my understanding workforce is for the category below that. The true workforce housing currently is being provided by people like myself who own older homes and are renting them. I can have individuals in that home for as little as \$450 a month without a problem. One of my tenants just left, she moved into a home. And by the way, these are college students who are Master Degree candidates. They are not undergraduate. They are living in a home at \$526 a person a month, and there are nine of them in one home. There is no new construction out there that provides a living space at \$526 a month for an individual. And so when you are addressing the need for workforce housing I truly believe you have to look at not just new homes, but what are you doing with existing homes and how you are providing the space for these people, because it is in the existing homes that they are currently living.

Another issue that has been occurring in Suffolk County, though I think it's being hidden under the rug. There are many families who currently are five and six families owning one home. It's the way they have gotten around the law. They can't afford affordable housing any other way. It is overloading school systems, because the majority of them are young people with children. That's how they are affording to live here. When you have 500 people owning a smaller home in an area like Brentwood, which is fairly common in that district, they are paying of the order of \$600 per family per month. That's how we are affording to keep those people here. That's our workforce. If you want to keep those students and those people who are Master's Degree candidates, Ph.D candidates, those who really will do something to progress our current living situation, I think you have to look at housing in a different light. To look at it as new construction is not the only answer. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you, Miss Fasullo. We are going to move right to the agenda now, starting with CEQ resolutions.

CEQ RESOLUTIONS

28-09, Ratification of Recommendations for Legislative Resolutions Laid on the Table for August 4th, 2009 and August 18th, 2009. (Type II Actions)

Can I have a motion?

LEG. LOSQUADRO:

Motion.

CHAIRMAN SCHNEIDERMAN:

Legislator Losquadro.

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Beedenbender. So we have a motion to approve and a second. All in favor? Opposed? Abstentions? 28 of 09 is approved. **(Vote: 4-0-0-1 Not Present: Legislator Cooper)**

29-09, Proposed Acquisition for Open Space Purposes Known as the Chandler Estate Addition - Gail Clark Property, Town of Brookhaven. (Unlisted Action, Negative Declaration)

CHAIRMAN SCHNEIDERMAN:

Same motion, same second. All in favor? Opposed? Abstentions? Approved. **(Vote: 4-0-0-1 Not Present: Legislator Cooper).**

30-09, Proposed Rehabilitation of CR 11 Pulaski Road, from vicinity of Woodbury Road to Depot Road, CP 5168, Town of Huntington. (Unlisted Action, Negative Declaration).

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

31-09, Proposed SEQRA Determination for the Rehabilitation of Movable Bridges, CP 5806 and CP 5838. (Type II Action).

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

Moving on to tabled resolutions.

TABLED RESOLUTIONS

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

I will make a motion to table. This is the plastic bag tax, surcharge, whatever you want to call it.

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

So 1418 there is a motion to table and a second. Any discussion? All in favor? Opposed? Abstentions? 1418 is tabled.
(Vote: 4-0-0-1 Not Present: Legislator Cooper).

IR 1573, Authorizing the planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Dreeben property - Town of Southampton). (Schneiderman)

I'll make the motion to table, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions? 1573 is tabled.
(Vote: 4-0-0-1 Not Present: Legislator Cooper).

IR 1592, Authorizing the acquisition of Farmland Development Rights under the New

Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the VW Enterprises LLC property - Mitchells Lane Farm - Town of Southampton (SCTM No. 0900-050.00-01.00-005.000). (Co. Exec.)

This is the one that we reached out to the town for a partnership, and I believe we got a partnership, did we not?

DIRECTOR ISLES:

Yes, and we're revising the contract and the resolution to reflect that.

CHAIRMAN SCHNEIDERMAN:

Okay. I'll make a motion to table.

LEG. LOSQUADRO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Losquadro. All in favor? Opposed? Abstentions?
(Vote: 4-0-0-1 Not Present: Legislator Cooper)

Counsel, you are working on the amended resolutions?

MR. NOLAN:

It's the County Executive.

CHAIRMAN SCHNEIDERMAN:

Oh, it's coming through the County Executive. Okay.

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

LEG. D'AMARO:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

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

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

LEG. D'AMARO:

I have a question.

