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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 July 17, 2017.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

George M. Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel/Legislature
Amy Ellis, Chief Deputy Clerk/Legislature
Laura Halloran, Budget Review Office
Katie Horst, County Executive's Office
John Marafino, County Executive's Office
Jason Hann, County Executive's Office
Sarah Lansdale, Director/Department of Planning
Lauretta Fischer, Department of Planning
Janet Longo, Real Property Acquisition & Management
Frank P. Castelli, Economic Development & Planning
Camilo Salazar - Water Quality
Alyssa Turano, Aide to Leg. Hahn
Catherine Stark, Aide to Leg. Krupski
Robyn Fellrath, Aide to Leg. Anker
Brendan Chamberlain, Aide to Leg. Muratore
Elizabeth Sutton, Aide to Leg. Fleming
Syed Rahman, NYS Department of Environmental Conservation
Kimberly Quarty, Sisters of St. Joseph
J. Lee Snead, Pal-O-Mine
Joseph Prokop, Esq, Village of Islandia
Allan M. Dorman, Mayor, Village of Islandia
Peter Scully, Islip
Dr. Charles Bevington
Rick Brand, Newsday
And all other interested parties

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 10:13 AM

CHAIRPERSON HAHN:

Good morning, everyone. Welcome to the Legislature's Environment, Planning and Agriculture Committee. If we could all rise for a salute to the flag led by Legislator Anker.

SALUTATION

PUBLIC PORTION

Okay. Good morning. Okay. We will begin with the Public Portion. Anyone who is here from the public and who would like to speak can fill out a card. Our first speaker is Kimberly Quarty followed by J. Lee Snead. Good morning.

MS. QUARTY:

Good morning. Kimberly Quarty with Peconic Land Trust, and I'm here to ask for your consideration of purchase of development rights on approximately 27 acres on the Sisters of St. Joseph's property known as 500, section 160, lot 2, lot 72.2. This land is part of a much larger property owned by the Sisters, which are an independent order, and they had -- this land had historically been farmed. However, it's been out of production for 40 some-odd years. The trust has been working with the Sisters over the past couple of years to bring this back into production and we're happy to say that we have leases with six different farmers on site and three of those farmers have CFA's in which they're providing fresh, local produce back to the community. Two of those farmers have farm stands on site with alternate days where they sell to the community, and it's kind of like that movie Field of Dreams where you say if you build it, it will come -- they will come. And they have. And the community has received this so wholeheartedly. They're so excited to have fresh, local produce and access to it where they had none before. And we're so happy to be a part of this, to be working with the Sisters on this.

We are continuing to work with the Sisters on a master plan for their entire property and to incorporate their land ethics into this vision as well as their sustainability and their emphasis on land preservation. As a matter of fact, we're working with them now on the next step in which we'll be preserving some pristine woodland on their property, approximately 60 acres on the southeast corner, and this is just a great project in all aspects as the Sisters are very conscious of the environment and sustainability. So we ask that you consider helping them with this acquisition of development rights going forward so they can continue to give back to the community. Thank you. Any questions?

LEG. KRUPSKI:

Can ask a question?

CHAIRPERSON HAHN:

Legislator Krupski.

1 **LEG. KRUPSKI:**

2 Good morning.

3

4 **MS. QUARTY:**

5 Good morning.

6

7 **LEG. KRUPSKI:**

8 How do they plan on sustaining an operation there? Because we went
9 there, we took a look and it's definitely an operation. How do
10 they plan on like guaranteeing that there'll always be someone
11 who's interesting in operating it?

10:15AM

12

13 **MS. QUARTY:**

14 Well, I think this is something that's just evolving and there is
15 so much interest now that -- I mean, that's a question we can ask
16 with any farmer. And all the farmers that we have on-site are
17 extremely enthusiastic. We have some established farmers and some
18 new farmers coming on board. The word is spreading and I think
19 it's just such a drought area for produce and for farmers that I
20 don't think we'll have that problem.

10:16AM

21

22 **LEG. KRUPSKI:**

23 Thank you.

24

25 **MS. QUARTY:**

26 Is there any other questions?

27

28 **CHAIRPERSON HAHN:**

29 Legislator Fleming.

10:16AM

30

31 **LEG. FLEMING:**

32 Hi, Kim. Thank you for your stewardship of this project and for
33 being here today. I'm just sort of following-up on Legislator
34 Krupski's question. When I went to the -- took the tour of the
35 site I was interested to talk to the business agent, the nun who
36 has shepherded the finances, which I can imagine were incredibly
37 challenging being, first of all, Catholic High School that closed,
38 being in an area that's got a lot of development pressure and
39 trying to figure out what to do with all that land and those
40 remarkable historic buildings. They showed me their long-term
41 planning and I know that they have a mission statement that they
42 adhere to very closely over the course of this long-term planning.

10:17AM

43

44 Are you familiar -- I think, I didn't get all the questions
45 answered, but I think that if we were to purchase these development
46 rights that would support part of this long-term vision that's kept
47 this institution alive despite all the pressures that are working
48 against it. Are you familiar with that? I don't mean to put you
49 on the spot. But do they -- I know they don't need it because they
50 have contingencies and they're very impressive financial thinkers,
51 but to what extent will our participating and acquiring these
52 development rights be helpful to them and in their long-term
53 financial planning.

10:18AM

54

55 **MS. QUARTY:**

56 Well, I think it will be helpful because it will help them with

1 their vision of being sustainable and to be able to leave a legacy.
2 Because with the Sisters, a lot of them are, you know, it's
3 literally a dying breed there and the Sisters are, I think the
4 average age is around eighty-something. So they want to be able to
5 leave a legacy and they want to be able to leave this land in the
6 way that they found it and ensure that it's not going to be built
7 up, and that the next owner of this property will have this
8 property preserved. And so these funds can help sustain the
9 Sisters as they diminish and they can stay on the property longer
10 and continue to fulfill their goals in helping the community with
11 education and preservation.

10:19AM

12
13 **LEG. FLEMING:**

14 I would note also just for my colleagues in the public that the
15 Peconic Land Trust is a land trust that has served as a model
16 nationwide, maybe even beyond, but I do kind of see this project as
17 being one of those projects that wouldn't -- it would be so much
18 more difficult for them to do this on their own, whereas you all
19 have an understanding of the tools that are available for
20 preservation and all the different aspects, all the different ways
21 that this is approached, you know, nationwide and especially in a
22 place like ours where financial pressure toward development is so
23 intense. I'm really -- I so admire the work of the Peconic Land
24 Trust but particularly this one, because it's more western than
25 we're accustomed to seeing you and it serves such an important
26 purpose. But I really do applaud the efforts that you've made
27 there. It's a remarkable -- it's a remarkable project and I'm very
28 happy to support it.

10:19AM

29
30 **MS. QUARTY:**

31 Thank you.

32
33 **CHAIRPERSON HAHN:**

34 Okay. Thank you. Next we have Peter Scully followed by -- I'm
35 sorry, Steve Snead followed by Peter Scully.

36
37 **MR. SNEAD:**

38 Good morning, members of the committee. I'm here in regard to the
39 Pal-O-Mine Equestrian application for inclusion in Agricultural
40 District No. 3. At the legislative hearing that occurred a few
41 weeks ago it was suggested that folks be here to address any
42 questions that your committee might have. I am here to do so as
43 the deliberations come up. All of you were at the hearing so you
44 have already gone through this presentation once, but should you
45 have any questions I'll be happy to address them.

10:20AM

46
47 **CHAIRPERSON HAHN:**

48 Thank you. Next we have Peter Scully.

49
50 **DIRECTOR LANSDALE:**

51 Peter had a 10:30 appointment so I believe he had to leave.

52
53 **CHAIRPERSON HAHN:**

54 Okay. Sorry about that. If he comes back I'll put him up. Next
55 we have Joseph Prokop followed by Allan M. Dorman.

1 **MR. PROKOP:**

2 Thank you. Good morning. Joseph Prokop. And as I said when this
3 came up in your calendar on June 20th of the full Legislature --
4 I'm the Village Attorney of the Village of Islandia. I'm
5 addressing your board regarding the potential inclusion of two
6 properties owned by Pal-O-Mine into an agricultural district. And
7 again, this was well -- the concerns of the Village were well
8 expressed at the June 20th meeting, so not to be redundant I'd just
9 like to say that after further consideration and information, the
10 Village of Islandia continues to be opposed to this inclusion and
11 ask that you take these two parcels out of this consideration.

10:22AM

12
13 The parcels don't meet the criteria that's required. They're not
14 substantially viable agriculture. It's the agricultural land --
15 it's the feeling of the Village that a separate environmental
16 review should be done for these two parcels. They should not have
17 been included in the short form that was done for the total
18 package. There may have been an adjustment since we expressed that
19 concern at the last meeting. We haven't been made aware of any
20 with the environmental review.

10:23AM

21
22 I'd just like to make sure the board is aware, if you are not now
23 or haven't become personally familiar with these properties.
24 They're not properties that are -- neither one of them is adjacent
25 to the farmland that's owned and operated by Pal-O-Mine or the
26 existing agricultural use. They're in a residential neighborhood
27 that adjoins the farm, and neither are contiguous to the farmland.

28
29 The -- so for that reason we ask that you set these two aside. I
30 understand the scheduling concern that they may -- that that may
31 present, but it's a significant issue to the board and the
32 residents of the Village of Islandia. We feel that the inclusion
33 of these two residential properties that really have nothing to do
34 with an agricultural use would be misdirected and an improper use
35 of this discretion that your committee and the Legislature has. It
36 was the -- we don't believe that it was ever considered that, by
37 the Ag Market Law, that an inclusion like this could ever be done
38 and we hope that you listen to the Village and its residents and
39 pull these two parcels out.

10:24AM

40
41 **CHAIRPERSON HAHN:**

42 Thank you. Any questions? One question for you, Joe. Legislator
43 Trotta.

44
45 **LEG. TROTТА:**

46 What size are these properties? What's the acreage?

47
48 **MR. PROKOP:**

49 I don't know exactly the square footage, but they're very small --
50 very small residential properties in acreage with very small
51 residential homes. Excuse me, I apologize. One is a small
52 property with a small home. The other one, which is at the corner
53 of Dewey Street and Old Nichols Road, which is the farthest removed
54 from the horse farm is a -- I think it's about six-tenths of an
55 acre or three-quarters of an acre with a three story residential
56 home on it.

10:24AM

1 **LEG. TROTТА:**

2 And it doesn't attach to the another --

3
4 **MR. PROKOP:**

5 It doesn't attach to the farmland. And distant from it.

6
7 **CHAIRPERSON HAHN:**

8 Okay. Next we have Allan M. Dorman --

9
10 **MR. PROKOP:**

11 I'm being told, I apologize, I never should have answered that
12 question off the top of my head, I apologize. I'm being told that,
13 it's actually in your package, but the larger parcel is a full
14 acre, is one acre, and the smaller parcel is .78 acres.

15
16 **CHAIRPERSON HAHN:**

17 All right. Mayor Allan Dorman followed by Dr. Charles Bevington.

18
19 **MAYOR DORMAN:**

10:26AM 20 Good morning, everybody. I'm just here to follow-up. I had met
21 with everyone, most of you, out in Riverhead in June and I'm just
22 here to follow-up on our request that these two parcels do not be
23 included in the ag district and there's a number of reasons. But
24 first let me say the Village doesn't have -- we don't have a
25 problem with Pal-O-Mine. We like what they do. They do work with
26 veterans. Anybody who knows me, I am a veteran and I do a lot with
27 veterans, I work with veterans, so this is not a problem. The
28 problem is you have the agricultural district, which is a great
29 idea and with every great idea there's always somebody that tries
10:27AM 30 to find an easy way around it, okay, to make it benefit themselves.
31 Let's put it that way. You know, you think of all the great
32 programs that our country's established and over the years people
33 have abused some of those programs, but they're still great
34 programs.

35
36 So what I'm getting at is I understand the purpose of the ag
37 district, I agree with it. We've been here before talking about
38 it. My problem is these two pieces, these two parcels, first of
39 all, are not even connected to Pal-O-Mine. That's number one.
10:27AM 40 They are residential properties that now are going to be changed to
41 ag, agricultural properties. Well, we have the right to do that as
42 a Village. Home Rule says we have the right to rezone if we want
43 to. The main purpose, the number one reason why people incorporate
44 into a village, is to control their zoning. And it's very, very
45 obvious to, you know, many of the villages that have fought for
46 zoning rights. So we feel we have that right. No one else has
47 that right. And we're requesting that this doesn't happen.

48
49 Now, if it does and then the State's going to take control of this
10:28AM 50 and the State is going to make it more difficult for us then, you
51 know, whatever happens, happens. But right now Pal-O-Mine is in
52 court, our court, in front of Judge Alan Wolinsky. Okay? They're
53 facing tickets or fines for interior alterations without permits,
54 they're facing more fines for permits where required they didn't
55 apply, their CO's are not current. Their use is inconsistent.
56 This is a multi-family home that they're using as a business

1 commercial use. It's nonconforming to the codes. They use it as
2 an educational facility and they have people living there. They
3 also -- the people living there are the workers of Pal-0-Mine, so
4 how are they being compensated. You're going to work for me and
5 I'll give you free rent or are you paying rent. Whatever the case
6 is, there's a law in our code that you need a rental permit to rent
7 out property.

8
9 So all these violations, I think what's going to happen is if you
10 put them, if you allow them to go into an ag district for these two
11 pieces of property without correcting these circumstances, these
12 situations, I think the only thing you're doing is rewarding bad
13 behavior. Now, I don't know if that's the impression you want
14 people to have in the agricultural district. I really doubt that
15 is, but I think you need to reevaluate this, at least this time
16 around, and we need to resolve some of these issues before, you
17 know, we're looked upon as public officials who just reward people.

18
19 **CHAIRPERSON HAHN:**

20 Okay. So are there any questions for the Mayor? Thank you.

21
22 **MAYOR DORMAN:**

23 Thank you.

24
25 **CHAIRPERSON HAHN:**

26 Next we have Dr. Charles Bevington.

27
28 **MR. BEVINGTON:**

29 Good morning, Legislators. I'm here to ask you to join us at a
30 August 1st, Tuesday night, six to eight p.m., two hour community
31 seminar sponsored by the Water for Long Island and this year Sierra
32 Club of Long Island entitled Tainted Water. It's referencing the
33 Yaphank PFOA plume. I can get more information. I'll have an
34 agenda within a few days if anybody's interested in that.

