

**ENVIRONMENT, PLANNING & AGRICULTURE COMMITTEE**

**OF THE**

**SUFFOLK COUNTY LEGISLATURE**

**MINUTES**

A meeting of the Environment, Planning & 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 23, 2016.

**MEMBERS PRESENT:**

Leg. Kara Hahn, Chairperson  
Leg. Al Krupski, Vice Chair  
Leg. Sarah S. Anker  
Leg. Thomas Muratore  
Leg. Robert Trotta  
Leg. Bridget Fleming

**ALSO IN ATTENDANCE:**

George M. Nolan, Counsel to the Legislature  
Jason Richberg, Clerk of the Legislature  
Amy Ellis, Chief Deputy Clerk/Legislature  
Laura Halloran, Budget Review Office  
Christina DeLisi, Aide to Presiding Officer  
Katie Horst, County Executive's Office  
Sarah Lansdale, Director/Department of Planning  
Lauretta Fischer, Department of Planning  
Janet Longo, Real Property Acquisition & Management  
Michael Pitcher, Director of Communications/PO  
Alyssa Turano, Aide to Leg. Hahn  
Catherine Stark, Aide to Leg. Krupski  
Robyn Fellrath, Aide to Leg. Anker  
Brendan Chamberlain, Aide to Leg. Muratore  
Greg Moran, Aide to Leg. Trotta  
Rick Brand, Newsday  
John Turner, Town of Brookhaven  
And all other interested parties

**MINUTES TAKEN BY:**

Diana Flesher, Court Stenographer

**THE MEETING WAS CALLED TO ORDER AT 10:00 AM**

**CHAIRPERSON HAHN:**

Okay, if we could all rise. Welcome to the Legislature's Environment, Planning and Agriculture Committee. All rise for the Pledge led by Legislator Anker.

**SALUTATION**

**PUBLIC PORTION**

Okay. Thank you. Welcome everyone. We will begin -- there's no correspondence. We begin with the Public Portion. I have three cards. They were filled out by one person but you can -- come on up, John. You're only allowed to speak for three minutes, but we are allowed to ask you questions. So if you hit on each topic in your three minutes --

**MR. TURNER:**

Okay.

**CHAIRPERSON HAHN:**

-- then we can question you.

**MR. TURNER:**

Could I hand out material? If you could pass that -- thank you and I have this as well.

**CHAIRPERSON HAHN:**

Although you might have a little extra time because I can't find the timer, so; get started and -- (laughter)

**MR. TURNER:**

Okay, yes. Thank you, Chairwoman Hahn and members of the Committee. For the record, my name is John Turner and I serve as the Land Management Specialist for the Town of Brookhaven. And I'm here today on behalf of the Town to express our strong support for the adoption of two Introductory Resolutions. They are 1408 and 1409.

1408 would authorize the appraisal of three small parcels that are located what we refer to in partnership with the County as the Mastic Marshlands Conservation area. And I wanted to just hand out -- there's an aerial photograph going around this one with all -- a lot more parcels on it, to show to you a success story that's happening on Long Island that has not been garnering a lot of public attention yet; but from the State Storm Buyout Program down through the County's strong commitment, the Town of Brookhaven and the Village of Mastic Beach, we've been acquiring and preserving dozens of parcels that are in that very low-lying area that was severely hit by Superstorm Sandy. And I don't show on that the contours, but the entire area that is in green with the parcels that the County owns, in yellow the parcels that the town owns is in the zero to five contour, which means that it's very, again, low-lying and storm surge easily reaches the existing structures.

So we've been involved in a buyout program. And the town just recently purchased through the Storm Buyout Program 17 houses, which we've knocked down and removed the cesspools, you know, put clean fill and taking down the houses. And I've actually been charged tomorrow to go out and take a look at the properties to begin a revegetation plan, coastal revegetation on the site.

So it's a very exciting partnership we have with the County and with the State and the Village. And these three parcels are a small part of that jigsaw puzzle piece. And we will continue; the town will continue to acquire parcels. We actually are appraising two on our own right now. And so I want to

say that we are willing to partner with you on this. What the exact amount will be, I am not sure. If we do reach a successful, you know, conclusion with the owner, but we put our money where our mouth is to assist the County in the efforts with regard to this important acquisition.

The other one has to do with the land along Purgatory Creek. That is a -- another area that we are strongly supportive of seeing preserved. The Town has begun a process of reviewing all south shore streams, flowing streams working from west to east. And this Purgatory Creek was one of the first watersheds we looked at and came across this parcel. And then I understand Councilman Foley reached out to the Legislator to explore if there was interest by the County on this. And we would certainly support the County moving forward in passing this planning steps resolution so you could determine if you can purchase it. Again, the County -- the Town was happy to partner with you on this financially; again, the exact amount we're not sure yet but we will be happy to do that.

If you look at this, you'll see that it is a parcel that would need to be divided because there is a church -- the Hellenic Church that's in the southwestern corridor so I think what we'd be talking about is hopefully preserving about two-thirds of the property.

**CHAIRPERSON HAHN:**

Can you hang out until we get to this one on the agenda if there are any questions?

**MR. TURNER:**

Yeah, sure, I'll be happy to hang out.

**CHAIRPERSON HAHN:**

And did you have any -- you know, while you're here, was there anything you thought about the new Smith Point Bridge?

**MR. TURNER:**

Yes, thank you so much. Actually, could I change hats here? Now I'm going to put on my conservation policy advocate hat for the Seatuck Environmental Association. And I wanted to just express the organization's perspective to share with you, the County, about the Smith Point Bridge. I saw the article May 9th.

Seatuck wrote to the County Executive and the Commissioner of DPW last year. What we urged at the time was while you're reconstructing the bridge, which absolutely needs to be done, is could you please factor in putting in photovoltaic solar panels on it. You've got unfettered sunlight there. And there's been so much controversy, as you know, about clearing woodland and -- both county-owned but also privately-owned land. And it seems to make so much sense to try to focus our efforts to -- which we desperately and definitely want to do with regard to renewable energy in places where it would have no adverse impact. And the County's done a great job at that. Just need to walk outside to see evidence of that. So the thought was about about -- could the Smith Point Bridge accommodate solar panels on it.