CHAIRMAN SCHNEIDERMAN:

Before we have a question, do we have a motion?

LEG. BEEDENBENDER:

If we can't put it on the ballot I don't see -- I mean, would it automatically go on next year's ballot if we passed it now?

MR. NOLAN:

Yes.

LEG. BEEDENBENDER:

Oh, it would?

CHAIRMAN SCHNEIDERMAN:

Isn't there a window of time that you have to approve something, a certain amount of days before the Election and a certain amount of -- not too soon, not too early? I just remember there is a window involved.

MR. NOLAN:

I'll double check that. I know it has to -- we would have done this about the beginning of September to get it on the ballot, so it can't get on this year's ballot. I will double check whether or not there is a problem.

CHAIRMAN SCHNEIDERMAN:

There's two early times --

MR. NOLAN:

I'm not aware of it, but I will double check it because it is a legitimate question.

CHAIRMAN SCHNEIDERMAN:

Okay.

P.O. LINDSAY:

Table it for now.

LEG. D'AMARO:

I'll make a motion to table.

LEG. BEEDENBENDER:

Second.

LEG. D'AMARO:

But just on the motion. The Presiding Officer is here, I just want to ask a question. I want to support this bill because I think there is a legitimate use in targeted areas where the policy of promoting development in those areas would override the groundwater considerations, in limited circumstances. Have you considered any type of amendments to the bill to more clearly define when the credits could be used or not used. I think the Commissioner of Economic Development also mentioned that, you know, if there's a corridor study, let's say, or something like that where we can really maybe hone in a little bit more definite where the credits would be usable.

P.O. LINDSAY:

I do not have any specific language, but I would open to suggestions.

MR. NOLAN:

Let me just also add that the bill would require the Planning Department to develop the program, just like we did with the affordable housing component of this, and that would have to come back to the Legislature to be approved, would be the program, the specific program. This is just the broad outlines of a program.

CHAIRMAN SCHNEIDERMAN:

But it might help before there's a vote by the public, because that question will come up, what is smart growth. If we had a plan before there was an actual vote I think it would be beneficial to the voters, knowing what they were voting on.

LEG. D'AMARO:

And I think also to provide some guidance in the bill to the Planning Department in coming up with the more specific plan to implement, I think, would be useful as well. So the sponsor, the Presiding Officer, has indicated he is open to suggestions. Maybe I can make a few, but we don't need to do that here today.

P.O. LINDSAY:

Fine.

CHAIRMAN SCHNEIDERMAN:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I just want to say in listening to what we heard today and listening to what the Presiding Officer said, I'm seeing this in my own district, in Rocky Point. We are in the midst of doing a sewer study. We had a developer pull out of a potential deal that would have added some sewer capacity, and we have two other possible developments, but no developers are moving on those. We have a similar situation where I speak to a lot of business owners in that downtown community and there's no room. There's no way for them, other than, you know, some of those sort of far flung ideas we heard before, for them to expand their stores. There have been suggestions made for them to put a chromoglass system on their site, but then because of the size of these parcels they don't even have the necessary setbacks to install a chromoglass system. It's very difficult in these downtown areas, which are really dying on the vine, like the Presiding Officer said. This is something, I think, is certainly worth looking into. Obviously we've heard some testimony here today that we think it needs some more work, but it's something that I'm very interested in. So, thank you.

CHAIRMAN SCHNEIDERMAN:

I know of a similar situation in a downtown where somebody is trying to expand a retail business and they were told by the Health Department basically they have to go out and buy a piece of land somewhere and sterilize it. You can imagine out in my neck of the woods how expensive that is, and that just killed the project. So, there may be some advantages to a program like this that are certainly worth debating.

Anyway, we have a motion and a second to table. I believe that was Legislator D'Amaro and then Legislator Beedenbender seconding. If there is no further discussion, all in favor of tabling? Opposed? Abstentions? So 1651 is tabled. **(Vote: 4-0-0-1 Not Present: Legislator Cooper).**

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

LEG. LOSQUADRO:

Is there an update on this?

DIRECTOR ISLES:

Okay. By way of an update --

LEG. LOSQUADRO:

I know we had tabled it.