35
36 **CHAIRPERSON HAHN:**

37 Where will that be located?

38
39 **MR. BEVINGTON:**

40 Yes. It's at the Mastic-Moriches-Shirley Community Library
41 auditorium August one, it's a Tuesday night. I know that's a busy
42 night, but it's two hours, six p.m. to eight p.m., and it's
43 regarding the Suffolk Fire Training site and the use of the PFOA
44 and what's happening. We'll have two hydrogeologists speaking so
45 it will be very informative and very community oriented. Thank
46 you.

47
48 **CHAIRPERSON HAHN:**

49 Thank you. Okay. Did Mr. Scully return? No. Okay. So we have
50 no more cards before us. Was there anyone in the audience who
51 would like to speak and has not filled out a card yet? Okay.
52 Seeing none, we will close the Public Portion.

53
54 We now have a presentation. Syed Rahman, from the New York State
55 Department of Environmental Conservation, will give a presentation
56 on New York State proposed Part 360 Regulations. Thank you for

1 your patience.

2

3 **MR. RAHMAN:**

4 Good morning, member of the committee.

5

6 **CHAIRPERSON HAHN:**

7 Good morning.

8

9 **MR. RAHMAN:**

10 Sorry?

11

12 **CHAIRPERSON HAHN:**

13 Good morning.

14

15 **MR. RAHMAN:**

16 Yeah, my name is Syed Rahman. I'm a Regional Materials Management
17 Engineer for Region One in New York State DEC. I'm just going to
18 give you a brief presentation on Part 360 regions. Part 360
19 regions [were] initiated last year; had significant amount of
20 comments. And based on the comments following revisions were made.
21 So I'm just going to briefly describe what's new from last year.

10:32AM

22

23 As you -- some of you may know, Part 360s now have similar subparts
24 with different type of facilities for each subparts. Before it was
25 all under 360; now they have separate parts for each different type
26 of facilities.

27

28 For 2017 timeline, the revised proposed regulations were posted on
29 DEC website on June 14. It was a State register and an
30 environmental notification bulletin on June 21st. There was one
31 public hearing in Albany on July 13. And this round of public
32 commenting period would be ending on July 21st. We are expecting
33 to have the tentative final rule making by September 4th and
34 regulation will be effective within 60 days of that, which is about
35 November 5th of this year.

10:33AM

36

37 **CHAIRPERSON HAHN:**

38 We just have one -- we have a question from Legislator Krupski.

39

40 **LEG. KRUPSKI:**

41 Thank you for coming. This is very informative. So that -- if you
42 go back one -- one page there, one slide, public comment, public
43 hearings. How flexible -- if somebody suggested change, how
44 flexible are you going to be on making a change and having to --
45 that would obviously -- something could set you back.

46

47 **MR. RAHMAN:**

48 We have discussed that -- that requests came from various entity.
49 I think we are in a time crunch. The regulation has to be
50 promulgated by this year so there's a slim chance they'll extend
51 the public hearing period.

10:34AM

52

53 **LEG. KRUPSKI:**

54 Okay. Or make it -- so they wouldn't make a change that would
55 cause you to have -- to re-notice for public hearing.

56

1 **MR. RAHMAN:**

2 To start all over again. The regulation has to start all over
3 again.

4
5 **LEG. KRUPSKI:**

6 Thank you.

7
8 **MR. RAHMAN:**

10:34AM

9 We would take the comments. And if there is any -- a little
10 adjustment, we would make that. If there's significant comments,
11 then it has to start all over again.

12
13 For this discussion today, I'm just going to focus on the changes
14 that would impact Long Island or Region 1. Currently they have
15 extended the transition period of existing facilities that were
16 currently exempt, which require registration of permit use. It was
17 180 days. Now they extended 365 days. Registered sites now would
18 require to have storage limits; and also there will be some time
19 limit for each registration. Before once registration was issued,
20 it was for indefinite period. Now there'll be five year -- every
21 five year registration has to be renewed.

10:35AM

22
23 There's a new section called fill material. That's primarily
24 geared towards any material that's unearthed and accessed and needs
25 to be managed either as backfill or other use. This is the one
26 primarily geared towards any contaminated fill or fill material
27 that is mixed with urban fills. The fills has to be physically
28 classified and then some fill will require chemical testing.

10:36AM

29
30 Any material that is excavated in New York City and is over ten
31 cubic yards will require both physical and chemical testing.
32 Material outside of New York City would require physical. And if
33 there is any history of any impact, then it may require testing.

34
35 **CHAIRPERSON HAHN:**

36 So we had -- we just had a question here about ten cubic yards
37 being -- is that a dumpster size or is that a little bit smaller?

38
39 **MR. RAHMAN:**

10:37AM

40 Ten cubic could be a dumpster -- dumpster size, yes.

41
42 **LEG. KRUPSKI:**

43 Big long one.

44
45 **MR. RAHMAN:**

46 Small.

47
48 **CHAIRPERSON HAHN:**

49 Small or midsize dumpster?

10:37AM

50
51 **MR. RAHMAN:**

52 Yeah, it's like a small size dumpster.

53
54 **CHAIRPERSON HAHN:**

55 Okay.

1 **MR. RAHMAN:**

2 It goes -- dumpsters usually go for five, ten or twenty. So if
3 it's -- you know, visualize it's probably midsize dumpster.

4
5 **CHAIRPERSON HAHN:**

6 Thank you.

7
8 **MR. RAHMAN:**

9 The fills are classified as three categories: General fill,
10 restricted fills and limited use fill. And I'll go with each
11 category; explain a little bit more what these mean. General fill
12 are usually just soil, rock, gravel and sand, any natural material.
13 If it's New York City, if it's unearthed, it would require to do
14 chemical testing. And chemical testing has to pass lower threshold
15 of residential and protection of groundwater. This is more
16 stringent requirement for chemical criteria. And the use would be
17 basically any setting except any undeveloped land or on agriculture
18 crop land or where it's prohibited by ECL, Environmental
19 Constitution Law.

20
21 **LEG. KRUPSKI:**

22 Excuse me. I don't understand the exception there for undeveloped
23 land or agricultural land.

24
25 **MR. RAHMAN:**

26 You cannot use a material at an undeveloped land. If the land has
27 already been developed and they need additional fill; and you also
28 cannot use it on agricultural crops.

29
30 **LEG. KRUPSKI:**

31 Based on -- is that -- would that be -- because there is, I mean,
32 obviously there's problems all over, but would this be a
33 agricultural cropland that's been preserved or is this just land
34 that's zoned for whatever use that it's currently being farmed.

35
36 **MR. RAHMAN:**

37 It's agricultural land. So it doesn't matter whether it's
38 preserved or not. If it's being used as agricultural land, it
39 would be prohibited to use there.

40
41 **LEG. KRUPSKI:**

42 Great. Thank you.

43
44 **MR. RAHMAN:**

45 Next category is restricted use. This type of fill may contain
46 some non-putrescible non-soil constituents like concrete, asphalt,
47 anything that is man-made. And it also has to pass this criteria
48 of 3 milligram per kilogram benzo pyrene equivalent, which here we
49 have developed a formula based on the indicator of urban fills. We
50 have come up with a formula if it exceeds 3 bpm, it -- it has to
51 meet that. And it's also have to meet the groundwater protection
52 standard. So the material on Nassau and Suffolk, it's very
53 difficult to meet this criteria. So only general fill criteria
54 will meet for Long Island.

1 **CHAIRPERSON HAHN:**
2 Legislator Trotta.

3
4 **LEG. TROTТА:**
5 Are you familiar with Pulaski Road and Sunken Meadow Parkway? This
6 guy who's got concrete piled up literally five stories high, how is
7 he allowed to do that?

8
9 **MR. RAHMAN:**
10:40AM 10 In current regulation, there's no volume limit. But proposed
11 regulation we will have a volume limit and duration of the material
12 to be on-site.

13
14 **LEG. TROTТА:**
15 Is there -- it's been there for years and it's getting bigger.
16 There's no -- he can just pile up as high as he wants.

17
18 **MR. RAHMAN:**
19 In current regulation there's no requirement for any storage limit.

10:40AM 20
21 **CHAIRPERSON HAHN:**
22 This presentation is about how they're proposing to change the
23 State regulation.

24
25 **LEG. TROTТА:**
26 That's the path I'm leading down.

27
28 **MR. RAHMAN:**
29 So the future reg would require a site plan; will require pile
10:41AM 30 sizes and --

31
32 **LEG. TROTТА:**
33 How long have they been working on this plan? It's been there for
34 like 20 years, getting bigger.

35
36 **MR. RAHMAN:**
37 Well, for when the new regulation become effective, then he has to
38 comply with the new --

39
40 **LEG. TROTТА:**
41 When is that?

42
43 **MR. RAHMAN:**
44 The new regulation is tentatively coming probably in November of
45 this year.

46
47 **LEG. TROTТА:**
48 So who votes on that? Is there a vote or you just -- the
49 Commissioner of DEC, how does it work?

10:41AM 50
51 **MR. RAHMAN:**
52 Well, it's going through public hearing. And we are incorporating
53 all the public comments. And based on that, then it's been
54 finalized.

55
56

1 **LEG. TROTТА:**
2 So come November he'll have to clean that mess up.

3
4 **MR. RAHMAN:**
5 Come November he will have a timeframe that within certain dates he
6 has to comply with the new regulations.

7
8 **LEG. TROTТА:**
9 Okay, thanks.

10:41AM 10
11 **MR. RAHMAN:**
12 And the last --

13
14 **CHAIRPERSON HAHN:**
15 What kind of timeframe do you think there is?

16
17 **MR. RAHMAN:**
18 I believe it's 365 days. It used to be 180. Now based on comments
19 from public, it has been extended.

10:42AM 20
21 **CHAIRPERSON HAHN:**
22 So I guess the question is so once these become final, he'll have
23 one year to meet the new standards?

24
25 **MR. RAHMAN:**
26 That's correct.

27
28 **CHAIRPERSON HAHN:**
29 Thank you.

10:42AM 30
31 **MR. RAHMAN:**
32 I have to double check it, make sure it's one year. Yeah, I
33 believe it's 365 days.

34
35 **LEG. KRUPSKI:**
36 And then just to clarify that a little bit finer, so Legislator
37 Trotta had a concern about something in his district but how would
38 you know about that? Like how are people going to know that this
39 activity is taking place? I mean, there's no way you or your
10:42AM 40 department could know every location and every dump site. So how
41 are you going to start that, you know, how are you going to start
42 that enforcement of the new requirements?

43
44 **MR. RAHMAN:**
45 Well, if it's already been registered, if it already has some sort
46 of authority from us, which he should have if he's accepting
47 concrete, we would be visiting all the registered sites. And they
48 are required to comply. If they don't, then we have to start
49 initiating enforcement action.

10:43AM 50
51 **LEG. KRUPSKI:**
52 What about the ones that currently don't have to comply and they're
53 going to be caught up in this net of the new requirements? Is it
54 going to be like complaint-driven; are you going to do public
55 outreach so people are like *oh, that operation, what are they doing*
56 *there?* And should they comply with the new regulations?

1 **MR. RAHMAN:**

2 Sure. There's quite a bit of last year public outreach when this
3 regulation was first proposed. We had held seminars and work
4 session. And there was several public hearings. So these people
5 should know that now they are going to require to have
6 authorization from the department. So if they don't come forward,
7 obviously if we get a complaint and if we're going out doing --
8 looking for this facilities, we would initiate enforcement action.
9 Primarily it's -- last year there was quite a bit of workshop and
10 public outreach on the proposed reg.

10:44AM

11
12 **LEG. KRUPSKI:**

13 Did you do outreach to the towns and villages?
14

15 **MR. RAHMAN:**

16 We have a local outreach. We did a couple in Long Island, not
17 necessarily in a specific town or village. We held one in Stony
18 Brook and there's one in Hauppauge. We had a couple of works --
19 and there was public hearing on Long Island last July; June or
20 July. So there was quite a bit of outreach in that respect. And
21 if the people who don't know, you may have to bring them into
22 compliance.
23

10:44AM

24 **LEG. KRUPSKI:**

25 Well, I think it'd be helpful if you did this -- made this
26 information available. I think you have to go there personally.
27 If you made this information available to the towns and villages
28 because they would certainly help you with compliance.
29

30 **MR. RAHMAN:**

31 Sure.
32

33 **LEG. KRUPSKI:**

34 Even with outreach.
35

36 **MR. RAHMAN:**

37 I'm sure there'll be a lot of outreach with the municipalities.
38

39 **CHAIRPERSON HAHN:**

40 One more question, Legislator Fleming.
41

10:45AM

42 **LEG. FLEMING:**

43 Yeah, it's a great question that Legislator Krupski asked. Having
44 sat on a town board for many years, I can tell you there's just so
45 much out there, you know, there's so many things going on for any
46 individual, public official that is very challenging to connect
47 those dots sometimes. Are you doing any sort of canvas of local
48 laws for instance that might affect this? I know when I was on
49 Southampton Town Board, we passed a law under my sponsorship to not
50 allow contaminated fill to come into the town. I don't know if
51 you've done any kind of work along those lines to see if there's
52 already some stuff in place that might affect or be affected by
53 these new regulations.
54

10:45AM

55 **MR. RAHMAN:**

56 We constantly work with the planning units, which are the towns.

1 And a lot of these towns are already aware. And they also
2 commented on the first round of these regulations. They are very
3 familiar. I work with each town contact for whoever is responsible
4 for, like, waste management or environment. We will farther reach
5 out and do an outreach as suggested by Legislator Krupski. I would
6 make that recommendation to Albany to make sure that we reach out
7 to each planning units.

8
9 **LEG. FLEMING:**

10 Thank you.

11
12 **CHAIRPERSON HAHN:**

13 Thank you.

14
15 **MR. RAHMAN:**

16 The next category is one, it's called limited use. And it has
17 unlimited amount of non-soil like material. And there is
18 commercial soil cleanup objective standard to meet for metals and 3
19 bpm for benzo pyrene equivalent. And these are most likely not
20 going to come to Long Island. It's going to be used on the
21 foundation and pavement outside Long Island.

22
23 **CHAIRPERSON HAHN:**

24 What if they are created here?

25
26 **MR. RAHMAN:**

27 If they are created here, if there is a history of impact, if it's
28 industrial abuse of the land, they will require chemical testing.

29
30 **CHAIRPERSON HAHN:**

31 Thank you.

32
33 **MR. RAHMAN:**

34 Some of the material should use for beneficial use such as if it's
35 created on Long Island and they need to use it on the foundation or
36 on the road, they would go -- they have to apply for beneficial use
37 petition. Or otherwise the material will be considered
38 contaminated and needs to be disposed of in a landfill. A material
39 that is generated in New York City would require notification
40 within 15 days of the material prior to delivery to a site.