And I got a letter back which simply said that *you missed the boat, it's too late, that the* -- they'd have to go back and, I guess, do different load calculations to put these panels in. And I'm just frustrated by that. And when I saw the article and think that the, again, the County is such a hallmark program, you play such a leadership role with renewable energy, I'd hope that you'd put it on the registry, you have an opportunity -- you have an opportunity to build an iconic structure, truly iconic. And I fear that the opportunity's going to be lost by if you just build another bridge, although it won't be a drawbridge, it's just going to be a high-arc'd bridge, you could put -- in Italy they're putting wind turbines built into the bridge. You look at the friar's -- the Blackfriar Bridge at London, which provides enough energy to fuel the entire train station at that stop, it's an issue, as you've heard, whose time has come. And I don't know if it is too late, but I'd encourage this

Committee to respectfully express your support if you think it's a good idea to the powers that be. And I hope that the County will in the future with regard to other efforts that have to do with solar energy, that, again, would have no adverse impact, we're not talking about clearing any woodland, you seize on the opportunity like, again, you've done outside here.

So, thank you, Chairwoman Hahn, for letting me just speak about that a bit.

**CHAIRPERSON HAHN:**

Yes. And we have some Legislators who have some questions for you. Legislator Krupski.

**MR. TURNER:**

Sure.

**LEG. KRUPSKI:**

Good morning.

**MR. TURNER:**

Good morning.

**LEG. KRUPSKI:**

Keep both hats ready. I'm not sure which one you're going to need to answer --

**MR. TURNER:**

Okay.

**LEG. KRUPSKI:**

-- all the questions. We'll start with the bridge, though.

**MR. TURNER:**

Yeah.

**LEG. KRUPSKI:**

So I was at CEO last week. And they did discuss the replacement and they seemed to have a pretty comprehensive approach towards -- and they seemed to have done their due diligence as far as location and whatnot and design. So you just got a generic response that said "too late"?

**MR. TURNER:**

Yeah, and I apologize -- I'm happy to fax you the letter that I got back. I didn't have a chance to run down to Seatuck today in Islip to get the file on it. But, yeah, I got back a letter that's basically "too late." I know, Legislator -- and I cc'd Legislator Browning and Calarco because I wasn't sure -- I knew they'd both have an interest thinking it was -- it was, you know, close to their districts.

Anyway, Legislator Browning also wrote. And the response back was that it's really kind of too late, they didn't want to lose time because they'd have to go back to the drawing board to recalculate, you know, there was some engineering issues there. What they did say is that because of that letter, I guess, gave them the thought that they'd like to put in LED lighting, which I guess, was not going to be considered until that letter rose the issue. So we're delighted that it will incorporate LED lighting into it. But that's -- yeah, I got it back -- it wasn't a generic response. It was tailored to the letter we wrote, but it indicated that, you know, time is of the essence and that we pretty much lost the opportunity.

**LEG. KRUPSKI:**

Okay.

**MR. TURNER:**

It just seems to me we haven't lost the opportunity. It's still very early on in the process.

**LEG. KRUPSKI:**

There's also the opportunity to put it on the old roadbed there; so there's that, too.

**MR. TURNER:**

Well, that's another -- thank you, Legislator. I wanted to raise that. I actually last night looked at -- I looked at the bridge that's existing there. I know the bridge -- the new bridge's going to be slightly offset, right?

**LEG. KRUPSKI:**

West, yeah.

**MR. TURNER:**

And then you look up William Floyd and you've got that grassy margin in between almost up to the Sunrise Highway. And then from Sunrise Highway almost up to the Expressway; and then from north of the Expressway up to, it looks like, Whiskey Road, you have a grass -- a median in between that. It seems like --

**LEG. KRUPSKI:**

Right.

**MR. TURNER:**

-- it could easily accommodate thousands of solar panels without any adverse impact as well in fulfilling, again, the County's leadership role in putting in renewable energy facility.

**LEG. KRUPSKI:**

Thank you. Thank you for that, John.

**CHAIRPERSON HAHN:**

Our Committee could write as well.

**LEG. KRUPSKI:**

Sure.

**CHAIRPERSON HAHN:**

And question it for sure.

**LEG. KRUPSKI:**

That's a great idea, Kara. So the parcels in -- the small parcels --

**MR. TURNER:**

Yes.

**LEG. KRUPSKI:**

So who's going to own and manage these parcels if the County buys them?

**MR. TURNER:**

I would assume that -- well, if the County buys them in partnership with the Town, we'd have a co-management arrangement. In that area we have been becoming more and more interested in managing so we always had a great relationship with the county staff, so whatever the desire would be; if they wanted to manage those three, that would be fine. If they wanted -- if you wanted to

delegate manager responsibility to the Town, we'd be happy to do that. I'm very, very familiar with those three because I will tell you it is subject of a development application right now. It's kind of hard to see it to scale, but I got another map. There's an application at the DEC that we've been writing expressing our strong opposition to, to actually have development go on the two northern, larger parcels. And we're urging the DEC to not issue the necessary wetlands permit that would allow for that development to move forward. So we -- I'm very familiar with the site and the town, if they'd be an interest, we'd be happy to manage.

**LEG. KRUPSKI:**

Thank you.

**CHAIRPERSON HAHN:**

Legislator Flemming.

**LEG. FLEMING:**

Thank you for coming in and informing us of all this. We at our last General Meeting we passed a resolution to participate with New York Rising in the Town of Southampton on the purchase of some 12 -- it's not to purchase actually, on the -- it's with New York Rising to return some developed parcels to their natural vegetated state to act as stormwater runoff abatement and also, you know, a buffer for coastal resiliency purposes on the Reeves Bay. But it's the State that purchased those properties and turned them over to the Town of Southampton and then the County is going to assist in returning them to their natural state. So are there no New York Rising funds available for this -- this project that you're talking about in Brookhaven?

**MR. TURNER:**

I'm not sure. I'll defer to other county staff about that. I'm just -- I'm responding to the fact that you have a colleague of yours, Legislator, that put in a planning steps reso to begin the process, so I don't know the answer to that.

**LEG. FLEMING:**

It may be too late. I know it was several years ago that it was -- the Southampton project got up and running. But it might be something we want to explore if -- maybe I'm talking to this --

**MR. TURNER:**

Yeah.