DIRECTOR ISLES:

That's up to you. What we -- I have been in contact with the sponsor. We did request, as we customarily do with active recreation, that they supply answers to a questionnaire that we suggest. We can't mandate it of the Legislature. The sponsor did do that and they did forward information to us.

What they indicate is they have been in contact with the Town of Shelter Island. Shelter Island has indicated that they have an interest in a partial participation, meaning that they would maintain the open space, but they are not interested in maintaining the buildings or not capable or willing to maintain the buildings. So the questionnaire indicates that the proposal is to investigate acquiring the open space portions only.

As you can see on the aerials, this is a monastery site that is developed with a number of buildings, some of them are large, and lawn areas. Based upon this information, the County Planning Department is planning on doing an inspection of this to identify if there are any open space areas that would be complimentary to the County's interest. We own land to the west. So the County Planning Department at this point has not completed a rating because, here again, the original proposal was for active recreation. It appears that it's being amended to open space. We are happy to look at that further, and we are scheduling a site visit for about two weeks from now and we'll report that back to the sponsor, you know, depending on how he wants to proceed then at that point. I will say it is going to be a little bit of a challenge, with the buildings being so spaced out, identifying an area that, here again, would seem to compliment the existing County holding to the west or the DEC holding to the south.

LEG. BEEDENBENDER:

Motion to table.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Beedenbender, second by Legislator D'Amaro. Any discussion? All in favor? Opposed? Abstentions? 1696 is tabled. **(Vote: 4-0-0-1 Not Present: Legislator Cooper).**

IR 1697, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Long Island Beagle Club property - Town of Riverhead). (Romaine)

LEG. D'AMARO:

Motion to table.

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

There is a motion to table by Legislator D'Amaro, second by Legislator Beedenbender. Director - I was about to say Commissioner again. Director Isles, I remember this piece from the last aerial, and there may have been some buildings on it. I think I had some questions about whether this could be a farmland TDR type of thing or purchase of development rights, PDR. Do we have any more information on this from the last time we discussed it? It was an awfully large property, I think, right across from a commercial development or a residential development, but surrounded by vast amounts of farmland if I recall. Right now it looked like from one of the pictures that there's just basically overgrown grassland area.

DIRECTOR ISLES:

Right. The property was farmed up until the 1960's, so it did have a long history of farming. It has been used as a private club for training beagles, dogs. The -- one of the questions that came up at the last meeting was that is there an option or an interest by the Town of Riverhead in participating in this acquisition. We have correspondence that the sponsor contacted the town. The information that I interpret in this is that the town is not able to come forward as a financial partner. The

inquiry is then made can they do a management role or a maintenance role. The town then had questions as to what would that mean. And in answering that question we are in the process of scheduling a site visit with the Parks Department.

This is a sizable holding, 150 acres, and there are at least three buildings on the site, so we want to get information from Parks as to what would be the management maintenance requirements in this property for the buildings, for any trails, for any site improvements, so we can report that back to the sponsor and back to the Town of Riverhead.

At this point the property rated 18 points based on the County's rating system. The standard passing grade, so to speak, is 25. There is still additional information we're trying to get more information on, including about the Coopers hawk, but we have investigated the Natural Heritage List with the State of New York and so forth in terms of identification of endangered or threatened species. So far we haven't come up with anything to validate the Coopers hawk at this location.

So where we stand at this point is awaiting additional information about the role of the Town of Riverhead and any additional information regarding the relevance of this site or as it relates to the County's open space criteria. As far as farmland, at this point we have not been asked to look into that. It would be a logical farmland site, but obviously it would have to be cleared in order to make that occur.

CHAIRMAN SCHNEIDERMAN:

All right. So right now it is basically fallow farmland. It seems to me that the happy ending would be if we could somehow carve these buildings out as a separate parcel and take the farmland and have it farmed in conjunction with some of the surrounding farmland and keep a nice, contiguous block of farmland there. But this resolution doesn't ask to do that. This is just purely an open space acquisition with no partner.

DIRECTOR ISLES:

Right.