41
42 Registrations would have now limits. In the past registration,
43 which is a lower tier of permitting, did not require to have any
44 throughput limit. It was just ministerial activity but now they
45 would require to have throughput for any recyclable. Recovery
46 facilities will be 250. And other type, like concrete, bricks or
47 rock, asphalt and any wallboard or uncontaminated wood now would
48 have 500 times per day based on weekly average. And these material
49 would now require you to keep it in discreet piles. Specifically
50 asphalt would not be allowed to mix with concrete, brick and rock.
51 If they mix it, then they have to have proposed use of the
52 material. They have to apply for a beneficial use determination.

53
54 **CHAIRPERSON HAHN:**

55 Go ahead.

1 **LEG. FLEMING:**

2 Thank you. This -- I know this Part 360 has to do with
3 municipality facilities, but while you're here, Syed, can I just
4 ask you with regard to private facilities, in my district we have a
5 number of sand mines that are now -- they're now operating under
6 the reclamation allowances for sand mines to process vegetative
7 material or C&D, you know, stuff that clearly is either because
8 it's being stored on the land is creating metals -- allowing metals
9 to be released into the groundwater or, you know, contaminated
10 itself and just leeching.

10:50AM

11
12 What do we do about that? Do you have any thoughts -- I know we've
13 worked a little bit with the DEC, but it's a real problem in our
14 community and we're having a very hard time figuring out how to
15 work -- from my perspective, how to work with the DEC to ensure
16 that these private facilities are not contaminating. It seems that
17 they are and we're having a very hard time getting in there and
18 regulating it. Can you speak -- I know it's a little bit off
19 topic, but if you could speak a little bit to that, it would be
20 very helpful. And I would love to follow-up with you.

10:50AM

21
22 **CHAIRPERSON HAHN:**

23 Is your presentation only about municipality facilities?

24
25 **MR. RAHMAN:**

26 No.

27
28 **CHAIRPERSON HAHN:**

29 I thought it included both. Yes, this includes both private and
30 municipal, right. This applies to all, right, okay.

31
32 **MR. RAHMAN:**

33 As you see, we have created this fill material category.

34
35 **LEG. FLEMING:**

36 Oh, so this recovery facilities includes sand mines?

37
38 **MR. RAHMAN:**

39 Yes.

40
41 **LEG. FLEMING:**

42 Oh, thank you, Madam Chair.

43
44 **MR. RAHMAN:**

45 Material that would categorize like any material that is excavated
46 from New York City would require testing if it goes there. Any
47 material that's generated on Long Island and goes there, and if it
48 is from an industrial site or an impacted site, would require
49 testing of the material. So I think with the future reg, it would
50 be very difficult for somebody to take any contaminated material
51 into an area of sand mine.

10:51AM

52
53 **LEG. FLEMING:**

54 May I, Madam Chair? Just a follow-up. So my understanding now
55 from the science, and I'm not a scientist, is that you can process
56 material -- you can process material that is not contaminated and

1 still have a contaminating effect on groundwater in that a certain
2 volume of material that sits on the earth for a certain amount of
3 time is being -- it's discovered now that it releases metals.
4 There's some sort of phenomenon that happens with oxygen, the
5 release of oxygen that metals are actually -- magnesium, in
6 particular -- is actually being detected in the groundwater at
7 these sand mining locations. There's no direct connection with
8 actual metals in the components of the material. It's a physics
9 effect. And is that -- I mean, I think that's part of one of the
10 reasons why you have an aggregate limit, right, for storing
11 material.

10:52AM

12
13 **MR. RAHMAN:**

14 Right. And also there'll be time limit of the material to be
15 stored on site if it's unprocessed.

16
17 **LEG. FLEMING:**

18 So I guess my question, then, is why is -- are these requirements
19 triggered only by the storing of contaminated materials or
20 materials that are suspected to be contaminated if there is this
21 physical effect by storing anything, including organic vegetative
22 materials. If you store enough of it for a long enough time, it
23 has a negative effect on groundwater. So shouldn't that also
24 trigger some kind of scrutiny by DEC?

10:52AM

25
26 **MR. RAHMAN:**

27 Yes, there's a special section for organics and mulch facilities.
28 In the past we did not regulate mulch. Now the mulch facilities
29 will be regulated based on the size and volume. And then there
30 will be limitation of material to be on-site. And then there'll be
31 a requirement for a run-off and run-on plan of any surface water or
32 impact to surface water or groundwater. Facilities -- I'll go a
33 little later on, I'm going ahead of myself, I was going to say
34 about mulch facilities, they would require to have submitted a plan
35 to us how they're going to control their surface run-off or run-on
36 to it; and how they're going to prevent any groundwater or surface
37 water contamination.

10:53AM

38
39 **LEG. FLEMING:**

40 And what about operations -- what about facilities that are
41 currently in operation?

10:54AM

42
43 **MR. RAHMAN:**

44 Well, they have to comply with the new reg. They will have certain
45 transition period to comply with the reg.

46
47 **LEG. FLEMING:**

48 And where -- that's -- you'll be getting to that later in your
49 presentation?

10:54AM

50
51 **MR. RAHMAN:**

52 Yes.

53
54 **LEG. FLEMING:**

55 Okay. Thank you. Thank you, Madam Chair.

1 **CHAIRPERSON HAHN:**

2 All right, let's try to let him -- let's try to let him go, you
3 know, without interrupting for a little while here. Thanks.

4
5 **MR. RAHMAN:**

6 Okay, that's where we're talking about. Organic facilities will be
7 required to have these run-on, run-off plans to describe how
8 they're going to prevent movement of organics. That's -- I think
9 that's primarily your concern is mulch facility, when it's exposed
10 to precipitation and water gets into the ground, reacts with the
11 soil and somehow release the metals. So they now have to address
12 that.

13
14 **LEG. FLEMING:**

15 Unfortunately that's one of the concerns. Some of these private
16 facilities in my district are a little bit mysterious in terms of
17 what their operations are. So whether it's C&D that's being
18 processed or the mulch, we don't really know. And we've had --
19 we've had challenges getting access to the sites. Since they're
20 DEC regulated, DEC can get on the site. County Health Department
21 cannot get on the site. So we've had to work together with you to
22 get samples to determine what's actually happening there. So it is
23 the mulch, but it's also other contaminants as well. We've got to
24 figure out how to -- I believe do a little bit of a better job in
25 finding out what's actually happening at those locations.

26
27 **MR. RAHMAN:**

28 Sure. Now we'll have the authority to get into the facilities. In
29 the past for most facilities they were exempt. So we didn't have
30 direct authority. Now we'd have direct authority to get in and get
31 sampling. But material from, like, concrete, soil, brick, if it's
32 coming in uncontaminated, to me I don't know whether they would
33 release any contaminants or react with the soil to release any
34 metals.

35
36 **LEG. FLEMING:**

37 I guess some see it --

38
39 **MR. RAHMAN:**

40 It's primarily the mulch and composting facilities.

41
42 **LEG. FLEMING:**

43 Well, they've discovered pharmaceutical products, asbestos, you
44 know, certain things that don't -- there isn't a good explanation
45 in the organic world for what those contaminants are coming from.
46 So there's a suspicion, but it's only a suspicion because we just
47 can't do the testing to find out where it's coming from. Thank
48 you. Looking forward to continuing to work with you on that.
49 Thank you, Madam Chair.

50
51 **MR. RAHMAN:**

52 Okay. There'll be three type of mulch facilities. Anybody who has
53 less than 10,000 yard of material would be still considered exempt.
54 Exempt doesn't mean that we don't have authority. Exempt means
55 that they do not create an impact to the environment or doesn't
56 create an odor; offsite order. But anybody who manages less than

1 10 would be still -- would not require any special registration or
2 permit.

3
4 **LEG. KRUPSKI:**

5 I'm sorry, ten thousand at one time or is that over a year?

6
7 **MR. RAHMAN:**

8 Ten thousand per year.

9
10 **LEG. KRUPSKI:**

11 Okay. I'm thinking about --

12
13 **MR. RAHMAN:**

14 Ten thousand yard storage onsite. I just have to double check.
15 They cannot store more than ten thousand yard on a site.

16
17 **LEG. KRUPSKI:**

18 At one time?

19
20 **MR. RAHMAN:**

21 At one time, yes. And between 10 and 25, they would require a
22 registration. And anything over 25 would require a full 360
23 permit. The pile size would have restriction on temperature; would
24 have pile sizes, geometry of the size and any setback or distances
25 between piles.

26
27 The other facilities like metal processing and any vehicle
28 dismantling facilities in the past, they were not -- they did not
29 require you to have special authorization. Either they were
10:58AM 30 operated under a general environment conservation law; now they
31 would require you to be registered with DEC.

32
33 For the landfills, Long Island landfills prohibits any material
34 that's putrescible coming into Long Island so the current Long
35 Island landfills only take C&D that are double lined landfill. But
36 any old landfill, if they are disturbed or some were -- had
37 additional work on it, like solar project on an old landfill would
38 require notification to the department.

39
10:59AM 40 Another significant change here in the past, anybody who does grade
41 adjustment or backfilling, say, their backyard is in a depression
42 and they need to backfill to make it a usable area, there was --
43 they were exempt as long as they were accepting concrete, asphalt,
44 brick, soil, any of inert material. Now that exemption's gone.
45 They have to apply for beneficial use. So we'll have direct
46 supervision of the material that'll be coming in.

47
48 For anybody who is going to be transporting any C&D including fill
49 material will now be required to register. In the past was only
10:59AM 50 certain type of waste like medical waste or hazardous waste or
51 industrial waste, but now we are including any fill material that
52 is transported over ten cubic yard would require a radio
53 transporter registration. They would also require to submit an
54 annual report. There's enhanced tracking of C&D. They will be
55 required to have a tracking document and manifest to carry with
56 them if the material is generated from New York City.

1 **CHAIRPERSON HAHN:**

2 Okay, I'm going to stop you, I'm sorry. Because this is the --
3 this is the area, I don't know if you recall, but we discovered
4 some construction demolition debris at a park in Brookhaven in
5 Coram, Tanglewood Park, and -- so I want to understand how this
6 will affect, you know, small operators. How -- is there -- are you
7 truly creating sort of a cradle to grave tracking for all
8 construction and demolition debris; or is it only over the ten
9 cubic yard size?

11:01AM 10

11 **MR. RAHMAN:**

12 Over the ten cubic yard size.

13
14 **CHAIRPERSON HAHN:**

15 Okay. So if somebody had the truly small container, which a five
16 cubic yard -- you know, that smallest container -- which you said
17 was five, right?

18
19 **MR. RAHMAN:**

20 Right.

21
22 **CHAIRPERSON HAHN:**

23 Five cubic yard. But that could hold more than like -- you do
24 demolition on your kitchen, maybe a bathroom, you'd probably have
25 less than five cubic yards or just about that?

26
27 **MR. RAHMAN:**

28 Yes. Anything less than ten cubic yard in this proposed reg is not
29 required to have a tracking.

11:01AM 30

31 **CHAIRPERSON HAHN:**

32 Right. No, I just want to understand what size we're talking. If
33 you demolish your kitchen, obviously depending on the size of the
34 kitchen, but an average kitchen --

35
36 **LEG. KRUPSKI:**

37 You still shouldn't take it to a park and dump it.

38
39 **CHAIRPERSON HAHN:**

11:01AM 40

41 Yes. This, we know. (Laughter) But I want to understand are you
42 attempting to track that level of debris? You know, the individual
43 contractor who may be renovating on a house? Or is there any
44 tracking for that level of debris creation?

45 **MR. RAHMAN:**

46 No, it'll be anything that's over ten cubic yard will be --

47
48 **CHAIRPERSON HAHN:**

11:02AM 50

49 And, again, I'm still -- just still trying to understand ten cubic
50 yard is a full house demolition or not even?

51
52 **MR. RAHMAN:**

53 Ten cubic yard is -- if you do -- just visualizing myself, some
54 addition to your house and bathroom renovation, you do a kitchen,
55 it could be ten cubic yard. If you're doing like a driveway,
56 concrete, usually the volumes -- the weight is more, the volume is

1 less. So ten cubic yard is not that big -- I mean small. It could
2 easily fill up -- I did my kitchen renovation a few years ago, I
3 had a ten yard dumpster in my driveway.

4
5 **CHAIRPERSON HAHN:**

6 Okay, so then they -- oh, so it would have to be larger than the
7 ten. So a ten would fall under. A full ten would be okay with --
8 nobody would have to register, but when you went from ten to 20,
9 the 20-yard one would have to be registered.

11:03AM 10

11 **MR. RAHMAN:**

12 That's correct.

13
14 **CHAIRPERSON HAHN:**

15 Not the ten-yard.

16
17 **MR. RAHMAN:**

18 Right. This is primarily to -- geared towards illegal dumping,
19 contaminated fill coming from the city.

11:03AM 20

21 **CHAIRPERSON HAHN:**

22 Sure.

23
24 **MR. RAHMAN:**

25 It's primary to target that. Nobody should be dumping anything
26 like the Legislator say, anywhere in the park.

27
28 **CHAIRPERSON HAHN:**

29 Yeah.

30
31 **MR. RAHMAN:**

32 That we have authority.

33
34 **CHAIRPERSON HAHN:**

35 We know that. (Laughter)

36
37 **MR. RAHMAN:**

38 ECL has right now 70-yard dumping considered criminal. So anybody
39 dump any amount is -- illegally, is considered not legal.

11:03AM 40

41 **CHAIRPERSON HAHN:**

42 Right. There's no question about that, but you got to catch them.
43 So what I'm trying to understand is what will this enforcement
44 deter, what level, you know, what level of activity? So I'm
45 getting a better understanding. Thank you.

46
47 **MR. RAHMAN:**

48 I think that's pretty much [what] I have. That's really -- we are
49 targeting primary to one is illegal dumping, to make sure that we
50 track materials generated in the city which may contain historic
51 fill or urban fill to make sure we're tracking them to make sure
52 that it's properly being managed. And the other one is what your
53 concern is, organics or mulch facilities and compost facilities.

11:04AM 50

54
55 **LEG. FLEMING:**

56 And you're in the comment period now?

1 **MR. RAHMAN:**

2 Yes, the comment period ends on the 21st.

3
4 **LEG. FLEMING:**

5 Of this month.

6
7 **MR. RAHMAN:**

8 Of this month, which is next week.

9
10 **CHAIRPERSON HAHN:**

11 That's why I tried to rush him to come speak here. I pushed off --
12 we had another presentation scheduled but I pushed that off
13 because, you know, we've been dealing with the dumping issue here
14 in Suffolk County; very concerned over what we're finding not only
15 in our parks but in town parks and elsewhere, private properties
16 along the side of the road even in some instances that are -- may
17 be smaller volumes than we're talking here, but the big volumes in
18 West Hills and in Roberto Clemente are of grave concern to us. So
19 I wanted to make sure that we all here could hear what they are
11:05AM 20 proposing and submit any comments before the time period. I know
21 we had -- Legislator Anker had a question.