**CHAIRPERSON HAHN:**

Well, they'll come forward. The staff will come forward when we get to the agenda portion.

**LEG. FLEMING:**

And then, of course more resources would be available from the County perspective to act -- I mean, this is a lot of work to return all of these to their natural state. I mean, I certainly support it, but I can imagine --

**MR. TURNER:**

I'm sorry, all of what?

**LEG. FLEMING:**

Didn't -- I'm just looking -- did you hand this out?

**MR. TURNER:**

Yeah, I'm sorry, I may not have been clear what I'm saying. The ones that are in green now are county-owned, but they don't need to be returned to their natural state. They're naturally

vegetated. A lot of those were acquired by the the County through the default on property taxes through the years. So the County's had a wonderful policy that when it comes to parcels in the -- again, we call it the Mastic Marshlands Conservation area, to not sell them at public auction but to keep them and dedicate them to the nature preserve. Again, coastal resiliency, the very effort here you're talking about.

The ones in yellow are vegetated as well that are owned by the Town. I didn't highlight any of these. The 17 parcels I was talking about that the Town is taking down the houses and removed the cesspool, those are all unvegetated. And I just on behalf of the Town will be going out and undertaking an effort to revegetate them based on the vegetation that's around them, the elevations, the title -- the tides, whatever -- whatever dictates what coastal species should be planted there. But that's not related to all those parcels in green.

**LEG. FLEMING:**

So it's 17 parcels.

**MR. TURNER:**

Yeah, but they're not the County at all; you have no involvement or responsibility. That's all Town; on the Town.

**LEG. FLEMING:**

So what are you asking of us?

**MR. TURNER:**

I'm asking you to simply hopefully to pass the Introductory Resolution that would allow for the planning steps for those three parcels in red -- I'm sorry -- that are to be appraised for acquisition purposes. And I just -- I gave you an area photograph at that scale, the three red parcels kind of meld together, which is to show you the sweep of prior county commitment, which has been quite remarkable.

**LEG. FLEMING:**

Okay. I guess I don't understand. So who has title to those three parcels now?

**MR. TURNER:**

The County.

**LEG. FLEMING:**

So what is it you're asking the County to do?

**MR. TURNER:**

What I'm asking you to do is to adopt Introductory Resolution 1408. It's the Giangrasso properties. 1408 is embodied by these three parcels here shown in red on that aerial photograph that shows the Mastic Marshlands Conservation area.

**CHAIRPERSON HAHN:**

We don't have title yet. We're trying to get it.

**MR. TURNER:**

Yeah. You don't own those. They're privately owned.

**LEG. FLEMING:**

That's what I was asking, who had title. You said County. So that was probably just --

**MR. TURNER:**

Oh, I'm sorry. Yeah. Did I say county-owned? I'm sorry. I didn't mean --

**LEG. FLEMING:**

So you're asking to acquire -- yes.

**MR. TURNER:**

No, those three parcels in red are privately owned by Mr. Giangrasso. He's the one that's got the development application in that we've expressed concern to the DEC about. I'm sorry, I must have misspoke.

**CHAIRPERSON HAHN:**

Legislator Trotta.

**LEG. TROTТА:**

Are these -- these are wooded lots now?

**MR. TURNER:**

Those are vegetated lots, yes.

**LEG. TROTТА:**

And next to them are?

**MR. TURNER:**

Most of the properties around that are vegetated in natural state. There are a few that are developed. Immediately to the north of that is the Mastic Beach Yacht Club property, which is developed. And sprinkled throughout that area, if I was to show you a more detailed closeup, are other properties that do have homes on them. Again, Legislator Trotta, let me make the point that there is, at least from our experience, and again I defer to the County, if they've been receiving correspondence, there's growing interest by property owners down there to bail, to get out.

**LEG. TROTТА:**

So why -- so why does this guy want to build on it?

**MR. TURNER:**

Because on the eastern most parcel of those three, years ago he had a snack bar. And just to the west of this property, you could see that canal that comes in. Can you see that feature that --

**LEG. TROTТА:**

Yeah.

**MR. TURNER:**

And so a lot of boats pull up there during the summer. And I think he wants to take advantage of that captive audience that's there and was hoping to rebuild a commercial --

**LEG. TROTТА:**

They come in by boat there?

**MR. TURNER:**

Yeah. Yeah, that's exactly it.

**LEG. TROTТА:**

I'm sort of familiar with that area. I don't think there's a lot of boat traffic right there.

**MR. TURNER:**

Well, there is. There's the Yacht Club right on the -- on the canal.

**LEG. TROTTA:**

And how big are these parcels?

**MR. TURNER:**

I don't -- collectively they're small. They're probably, I would guess, maybe an acre in size. I don't know if the reso says -- yeah, they're all relatively small. The southernmost one is the smallest. In fact, I have a --

**LEG. TROTTA:**

It's less than half an acre.

**MR. TURNER:**

Can I just show you this? Let me show you this. I didn't make copies.

**CHAIRPERSON HAHN:**

It's okay. He'll pass it around.

**MR. TURNER:**

Thank you. But that shows perhaps a little better scale. So that eastern parcel of the two northern ones is where the snack bar was situated years ago.

**LEG. TROTTA:**

There's nothing there now.

**MR. TURNER:**

There's nothing there now. And there's -- again, we talked about who would -- Legislator Hahn asked who might manage it. And there's nothing there now, but it's sand so it does need to ideally be revegetated to allow it to --

**LEG. TROTTA:**

What is the DEC's policy on this -- on this, so close to this, having -- and I don't see them granting the ability to put anything there.

**MR. TURNER:**

I wish that was true. You contact Region One and you have the argument with them about this. I'm actually going onto field with Rob Marsh on this.

**LEG. TROTTA:**

What are they saying?

**MR. TURNER:**

They haven't made a decision. But the fact that there's an application in that is being vetted and is being strongly considered means that they are considering the application pursuant to the --

**LEG. TROTTA:**

So they're buying up lots near it --

**MR. TURNER:**

Yes.

**LEG. TROTTA:**

-- that were flooded. And they're considering letting them build on this one?

**MR. TURNER:**

This won't be the first and last time you see government do this.

**LEG. TROTTA:**

But what have they -- what other things have they granted that they've built? I mean, it just seems to me that the argument is very simple: Why would you be buying stuff up and allowing building on something very close to it?

