

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 May 27, 2010.

MEMBERS PRESENT:

Leg. Vivian Vilorio-Fisher, Chairwoman (not present)
Leg. Lou D'Amaro, Vice Chair
Leg. Jon Cooper
Leg. Daniel P. Losquadro
Leg. Thomas Muratore

ALSO IN ATTENDANCE:

George Nolan, Counsel to the Legislature
Ben Zwirn, County Executive's Office
Laura Halloran, Budget Review Office
Renee Ortiz, Chief Deputy Clerk
Thomas Isles, Director of Department of Planning
James Bagg, Chief Environmental Analyst/Department of Planning
Pamela Greene, Director of Real Property Acquisition & Management
Lauretta Fischer, Principal Environmental Analyst, Department of Planning
Janet Longo, Real Property Acquisition & Management
Tom Ryan, Aide to Leg. Vilorio-Fisher
Justin Littell, Aide to Leg. D'Amaro
Paul Perillie, Aide to Majority Leader
Linda Bay, Aide to Minority Leader
Gail Lolis, County Attorney's Office
And all other interested parties

VERBATIM MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 1:13 PM

VICE CHAIR D'AMARO:

Good afternoon, ladies and gentlemen. Welcome to the Environment, Planning and Agriculture Committee. Please rise and join the Committee in the Pledge of Allegiance led by Legislator Cooper.

SALUTATION

As Vice Chair I will be chairing the Committee today in the absence of our Chairwoman Legislator Viloría-Fisher. And we'll start with the CEQ resolutions.

Are there any cards? Is there anyone present who would like to address the Committee this afternoon? For the record there is no response.

CEQ RESOLUTIONS

We'll turn to item five on the agenda, CEQ resolutions. I'll ask Mr. Bagg to please come up and join the Committee and address each resolution.

The first is CEQ resolution **19-10, proposed Historic Trust Approval to Authorize the Old Field Farm, Limited to Act as Custodian of Old Field Farm, Type II Action.**

MR. BAGG:

Basically this is the Council's recommendation as the Historic Trust for the Old Field Farm, Limited to act as custodian for Old Field Farm. I believe a separate resolution is going to have to come before the Legislature at a later date where you authorize Old Field Farm, Limited to become the custodian for Old Field Farm. And CEQ's recommendation is just part of the process as a historic trust.

VICE CHAIR D'AMARO:

Okay, thank you. I'll offer a motion to approve.

LEG. COOPER:

Second.

VICE CHAIR D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 4-0-0-1. LEG. VILORIA-FISHER NOT PRESENT)**

CEQ resolution 20-10, ratification of recommendations for legislative resolutions laid on the table for April 27, 2010 and May 11th, 2010, Type II and Unlisted Actions. Mr. Bagg, anything to add?

MR. BAGG:

Basically these are pretty pro forma. Either the resolutions have had previous SEQRA review, Type II -- I would like to point out one thing with respect to IR 1585 dealing with the restoration of the Helen Keller house. The Council in 2000 as well as just recently has reviewed the Helen Keller house. That house was rented by Helen Keller for a two week once. And I believe she didn't even stay the two weeks. It's not her birth place or any of her formerly owned residences. The house is so dilapidated; it's falling down. And the Council has recommended in the past and recommends now that it not be restored, that it be removed.

VICE CHAIR D'AMARO:

Okay. I will offer a motion to approve the CEQ resolution, second by Legislator Losquadro. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 4-0-0-1. LEG. VILORIA-FISHER NOT**

PRESENT)

CEQ resolution 22-10, proposed Sewer District #5-Strathmore Huntington, force main Replacement, Town of Huntington, Type II Action recommended. Mr. Bagg, anything to add?

MR. BAGG:

Yeah. The project involves the replacement of four pump stations force mains constructed of asbestos cement material which has deteriorated. Council recommends it's a Type II Action pursuant to 617.5 (c) (2) and Chapter 79 of the Suffolk County Code since it involves the replacement or reconstruction of a structure or facility in kind on the same site.

VICE CHAIR D'AMARO:

Okay, very good. I'll offer a motion to approve.

LEG. COOPER:

Second.