22
23 **LEG. ANKER:**

24 Again, I want to thank you for the work that you're doing. And
25 also, Legislator Hahn, I know you've been very proactive with
26 illegal dumping as well as my office. But I'm just curious as far
27 as where we are, you know, past, maybe ten, 20 years, you know --
28 well, even before, even 50 years. We know that illegal dumping has
29 been a problem here in Suffolk County. We know that for a fact.
11:06AM 30 We know that illegal dumping has affected our groundwater and
31 that's why we're being more proactive. But I'm just curious, have
32 you received more phone calls than usual regarding illegal dumping
33 or do you have a system similar to what we're setting up here in
34 Suffolk County that will notify authorities when residents have
35 suspicions that there is material that is being illegally dumped?

36
37 **MR. RAHMAN:**

38 Yes, sure. We have a hotline for our Environmental Conservation
39 Officers, DEC hotline that's 24 hours. Anybody could call that
11:06AM 40 hotline. In my division we also have a number that -- a complaint
41 call number, anybody can call and complain. And we take each
42 complaint serious. And we investigate and as we say actively we
43 are pursuing a lot of this; small or large, it doesn't matter.
44 Many times -- it's a problem when we don't know who is doing it.
45 And other times our ECOs are watching on a highway and they're
46 following trucks, they're monitoring it. I cannot give you too
47 much detail of that. So it's very -- right now there's intense
48 monitoring going on.

49
50 **LEG. ANKER:**

51 Thank you.

52
53 **CHAIRPERSON HAHN:**

54 Legislator Trotta.

1 **LEG. TROTТА:**

2 So if I put a 20 yard dumpster in front of my house and I fill it
3 with books, is that going to be tracked?
4

5 **MR. RAHMAN:**

6 For books, it's if it's considered C&D I don't think it would be.
7 Then we would not be tracking it. We'll make sure that it goes to
8 recycling.
9

10 **LEG. TROTТА:**

11 Okay. So let's say I put 8 yards of books and 12 yards of my
12 kitchen and bathroom, what are you going to do then?
13

14 **MR. RAHMAN:**

15 That's considered 20 yard of C&D.
16

17 **LEG. TROTТА:**

18 So no matter what it is, that extra -- so describe to me the
19 monitoring; is it going to cost the homeowner more money or the
20 dumpster guy more money?
21

11:08AM

22 **MR. RAHMAN:**

23 Transporters who has to maintain a record, where they got it, where
24 they dispose it of, and the people of the facility who's accepting
25 it has to know where it's coming from.
26

27 **LEG. TROTТА:**

28 There's no fee for this. It's just there to keep track. Okay.
29

30 **MR. RAHMAN:**

31 Just to track.
32

33 **CHAIRPERSON HAHN:**

34 Legislator Fleming.
35

36 **LEG. FLEMING:**

37 Yes, thank you. I really appreciate your being here, Syed. And
38 thank you, Chair Hahn, for setting this up. We're under a little
39 bit of a tight timeline now because our comments would be due by
40 Friday, the end of this week. So I guess if I could just ask you,
41 because I know you're familiar with some of the problems in
42 Southampton Town and East Hampton Town around the sand mines, to
43 what extent -- if you have any thoughts on this. So the central
44 problem -- not the central problem, the central problem, I think,
45 is the activity but -- and our obligation to keep our aquifer pure,
46 but I think the bureaucratic problem in our instance has to do with
47 the fact that DEC is regulating these sand mines. And so you all
48 have the authority to enter onto the property, but Health
49 Department has the technical wherewithal and the staffing to drill
50 the monitoring wells and get some of the technical data, you know,
51 the data.
52

11:08AM

11:09AM

53 Do you have any thoughts as to whether any sort of comments or any
54 sort of movement in these regulations might address that
55 bureaucratic obstacle to our understanding what exactly is
56 happening in the sand mines? I don't mean to put you on the spot,

1 but I didn't realize we had this tight deadline and I guess I
2 should have.

3
4 **MR. RAHMAN:**

5 If we have authority, if the DEC has authority to go into the
6 property for the type of material they manage, we always offer
7 assistance, our assistance with the County Health, which we did.
8 In the past we have been doing it. We helped them to get into the
9 property to collect samples. Any information they need, we help
10 them to obtain that information.

11:10AM

11
12 The proposed reg is tighter. Now would require more control on the
13 organics, more control on the movement of construction, demolition
14 material and the fill material. And our Environmental Conservation
15 Officers have more tools to stop a trucker when they are going
16 outbound to east, they need to know where it's going, where it's
17 coming from. I think this proposed reg will tighten that quite a
18 bit, the movement of material.

19
20 **LEG. FLEMING:**

21 It's sort of on a proactive way, prior to the materials reaching
22 the site. That's sort of what these --

23
24 **MR. RAHMAN:**

25 Correct.

26
27 **LEG. FLEMING:**

28 So I guess my question is, is there some way that we could amend
29 these regs or maybe it's somewhere else in the law that would allow
30 us to do a better job of determining what is happening on the site
31 and what the effects to the groundwater are without being beholden
32 to the, sort of, largess of the site operator, which is where we've
33 run into problems. And I agree with you a hundred percent, DEC was
34 very helpful in supplying some pooled water that was collected.
35 But I think one of the issues, and I believe this is in litigation
36 so we don't need to talk too detailed about it, but I think one of
37 the issues is to what extent can you monitor what's happening on
38 the site? How much approval or permission do you need from the
39 site operator before you can actually dig monitoring wells and get
40 some real data on what is happening in the groundwater as a result
41 of the activity?

11:11AM

11:12AM

42
43 **MR. RAHMAN:**

44 We have initiated a small study on marsh processing on our own. We
45 are trying to determine what may cause and what needs to be done to
46 prevent this contamination. We have a small project ongoing right
47 now DEC has undertaken with the pile sizes, location of the pile,
48 collecting the water underneath the leachate, the material that
49 goes through the mulch.

50
51 We are currently -- we have contracted a consultant to do the
52 studying so it's ongoing. That'll give us more better
53 understanding when we review this run-on, run-off plans, that what
54 we were looking for, what we want them to do. Because if we know
55 what's happening, then we can determine what needs to be done. So
56 this requirement of run-on, run-off plan will definitely [be]

1 helpful to prevent any future contamination or would require
2 facility that are managing these organics.

3
4 **LEG. FLEMING:**

5 And what is the timeline on the run-on, run-off plan?
6

7 **MR. RAHMAN:**

8 They have to submit when -- they have to -- it goes with the time
9 line of the registration requirements or permitting requirements.

11:13AM

10
11 **LEG. FLEMING:**

12 No, no, no. I mean in terms of the law, where is it in the
13 pipeline; when will it be considered for adoption?
14

15 **MR. RAHMAN:**

16 It's in the proposed regulation.
17

18 **LEG. FLEMING:**

19 Okay.
20

21 **MR. RAHMAN:**

22 Currently it's in this regulation so it would go in effect
23 hopefully by November of this year; that each facility who's
24 managing this kind of waste, especially in the organics, needs to
25 provide us that plan. And internally, like I said, we are doing a
26 studying of this mulch operation to collect water samples that goes
27 through the mulch and see what level of contamination we are
28 getting and what needs to be done, whether it needs to be on some
29 sort of impermeable layer or not, whether level of contamination is
30 not significant enough or not; those are the things we are
31 determining.
32

11:14AM

33 We're also monitoring the temperature to make sure that we
34 determine -- we -- right now we propose a temperature of 140
35 degree. If it's over 140 degree, it needs to require cooling of
36 the piles because we have mulch fires --
37

38 **LEG. FLEMING:**

39 I'm sorry, so you would then have the opportunity to go in with or
40 without permission from the operator to take the temperature of the
41 piles.
42

11:14AM

43 **MR. RAHMAN:**

44 Correct.
45

46 **LEG. FLEMING:**

47 For instance, the fatal fire that happened in one of these
48 facilities, one would hope it wouldn't happen again.
49

50 **MR. RAHMAN:**

51 Sure, yes.
52

53 **LEG. FLEMING:**

54 So you're -- but the -- what triggers this ability is 10,000 cubic
55 yards at any given time or more?
56

1 **MR. RAHMAN:**

2 I believe so. I have to confirm that. I believe that the volume
3 elimination is one time, but I have to confirm that.

4
5 **LEG. FLEMING:**

6 Okay. That would be of great interest to us, I think, in my
7 community. And I do appreciate your efforts on this. You know,
8 for years when I was on the Southampton Town Board, you're kind of
9 famous for how helpful you are, the famous Syed. When I saw you in
10 the audience, I said *oh, that's him!* So thank you for all your
11 efforts. I look forward to continuing to work with you. Thank
12 you, Madam Chair.

13
14 **CHAIRPERSON HAHN:**

15 Okay. Presiding Officer Gregory.

16
17 **P.O. GREGORY:**

18 Thank you, Madam Chair, and thank you for your presentation. I
19 found it very informative. When I think of this issue and
20 discussions that I've had with people about this issue, there's
21 several things that come to mind. One is, this is an issue of
22 changing the regulation obviously. And you're proposing to do
23 that, particularly as it relates to tracking, cradle to grave, as
24 they say, so you're addressing that to some degree.

25
26 Also not having enough facilities, particularly for the
27 contaminated stuff. From what I hear there's one in Suffolk and
28 then there -- or on Long Island, and there's another one in
29 Pennsylvania that can receive this stuff. And then the cost of
30 doing that.

31
32 And then lastly is the enforcement. So it's great that we can make
33 changes in the regulations even if we had more facilities, which
34 I'm not sure there are more coming or not; or even if that's a real
35 issue. What are we doing about enforcement? So that we can have
36 tracking systems, you know. I'm sure there's a way to finagle the
37 tracking system if one was nefarious enough to want to do that.
38 But without having a real enforcement arm, these guys are just
39 going to continue to do what they're doing. Do you have any
40 comment on that?

41
42 **MR. RAHMAN:**

43 There's -- like I said earlier, that there is an ongoing
44 investigation right now as we speak. I don't want to give you too
45 much detail of it. I think we have seen contaminants coming
46 towards Long Island and also going up north so our Environmental
47 Conservation Officers and we have a Bureau of Environmental Crime
48 Investigation, they're currently very active to monitor any
49 movement of material.

50
51 So if there is any criminal activity, they try to prosecute
52 criminally. And if there is administrative action by us, we are
53 also concurrently taking administrative actions. So the
54 enforcement act it's really -- currently it's really ratchet up so
55 that the movement of material can be stopped. Obviously there'll
56 be some material that would come bypassing our enforcement

1 officers, but we're trying to get to it as soon as we can and try
2 to remediate the site, see if we see any impact.

3
4 So with the future reg, with the tracking requirements, right now
5 it's very difficult because we don't have the tracking
6 requirements, but our Environmental Conservation Officer will have
7 that tool in their box so that they can stop a truck to make sure
8 the material is, like, cradle to grave scenario; that we know where
9 it's coming from, we know where it's going.

10
11 Regarding disposal, Long Island doesn't have any ability to dispose
12 contaminated soil. If it exceeds the protection of groundwater,
13 even the landfills have double lined landfill because of the Long
14 Island landfill law. It prohibits any disposal of contaminated
15 soil or any putrescibles on Long Island landfill. So it has to go
16 off Island.

17
18 And there are entities or people coming up with technology. If
19 there's a slightly contaminated soil, how can they use it or what
11:19AM 20 can they do to clean up the soil, like soil wash plant type of
21 facilities. I have been approached by other people that they would
22 like to open a soil wash plant so the soil can be -- the gravel or
23 sand can recover because they are very valuable to -- valuable
24 commodity, the sand or gravel. So there'll be technology coming
25 forward to address any contaminated soil. But no, we cannot
26 dispose of any on Long Island.

27
28 **P.O. GREGORY:**

29 Yeah, that was my understanding; that there's either none or very
11:20AM 30 limited capacity, but you're saying none.

31
32 **MR. RAHMAN:**

33 There's no facility that can accept contaminated soil that exceeds
34 the groundwater protection standard.

35
36 **P.O. GREGORY:**

37 Right.

38
39 **MR. RAHMAN:**

11:20AM 40 Construction and demolition debris, general construction, general
41 demolition debris like household, kitchen or bathroom debris that's
42 generated when they do remodeling, that could go to the Long Island
43 landfill. But any soil like material that's considered
44 contaminated with urban fill cannot.

45
46 **P.O. GREGORY:**

47 Okay. And I'm not sure what -- I would just reemphasize the
48 importance of the enforcement aspect of it because I've heard that
49 there's like several, maybe two or three people that do the
11:20AM 50 enforcement. I don't know if that's true or not. I know it's
51 certainly not like the Police Department. They don't have
52 hundreds --

53
54 **CHAIRPERSON HAHN:**

55 Well, we actually when we had our regional forum on the dumping
56 issue, we talked about the DEC when these regs were finalized, that

1 we would train. And I believe they've already begun talking with
 2 the Police Department. We talked about training our police so that
 3 they would know, you know, what to look for, especially our motor
 4 carrier unit, our highway, you know, patrol unit, so we talked
 5 about that. Do you still have plans for that?
 6

7 **MR. RAHMAN:**

8 Yes. We would definitely have training, cross-training among the
 9 code enforcement folks and other municipalities, counties. We
 10 would definitely have to work with them and provide any
 11 cross-training. I think that would be very helpful, even if they
 12 could identify a problem, then refer to us and then we will take it
 13 from there.
 14

15 Yes, DEC for enforcement, we have our enforcement Environmental
 16 Conservation Officers. We have our own police, but there's not
 17 enough. It's not only solid waste issue, there are other issues.
 18 So they have to help us. You know, we work with them as a
 19 technical staff as much as we can. But definitely we could use
 20 more help from the local code enforcement officers; if we could
 21 train them, and I'm planning to have the cross-training.
 22

23 **P. O. GREGORY:**

24 That's great. And I think particularly, again, I think,
 25 particularly as it relates to the -- I assume the tracking aspect
 26 will be implemented because there's nothing -- if there's no real
 27 enforcement mechanism or real threat of enforcing the new
 28 regulation, you know, it could -- someone could easily say *well, I*
 29 *got rid of four yards of material when it's actually, you know, ten*
 30 *yards of material*. I mean, we see that now with sales tax
 31 collections because we don't have people go around and enforce it
 32 so they, you know, they take some off the books and they don't
 33 reflect the true amount. I mean, it's everywhere. But enforcement
 34 is really the hammer that keeps people a little bit honest. Thank
 35 you. Very pleased to hear your presentation.
 36

37 **CHAIRPERSON HAHN:**

38 Legislator Krupski.
 39

40 **LEG. KRUPSKI:**

41 Thank you. So I think Presiding Officer talked about a lot of what
 42 I was talking about with enforcement. You certainly answered the
 43 question. You're working with local authorities because a lot of
 44 this takes place on weekends and whatnot where local enforcement is
 45 going to be out there looking anyway, so that's good to know.
 46

47 I've got a question about the volume of composting and what's
 48 exempt. So from an agricultural standpoint, you got groups like
 49 the Long Island sample wine group, who's really trying to promote
 50 composting to add organic matter to the soil to maintain and to
 51 enhance soil health.
 52

53 On the other hand, there was an example in Mattituck a few years
 54 ago, and I know it was on preserved farmland that was in a County
 55 program, where there was massive dumping of yard waste from -- it
 56 came in from up Island. And not part of an agriculture composting

1 operation, all right, it was dumping. And that -- while that was
2 resolved, it was resolved properly and everything, who in the State
3 makes the determination whether this is, in fact, a legitimate
4 operation that's bringing material in, composting this clean yard
5 waste and spreading it on to increase your soil health; and whether
6 it's just a dumping operation that they're taking advantage of --
7 they're trying to take advantage of an agricultural exemption to
8 get around any other dumping laws.