**MR. TURNER:**

You'd have to ask the agency.

**LEG. KRUPSKI:**

Because it's a voluntary program. Land preservation is a voluntary program. That's why.

**LEG. TROTTA:**

Well, no. Didn't you say, what is it the New York -- whatever you called it.

**LEG. FLEMING:**

Rising.

**LEG. TROTTA:**

Rising is buying lots?

**MR. TURNER:**

Yeah, but it's voluntary. Legislator Krupski is absolutely correct. Those three lots --

**LEG. TROTTA:**

What does Brookhaven Town -- you work for Brookhaven Town.

**MR. TURNER:**

Yeah.

**LEG. TROTTA:**

What is their position on this?

**MR. TURNER:**

The Town of Brookhaven is adamantly opposed to the granting of the application. In fact, Supervisor Romaine wrote a letter to the DEC urging that they not issue the permit for that.

**LEG. KRUPSKI:**

But, then, Rob, it becomes -- if I may?

**CHAIRPERSON HAHN:**

Legislator Krupski.

**LEG. KRUPSKI:**

Thank you. Then it becomes a regulatory taking if you apply for something and the municipality says no, they've got to have a very good reason for saying no, then it becomes a lot more complicated as far as property rights go.

**LEG. TROTТА:**

Was it flooded during Sandy?

**MR. TURNER:**

Yeah, it did. It got flooded during Superstorm -- Superstorm Sandy just really had a significant impact on it being so low-lying. Their tanks were leaking petroleum. Not to be gross, but the the cesspools flowed out. There was human waste just floating in the streets. The stench down there was just remarkable. You have hundreds of homes, it's probably the most densely-developed floodplain area on all Long Island. I mean, I stand to be corrected -- I can't think of any other place that is so low-lying and it's been so densely developed in the past. So this storm had a really significant impact. And that's why we've been work -- people have been, again as I said before, bailing. They've been --

**LEG. TROTТА:**

Has the New York Rising -- New York Rising won't offer money for that because it wasn't a builder; it's only if it was a house they offered money for?

**MR. TURNER:**

Yeah, I don't know quite what the specifics were between the property owner, I don't know, and New York Rising, if he even put an application in or expressed an interest, I don't know. I can't speak for the State on that.

**LEG. TROTТА:**

Maybe someone should ask them if he wants to sell it to New York Rising.

**MR. TURNER:**

I know he's -- I think there's an interest at the County level.

**LEG. TROTТА:**

Why would the County want to buy it if New York Rising would buy it?

**MR. TURNER:**

You're assuming New York Rising wants to buy it. I have no idea if New York Rising wants to buy it.

**LEG. TROTТА:**

Well, I think maybe you should -- before you come to us, go to him --

**MR. TURNER:**

You have the resolution in.

**LEG. TROTТА:**

Well, forget the resolution. You should have went --

**MR. TURNER:**

I can't forget the resolution.

**LEG. TROTТА:**

-- to New York Rising first, go to this guy --

**CHAIRPERSON HAHN:**

Legislator Trotta, what we've done in the past is, you know, we've looked into -- why don't we bring up Laretta and Sarah and we can let our speaker --

**MR. TURNER:**

Should I sit down now?

**CHAIRPERSON HAHN:**

Yeah, yeah, yeah. I think that we can get into the discussion on this with our staff from the Planning Department. Yeah, come on up. Have a seat at the table. Oh, but that's a good point. That was the last card we had. Was there anyone else in the audience who would like to speak before I move onto this? Okay, seeing none, we'll close the Public Portion. Okay, so we -- well, you want to take these two first? Do you mind if we handle Tabled Resolutions before we -- you can stay where you are, Laretta and Sarah, and we're just going to go onto Tabled Resolutions.

### **TABLED RESOLUTIONS**

**Introductory Resolution 1262, Appropriating funds in connection with the new Enhanced Suffolk County 1/4% Drinking Water Protection Program - 2014 Referendum - land purchases (CP 8732.210). (Co. Exec.).** We will make a motion to approve. Katie, you want to come on up.

**MS. HORST:**

If you could just table one more cycle, we're just trying to work everything out with bond counsel.

**CHAIRPERSON HAHN:**

Legislator Krupski.

**LEG. KRUPSKI:**

So, we've had this discussion, Katie.

**MS. HORST:**

Yes, we have.

**LEG. KRUPSKI:**

A few times.

**MS. HORST:**

U-hum.

**LEG. KRUPSKI:**

So is bond counsel working on it?

**MS. HORST:**

They are, they are. Connie Corso has been speaking with them on trying to get this to move as quickly as possible.

**LEG. KRUPSKI:**

And what would have happened if she had decided to drag her feet?

**MS. HORST:**

She is not. We have a meeting --

**LEG. KRUPSKI:**

No, no, I didn't say she is. I said if her advice had been to not work on it as quickly as possible, what are our prospects here for having this approved?

**MS. HORST:**

We have a -- we have a meeting scheduled or a conversation scheduled with bond counsel this week to try and get this squared away this -- this week.

**CHAIRPERSON HAHN:**

But I'm -- I'm a little confused because I -- last I spoke about this was at a General Meeting in the back where we had language that was all ready.

**MS. HORST:**

Bond counsel took another look at it that day at our request. And it is not ready to go. They will not issue the bond.

**CHAIRPERSON HAHN:**

Why? Is bond counsel here?

**MS. HORST:**

Bond counsel is not here. I'm asking for the County Attorney's Office. Let me see if I can get Dennis Brown on the phone to get you an exact answer because he was working with them as well.

**CHAIRPERSON HAHN:**

Thank you. Okay, so we'll pass over this if that's okay.

**LEG. KRUPSKI:**

Yes.

**CHAIRPERSON HAHN:**

We'll jump over it. **Introductory Resolution 1309, Adopting Local Law No. -2016, A Local Law to limit nitrogen content in lawn fertilizers. (Lindsay).** This has to be tabled for Public Hearing so I'll make a motion to table.

**LEG. ANKER:**

Second.

**CHAIRPERSON HAHN:**

Second by Legislator Anker.

**LEG. KRUPSKI:**

On the motion.