VICE CHAIR D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 4-0-0-1. LEG. VILORIA-FISHER NOT PRESENT)**

The last CEQ resolution is **23-10, proposed Francis S. Gabreski Airport, Lease of Existing Airport Building, Joe Burns Contracting, in the Town of Southampton. Recommended unlisted action and a negative declaration.**

MR. BAGG:

The action involves the lease of an existing building at the airport for use as a construction office, yard space and storage. Council recommends an unlisted action with a negative declaration that will not have a significant impact on the environment.

VICE CHAIR D'AMARO:

Very good. I'll offer a motion to approve.

LEG. COOPER:

Second.

VICE CHAIR D'AMARO:

Second by Legislator Muratore. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 4-0-0-1. LEG. VILORIA-FISHER NOT PRESENT)**

TABLED RESOLUTIONS

Item six on the agenda are tabled resolutions.

I'll call the first. **1174, adopting Local Law No. -2010, A Local Law amending Chapter 8 of the Suffolk County Code. (Co. Exec.)**

LEG. LOSQUADRO:

I make a motion to table for the purposes of discussion. I just want to ask --

LEG. COOPER:

Has to be tabled for a public hearing.

VICE CHAIR D'AMARO:

Right.

LEG. LOSQUADRO:

I'm sorry, the public hearing's not closed.

VICE CHAIR D'AMARO:

Yeah.

LEG. LOSQUADRO:

But since we're here --

VICE CHAIR D'AMARO:

I'll second the motion.

LEG. LOSQUADRO:

Mr. Isles, have you made any further progress?

DIRECTOR ISLES:

Yes, we have. We've made a number of changes to the draft resolution in accordance with comments that were received at the public hearing. Those changes number now in excess of 40 changes. So we received a number of comments that we felt were very helpful and clarifying and improving the language. There were some policy questions. We have had discussions with a number of the stakeholders including representatives from the Long Island Farm Bureau, Peconic Land Trust and the Town of Riverhead. So we hope to have something back to the Legislature in order to reconvene the hearing soon.

LEG. LOSQUADRO:

Very good. Thank you.

DIRECTOR ISLES:

You're welcome.

VICE CHAIR D'AMARO:

Okay, there's a motion pending to table. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 4-0-0-1. LEG. VILORIA-FISHER NOT PRESENT)**

Next resolution is 1220, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Gentleman's Driving Park property, Town of Brookhaven.

LEG. LOSQUADRO:

I'll make a motion to table. I'm still working with the Town of Brookhaven to see if they're interested in partnering with us on this.

LEG. COOPER:

I'll second.

VICE CHAIR D'AMARO:

Okay. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 4-0-0-1. LEG. VILORIA-FISHER NOT PRESENT)**

Resolution 1278-2010, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Daisy White Nursery property, Town of Brookhaven. (Losquadro)

LEG. LOSQUADRO:

I'll make a motion to table on this one as well with the caveat that we're actually much closer with

the Town of Brookhaven on this one.

LEG. COOPER:

Second.

VICE CHAIR D'AMARO:

Okay. All in favor? Opposed? Abstentions? Motion carries.

Resolution 1280-2010, 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 Copeland property in the Town of Brookhaven. (Viloria-Fisher)

LEG. COOPER:

I'll make a motion to table at the request of the sponsor.

VICE CHAIR D'AMARO:

I'll second. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 4-0-0-1. LEG. VILORIA-FISHER NOT PRESENT)**

Resolution number 1395-2010, appointing member of the Suffolk County Water Authority, Steven Romano. (Romaine) I'll offer a motion to table.

LEG. COOPER:

Second.

LEG. LOSQUADRO:

His seat was already filled?

VICE CHAIR D'AMARO:

Yeah.

LEG. COOPER:

Actually table subject to call.

VICE CHAIR D'AMARO:

Table subject to call is my motion.

LEG. COOPER:

I'll second that motion.

VICE CHAIR D'AMARO:

Legislator Cooper seconds the motion. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 4-0-0-1. LEG. VILORIA-FISHER NOT PRESENT)**

Resolution number 1412, adopting Local Law No. -2010, A Local Law establishing fair and objective procedures for contracting title insurance work. (Kennedy) Requires public hearing or recessed public hearing. I'll over a motion to table.

LEG. COOPER:

Second.

VICE CHAIR D'AMARO:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 4-0-0-1. LEG. VILORIA-FISHER NOT PRESENT)**

Resolution number 1416-2010, authorizing planning steps for the acquisition of land

under the Suffolk County Drinking Water Protection program, as amended by Local Law No. 24-2007. This is the Garsten property in the Town of Riverhead. (Romaine)

LEG. COOPER:

Motion to table.