9
10 **MR. RAHMAN:**

11 The case you're talking about I'm pretty much familiar with it.
12 What happened was that one of the -- the town hired a contractor to
13 manage the material. And they just took it out to this farmland
14 and dumped it there. We cleaned it up.

15
16 **LEG. KRUPSKI:**

17 Well done.

18
19 **MR. RAHMAN:**

11:25AM 20 And so the town also took initiative. The town would send the
21 material to make sure the contractor now has to disclose where the
22 material's going to go. Any yard waste or leaf or grass clipping,
23 it could be -- registration requirement 3,000 yard per year. So
24 anybody who is over between 3,000 and 10,000 yard of material can
25 be eligible to do a registration. And once they do a registration,
26 they required us to submit annual report to us, how much they're
27 doing and whether they are turning the piles properly to make sure
28 there's no odor, no anaerobic conditions.

11:26AM 29
30 We -- there's no mechanism not to allow the material from off site
31 to come into your farmland. If the farmer agrees to apply for
32 registration, he can accept material from offsite. The materials
33 generated onsite would not require him to do a registration because
34 it was generated on site. It's only when they accept material from
35 offsite they would require.

36
37 **LEG. KRUPSKI:**

11:26AM 38 And I appreciate that, but who's making the decision in your
39 department to say that it's being used for agricultural purposes or
40 whether it is, in fact, just a commercial operation; accepting
41 material, processing and shipping it out versus accepting material,
42 processing and putting it on land to enhance soil health. Is
43 someone in your department making that distinction?

44
45 **MR. RAHMAN:**

11:27AM 46 Once the material is fully composted, there's no restriction of the
47 use of the material. If it's fully composted, material is
48 soil-like material, it's all amendments, so we do not have once it
49 becomes a product to make sure the product is used. If you don't
50 use the product and if you leave it there for a long time, it's not
51 considered use. It becomes disposal. So it's my division who
52 monitors the management of the yard waste.

53
54 **LEG. KRUPSKI:**

55 All right, thank you.

1 **CHAIRPERSON HAHN:**
2 Legislator Fleming.

3
4 **LEG. FLEMING:**

5 Thank you, Madam Chair. Just back to the enforcement and staffing
6 issue, I'm just reading from a report from the Comptroller in
7 December of 2014, which said that *dramatic cuts over the last*
8 *decade to the State Department of Environmental Conservation have*
9 *significantly hindered the State's ability to properly regulate*
10 *polluters and enforce the environmental laws. DEC staff do*
11 *exceptional work to protect the environment and improve our health*
12 *but their workload has increased and they are under increasingly*
13 *challenging circumstances. This is from December of 2014.*

14
15 Can you comment on where staffing levels are relative to 2014 and
16 whether or not -- do you know whether they've gone up or down
17 specifically with regard to enforcement on Long Island?

18
19 **MR. RAHMAN:**

20 It has gone up, but not significantly. It still has restriction.
21 When the department hires a person, it has to go through -- we call
22 it critical fill. So it has to go through see who needs it. It's
23 still, you know, it's very restrictive to hire. Obviously we could
24 use more resources. It's gone up. I would not say, since 2014 I
25 think it has been going up, but I really don't know how
26 significantly it's gone up.

27
28 **LEG. FLEMING:**

29 Thank you. Thank you, Kara.

30
31 **CHAIRPERSON HAHN:**

32 Okay. Any other questions? Okay, thank you so very much. I know
33 we talked about the training. I'd like to cosponsor training with
34 you, you know, to make sure our police or any of our public safety
35 in the towns and villages, you know, want to be trained. I really
36 want to make sure that happens and I'd like to help, you know, make
37 that happen. So hopefully we can talk about, you know, getting
38 together to make sure our law enforcement are trained in this area.

39
40 **MR. RAHMAN:**

41 Sure. I'll definitely speak to our law enforcement, our captain
42 and my Regional Director, Carrie Gallagher.

43
44 **CHAIRPERSON HAHN:**

45 Excellent.

46
47 **MR. RAHMAN:**

48 So we'll make it happen.

49
50 **CHAIRPERSON HAHN:**

51 Thank you. Thank you so much for taking the time to come here and
52 answer all these questions and be interrupted a million times. We
53 really appreciate your willingness to explain this to us. We at
54 the County level are very interested in this topic and very
55 concerned about what we've seen happening and are very happy that
56 you're, you know, strengthening the regulations to help prevent.

1 **MR. RAHMAN:**

2 Yeah, I look forward to working with you and other municipalities.
3 And it's our pleasure to allow us to speak in front of you and
4 thank you for that.

5
6 **CHAIRPERSON HAHN:**

7 Thank you. Thank you. Okay. So we are going to move on to the
8 agenda, Section V, Tabled Resolutions.

9
10 **TABLED RESOLUTIONS**

11
12 *Introductory Resolution 1442 - Authorizing the inclusion of new*
13 *parcel(s) into an existing certified Agricultural District(s) in*
14 *the County of Suffolk 2017 - David Fedun (SCTM No.*
15 *0600-079.00-01.00-007.014) (Co. Exec).*

16
17 **LEG. KRUPSKI:**

18 So moved.

19
20 **CHAIRPERSON HAHN:**

21 Motion by Legislator Krupski; seconded by Legislator Anker.

22
23 **CHAIRPERSON HAHN:**

24 All those in favor? Do we have -- yes. The Clerk's Office are
25 okay with the vote? There's Amy. Sorry. Bridget's here. Okay.
26 So we have a motion and a second. All those in favor of approving
27 IR 1442? Opposed? Abstentions? **1442 is approved. (VOTE:**
28 **5-0-0-1. LEG. TROTТА NOT PRESENT)**

29
30 *Introductory Resolution 1443 - Authorizing the inclusion of new*
31 *parcel(s) into an existing certified Agricultural District(s) in*
32 *the County of Suffolk 2017 - Thomas Hart III (SCTM No.*
33 *1000-063.00-03.00-025.000) (Co. Exec).*

34
35 **LEG. KRUPSKI:**

36 So moved.

37
38 **CHAIRPERSON HAHN:**

39 Motion by Legislator Krupski; seconded by Legislator Fleming. All
40 those in favor? Opposed? Abstentions? **1443 is approved. (VOTE:**
41 **5-0-0-1. LEG. TROTТА NOT PRESENT)**

42
43 *Introductory Resolution 1444 - Authorizing the inclusion of new*
44 *parcel(s) into an existing certified Agricultural District(s) in*
45 *the County of Suffolk 2017 - Paul Melnik (SCTM No.*
46 *0200-593.00-02.00-001.000) (Co. Exec.).*

47
48 **LEG. KRUPSKI:**

49 So moved.

50
51 **CHAIRPERSON HAHN:**

52 Motion by Legislator Krupski; seconded by Legislator Fleming. All
53 those in favor? Opposed? Abstentions? **1444 is approved. (VOTE:**
54 **5-0-0-1. LEG. TROTТА NOT PRESENT)**

1 **Introductory Resolution 1445 - Authorizing the inclusion of new**
2 **parcel(s) into an existing certified Agricultural District(s) in**
3 **the County of Suffolk 2017 - Michael Croteau (SCTM No.**
4 **1000-075.00-07.00-001.004) (Co. Exec.).**

5
6 **LEG. KRUPSKI:**
7 So moved.

8
9 **CHAIRPERSON HAHN:**

10 Motion by Legislator Krupski; seconded by Legislator Fleming. All
11 those in favor? Opposed? Abstentions? **1445 is approved. (VOTE:**
12 **5-0-0-1. LEG. TROTТА NOT PRESENT)**

13
14 **Introductory Resolution 1446 - Authorizing the inclusion of new**
15 **parcel(s) into an existing certified Agricultural District(s) in**
16 **the County of Suffolk 2017 - Josiah Foster, LLC (SCTM No.**
17 **0900-056.00-01.00-016.000) (Co. Exec.).**

18
19 Motion by Legislator Fleming; seconded by Legislator Krupski. All
20 those in favor? Opposed? Abstentions? **1446 is approved. (VOTE:**
21 **5-0-0-1. LEG. TROTТА NOT PRESENT)**

22
23 **Introductory Resolution 1447 - Authorizing the inclusion of new**
24 **parcel(s) into an existing certified Agricultural District(s) in**
25 **the County of Suffolk 2017 - Laura Klahre and Adam Suprenant (SCTM**
26 **No. 1000-075.00-04.00-029.000) (Co. Exec.).**

27
28 **LEG. KRUPSKI:**
29 So moved.

30
31 **CHAIRPERSON HAHN:**

32 Motion by Legislator Krupski; seconded by Legislator Fleming. All
33 those in favor? Opposed? Abstentions? **1447 is approved. (VOTE:**
34 **5-0-0-1. LEG. TROTТА NOT PRESENT)**

35
36 **Introductory Resolution 1448 - Authorizing the inclusion of new**
37 **parcel(s) into an existing certified Agricultural District(s) in**
38 **the County of Suffolk 2017 - Twisted Pine, LLC (SCTM Nos.**
39 **0300-166.00-04.00-001.001, 0300-166.00-04.00-001.003) (Co. Exec.).**

40 Motion by Legislator Fleming.

41
42 **LEG. KRUPSKI:**
43 Second.

44
45 **CHAIRPERSON HAHN:**

46 Second by Legislator Krupski. All those in favor? Opposed?
47 Abstentions? **1448 is approved. (VOTE: 5-0-0-1. LEG. TROTТА NOT**
48 **PRESENT)**

49
50 **Introductory Resolution 1449 - Authorizing the inclusion of new**
51 **parcel(s) into an existing certified Agricultural District(s) in**
52 **the County of Suffolk 2017 - Bridge A, LLC (SCTM Nos.**
53 **0900-084.00-01.00-032.020, 0900-084.00-01.00-032.021) (Co. Exec.).**

54
55 **LEG. FLEMING:**
56 Motion.

1 **CHAIRPERSON HAHN:**
2 Motion by Legislator Fleming.

3
4 **LEG. KRUPSKI:**
5 Second.

6
7 **CHAIRPERSON HAHN:**
8 Seconded by Legislator Krupski. All those in favor? Opposed?
9 Abstentions? **1449 is approved. (VOTE: 6-0-0-0)**

10
11 *Introductory Resolution 1450 - Authorizing the inclusion of new*
12 *parcel(s) into an existing certified Agricultural District(s) in*
13 *the County of Suffolk 2017 - Howard Flynn and Deborah Siegel (SCTM*
14 *No. 0200-698.00-01.00-040.000) (Co. Exec).* Motion by Legislator
15 Krupski; seconded by Legislator Fleming. All those in favor?
16 Opposed? Abstentions? **1450 is approved. (VOTE: 5-0-0-0)**

17
18 *Introductory Resolution 1451 - Authorizing the inclusion of new*
19 *parcel(s) into an existing certified Agricultural District(s) in*
20 *the County of Suffolk 2017 - Pal-O-Mine Equestrian, Inc. (SCTM Nos.*
21 *0504-004.00-01.00-019.000, 0504-009.00-01.00-035.000) (Co. Exec).*

22
23 **LEG. FLEMING:**
24 I'll make a motion to table.

25
26 **CHAIRPERSON HAHN:**
27 Motion to table by Legislator Fleming. Is there a second?

28
29 **LEG. FLEMING:**
30 If there's a second I'll discuss.

31
32 **LEG. ANKER:**
33 I would second.

34
35 **CHAIRPERSON HAHN:**
36 Second by Legislator Anker.

37
38 **LEG. FLEMING:**
39 The reason why I made the motion is just it seems as though there
11:35AM 40 are issues that need to be addressed at the local level and rather
41 than adopting this without letting local folks figure out what is
42 best for the community at that level I think I'd rather see that
43 happen before moving forward.

44
45 **CHAIRPERSON HAHN:**
46 Okay. Legislator Krupski.

47
48 **LEG. KRUPSKI:**
49 I do sit on the Suffolk County Farmland Protection Board and we did
11:35AM 50 not have the benefit of that information from the Village when we
51 made the decision, so if we -- it's my understanding that if this
52 is tabled it will not be included in the ag district this year
53 because it is a tight time line on the -- on how this has to
54 proceed and go up to Ag and Markets. However, they are certainly
55 free to apply again without prejudice next year for inclusion.

1 **CHAIRPERSON HAHN:**

2 Legislator Muratore, you had a question? Okay. I'm sorry.
3 Director Lansdale.

4
5 **DIRECTOR LANSDALE:**

6 I'd just like to clarify some information. I do have a time line
7 that staff presented as well as I think information that was
8 provided by staff from CEQ regarding the matters that were raised
9 the last -- at the full meeting that was provided by two members of
10 the Legislature last week, as well as from the applicant's attorney
11 as well last week. But specifically I wanted to raise that we did
12 provide affirmatively upon the Village's request information that
13 was provided. We first -- the Village first requested information
14 about the application, this particular application, on March first.
15 We provided it on March 24th. We then provided additional
16 information on March 31st, on April 3rd as well as May 5th, so that
17 they were informed throughout the process.