**CHAIRPERSON HAHN:**

On the motion, Legislator Krupski.

**LEG. KRUPSKI:**

Do we have -- do we have proposed changes to the -- to the bill?

**MR. NOLAN:**

We still -- I think there's still discussion ongoing regarding changes to the bill.

**LEG. KRUPSKI:**

So will this be scheduled for Public Hearing next week? Or is this just tabled in Committee so it won't be on the Public Hearing --

**CHAIRPERSON HAHN:**

No --

**MR. NOLAN:**

It'll be on the Public Hearing. It will be on for Public Hearing next week, yeah.

**CHAIRPERSON HAHN:**

It's opened until it's recessed.

**LEG. KRUPSKI:**

But if there's -- I know there's a number of people here who are concerned about this bill. And I just try to give them a heads-up as to if there are changes -- if they're still working on it, at one point would those changes be available for review so there could be comment?

**CHAIRPERSON HAHN:**

What is the amended deadline in order to close the Public Hearing at the General Meeting?

**MR. NOLAN:**

The changes have to be made by the end of business Thursday in order to close the Public Hearing to Tuesday. I think this -- my sense is there's still discussion about what changes to make. So I'm not sure they're going to be made by Thursday.

**LEG. KRUPSKI:**

Okay.

**MR. NOLAN:**

I don't know.

**LEG. KRUPSKI:**

It's just that, you know, we'd just like to make sure that there's, you know, good disclosure on the process of it.

**CHAIRPERSON HAHN:**

So if that's clear, changes would have to be in by Thursday in order to close the Public Hearing is what you're saying, George.

**MR. NOLAN:**

I don't sense the bill is -- Legislator Lindsay is looking to rush this.

**CHAIRPERSON HAHN:**

Okay.

**LEG. FLEMING:**

So in other words, he may use the input from the Public Hearing to make changes in the next cycle.

**CHAIRPERSON HAHN:**

Sure.

**MR. NOLAN:**

And he's talking to a lot of people.

**CHAIRPERSON HAHN:**

Okay. We have a motion to table and a second. All those in favor? Opposed? **1309 is tabled.**

(VOTE: 6-0-0-0)

### INTRODUCTORY RESOLUTIONS

Hello, Sarah and Laretta. We are up to Introductory Resolutions, **1408, Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Giangrasso Property - Town of Brookhaven (SCTM Nos. 0209-027.00-07.00-004.000, 0209-027.00-07.00-015.000 and 0209-027.00-07.00-016.000). (Browning)** I'll make a motion to approve; seconded by Legislator Fleming. On the motion.

#### **DIRECTOR LANSDALE:**

So just briefly about the parcels and then I'd be happy to also provide additional information if the members of the Committee would like on the County's partnership with the State in the New York Rising Buy-Out Program if that's helpful. First I'll stick to the details on this particular parcel -- these parcels.

So this property is located in the Village of Mastic Beach, Town of Brookhaven. Proposed acquisition includes three parcels totaling point five acres. The properties are contiguous to one another and east of the canal and marina, south of Elm Road. Properties are located within the Mastic Shirley Conservation area and are situated in a low-lying area along Riviera Drive that was inundated by high tides during Hurricane Sandy.

The property consists of freshwater wetlands and associated buffer area, shrub lands. It's located within the vulnerable flood plain area and the hundred year flood -- hundred year A zone. The County owns a significant number of small lots within the Mastic Shirley Conservation area and has identified a number of parcels within this for acquisition; and is also working in partnership with the NRCS which is the Natural Resource Conservation Service, which is a subsidiary of the USDA in a grant program to purchase properties. These properties, though, are not within that grant program.

#### **MS. FISCHER:**

That's right.

#### **DIRECTOR LANSDALE:**

So we are -- the County currently owns over 75 acres within this Mastic Shirley Conservation area. And the rating for this assemblage is 56 points out of 100 points. Specifically on the NRCS partnership, a few years ago we partnered with the Natural Resource Conservation Service to acquire 62 parcels within this area. We coordinated our efforts with New York State so that we were complementing their efforts and not duplicating them and reached out to property owners within the -- within this area. And property owners came forward, 62 of which agreed to participate in our program where we would use federal funding up to around \$5 million to purchase -- to put a conservation easement on the property. The County would then buy the underlying fee of the property. And then there would be a management agreement with the Village or the Town or the County to convert these properties back to natural wetland purposes.

So this is outside the enhanced buy-out area, which is run by the New York State Rising Buy-Out Program. And we could certainly reach out to the New York Rising contact to see if they would consider including these parcels and amending the boundary of the enhanced buy-out program.

#### **CHAIRPERSON HAHN:**

Legislator Krupski or Browning -- Fleming, I'm sorry. Okay, Legislator Fleming.

**LEG. FLEMING:**

Thank you. And great stuff, very interesting and super important for coastal resiliency and water quality without a doubt in this area in particular so -- but I'm a little bit confused with regards to the different players and the different program areas. So NRCS has participated -- or is contributing funding nearby but not right where these parcels are. What's the distinction? Where's the borderline? And you might as well answer that for the New York Rising Program as well, if you wouldn't mind. Because it seems to be prime -- prime location for coastal resiliency.

**MS. FISCHER:**

When we started working with the NRCS, we actually had included the entire conservation area to be acquired. We were directed to whittle it down to at least a handful amount of properties to move forward. Paperwork alone was overwhelming. We tried to reduce that but to no avail. So we did put in 62 applications of properties in the most vulnerable area to the east, what we call Sheephead Creek Peninsula. But we also have properties that were scattered throughout that we worked with Legislator Browning's office to touch base with individuals who were willing to sell their property quickly. So we do have properties outlined scattered throughout this area as well identified in the dash green and white denotation on the property. So there are some nearby these three properties that we are buying with NRCS money as well. So it wasn't necessarily -- you know, we did look at it holistically but we had to narrow it down to a reasonable amount to move forward in a quick timeframe. So that's our -- the process that we used with regard to NRCS monies.

With regard to New York Rising, we were given lists; actually in the initial stages we were asked to help guide them in locating what they called enhanced buy-out, which would be where we would protect properties. But they also were looking at any flood plain area in this vicinity. So they did their own work. We've reviewed, I'd say, a couple hundred properties that they've provided to us to review and see once they buy it, would the County be interested as well as they have reached out to the towns and local villages as well. So we've reviewed those. And to date these three have not been on their list per se; but as I said, we can reach out and verify and double check and see if they may be interested at this time. I think their outreach has kind of ended and they're just now in the acquisition phase, but we certainly can find out and update you on that.