CHAIRMAN SCHNEIDERMAN:

We had a motion to table by I think Legislator D'Amaro and a second by Legislator Beedenbender. If there is no further discussion, all in favor? Opposed? Abstentions? So tabled. **(Vote: 4-0-0-1 Not Present: Legislator Cooper)**. Moving on to Introductory Prime.

INTRODUCTORY PRIME

1731 we've already taken. We took that out of order, so we'll move to ***IR 1751, Amending the Adopted 2009 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2009 Capital Budget and Program, and appropriating funds in connection with maintenance of recharge basins on Nichols Road (CP 8240.322). (Co. Exec.)***

LEG. D'AMARO:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator D'Amaro.

LEG. LOSQUADRO:

Can we have an explanation?

CHAIRMAN SCHNEIDERMAN:

Can we get a second first?

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Beedenbender. On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

I just want an explanation.

MR. CASTELLI:

I'm Frank Castelli from the Department of Environment and Energy. I just wanted to provide just a little bit of brief information on this. This resolution, initially this application was made to the Water Quality Review Committee during April of 2008. The committee asked for additional information, and the Town of Smithtown provided the information. We subsequently approved -- recommended this project during the June 2008 meeting.

Another thing I wanted to bring up is in the 477 funds there was some concern about available funding, and we went back and we made sure that there are available -- sufficient available funds for this. It's \$140,000 being requested from the Quarter Percent Sales Tax Water Quality Funding to be matched equally by the Town of Smithtown. In order to determine that there was sufficient funds we asked Budget Director Connie Corso for an estimate of how much would be in the Water Quality Fund at the end of 2009, and we determined that there are sufficient funds for to fund this \$140,000 project. In fact, even if we consider all the projects that have been adopted -- I'm sorry, not adopted, recommended by the Water Quality Review Committee but have not yet been approved by the Legislature, it seems that there would be a little over one million dollars left in the fund at the end of 2009, considering that all the projects that have been approved by the Water Quality Review Committee are subsequently adopted by the Legislature.

CHAIRMAN SCHNEIDERMAN:

Thank you.

MR. CASTELLI:

If there are any specific questions on the project, Ted Sanford, Engineer from the Town of Smithtown, is here with me.

CHAIRMAN SCHNEIDERMAN:

Any questions? Okay. So we had a motion and a second. All in favor? Opposed? Abstentions? 1751 is approved.

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

IR 1755, Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Gregor (a/k/a Cheadle) property - Town of Brookhaven (SCTM No. 0200-589.00-03.00-008.002 p/o). (Co. Exec.)

An aerial is being circulated. Commissioner?

DIRECTOR ISLES:

Okay. The subject parcel is located in the Town of Brookhaven in the Hamlet of Manorville. This is a parcel of a little over ten acres, approximately eight acres which are proposed for the purchase of development rights by Suffolk County. The parcel is part of a larger area in Manorville known as the Manorville Farm Belt, up along Wading River Road. This is a little bit south of that where there are a scattering of farms south of the main belt.

The matter before you has been reviewed by the Suffolk County Farmland Committee. We do have a rating that's attached, and this was completed at the time of the initial planning steps

consideration, and at that time they made a rating of 6.5. What you will note on the rating form, however, is that the estimate of land value was in the range of \$105,000 to \$250,000. The actual price per the Environmental Trust Review Board was \$46,000 an acre. Therefore, the rating changes, if we just want to reflect that then. At 50,000 or less it would give it five points, so the point value adjusted based on the actual value was 11.5.

The transaction before you, the resolution before you, then, is to seek authorization for acquisition of the development rights, here again, at \$46,000 per acre for a total based on that acreage of 8.02 of \$368,720. Here again, subject to final survey. If you have any questions, we'll do our best to address those questions.

CHAIRMAN SCHNEIDERMAN:

Any questions? So the true rating, it's over the ten -- it's 11.5.

DIRECTOR ISLES:

Yes.

CHAIRMAN SCHNEIDERMAN:

Any questions?

LEG. D'AMARO:

No. I'll make a motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion to approve by Legislator D'Amaro.

LEG. LOSQUADRO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Losquadro. Any discussion? All in favor? Opposed? Abstentions? Approved.
(Vote: 4-0-0-1 Not Present: Legislator Cooper)

IR 1756, Approving planning steps for the acquisition of Farmland Development Rights - July 2009. (Co. Exec.)