VICE CHAIR D'AMARO:

Second.

LEG. LOSQUADRO:

I just don't recall the discussion on this. If Mr. Isles could just refresh my memory.

DIRECTOR ISLES:

Yes. The property's located along the north side of County Road 58 in the town and hamlet of Riverhead. The property consists of about 12 acres of land. It was rated under the County's rating system and achieved a score of 21 points. The property does have some wetlands on it; however, the concerns with the Department would be, number one, the rating itself would cause a question as to its appropriateness.

LEG. LOSQUADRO:

Is this the one that was adjacent to the industrial land?

DIRECTOR ISLES:

This is adjacent to the Town of Riverhead land and our feeling --

LEG. LOSQUADRO:

And it's along 58, though?

DIRECTOR ISLES:

Yes.

LEG. LOSQUADRO:

I'm remembering. Do you happen to have the aerial?

DIRECTOR ISLES:

Yeah.

LEG. LOSQUADRO:

I know I remember the discussion from last time. I just can't place the parcel.

DIRECTOR ISLES:

It's just east of Riverhead Center, which is a large shopping center in Riverhead. And it's adjacent to a town highway yard and many other town properties; the town water district properties. There are no County holdings in this area.

LEG. LOSQUADRO:

Yes, I recall the discussion now. That's fine. That's what I need to refresh my memory. Thank you. I believe we had a motion already.

VICE CHAIR D'AMARO:

I'll call the vote. All in favor? Opposed? Abstentions? The motion carries. The resolution is tabled.
(VOTE: 4-0-0-1. LEG. VILORIA-FISHER NOT PRESENT)

1430-2010, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Heritage Square property, Town of Brookhaven. (Romaine)

LEG. COOPER:

Motion to table due to a low rating.

VICE CHAIR D'AMARO:

Second. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 4-0-0-1. LEG. VILORIA-FISHER NOT PRESENT)**

Resolution 1453-2010, amending the Adopted 2010 Operating Budget to transfer funds from Water Quality Protection Fund 477 and amending the 2010 Capital Budget and Program and appropriating funds in connection with stormwater system discharge remediation and stream water silt removal and remediation at the Nissequogue Tributary Headwaters North from County Road 76, Townline Road to Miller's Pond, Smithtown, capital project number 8710. (Kennedy)

MR. ZWIRN:

Has to be tabled.

LEG. COOPER:

Motion to table.

VICE CHAIR D'AMARO:

Motion by Legislator Cooper to table. I'll second. All in favor? Opposed? Abstentions? Tom, did you want to add something to that?

DIRECTOR ISLES:

Yeah, if I could. And I apologize. On the previous resolution 1430, I just wanted to inform you that we have revised the rating form. And I can circulate that to you today for your consideration perhaps at the next meeting which I believe is in two weeks.

VICE CHAIR D'AMARO:

The rating for both resolutions?

DIRECTOR ISLES:

For the resolution 1430 which is Heritage Square. There was additional information received this morning.

VICE CHAIR D'AMARO:

Okay.

DIRECTOR ISLES:

We revised the form. And I will circulate that to you.

LEG. COOPER:

Tom, what is the new rating?

DIRECTOR ISLES:

The rating is 25.

LEG. LOSQUADRO:

All right. I think we need time to look through that anyway so that's okay. But on 1453, this I assume has still not gone through the Water Quality Review Committee.

MR. ZWIRN:

Right.

LEG. LOSQUADRO:

I believe that at the last meeting it was said that the next time they're scheduled to meet is June 23rd?

MR. ZWIRN:

Correct.

LEG. LOSQUADRO:

Is that correct?

DIRECTOR ISLES:

Yes.

LEG. LOSQUADRO:

When is our last cycle prior to the July break? June 22nd. We seem to always have a problem with the infrequency of when this committee meets. Now we're not looking to be able to approve this until August at this point. And I don't know if they'll be any requirements placed on us time-wise as to when this work can be done.

DIRECTOR ISLES:

If I recall, that was discussed at the last meeting and Mr. Kennedy was present and understood that. But I'm just relating what I recall.

LEG. LOSQUADRO:

I'm just expressing my frustration because I know that we have had these situations in the past with the infrequency of when that committee meets. So, all right. I believe we have a motion to table on this already.