18
19 **CHAIRPERSON HAHN:**

20 Legislator Anker, did you have a question?

21
22 **LEG. ANKER:**

23 So as far as the controversy, what is this in regards with the
24 community? They don't want it to be a horse farm?

25
26 **CHAIRPERSON HAHN:**

27 Lauretta will speak to that.

28
29 **MS. FISCHER:**

30 We did not receive any complaints or issues raised by any of the
31 neighbors or community groups. The only comments that were raised
32 were raised at the public hearing by the Village officials. We
33 were not informed before that in any way, shape or form, even with
34 CEQ. We do have a letter also from CEQ staff saying that we did
35 follow CEQ procedural process properly and that we did also it's
36 nowhere near any critical environmental area as designated by New
37 York State DEC.

38
39 **LEG. ANKER:**

40 I'm thinking the issue, you mentioned, is the housing. There's two
41 houses. What's the issue with the two houses on the property?

42
43 **MS. FISCHER:**

44 There are two houses, one to the north and one to the south. The
45 sizes -- I think .78 is the southern parcel and one point something
46 for the northern parcel. These are -- they do have residences on
47 both. Both have one residence on each. The lot number 35, which
48 is the southern lot, is also a three family residential use
49 approved by the Village and it is being used at the present time.
50 Lot 35 is -- one of its staff, interns, is residing in the upstairs
51 portion of that property. They are using the downstairs for some
52 schooling learning center with regard to their equestrian center to
53 the north, which is a parcel away. They indicated that the
54 southern parcel also has a farm stand, historic farm stand, that
55 has been on the site for a number of years. They are looking to
56 actually put crop down in the next year or so as well as using that

1 for part of the training sessions for the equestrian center as
2 well.

3
4 So there is a connection and New York State Ag and Markets Law
5 allows properties not even adjacent to farms to be considered as
6 part of a farm operation and that is why that -- these properties
7 were considered as part of the equestrian operation to the north
8 that was placed in the program two years or three years ago.

9
10 **CHAIRPERSON HAHN:**

11 Can you just repeat that one more time because -- and I think that
12 maybe because there's so much controversy on this piece that
13 between yourself and the Director and our attorney, our Counsel, if
14 we can just have a review of the law. You know, there was some as
15 to why a piece of property gets added to -- included in the
16 agricultural district and there was, you know, the testimony that
17 we received earlier from the Village of Islandia about
18 substantially viable agricultural activities and about ag district
19 abuse. You know, I am confused as to exactly what's happening and
20 how and why, you know, it would be said that it shouldn't be
21 included in the ag district. And what makes something legally
22 viable. Just a reminder for all of us as to the law and what we
23 need to know.

11:41AM

24
25 **MS. FISCHER:**

26 Yes. The properties have to be viable agricultural uses, and the
27 uses that have been presented to the committee -- to the board were
28 that these two properties are used for worker -- farm workers, and
29 that is integral to the operation of the equestrian center to the
30 north. And in New York State Ag and Markets Law it does not
31 indicate that the properties have to be adjacent to each other,
32 contiguous or anything in that regard as long as it's considered
33 one operation.

11:42AM

34
35 **CHAIRPERSON HAHN:**

36 But is housing agricultural workers a legitimate use in New York
37 State --

38
39 **MS. FISCHER:**

40 Yes.

11:42AM

41
42 **CHAIRPERSON HAHN:**

43 It is.

44
45 **MS. FISCHER:**

46 Yes.

47
48 **CHAIRPERSON HAHN:**

49 Okay. Legislator Fleming.

11:42AM

50
51 **LEG. FLEMING:**

52 And to what extent does -- I guess this might be a question for
53 George, too. Does Ag and Markets override local zoning in this
54 instance or would local zoning still be brought to bear on any
55 questions regarding, I don't know, setbacks or the size of a house
56 or if they want to build additional houses on the building

1 envelope. What's the -- who wins in that if the two conflict?

2
3 **MR. NOLAN:**

4 Well, under the State law the local zoning power is still there,
5 but the law also states that local governments which regulate and
6 administer planning powers will not unreasonably restrict or
7 regulate farm operations within agricultural districts in
8 contravention of the purposes of the Ag and Markets Law unless it
9 can be shown that public health or safety is threatened.

10
11 So while there is still local zoning power, what will happen, can
12 happen, is if the Village tries to stop the -- this entity from
13 using the property as they want to, once it's in the ag district
14 they'll go to the State and argue we are being unfairly restricted,
15 our operations, and there's a good chance the State will side with
16 the farm operator.

17
18 **LEG. FLEMING:**

19 I guess that's if they apply the use to the current improvements on
11:44AM 20 the property. I guess my concern, my question stems from a concern
21 of some sounded like some of the local officials were concerned
22 that they would build more structures and that's where I guess I
23 wonder if local zoning would prevent any kind of, you know, abuse
24 of the property.

25
26 **MR. NOLAN:**

27 You know, it's got to be fact specific, you know, whether or not
28 what the Village wants is unreasonable. I think the Village right
29 now is arguing that the use of these buildings for the purpose
11:44AM 30 intended is something they do not want.

31
32 **LEG. FLEMING:**

33 Right, no, I get that, and maybe there needs to be a compromise
34 here because there's also a very legitimate policy goal to allowing
35 agricultural housing to house agricultural workers. And I think
36 that's really our question and I wasn't really clear on that when I
37 was -- when I made my motion to table. And I hear Director
38 Lansdale saying that the Village had the opportunity to bring
39 these concerns to the attention of folks at the committee, so I
11:45AM 40 think having heard this debate I would like to withdraw my motion
41 to table. If the zoning laws would prevent over building here and
42 we're just talking about whether ag housing is an appropriate use
43 within the ag district, I think the law is clear on that. And if
44 that's what we're told by the applicant is the actual use of this
45 property, then I think my motion to table was mistaken and I'd like
46 to withdraw it.

47
48 **CHAIRPERSON HAHN:**

49 Mr. Snead, we'll hear from you before, you know, before we vote.

11:45AM 50
51 **LEG. ANKER:**

52 I withdraw my second.

53
54 **CHAIRPERSON HAHN:**

55 Okay. Also, I guess my question, I just want to follow-up because
56 I didn't get specific enough, the inclusion of farm agricultural

1 housing in New York State Ag Law is expressed or is it just left
2 out as not something not allowed.

3
4 **MS. FISCHER:**
5 It's expressed.

6
7 **CHAIRPERSON HAHN:**
8 It's expressed. It's an expressed this is allowed.

9
10 **MS. FISCHER:**
11 Yes, it's expressed.

12
13 **CHAIRPERSON HAHN:**
14 Okay. Thank you. Presiding Officer Gregory.

15
16 **P.O. GREGORY:**
17 I apologize. I was in the back and I missed part of the debate,
18 but I understand we're on the Pal-O-Mine inclusion into
19 agricultural district. I recall the comments at the General
11:46AM 20 Meeting from the Mayor and the attorney and I wholeheartedly
21 disagree. I think as a County we should not be, and I'm a little
22 bit more familiar with some of the actions of this Village. I
23 think the use of saying -- coming to the County to say we have to
24 stop preventing or stop blockbusting I think is racially motivated
25 and I think -- I'm not saying that not all their concerns are not
26 legitimate, but I certainly -- when you start throwing out terms
27 like that I think it raises a huge red flag. And I think if the
28 use is permitted within the law I think we should comply with the
29 permitted uses within the law and not yield to any potentially
11:47AM 30 racially motivated objections. I'll just leave it at that.

31
32 **CHAIRPERSON HAHN:**
33 Okay. Legislator Krupski.

34
35 **LEG. KRUPSKI:**
36 I'm not sure -- this certainly -- this conversation has taken a
37 different turn because the conversations that I've had and
38 listening to this, being part of the debate at the last meeting,
39 I'm not sure -- I think it's more of a Home Rule concern that I
11:48AM 40 have that the Village would lose some of its authority if it were
41 put in the ag district. Right now I think they can rent it out.
42 If this Pal-O-Mine operation owns it they can rent it out to
43 whoever they want to today without Ag and Market protections
44 whether -- and they could rent it out to their workers, they could
45 rent it out to anyone. So I don't think they're being restricted
46 today on who they can rent it out to. And, I mean, I'm not
47 necessarily saying your concerns aren't valid, but I'm saying that
48 my concerns are that the Village -- what the Village conveyed to me
49 are important. They're afraid of not being able to enforce their,
11:48AM 50 you know, their own zoning and that -- and they -- I think they
51 should be able to.

52
53 **P.O. GREGORY:**
54 If I may respond. The reason why I said that, there is information
55 that the committee is not aware of. This particular Mayor had a
56 constituent, several constituents, come to me several months ago.

1 There's an inquiry by a Latino Justice organization. These two
 2 individuals are Latino. They come from the Village of Islandia.
 3 They said that they felt that they were being harassed by the
 4 Village, that there is excessive code enforcement in Latino
 5 residents in the district. And I specifically, I want to say three
 6 months ago, requested information because Latino Justice had
 7 requested this information back in November -- October of last
 8 year, hadn't gotten a response yet. And what they asked for was
 9 documentation on the number of summonses and citations specifically
 10 to Latino residents in the Village of Islandia. And I sent my own
 11 request, I want to say in March, and I heard nothing from this
 12 Mayor. So when I hear -- when I hear those actions going on in the
 13 Village, he comes here and mentions blockbusting, which is a very,
 14 very specific term, I think it almost in my mind it justifies some
 15 of the concerns that people had expressed to me privately. And I
 16 certainly don't want to be a part of it. I think the County
 17 shouldn't have any part of that type of enforcement.

11:49AM

LEG. KRUPSKI:

18
 19
 20 So I hear your concerns. I don't think the committee had any --
 21 the board had any problems with the farm labor housing. I think
 22 it's very appropriate to include a parcel even though it's not
 23 adjacent into an ag district for farm labor housing. I just don't
 24 know that they can rent it out to anyone today, and if they're put
 25 in the ag district -- they can be put in it, again, next year if
 26 they resolve their issues. So as far as the farm labor housing
 27 part goes I don't think that's an issue at all if they can do that
 28 or not.

11:50AM

CHAIRPERSON HAHN:

29
 30
 31 Counsel just informed me that since the tabling motion was
 32 withdrawn we don't have a motion on the floor so we should have a
 33 motion on the floor now. Did you want to make that motion to
 34 approve?

LEG. FLEMING:

35
 36
 37 Yes.

CHAIRPERSON HAHN:

38
 39
 40 Legislator Fleming makes a motion to approve. It's seconded by
 41 Legislator Anker. Okay. There we go. Legislator Muratore.

11:51AM

LEG. MURATORE:

42
 43
 44 Can I make a motion to discharge without recommendation being that
 45 the P.O. didn't get the answers to his questions. I think the
 46 Mayor's not here, his people aren't here to answer any of our
 47 questions if we had any more. We seem to be getting off the track.
 48 I think the Village was concerned about their zoning rules and now
 49 we're getting into who can rent there, who can live there, is it a
 50 racial issue and stuff like that. I mean, we're like spinning
 51 around here. So maybe we can either -- we don't want to table it,
 52 unless I can make a motion to table and get a second on and try
 53 that, or if we want to let's discharge without recommendation and
 54 this way everybody is, you know.

11:52AM

1 **CHAIRPERSON HAHN:**

2 We have a motion to discharge without recommendation.

3

4 **LEG. TROTТА:**

5 Second.

6

7 **CHAIRPERSON HAHN:**

8 Second by Legislator Trotta. So did you withdraw the approval, the
9 motion to approve?

11:52AM 10

11 **LEG. FLEMING:**

12 Discharge comes first.

13

14 **CHAIRPERSON HAHN:**

15 Yes, discharge will supersede the motion to approve, so you have --

16

17 **LEG. FLEMING:**

18 Okay. Upon the recommendation of Counsel I am withdrawing my
19 motion to approve.

11:52AM 20

21 **CHAIRPERSON HAHN:**

22 Okay. And we also are going to hear from Mr. Snead. You can come
23 forward now to the podium, please, but brevity is important here.

24

25 **MR. SNEAD:**

26 I understand. Madam Chairwoman, members of the committee. Last
27 week I supplied the committee and the Legislature, Department of
28 Planning and Mr. Nolan with a memorandum addressing each one of the
29 issues the Village raised. None of those issues have any legal or
30 factual weight. First off, the agricultural use of this piece of
31 property is specifically authorized not only under Agricultural
32 Markets Law, but under the Islandia Code and I've provided a copy
33 of that code and addressed that issue specifically. You are
34 allowed to use this property for agriculture. It is a permitted
35 use in the multi-family district of the Islandia Code and that's
36 what's happening on this property.

11:53AM 30

37

38 Secondly, the issue of local zoning, which I understand, and I know
39 that this is an issue that keeps coming up each year and so I'll
40 address it and I did address it in that memo. The Agricultural and
41 Markets Law does not supersede zoning. What it does, it sets up a
42 process whereby an owner of a piece of property who's using that
43 property as agricultural use, if they receive a denial or some kind
44 of roadblock from the Village or from the municipality, can
45 petition the Commissioner to say that what's happening and what is
46 being used in the Village's Zoning Code is contrary to agriculture
47 and unreasonably restricts it.

11:54AM 40

48

49 If the Commissioner picks up that issue and the Commissioner
50 addresses a concern or an inquiry to the municipality and gives the
51 municipality the opportunity to address the health and safety
52 issues or the zoning issues and then after that makes his decision.
53 That decision either way is reviewable in front of a court, so
54 there's nothing here that strips the municipality of any authority
55 whatsoever under zoning. It merely sets up a process which the
56 State requirements and the local requirements can be harmonized and

11:54AM 50

1 everybody gets a say and everybody puts it front of a court if they
2 have a problem with that.

3
4 We have here residential use of a residential property. The Mayor
5 has objected to that on some grounds I don't understand, but the
6 fact that he has addressed it and objected to the residential use
7 of residential property by this farm operation is exactly why this
8 board needs to pass this through to the Agricultural Market
9 District. What are we supposed to do? If we don't have the
10 authority to use it for our own people, why does that give us the
11 authority to use it for anybody else? Is he commending us and
12 requiring us to rent it to somebody who's outside of our
13 organization? Is that what he wants?