These are a total of five parcels, approximately 377 acres in aggregate.

DIRECTOR ISLES:

So there are, as indicated, there are a total of four farms totaling the five separate parcels that are indicated on the exhibit. The first one is that of Ringhoff Family LLC, Ringhoff Farm. This is located along the north side of County Road 111 and it is a proposed purchase of development rights of 140.7 acres, plus or minus. As is the case with all of the parcels within this resolution, they have been reviewed by the Suffolk County Farmland Committee. In the case of Ringhoff, the review resulted in a rating of 13.75. So that takes care of Ringhoff.

The next one is the matter of Schmidtt, which is under the name of Philip A. Schmidtt and Son Farm, Inc. This is for property located in the Town of Riverhead and is a proposed PDR of 50.7 acres out of a total site of 56.7 acres. Once again, it was also rated by the County Farmland Committee. Most notably on the aerial photograph is that this is a site that's clearly in the middle of a farm belt with many of the parcels in the area currently being protected by either County or town development rights purchase. The subject parcel rated 16.75. Once again, the scale of this is zero to 25, so ten being a passing grade as an advisory to this committee, so this one well exceeded that number. The proposed cut out to be retained by the owner, and each of the maps is shown in the blue ink on the map.

The third parcel is that of Lewin Farm, which is the Lewin family are the owners. This is 127.4 acres out of 194 acres overall. There is some woodland to the north that is being excluded from the PDR purchase. This is also in the Town of Riverhead in the Hamlet of Wading River. What's interesting about this one is that if you look at a broader aerial there is over 500 acres in this immediate area of protected farmland, so it's been very successful of the County's efforts principally and supplemented with the County's efforts -- town's efforts, pardon me. The crops on this are vegetables as well as grains, and the score is 15 out of 25.

The last recommendation before you from the Farmland Committee through the County Executive is that of Roselle Building Company. This is a parcel located also in the Town of Riverhead, Hamlet of Calverton. This is a parcel that's actually farmed by the Rottkamp family, which has a farm stand a little bit to the west, principally in corn. The subject parcel being 58.3 acres and scoring a 16 out of 25.

Just to correct on Ringhoff, it was 13.75, just to make sure I reflected that correctly. So those are the four farms, a total 377 acres that have been recommended. If you have any questions, we'll try to address those.

CHAIRMAN SCHNEIDERMAN:

I have one question about the first one. It's an area I'm familiar with that's all Pine Barrens around it. So when we value a farm that's in the Pine Barrens core, would the property be valued similar to the lands that adjoined it, the {Wern} farmlands in terms of the development right? How do we do that?

In a related question, should we -- to purchase the development rights and make it forever farming, do we put any restrictions in the Pine Barrens since it's a, you know, a Federally designated sole source aquifer area?

DIRECTOR ISLES:

We have not, to my knowledge, the County has not purchased too many farms in the core. This isn't a core of the Pine Barrens. It is not even the CGA. So in terms of your first question, how would we value this, I would defer to Real Estate on that more specifically, but I think it is typically a highest and best use analysis. It may be in this case that the highest value is, you know, a transfer of development rights to send the credits out somewhere. But here again, that would be determined through a process and I would defer to Real Estate for further questions.

As far as the point about a restriction on use, that is not something that I'm aware that we have done in the past, but here again, we haven't had too many core parcels. It is certainly something in the planning steps process that we could examine and bring that back to you. I don't think there are any built in restrictions, though, by the Pine Barrens. Agriculture is allowed in the core. As an existing use they are allowed to remain, but I am not aware of any restrictions. There are clearing restrictions in the Pine Barrens, but here again, this site is already cleared, so that really wouldn't apply.

CHAIRMAN SCHNEIDERMAN:

Any other questions about any of these parcels? Legislator Losquadro.