VICE CHAIR D'AMARO:

Yes, we do. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 4-0-0-1. LEG. VILORIA-FISHER NOT PRESENT)**

INTRODUCTORY RESOLUTIONS

Turn to new resolutions. **1534, adopting Local Law No. -2010, A Charter Law to authorize the transfer of development rights for non-profit community centers. (Schneiderman)** It requires public hearing. I'll offer a motion to table.

LEG. COOPER:

Second.

VICE CHAIR D'AMARO:

Second by -- for public hearing, yes. Second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 4-0-0-1. LEG. VILORIA-FISHER NOT PRESENT)**

1535-2010, making a SEQRA determination in connection with the proposed safety improvements to CR 21, Main Street, Yaphank. It's capital project 5138. (Town of Brookhaven) (Pres. Off.) I'll offer a motion to approve and place on the consent calendar.

LEG. COOPER:

Second.

VICE CHAIR D'AMARO:

Seconded by Legislator Losquadro. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 4-0-0-1. LEG. VILORIA-FISHER NOT PRESENT)**

1563-2010, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Mud Creek County Park addition, St. Martin estate property, Town of Brookhaven. (Pres. Off.) Same motion, same second and same vote. **(VOTE: 4-0-0-1. LEG. VILORIA-FISHER NOT PRESENT of 1443)**

1553-2010, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Four Boys X LLC property, Town of Brookhaven. (Muratore) This is for planning steps. Do we have information on this?

DIRECTOR ISLES:

We do have an aerial photograph we can provide to you. We do not have a rating at this point. This is proposed active recreation resolution. Property is located at the intersection of County Road 97, which is Nicolls Road as well as State Route 25, which is Middle County Road in the hamlet of Centereach.

It's about 9.86 acres. As is the customary practice with active recreation we do request the completion of a questionnaire by the sponsor and we have provided that to Legislator Muratore. And we appreciate his cooperation in that. Upon receipt of that we'll complete the rating form and provide the results of that rating review to you.

Our understanding is that the proposal is for ball fields and soccer fields. We do note that the resolution -- the draft resolution does include a resolution from the Town of Brookhaven indicating their support in partnering on this. We just need more details on that, if possible. Thank you.

VICE CHAIR D'AMARO:

Okay. So while we're waiting for that process to go forward, Legislature Muratore, it's your preference to table the bill today or --

LEG. MURATORE:

Until we get the rating; get more information.

VICE CHAIR D'AMARO:

Okay. Would you like to offer that motion?

LEG. MURATORE:

Yes.

VICE CHAIR D'AMARO:

Okay. I'll second the motion. All in favor? Opposed? Abstentions? Motion carries. The resolution is tabled. **(VOTE: 4-0-0-1. LEG. VILORIA-FISHER NOT PRESENT)**

Resolution number 1554-2010, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Sirfar Associates LP property Town of Brookhaven) (Muratore) Director Isles, any information?

DIRECTOR ISLES:

Okay. This is a property located in the Town of Brookhaven, the hamlet of Selden also along State Route 25 and a short distance east of County Road 83. It is outlined in red in the aerial photograph. Similar to the prior resolution this is proposed active recreation application or resolution encompassing a parcel of just slightly under three acres. We understand the applications involves the proposed development of a BMX bicycle facility. Similar to the prior resolution we have

requested the completion of a questionnaire. And upon receipt of that we will complete a rating for the Committee and the Legislature.

VICE CHAIR D'AMARO:

So same status as the last resolution sponsored by Legislator Muratore. Would you like to offer the motion on this one as well?

LEG. MURATORE:

Same motion.

VICE CHAIR D'AMARO:

Thank you. I'll second. All in favor? Opposed? Abstentions? The motion carries and the resolution is tabled. **(VOTE: 4-0-0-1. LEG. VILORIA-FISHER NOT PRESENT)**

And the last **resolution is 1575-2010, amending the deadline for the Equestrian Task Force. (Eddington)**

LEG. COOPER:

Motion to approve.

VICE CHAIR D'AMARO:

Motion to approve by Legislator Cooper. I'll second. All in favor? Opposed? Abstentions? Motion carries. **(VOTE: 4-0-0-1. LEG. VILORIA-FISHER NOT PRESENT)**

No further business before the Committee, I'll offer a motion to adjourn, second by Legislator Cooper. We are adjourned. Thank you, ladies and gentlemen.

**THE MEETING CONCLUDED AT 1:31 PM
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