14
15 All the information was supplied to the Village. They chose not to
16 address it at the AFPB. Had they addressed it at the AFPB we would
17 have had that discussion then and everybody would have had the
18 opportunity to weigh in on it. But, again, there's nothing here.
19 The use of this property is authorized under the Islandia Zoning
20 Code. We have to comply with that code unless and until it is
21 determined by the Commissioner after a potential lawsuit that they
22 are unreasonably restricting us and we have no plans to change
23 anything. We're not proposing to put a second house on this
24 property. In fact, the Zoning Code prohibits it. You can only
25 have one primary use. We've actually taken this multi-family use
26 and eliminated two of the dwellings. There is only one dwelling
27 unit in lot 35. There is only one dwelling unit in lot 19, the one
28 to the north. We have absolutely complied with the issues.

29
30 And let's talk about this lawsuit that they claim. They've not
31 sued us. They sued the former owner. The case is being -- there's
32 a motion to dismiss pending now and we've already made the
33 application to resolve the Building Department issues, which is
34 nothing more than the removal of some interior doorways so that we
35 can have a classroom and eliminate the dwellings and to put a
36 handicapped access ramp up. That's what they're charging us with.
37 Not having a building permit for having a handicapped access ramp.
38 There is no use change here.

39
40 The SEQRA issues have been dealt with. In fact, they don't even
41 have a critical environmental area in their code. If you look it
42 up it's not there. They've never adopted it by a public hearing.
43 If they've adopted it by resolution I'm not aware of it because
44 it's not in the code and it would have to be in the code.
45 Everything we are doing we are doing in accordance with the
46 Agriculture Market Law.

47
48 **CHAIRPERSON HAHN:**
49 Okay. We have two motions.

50
51 **LEG. TROTТА:**
52 Quick question.

53
54 **MR. SNEAD:**
55 If there are no other questions, thank you very much.

1 **LEG. TROTТА:**
2 I just have one quick question.

3
4 **CHAIRPERSON HAHN:**
5 For Mr. Snead?

6
7 **LEG. TROTТА:**
8 Yeah.

9
10 **CHAIRPERSON HAHN:**
11 Legislator Trotta.

12
13 **LEG. TROTТА:**
14 Why are you asking for this then?

15
16 **MR. SNEAD:**
17 Okay. We're trying to use it right now as a residential use and we
18 are being met with opposition by the Village to using it as
19 residential use. Right there you have a problem. Secondly, in the
11:58AM 20 past the Village has denied the use of the farm stand to the prior
21 owner, a use which has historically gone on at this site --

22
23 **LEG. TROTТА:**
24 Do you want to put a farm stand on it?

25
26 **MR. SNEAD:**
27 There is a farm stand there and we know that they're going to say
28 no.

29
30 **LEG. TROTТА:**
31 Yeah, but there's no, you know, farm there.

32
33 **MR. SNEAD:**
34 Yes, we do. We grow crops on lot 35.

35
36 **LEG. TROTТА:**
37 And you're going to sell them at that farm stand.

38
39 **MR. SNEAD:**
11:59AM 40 Yes. And the zoning code is clear you're authorized to have a farm
41 stand here so long as you're selling only your crops that you grow
42 there.

43
44 **LEG. TROTТА:**
45 But the town -- the Village is giving you a hard time.

46
47 **MR. SNEAD:**
48 Yes. And let's be even more clear. This goes back not only to the
49 original adoption of this -- the Pal-0-Mine main facility, but last
11:59AM 50 year we got tickets from the Village saying that we didn't get
51 permits for each one of the horses we have. We have 22 horses.
52 They wanted \$2,000 a permit and they wanted the shot records.
53 Well, first-off nowhere in the State of New York does --

54
55 **LEG. TROTТА:**
56 I heard enough. Okay.

1 **MR. SNEAD:**

2 -- anyone ask for shot records. And we went through the process at
3 the AML, the Commissioner heard their views and found that that
4 unreasonably restricted agriculture and told them so. That's what
5 this is all about.

6
7 **CHAIRPERSON HAHN:**

8 All right. We have a motion and a second. All those in favor of
9 discharging without recommendation? Opposed? Abstentions? Okay,
10 it is discharged without recommendation. (VOTE: 7-0-0-0.
11 **PRESIDING OFFICER GREGORY INCLUDED IN VOTE**)

12
13 Now moving on to *IR 1511 - To accept and approve the updated*
14 *Suffolk County Farmland Rating System for Farmland Purchase of*
15 *Development Rights (PDR) Acquisitions 2017(Co. Exec.)*. I'm going
16 to make a motion to table. I think we had more discussion coming
17 on this.

18
19 **LEG. KRUPSKI:**

20 Second.

21
22 **CHAIRPERSON HAHN:**

23 Seconded by Legislator Krupski. All those in favor? Opposed?
24 Abstentions? (VOTE: 7-0-0-0. **PRESIDING OFFICER GREGORY INCLUDED**
25 **IN VOTE**). I very much appreciate the department, you know, having
26 the discussions with us that we've been having on this. So we look
27 forward to, you know, getting to a place where we all agree.

28
29 **INTRODUCTORY RESOLUTIONS**

30
31 *1536 - Authorizing the acquisition of Farmland Development Rights*
32 *under the New Suffolk County ¼% Drinking Water Protection Program*
33 *(effective December 1, 2007) for the DiPierro property Finks Farm -*
34 *Town of Riverhead (SCTM No. 0600-115.00-01.00-004.001 p/o) (Co.*
35 *Exec.)*.

36
37 **LEG. KRUPSKI:**

38 Motion.

39
40 **CHAIRPERSON HAHN:**

41 Motion by Legislator Krupski; seconded by Legislator Muratore. And
42 we have on the motion Director Lansdale.

43
44 **DIRECTOR LANSDALE:**

45 Sure. So this property received a score of 9.5 out of 25 points.
46 The crops grown on the property are food crops; pumpkins, tomatoes,
47 eggplants, melons, cucumbers and squash. It's been in production
48 for five years. There is woodland buffer of approximately half an
49 acre along the northern boundary. The proposed property is
50 outlined in yellow and red on the map.

51
52 The total size is 17.4 acres in size, of which 10.2 acres are
53 proposed for the purchase of development rights. This was reviewed
54 by the Farmland Committee at its March 17, 2016 meeting. The
55 committee approved the PDR acquisition and recommended that 10.2
56 out of the 17.4 acres be included in our program subject to the

1 following condition: As per the survey dated March 8th of 2016
2 that there would be a permanent and direct legal access from Wading
3 River Road to the proposed PDR acquisition area for current and
4 successive land owners to access the property from a public road
5 and for the County to conduct site inspections. That's my report.

6
7 **CHAIRPERSON HAHN:**

8 The 9.5 points is .5 below the ten point threshold.

9
10 **DIRECTOR LANSDALE:**

11 That's right. A score of ten points or higher is used as a
12 guideline for inclusion in our Suffolk County PDR Program. It
13 received points for protected farmland on one side and prime soils.

14
15 **CHAIRPERSON HAHN:**

16 Legislator Krupski.

17
18 **LEG. KRUPSKI:**

19 Looking at the rating sheet one would argue, me being the one, it's
20 probably under E1 census designated places with a population
21 density over 1,000 persons per square mile and that it's currently
22 not in an ag district which is one point, but it certainly, once it
23 changes hands, it could be suitable for enrollment in an ag
24 district. And the positive factors and the community benefits it
25 should get two points because the fate of it could be quite
26 different than a farm, because they're a farm, when you look at
27 what happened to the north there, so that community benefit should
28 be easily to there because it could -- any kind of other land use
29 there would be -- well, it would be paved over.

30
31 **CHAIRPERSON HAHN:**

32 Any other comments? Anyone? No? Any questions? Okay. We have a
33 motion and a second. All those in favor? Opposed? Abstentions?
34 It's approved. (VOTE: 7-0-0. PRESIDING OFFICER GREGORY
35 INCLUDED IN VOTE)

36
37 **LEG. KRUPSKI:**

38 Cosponsor, please.

39
40 **CHAIRPERSON HAHN:**

41 *Introductory Resolution 1543 - Authorizing appraisal of land under*
42 *the Suffolk County Drinking Water Protection Program, as amended by*
43 *Local Law No. 24-2007, Hamlet Park Component, St. Ursula's Center*
44 *Town of Brookhaven (SCTM No. 0200-984.80-04.00-018.000) (Lindsay).*
45 So I'll make a motion to approve for the purposes of discussion.

46
47 **LEG. FLEMING:**

48 Second.

49
50 **CHAIRPERSON HAHN:**

51 Second, Legislator Fleming. On the motion I see we have Katie.

52
53 **MS. HORST:**

54 I spoke with Legislator Lindsay's office this morning. He agreed
55 to table it for one cycle. There's some information that the
56 committee needed on this resolution.

1 **CHAIRPERSON HAHN:**

2 Okay. I'll change my motion to a tabling motion and change her
3 second to a seconding of my tabling motion. And all those in favor
4 of tabling? Opposed? Abstentions? **IR 1543 is tabled. (VOTE:**
5 **7-0-0-0. PRESIDING OFFICER GREGORY INCLUDED IN VOTE)**

6
7 *Introductory Resolution 1555 - Authorizing the acquisition of land*
8 *under the New Enhanced Suffolk County Drinking Water Protection*
9 *Program 2014 Referendum - land purchases for Open Space*
10 *Preservation (CP 8732.210) - for the Society of St. Francis,*
11 *American Province, Inc. Property - Little Portion Friary II - Town*
12 *of Brookhaven - (SCTM No. 0200-067.00-01.00-007.001 p/o) (Co.*
13 *Exec.).*

14
15 **LEG. ANKER:**

16 Motion.

17
18 **CHAIRPERSON HAHN:**

19 Motion by Legislator Anker; seconded by myself. On the motion,
20 Director Lansdale and Ms. Fisher.

12:05PM

21
22 **DIRECTOR LANSDALE:**

23 This acquisition includes 15.03 acres out of the 20.51 acre parcel
24 which is proposed for open space preservation. The Society of St.
25 Francis will be retaining the remaining 5.48 acres that presently
26 have structures and a cemetery for continued religious use.

27
28 We have acquired significant holdings around the property as you
29 can see on the map to the east and to the south. According to the
30 USGS topographic information this property is between 20 and 200
31 feet above mean sea level, exhibiting significant elevation in
32 contrast with the low laying wetland area along Mt. Sinai Harbor.

12:06PM

33
34 The property received 34 points. That's been updated since the
35 2016. This will be a partnership between Suffolk County as well as
36 the Town of Brookhaven. The County will be acquiring 75% of the
37 property, the Town will be acquiring 25% in common, similar to the
38 previous two acquisitions. This will bring the total assemblage
39 area up to 59.33 acres.

12:07PM

40
41 **LEG. TROTТА:**

42 How much is it?

43
44 **MS. FISCHER:**

45 The total acquisition is 1,653,300, of which the County will be
46 spending 1,239,975 and the Town will be putting in 25%, which is
47 413 --

48
49 **LEG. TROTТА:**

50 How many acres is it?

12:07PM

51
52 **MS. FISCHER:**

53 It's 15 acres.

54
55 **CHAIRPERSON HAHN:**

56 Is there an amended version to this that includes reference to the

1 the town's partnership?

2

3 **MS. FISCHER:**

4 Amended version to the?

5

6 **CHAIRPERSON HAHN:**

7 To the bill.

8

9 **MS. FISCHER:**

12:08PM 10 It says it right in there.

11

12 **CHAIRPERSON HAHN:**

13 Oh, sorry. Counsel was looking at the wrong bill.

14

15 **MS. FISCHER:**

16 The first RESOLVED.

17

18 **CHAIRPERSON HAHN:**

12:08PM 19 Counsel was looking at the wrong bill. Sorry. Thank you. Okay.
20 So we have a motion and a second. Question by Legislator Krupski.
21 I apologize. Legislator Krupski.

22

23 **LEG. KRUPSKI:**

24 I thought it received a pretty low rating, 34 out of 100. Pretty
25 low. Looking at the map it's a very heavily developed area
26 surrounding it, adjacent to it. Will these parcels -- so there's
27 three separate Suffolk County parcels? Will they be merged into
28 one?

29

30 **MS. FISCHER:**

31 Yes, and there's the 75/25 split for each of the three so we can
32 merge them all and they'll have the same percentages intact.

33

34 **LEG. KRUPSKI:**

35 What is the Town's obligation on maintenance? Who's got the
36 obligation to make sure that there's appropriate public access,
37 trail system maintenance, of the parcel?

38

39 **MS. FISCHER:**

12:09PM 40 County and the Town have that responsibility. We can go into a
41 cooperative agreement with the Town. We haven't at this date but
42 we can certainly work with our Parks Department and the Town to
43 effectuate that.

44

45 **LEG. KRUPSKI:**

46 Why wouldn't that be put in place? Like when we do a hamlet park
47 there's a requirement that that's put in place upon acquisition.
48 Why wouldn't that be put in place here?

49

50 **MS. FISCHER:**

51 It's not a requirement of the criteria of the program.

52

53 **LEG. KRUPSKI:**

54 Has any thought been given to it between, formal thought, between
55 the Town and the County as to public access points and a trail
56 system?

1 **MS. FISCHER:**

2 We have informally spoken. I've spoken with the Town personnel on
3 this and we haven't come to a final decision, but I know that
4 they're interested in, you know, doing something with us.

5
6 **LEG. KRUPSKI:**

7 And who would be responsible?
8

9 **MS. FISCHER:**

12:10PM 10 Again, it's the County and the Town. The County is, you know, 75%
11 into this acquisition and generally in those cases we take lead on
12 it unless the Parks Department wants to go into a municipal
13 agreement with the Town, which is fine, too.
14

15 **LEG. KRUPSKI:**

16 Okay. I mean, it seems like an appropriate area for public access.
17

18 **MS. FISCHER:**

12:10PM 19 For sure. The biggest restriction is actually the slope along Old
20 Post Road, and we have to be very careful where the access on to
21 the property is because where it is now, which is not where we're
22 going to be acquiring, is on a curve and it is a bit tricky to get
23 in and out of that property at the present time. But that will be
24 something that can be worked out.
25

26 **LEG. KRUPSKI:**

27 What about access from Heidi Lane?
28

29 **MS. FISCHER:**

12:11PM 30 Usually we try to have the access more accessible to a main road
31 rather than a residential road, but if there are obstacles in the
32 other locations that may be a possibility as well for sure.
33

34 **LEG. KRUPSKI:**

35 Is there anything in the enabling resolution that would restrict
36 off-road -- the creation of safe off-road parking here or the
37 creation of trails?
38

39 **MS. FISCHER:**

12:11PM 40 The creation of trails is definitely part of this. It's for
41 passive recreational use, you know, creating a small parking area
42 and then providing access.
43

44 **LEG. KRUPSKI:**

45 But is there anything in this resolution that would restrict the
46 creation of safe off the road parking if you want the people to use
47 it when it should be open to the public. We don't want to get into
48 a situation like that park in Flanders where it was very difficult
49 to get a safe off the road parking field created.
50

12:12PM 51 **MS. FISCHER:**

52 That's definitely part of this. It's not in the actual
53 legislation, but it's certainly part of what we've done.
54

55 **CHAIRPERSON HAHN:**

56 There's nothing that prohibits it in the legislation that -- where

1 the money is coming from or in the legislation.