**LEG. FLEMING:**

I appreciate that. It's only that, you know, our funding under this funding source is so very limited. And these seem -- it seems just a little odd that there are these three parcels. I'm sure you've done very good work in trying to get the federal government and state government interested in them, but just because of our limited resources, if you could, take that step and look again; it seems as though, especially because so many surrounding parcels have been acquired for the same purposes, maybe they'd be interested.

The other question that I had is just with regard to the future for these parcels, and I certainly support acquisition for preservation, but you said there's going to be a conservation easement place -- I mean the plan is to place a conservation easement. Does that mean -- in my world conservation easement means you're still -- you still got improvements on the parcel and there's some portion of it that -- or you're shaking your head. So maybe you mean that there will be no improvements and they're going to be returned completely to their natural vegetated state.

**MS. FISCHER:**

Yeah, that's the agreement that we have with NRCS. In fact the second phase of this program is to rehabilitate and restore the wetland areas and buffer areas of those wetlands. So it's a two-pronged process that we're -- the first step is to acquire as many of those 62 parcels as possible. It is, again, a voluntary, you know, appraisal -- appraisal process. So it's up to the owner to accept or reject our offer once we do that. And then once we do acquire it, NRCS will buy the conservation easement. The County will be buying the underlying fee title. So we will own it between NRCS and the County

outright. There will be no private ownership in that property anymore.

**LEG. FLEMING:**

That was my question. So it reduces the County's cost to have --

**MS. FISCHER:**

Significantly.

**LEG. FLEMING:**

-- NRCS purchase a conservation easement.

**MS. FISCHER:**

Yes. Usually -- yeah, it's about 80% of the value is the easement and 20% or so is the underlying fee title.

**LEG. FLEMING:**

So what you're asking us to authorize for appraisal is the 20% --

**MS. FISCHER:**

No, not on these three; not on these three. They're not in the NRCS Program. This would be an outright acquisition 100% fee title.

**LEG. FLEMING:**

Okay. Thank you.

**DIRECTOR LANSDALE:**

And we're committed to reaching out to New York Rising to see if they are at all interested in acquiring these properties through the New York Rising Program as well.

**LEG. FLEMING:**

I don't mean to belabor it, but just with regard to the process, is NRCS not interested in the same conservation easement set up on these three because they gave you a \$5 million cap on the funding? Or why is it that they were not also interested in reduce -- it reduces our costs significantly if they're going to be buying a conservation easement, why are these three parcels different?

**MS. FISCHER:**

They were not considered at the time that we put in the 62 parcels. It was a matter of prioritization. Not that these are any less significant; it was just that we tried to, you know, bundle them into one area, the Sheephead Creek area which is the east -- west of here as well as just pick up some that we had ready owners who were ready to sell right away. So other than that, we -- you know, we didn't move forward on those only because we had a certain limited time to put this grant in and timeframe to put in 62 applications from homeowners.

**LEG. FLEMING:**

Understood. And this is my last question. So is there any -- the fact that you're asking the County Legislature to authorize appraisal and maybe acquisition of these, does that help you with the other -- you know, do you have to show a certain level of skin in the game in order to get those other grants?

**MS. FISCHER:**

No, we've already shown in our application our commitment to this area over many 20 years' worth of acquisitions. And that was very important to them. These three wouldn't -- would add certainly to it but --

**LEG. FLEMING:**

Well, that's good to know. And I wouldn't -- I don't want my questions to lead to a lot more time on this. I mean, obviously we're talking about probably not a huge property value on these three parcels. So if it's going to mean, you know, dragging it out a long, long time, that's not what I intend. But if we can save the money on the quarter percent, it would be helpful. Thank you.

**CHAIRPERSON HAHN:**

Legislator Krupski.

**LEG. KRUPSKI:**

Thank you. I just -- still a little unclear, and Legislator Fleming asked the question, on how -- what criteria you use to set the boundaries for acquisitions for this county; there's state and there's federal money. Would the boundaries -- how were all those different -- there's gotta be some different criteria for setting the boundaries. I mean, at some point each of those pots of money have a limit on where they're going to acquire homes and restore the wetlands, right?

**MS. FISCHER:**

Right. The County's boundary was the Mastic Shirley Conservation area, which was part of a report that we did on Narrow Bay about 15 or so years ago, which identified the most vulnerable area of the peninsula including tidal wetland, freshwater wetland, buffer area, depth to groundwater. And that then created the boundary of what we call the Conservation area.

**LEG. KRUPSKI:**

Did that line holdup after Sandy?

**MS. FISCHER:**

Pretty much, yes.

**DIRECTOR LANSDALE:**

Yeah.

**LEG. KRUPSKI:**

What about the -- would the state -- you know, the state's acquisition or the NRCS's acquisition, you know, you said you had to prioritize; based on what?

**MS. FISCHER:**

Based on -- actually location. We wanted to take the most vulnerable area of the peninsula. And that was the most low-lying -- the most undeveloped parcels, which was the Sheep Pen Creek area.

**LEG. KRUPSKI:**

So -- then you spoke about the restoration of the acquired parcels. Is there a timeline and/or a budget for that?

**MS. FISCHER:**

That is part of the \$5 million budget. Once we acquire them, we have actually been in discussions with NRCS for that next step and our department Vector Control in the Department of Public Works to work with them. They will provide the money and we will provide the plan to restore those wetlands.

**LEG. KRUPSKI:**

Thank you.

**CHAIRPERSON HAHN:**

Any other questions, Legislator? Nope, okay. We have a motion and a second to approve. All those in favor? Opposed? Abstentions? **1408 is approved. (VOTE: 5-0-0-1. LEG. TROTTA NOT PRESENT)**

**Introductory Resolution 1409, Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Purgatory Creek Town of Brookhaven (SCTM No. 0200-980.80-04.00-030.001). (Lindsay).** I'll make a motion to approve.

**LEG. TROTTA:**

Motion to table.