LEG. LOSQUADRO:

I just wanted to point out, I don't want to repeat what Mr. Isles said, but, I mean, these are some of the higher ratings that I remember seeing as part of this committee, and in looking at these parcels, seeing many of them bordered on -- some of them on all sides by protected farmland and obviously being part of the large remaining belt of productive agricultural land that we still have on the East End of the Island, I'll be very happy to make the motion approve this.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

There is a motion to approve by Legislator Losquadro, a second by Legislator D'Amaro. Any discussion? All in favor? Opposed? Abstentions? Approved. **(Vote: 4-0-0-1 Not Present: Legislator Cooper)**. If the Clerk can put me down as a cosponsor on that one I would appreciate it as well.

IR 1762, To amend Resolution No. 187-2009, "Establishing an Equestrian Task Force". (Eddington)

There's a motion by Legislator Beedenbender, second by Legislator D'Amaro. How are we amending it? Are we adding another person?

LEG. D'AMARO:

Extending the expiration date.

CHAIRMAN SCHNEIDERMAN:

Okay. It's extending the expiration date.

MR. NOLAN:

It's also changing the membership. It's replacing a representative of the Village Officials Association with a member at large with experience on a town or village planning or zoning board. I think he was having a hard time getting somebody from the Village Officials Association to sit on the Task Force.

CHAIRMAN SCHNEIDERMAN:

There is a motion and a second. All in favor? I will abstain on this one. 1762 is approved. **(Vote: 3-0-1-1 Abstention: Legislator Schneiderman; Not Present: Legislator Cooper)**

IR 1774, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (the links at East Quogue property - Town of Southampton). (Schneiderman)

I'll make a motion to approve.

LEG. LOSQUADRO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Losquadro. Commissioner Isles -- Director Isles.

DIRECTOR ISLES:

As noted in the aerial photograph before you, the subject parcel is in East Quogue in the Town of Southampton, totalling about 146 acres. It did achieve a rating of 30 points. There are a couple of -- there is a comment we'd like to make on this for your consideration in the planning steps. As you examine the aerial photograph, Sunrise Highway extends along the north side of the map, the top of the map, and that reflects, that's the area within the core of the Central Pine Barrens. It comes down for 1,000 feet from Sunrise Highway, which is in the range of a half of an inch or so or three-quarters of an inch on this map. So most of the subject parcel is within the central -- the compatible growth area of the Pine Barrens.

As you will note in looking at the ownership pattern in this area, the subject parcel of course is in red, there are some County parcels, which are indicated in green, which are tax defaulted lots that were transferred to County Parks, and then the predominant public holdings are those of the Town

of Southampton. Those are principally in two parcels. One on the right hand side of the map you can see a subdivision where about half the property is developed into subdivision lots and half is set aside as a cluster subdivision. The second one is immediately adjacent to the subject parcel, here again, and outlined in purple. This is also a cluster subdivision. In this case the town clustered the development into the lots that are on the bottom end of that map and kept quite a bit of the property's open space, anywhere from probably 75 to 80% of the site was open space.

Clustering is a tool for open space preservation, and I think the examples that the town has done here, especially one immediately to the east, are good examples of the use of cluster subdivision. Now, in the case of the subject parcel, it has been the subject of a recent zoning action by the Town of Southampton. As of December, 2008, it was rezoned, upzoned to CR200, so it's in essentially a five acre zoning category at the present time, so that would make a good candidate for cluster zoning.

So I think two points to summarize. One is that I just wanted to point out the example that there are a number of tools to land preservation. Clustering is one of them. Many of the towns use them, and this is an example where I think it's been leveraged fairly well to preserve a significant resource, and especially the area in the core of the Pine Barrens.

The second point is that the County does not have a significant investment. Here again, we have some of these scattered lots, so I would just ask you to pause for a moment in terms of a real question when I looked at this is should the County, should the town, move in and do a significant conservation effort where we basically have very little. Is this something where we are going to start and should we start a precedent in terms of seeking to acquire a lot of these lands. There are some sand mining activities in this area to the west. There is significant ATV use, which is obviously not an authorized land use per se. But I think we've got to think carefully about, you know, in terms of our priorities, of the Pine Barrens core, watershed corridors, of stream corridors and so forth. This went to us, although the point rating of 30 is certainly respectable, we do consider this to be somewhat of a threshold going into this, you know, with a big question mark and find the concept of clustering to be interesting and well used in this case, and perhaps worth a conversation with the town on that a little bit further.