**CHAIRPERSON HAHN:**

A second by Legislator Anker. Motion to table by Legislator Trotta; second by Legislator Muratore. On the motion, Director Lansdale.

**DIRECTOR LANSDALE:**

Thank you. This property is located north of Montauk Highway, west of Bell Avenue, east of Purgatory Creek in the hamlet of Bluepoint, Town of Brookhaven. It's 10.7 acres. Currently a church facility exists on the southwestern portion of the property, which we recommend that it be cut out of the area to be acquired.

The remaining 6.6 acres includes the north and eastern portions of the property. The 6.6 acre portion that we're recommending is located along the western side of Purgatory Creek, which includes freshwater wetland habitat and a wet woods freshwater wetland buffer area. The upland area includes woodlands and an open field. The rating for this parcel is 31 points. It received points for its location adjacent to a stream corridor, its freshwater wetland habitat and buffer area as well as its soils and location adjacent to town park properties and a major road corridor.

**CHAIRPERSON HAHN:**

Okay. On the motion, Legislator Fleming.

**LEG. FLEMING:**

I'm good.

**CHAIRPERSON HAHN:**

Oh, I'm sorry, I thought you raised your hand. Legislator Krupski.

**LEG. KRUPSKI:**

Thank you. So this parcel is currently owned by a church?

**MS. FISCHER:**

Yes.

**LEG. KRUPSKI:**

So what are their -- as far as zoning goes, are they subject to local zoning currently? I don't know how that works in Brookhaven.

**MS. FISCHER:**

I'm not a hundred percent sure but it is zoned partly J 2 and residential one acre zoning. The majority of the parcel that we're looking to acquire, the 6.6 acres is residentially zoned one acre.

**CHAIRPERSON HAHN:**

John, do you have the answer to that? Would you mind coming up to the microphone.

**LEG. KRUPSKI:**

That's a good question.

**CHAIRPERSON HAHN:**

The green light has to be on there, on the microphone.

**MR. TURNER:**

Yes, they are subject to local zoning. And we worked with Houses of Worship applications throughout the town; dozens through the years. I can tell you in this particular case the leadership of the church is very interested in working to preserve that part of the property, which is good news. We have reached out to them -- actually the town council person Neil Foley reached out to them and they were very receptive to a possible partial acquisition. As Director Lansdale said, we clearly would not want to have any ownership of the developed area of the property; it would just be the northern undeveloped that's along that creek.

**LEG. KRUPSKI:**

I just want to make sure we vet this properly. We do own a church and graveyard in Manorville, which I'm not sure why we own that. And I just want to make sure we don't get into a similar situation --

**MR. TURNER:**

You won't.

**LEG. KRUPSKI:**

-- we should not own.

**MR. TURNER:**

That's an active church, the Hellenic and they've got a --

**CHAIRPERSON HAHN:**

Aren't you proposing the cutout?

**MS. FISCHER:**

Yeah, we would like to recommend that the resolution be amended to state that, that we're only acquiring part of the property and that that be 6.6 acres approximately.

**LEG. KRUPSKI:**

Does that give them enough room to do whatever the church needs to do? I mean, is that -- you don't want to -- so that their future needs are --

**MS. FISCHER:**

It's approximately five acres. It includes their facility as well as additional acreage in the back of the property as well. We felt that that was acceptable to them.

**LEG. KRUPSKI:**

The appraisal, do you think, would be -- there's gotta be some sort of regulatory protection there. I'm not familiar with what Brookhaven -- looking at the map there, you know, I'm not sure what the regulatory protections are there for that creek, Purgatory Creek.

**CHAIRPERSON HAHN:**

It's in the blue on the map; the map on your computer that Laretta sent around.

**LEG. KRUPSKI:**

So do you think the appraisal would reflect some sort of, you know, land use limits based on wetland setbacks, etcetera?

**MS. FISCHER:**

Yes, it would -- they would review that as well as contact the town for their administrative review.

**CHAIRPERSON HAHN:**

Okay.

**LEG. KRUPSKI:**

Okay, thank you.

**CHAIRPERSON HAHN:**

Legislator Anker.

**LEG. ANKER:**

I also agree as far as cutting out part of that parcel and just acquiring 6.6 acres, yeah, yeah, I think that's a great idea. Thank you.

**CHAIRPERSON HAHN:**

So I will change my motion from a motion to approve to a motion to discharge without recommendation and we will contact the sponsor immediately because he has until five o'clock to make that change.

**MR. NOLAN:**

You would have to just amend the -- it'd be a separate amendment to reflect it's only going to be part of it. Generally we just put the tax map number but we would just put part of that tax map number, change the acreage to 6.6 acres reflective of what Planning is requesting.

**CHAIRPERSON HAHN:**

Director Landsdale.

**MR. NOLAN:**

Whatever else they think.

**DIRECTOR LANSDALE:**

We've been in touch with the sponsor and the sponsor is aware of our suggested modifications.

**CHAIRPERSON HAHN:**

Does he seem open to that?

**DIRECTOR LANSDALE:**

Yes.

**CHAIRPERSON HAHN:**

Okay. So we'll contact him and make sure he realizes that would have to be done by five PM today. Legislator Anker, are you done? Legislator Fleming.

**LEG. FLEMING:**

Thank you. I'm not familiar -- I don't know if Sarah can answer a zoning question on this.

**CHAIRPERSON HAHN:**

I'm sure she could try.

**LEG. FLEMING:**

I'm not familiar with Brookhaven's zoning. Is the cemetery a permitted use in the zoning here behind the church?

**CHAIRPERSON HAHN:**

John, do you know the answer to that? You'd have to come up if you're going to answer it. John Turner from Town of Brookhaven.

**MR. TURNER:**

I'm not sure of the answer to that.

**CHAIRPERSON HAHN:**

No worries. Thank you.

**MR. TURNER:**

I could find that out for you if you want.

**CHAIRPERSON HAHN:**

Director Lansdale.

**DIRECTOR LANSDALE:**

I have one more other suggestion and that's perhaps delineating the partnership between the -- a possible partnership between the Town of Brookhaven and the County as another suggestion; perhaps that that -- I know that John Turner has expressed the Town is interested in partnering. Perhaps there can be kind of further refinement on what that means and put that in the --

**MR. NOLAN:**

Are we talking about a partnership in terms of sharing the acquisition cost or in terms of management?