So I just wanted to bring those points to your attention and certainly we'll address whatever questions you have.

CHAIRMAN SCHNEIDERMAN:

I'm just not used to you making those arguments and I haven't heard them in the past. We've looked at lots of properties all over the County and I've never heard you say well, maybe this should just be, you know, clustered and subdivided. The fact that the town has zoning that's in place to protect groundwater they shouldn't be punished and say okay, we are not going to acquire it there because your zoning protects it, and, you know, an area that has less protective zoning somehow more qualifies. So, you know, this is an area of deep groundwater recharge. This is a large property. It's in an area with a lot of open space, and it seems like it is a perfect candidate, in my mind, for acquisition. Legislator Losquadro.

LEG. LOSQUADRO:

I was just going to say even with that zoning, which I think I heard a comment from the other side over there saying it might be a bit onerous. But even with that zoning, this will still yield close to 50 units. It's a fair number, but I don't know. You have some large holdings, you have some very large open tracks of land, or excuse me, 30 units. My apologies. But, still, you have some very large holdings by the town and it looks like right on the north side, you were pointing out the south side of Sunrise, but it looks like on the north side I see a lot of green outlines there that the County holds. What are those holdings?

DIRECTOR ISLES:

That's all within the core, and so certainly the County has significant holdings in the core, and, you

know, obviously that's something the County has had a priority on.

LEG. LOSQUADRO:

So just separated by a strip of asphalt that didn't do much to stop the wildfires when they went through there. I don't think it would do very much to stop groundwater flow either. I think because of it's proximity to the Pine Barrens core area, being that's compatible growth, and the amount of open space that thankfully still does exist there, I'm inclined to support this.

DIRECTOR ISLES:

If I could, just on the clustering. The County Planning Department did complete an Open Space Policy Plan in June of 2007 and was one of the tools we did bring to the attention of the County, that that is something that certainly is used as applications come through the County Planning Commission. The Commission strongly encouraged it. And, here again, just to make it known that it is a tool, and especially with large lot zoning it can yield benefits. We certainly don't argue against this one. It is within a special groundwater protection area, but, here again, it was a point of illustration of clustering where, here again, I think there have been good examples here that perhaps can be considered further.

And then secondly, I think there's a policy question here for you, for the Legislature, that if you feel that this purchase within the central compatible growth area is warranted, then we have, you know, I respect that. Potentially there could be many other parcels that you may choose to pursue as well, but this is really our first foothold in a big way into this area and obviously I respect your decision to say that's what you want to do. But I just felt it was worth discussing with you before making the move to a planning step's resolution and I am appreciative of you hearing me.

CHAIRMAN SCHNEIDERMAN:

Legislator Beedenbender.

LEG. BEEDENBENDER:

I'm willing to support this at this point for the planning steps process, but my reservation would be that a parcel of this size in that location, the price could be quite high. And while price alone shouldn't dictate whether we move forward, when I look at the acreage of this amount, I think of something like the North Fork Preserve, which would also be very expensive. If we're going to purchase something and expend that amount of money, I'd rather have something that had a greater utility, just because of the shape and the layout of the parcels. So while I certainly won't say that I'm not willing to approve this one, it would come back to us in terms of a dollar figure, what I would like to put on the record is that I would be concerned that that dollar figure, if it was quite high, which it could be, whether that would make it a good purchase for the County given the limitations of the -- well, given the situation with the parcel and all the parcels around it. So, I just would put that on the record.

CHAIRMAN SCHNEIDERMAN:

Okay. Any other discussion? All right. I'll call the vote. All in favor? Opposed? Abstentions? Approved.

(Vote: 4-0-0-1 Not Present: Legislator Cooper). I guess I made the motion to approve, right, and you seconded it. 1774 is approved.

LEG. LOSQUADRO:

I seconded.

IR 1781, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (Effective December 1, 2007) Open Space Component for the Clarke Property - Chandler Estate Addition - Town of Brookhaven (SCTM No. 0200-46.00-03.00-023.000)

LEG. LOSQUADRO:

I'll make the motion. I just want to confirm with the Clerk, I believe I already am a cosponsor on this, but I want to double check.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

So we had a motion, I believe, by Legislator Losquadro, to approve.