**MR. TURNER:**

Acquisition.

**DIRECTOR LANSDALE:**

Acquisition.

**MR. NOLAN:**

But that has not been worked out yet; correct?

**MS. FISCHER:**

No. And we -- if they provide us with a letter from the town or a resolution from the town board stating that they would partner with us 50/50, that would be something we could add points to our score for.

**CHAIRPERSON HAHN:**

Is a letter likely before Tuesday?

**MR. TURNER:**

Yes. Yeah, as I indicated I was authorized on behalf of the Town Attorney to express that the town is willing to commit financial resources.

**CHAIRPERSON HAHN:**

So then I think we can proceed with a discharge without recommendation. If it was unlikely to happen before Tuesday, then we might want to just table for next cycle. But because it's possible it could happen before Tuesday, a partnership letter intent, I think, we can proceed with a discharge without recommendation on those two issues.

**MR. TURNER:**

This has to be clear. When would you need the letter from the town? The end of business today or tomorrow?

**CHAIRPERSON HAHN:**

No, before our meeting on Tuesday; our General Meeting on Tuesday.

**MR. TURNER:**

Next -- oh, okay.

**CHAIRPERSON HAHN:**

Oh, I'm sorry, next Tuesday.

**MR. TURNER:**

That's fine, absolutely.

**CHAIRPERSON HAHN:**

Not tomorrow. Oh, is it a Wednesday meeting? If you get it to us Tuesday, we'd be happy. Anyways. Okay, so we have a motion to discharge without recommendation. We also have a -- and a second. And we also have a motion to table and a second. And now Legislator Trotta is withdrawing his motion to table. So we have a motion to discharge without recommendation and a second. All those in favor? Opposed? Abstentions? It is discharged without recommendation. **1409 is discharged without recommendation. (VOTE: 6-0-0-0)**

**Introductory Resolution 1472, Appointing member to the Council on Environmental Quality (Frank De Rubeis). (Hahn)** I am going to make a motion to table.

**LEG. KRUPSKI:**

Second.

**CHAIRPERSON HAHN:**

Second by Legislator Krupski. And I believe I'm going to withdraw that. So -- but we have a motion to table and a second. All those in favor? Opposed? Abstentions? **1472 is tabled. (VOTE: 6-0-0-0)**

**Introductory Resolution 1474, Making a technical correction to Resolution No.184-2016. (Krupski)** Motion by Legislator Krupski; second by Legislator Muratore. All those in favor? Opposed? Did you have a question, Legislator Fleming? Counsel, will you be able to give us a summary of 1474?

**MR. NOLAN:**

Well, we passed previously two resolutions to do appraisals on two adjacent properties. And I think one we're doing -- this year it was under farmland and one was under hamlet park. Resolution

184-2016 authorized an appraisal for property for hamlet park purposes. There's a small piece of the adjacent property that should also be included as part of that appraisal for that particular purpose. So this resolution is making that correction.

**CHAIRPERSON HAHN:**

Okay.

**LEG. KRUPSKI:**

Thank you. That's it.

**CHAIRPERSON HAHN:**

We have a motion and a second. All those in favor? Opposed? Abstentions? **1474 is approved. (VOTE: 6-0-0-0)**

**Introductory Resolution 1475, Making a technical correction to Resolution No.186-2016. (Krupski)** George?

**MR. NOLAN:**

This is the companion resolution reflecting the piece that's being moved out of farmland -- the farmland appraisal into the hamlet park appraisal. So these two resolutions work together.

**CHAIRPERSON HAHN:**

Motion to approve by Legislator Krupski; second by Legislator Fleming. All those in favor? Opposed? Abstentions? **1475 is approved. (VOTE: 6-0-0-0)**

**Introductory Resolution 1478, Adopting Local Law No. -2016, A Local Law to improve and strengthen the County's Purchase of Development Rights Program. (Krupski).** Motion to table by Legislator Krupski for purposes of Public Hearing; seconded by myself. All those in favor? Opposed? Abstentions? **1478 is tabled for Public Hearing. (VOTE: 6-0-0-0)**

**1479, Adopting Local Law No. -2016, A Charter Law to permit County-owned farmland to be utilized for alternative energy uses. (Browning)** This also needs to be tabled for Public Hearing so I'll make a motion to table, seconded by Legislator Muratore. All those in favor? Opposed? Abstentions? **1479 is also tabled for Public Hearing. (VOTE: 6-0-0-0)**

That is the last item on our agenda. We are adjourned. Oh, wait, I'm sorry. We're not adjourned. Scratch that. Am I allowed to scratch that? I'm allowed to scratch that. We have to go back to the first item. Thank you for reminding me, Legislator Trotta, paying attention.

#### **TABLED RESOLUTIONS**

**Introductory Resolution 1262 (Appropriating funds in connection with the new Enhanced Suffolk County 1/4% Drinking Water Protection Program - 2014 Referendum - land purchases)(CP 8732.210). (Co. Exec.).** Hi, Kate.

**MS. HORST:**

Hi. So we spoke with bound counsel. They would like to see some conditions on SEQRA added to this. I think it's the THIRD RESOLVED CLAUSE so we're hoping to make those amendments by the deadline, which is, I believe, tomorrow at five.

**MR. NOLAN:**

That's tomorrow at five.

**CHAIRPERSON HAHN:**

Tomorrow at five, okay.

**MS. HORST:**

So we're hoping to make them.

**CHAIRPERSON HAHN:**

Should we discharge without recommendation?

**MS. HORST:**

If you want.

**CHAIRPERSON HAHN:**

Okay, I'll make a motion to discharge without recommendation; seconded by Legislator Fleming. All those in favor of discharging without recommendations? All those opposed?

**LEG. TROTТА:**

(Indicating opposed)

**LEG. MURATORE:**

(Indicating opposed)

**CHAIRPERSON HAHN:**

We have two oppositions. Any abstentions? Okay, **1262 is discharged without recommendation. (VOTE: 4-2-0-0. LEGISLATOR MURATORE and LEGISLATOR TROTТА OPPOSED)**

And seeing no more items before us now, we are adjourned.

**THE MEETING CONCLUDED AT 10:55 AM  
{ } DENOTES SPELLED PHONETICALLY**