LEG. LOSQUADRO:

The aerial pretty much spells it out, but this was an out parcel when this property was preserved I think back in 2001 thereabouts. That was a holdout. There was a house on it. There was someone living in it until fairly recently. The house fell into disrepair, part of the roof actually collapsed, and it's become an attractive nuisance since it was abandoned, a little bit of a clubhouse for some local youth. So we're looking forward to taking possession of this and raising the structure and letting it go back to its fallow, former existence and become a part of that beautiful park that's there that goes all the way down to Mt. Sinai Harbor.

CHAIRMAN SCHNEIDERMAN:

Training for the fire department I suspect.

LEG. LOSQUADRO:

Possibly.

CHAIRMAN SCHNEIDERMAN:

I know Legislator Losquadro made a motion to approve. Was there a second, though?

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Beedenbender.

LEG. D'AMARO:

No, I seconded it.

CHAIRMAN SCHNEIDERMAN:

All right. Legislator D'Amaro seconded it. We still haven't voted on it. All right.

LEG. BEEDENBENDER:

They are going to -- the demolition is obviously out of the purchase and all that, right?

CHAIRMAN SCHNEIDERMAN:

All right. Any further discussion? All in favor? Opposed? Abstentions? Approved.

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

DIRECTOR ISLES:

Mr. Chairman, can I bring up one item with your indulgence?

CHAIRMAN SCHNEIDERMAN:

Yes, of course. Director Isles.

DIRECTOR ISLES:

We'd just like to hand something out. We will be or the County Executive will be requesting, I

believe, a Certificate of Necessity at your next meeting on the 17th to consider a resolution to authorize the department to make an application for a grant to New York State Parks for the acquisition, or to assist in the acquisition, of what's known as the River Catwalk Property in Riverside in the Town of Southampton. I just wanted to present to you a copy of the aerial as well as a copy of the draft resolution.

It's a time sensitive matter with the grant application. The interest of the owner was only recently expressed, otherwise we would have been here much sooner. So I just want to take the opportunity to share with you the information and the parcel location. It is on Master List II, and here again, we have owner interest to proceed. This is a Peconic River corridor parcel. It has numerous wetlands as well as it's been highly rated in the Peconic Estuary Program and so forth. So just to give you a heads up and a chance to review it in the event the Certificate of Necessity does proceed next week.

CHAIRMAN SCHNEIDERMAN:

All right. So there's no time to review this in committee. Is that because of the nature of the grant?

DIRECTOR ISLES:

Yes, and the scheduling of the Legislature.

CHAIRMAN SCHNEIDERMAN:

Do we have a representative from the County Executive's Office? Is Mr. Zwirn here or?

LEG. LOSQUADRO:

While we're waiting for that could I just ask Mr. Isles what the rating was? You said -- it was obviously very highly rated.

DIRECTOR ISLES:

This was done through the Master List, so we don't do specific ratings, but as part of that overall planning process.

LEG. LOSQUADRO:

I don't see the -- my favorite little blue outlines there. What portion near the water there, are wetlands affected?

DIRECTOR ISLES:

Most of this is tidal wetland, so when we see that blue line it's usually -- it's freshwater.

LEG. LOSQUADRO:

That's usually freshwater. Okay.

DIRECTOR ISLES:

There's a little bit over to the right end of the aerial photograph.

LEG. LOSQUADRO:

Yes, I do see that.

DIRECTOR ISLES:

But most of this is tidal New York State DEC regulations, 300 feet landward of the tidal wetlands boundary, so significant parts of the parcel are considered tidal wetlands.

LEG. LOSQUADRO:

Very good. Thank you.

CHAIRMAN SCHNEIDERMAN:

Was the resolution introduced but introduced too late or it hasn't been laid on the table yet.

DIRECTOR ISLES:

I don't believe it's been laid on the table.

CHAIRMAN SCHNEIDERMAN:

Is somebody here from the County Executive's Office? No. Okay.

If there's no further discussion, I will move to adjourn the meeting. Thank you.

DIRECTOR ISLES:

Thank you.

(THE MEETING WAS ADJOURNED AT 2:53 PM)

{ } Denotes spelled phonetically