2

3 **MS. FISCHER:**

4 To create --

5

6 **CHAIRPERSON HAHN:**

7 To create a parking lot.

8

9 **MS. FISCHER:**

12:12PM 10 No, that money is not part of this. That would be a separate
11 issue.

12

13 **CHAIRPERSON HAHN:**

14 No, the money that we're buying the land with -- the source does
15 not restrict that we cannot build a parking lot.

16

17 **MS. FISCHER:**

18 Correct.

19

20 **CHAIRPERSON HAHN:**

21 For access.

22

23 **LEG. KRUPSKI:**

24 Thank you.

25

26 **CHAIRPERSON HAHN:**

27 You're welcome. Legislator Anker.

28

29 **LEG. ANKER:**

12:12PM 30 So there is some parking along the road. DEC owns the property
31 just south of it along Mt. Sinai Harbor. A number of people will
32 park on the north side of Old Post Road. Also, in order to access
33 the property prior, the friars, the monks who actually have been
34 here to the County Legislature, they opened up their parking lot.
35 They provided public access and that's a conversation we can have
36 with Hope House, because Hope House will be purchasing the
37 5.5 acres. And, again, I don't think that will be a problem
38 because they do have a church there and it is open, you know, I
39 think most of the time, but that is a conversation we can have.

12:13PM 40

41 **LEG. KRUPSKI:**

42 Thank you. That's great.

43

44 **CHAIRPERSON HAHN:**

45 Any other questions? We have a motion and a second. All those in
46 favor? Opposed? Abstentions? It is **approved**. (**VOTE: 7-0-0-0.**
47 **PRESIDING OFFICER GREGORY INCLUDED IN VOTE**)

48

49 ***Introductory Resolution 1556 - Authorizing the acquisition of land***
50 ***under the Suffolk County Supplemental Environmental Project for***
51 ***land acquisition (CP 8735) - for the Matrix Residential Holdings,***
52 ***LLC property - Swan River - Town of Brookhaven - (SCTM No.***
53 ***0200-982.50-04.00-003.000) (Co. Exec.).***

54

55 **LEG. KRUPSKI:**

56 So moved.

1 **CHAIRPERSON HAHN:**
2 Motion by Legislator Krupski.

3
4 **LEG. MURATORE:**
5 *(Raised hand)*.

6
7 **CHAIRPERSON HAHN:**
8 Seconded by Legislator Muratore. On the motion, Director Lansdale.

9
10 **DIRECTOR LANSDALE:**
11 So this property is 22.17 acres in size. There are no structures
12 on the site. This property is on the Master List and located
13 within the Swan River County Park assemblage area. To date the
14 County has acquired 66.88 acres along the stream corridor. With
15 the addition of this acquisition the total acreage would now be
16 89.05 acres. The property contains high marsh tidal wetland
17 habitat, is also located within the flood zone floodplain and is
18 immediately adjacent to Swan River, which flows directly into --
19 south into the Great South Bay. Property has significant frontage
12:14PM 20 along the river and has received 57 points.

21
22 Further, this property is being considered for acquisition under
23 the Supplemental Environmental Project for land acquisition for
24 passive recreational purposes. It's being acquired with funds that
25 the County is to dedicate for land acquisitions which are to be
26 environmentally beneficial for Suffolk County residents to protect
27 its ground, drinking and surface waters in order to satisfy a
28 consent judgment with the U.S. EPA.

29
30 **CHAIRPERSON HAHN:**
31 Legislator Krupski.

32
33 **LEG. KRUPSKI:**
34 I have the same concerns on this as the previous one in that, you
35 know, this looks like a valuable piece for public access to the
36 water. We'll -- is there anything in this -- will anything in this
37 resolution prevent safe off the road parking for being created on
38 the site and access to the water for launching a kayak, paddle
39 board, crab boat, whatever needs to be done.

12:15PM 40
41 **MS. FISCHER:**
42 No, it's for passive recreational use and those would be included.

43
44 **LEG. KRUPSKI:**
45 Thank you.

46
47 **CHAIRPERSON HAHN:**
48 Any other questions? And you said those would be included.

49
50 **MS. FISCHER:**
51 Yes.

52
53 **CHAIRPERSON HAHN:**
54 Affirmative.

1 MS. FISCHER:

2 Yes.

3
4 CHAIRPERSON HAHN:

5 Thank you.

6
7 MS. FISCHER:

8 A small parking area with access to the water.

9
10 CHAIRPERSON HAHN:

11 And a kayak launch is -- building a kayak launch would be allowed.

12
13 MS. FISCHER:

14 Yeah.

15
16 CHAIRPERSON HAHN:

17 Okay. Thank you. All those in favor? Opposed? Abstentions? It
18 is approved. (VOTE: 7-0-0-0. PRESIDING OFFICER GREGORY INCLUDED
19 IN VOTE)

12:16PM

20
21 ***Introductory Resolution 1557 - Rescinding Resolution Nos. 984-2016***
22 ***and 985-2016 and authorizing construction for the National Fish and***
23 ***Wildlife Foundation (NFWF), Wetland Restoration in Suffolk County***
24 ***(NY) project, using the New Enhanced Suffolk County Water Quality***
25 ***Protection Program Funds (CP 8733) (Co. Exec.).***

26
27 I'll make a motion, seconded by Legislator Krupski. On the motion,
28 we have Frank Castelli here.

29
30 MR. CASTELLI:

31 Hi. This resolution is to redirect previously approved funding
32 that was for -- the original project was for a wetlands restoration
33 at the Scully property at Seatuck and the Water Quality Review
34 Committee on May -- at the May 12th, 2017 meeting recommended that
35 the funding be redirected to a National Fish and Wildlife
36 Foundation wetlands restoration project. The reasons for the
37 redirection are one, an important reason is that the, first of all,
38 the -- this funding is the enhanced water quality funding and
39 because of the bonded nature of that funding, the engineering and
40 design work would not be eligible for the funding. And some of the
41 work that's needed to be done at the Scully preserve is engineering
42 and design. That's one thing.

12:17PM

43
44 Also, the successful completion of the project at Scully would
45 require that a culvert be installed by the Town of Islip under a
46 town road that would connect hydrologically -- connect the two --
47 there are two marshes at the site; there's the Federal preserve on
48 one side and the County property. There hasn't been -- since there
49 hasn't been any action on the completion of this culvert by the
50 town, we've -- there's been concerns raised that the project would
51 not be -- the project isn't moving and it probably wouldn't be able
52 to complete this project within the time constraints. We are under
53 mandated time constraints to spend all the enhanced water quality
54 funding. So that was another concern that we have.

12:18PM

1 And also it was brought to the committee's attention that there is
2 a need for additional funding at the National Fish and Wildlife
3 Foundation project which is -- this is the Federal grant, the one
4 point -- I think it's \$1.31 million that the County received. And
5 this additional County funding is necessary to properly complete
6 this project.

7
8 So the people at Seatuck, the Parks Department are all in agreement
9 with this redirection and we also informed the Seatuck people that
10 they will be able to reapply for this funding using the traditional
11 Quarter Percent Fund 477 funding, which we plan on having a call
12 for application come out later this year and everyone was in
13 agreement that they would -- if they want to pursue the project at
14 Seatuck they could apply for the traditional Quarter Percent
15 funding at that time. So we hope that we get your consideration to
16 approve this because we do need to redirect these funds.

17
18 **CHAIRPERSON HAHN:**
19 Legislator Krupski.

20
21 **LEG. KRUPSKI:**
22 So just to be straight, you want to redirect the funds from the
23 County program to the Federal project just across the road to the
24 east side.

25
26 **MR. CASTELLI:**
27 No. No, no. The Federal marsh is not part of the National Fish
28 and Wildlife Foundation. We received the grant from the National
29 Fish and Wildlife Foundation. The wetlands restorations that are
30 going to be done with this grant right now is being proposed for
31 Gardiners Park in West Bay Shore, also Timber -- other south shore
32 marshes. The same type of work but not having to do with the
33 Federal preserve that's right across the road.

34
35 **LEG. KRUPSKI:**
36 Okay, because we took a look at that a couple of weeks ago. You
37 just said the grant. What grant?

38
39 **MR. CASTELLI:**
40 There's a National Fish and Wildlife Foundation grant that the
41 County received and we are matching this grant and we can use
42 additional funding as part of the match, and also for some
43 different techniques that have evolved that we're going to need
44 additional funding.

45
46 **LEG. KRUPSKI:**
47 Don't you need specific -- in order to spend that money, don't you
48 need specific plans?

49
50 **MR. CASTELLI:**
51 There are -- plans are being developed. We have our contractor
52 working right now on the National Fish and Wildlife Foundation
53 project.

54
55 **LEG. KRUPSKI:**
56 Does the County routinely partner with National Fish and Wildlife?

1 **MR. CASTELLI:**

2 This was a grant that we applied for and we were fortunate enough
3 to be granted. Generally I'm not familiar with any other projects.

4
5 **MR. SALAZAR:**

6 Through the Sandy recovery funding.

7
8 **MR. CASTELLI:**

9 He just reminded me this is -- this particular grant program was
10 part of the Sandy recovery money.

11
12 **LEG. KRUPSKI:**

13 Will we get to see where this money's being used? Does the
14 committee authorize the use of these funds on a specific area
15 before -- because you're taking these funds that would have been
16 used at Seatuck and putting them elsewhere. Will we get to
17 authorize that?

18
19 **MR. CASTELLI:**

20 The project has been authorized by -- the funding was first
21 instance to be put into a specific Capital Project account. The
22 funding -- the specific project has already been authorized by the
23 Legislature.

24
25 **LEG. KRUPSKI:**

26 Then what are the projects?

27
28 **MR. CASTELLI:**

29 Camilo is more familiar with the project, Camilo Salazar.

30
31 **LEG. KRUPSKI:**

32 Thank you.

33
34 **MR. SALAZAR:**

35 My name is Camilo Salazar. I work for Frank Castelli, Water
36 Quality. So the three projects that we have right now, four
37 projects, are Gardiner Park East and West. There are two different
38 marshes in the same park. Timber Point, which is State land and
39 West Sayville, the marshland that is next to the golf course. It's
40 County land. We have the permits in place already and they have
41 been approved. And the techniques that we're planning to use are
42 fill in of tidal ditches with quarter logs, which is a really
43 expensive technique.

44
45 **LEG. KRUPSKI:**

46 Are these parcels subject to treatment by Suffolk County Vector
47 Control for mosquitoes currently?

48
49 **MR. SALAZAR:**

50 Yes.

51
52 **LEG. KRUPSKI:**

53 Will the marshland restoration result in the, you know, getting rid
54 of the need to treat that for mosquitoes?

1 **MR. SALAZAR:**

2 That's the idea, yes. So these marshes, they fall within the same
3 umbrella of the wetlands to our chief strategy which is reduction
4 of up to 75% of pesticide application or larvicide application.
5 And of course they fall within the Reclaim Our Waters, which is
6 trying to reclaim or repurpose the surfaces of the marshes in order
7 to reduce nitrogen levels into the bay.

8
9 **LEG. KRUPSKI:**

10 Thank you.

11
12 **CHAIRPERSON HAHN:**

13 Any other questions? Okay, we have a motion and a second. All
14 those in favor? Opposed? Abstentions? It is **approved**. (**VOTE:**
15 **7-0-0-0. PRESIDING OFFICER GREGORY INCLUDED IN VOTE**)

16
17 *Introductory Resolution 1578 - Authorizing the Clean Lakes in*
18 *Patchogue Project using the New Enhanced Suffolk County Water*
19 *Quality Protection Program Funds (CP 8733) and rescinding Adopted*
20 *Resolution Nos. 852 and 853-2016 (Co. Exec.).*

21
22 **CHAIRPERSON HAHN:**

23 Does someone want to make a motion? Legislator Anker, maybe make a
24 motion? I'll second.

25
26 **MR. CASTELLI:**

27 This is actually the exact same project that was previously
28 approved by the Legislature and the County Executive. The reason
29 for bringing forward this resolution is that we had to change the
30 applicant from being -- the original applicant for this funding.
31 This is, again, the Enhanced Water Quality Funding, was Legislator
32 Calarco and we decided that it would be prudent to change to have
33 the Village of Patchogue be the applicant instead of Legislator
34 Calarco. That would allow us to require the matching funds. And
35 also, the Village of Patchogue has agreed to -- has agreed to the
36 entire match even though the total match is going to be from a
37 combination of the Village of Patchogue, St. Joseph's College and
38 also the Town of Brookhaven.

39
40 So the -- this resolution is being brought to change the applicant
41 to the Village of Patchogue and also to -- for us to require and
42 recognize the full commitment by the Village of Patchogue for the
43 match. It's really the exact same project. Nothing has changed
44 and we also have this -- this -- the change to the applicant
45 approved by the Water Quality Committee.

46
47 **LEG. TROTТА:**

48 Quick question.

49
50 **CHAIRPERSON HAHN:**

51 Legislator Trotta.

52
53 **LEG. TROTТА:**

54 So the Village of Patchogue is going to kick in some money; is that
55 what you're saying?

1 MR. CASTELLI:

2 Yes.

3
4 LEG. TROTTA:

5 Okay. Thanks.

6
7 MR. CASTELLI:

8 The Village, the Town of Brookhaven and the St. Joseph's College
9 are all kicking in money, but we're having -- we're holding the
10 Village of Patchogue as being committed to the match, the full
11 match.

12:27PM

12
13 CHAIRPERSON HAHN:

14 Okay. All those in favor? Opposed? Abstentions? 1578 is
15 approved. (VOTE: 7-0-0-0. PRESIDING OFFICER GREGORY INCLUDED IN
16 VOTE)

17
18 And now we are going to break for Executive Session to review
19 appraisals of proposed acquisitions pursuant to the requirements of
20 the AAA Program. I'll make a motion to go into Executive Session.
21 All those in favor? Opposed? Abstentions?

12:27PM

22
23 MS. ELLIS:

24 Who is the second?

25
26 CHAIRPERSON HAHN:

27 Seconded by Legislator Krupski. All those in favor? Opposed?
28 Abstentions? Okay, we are now heading into Executive Session and
29 we will be back on the record when we are done.

30
31 (EXECUTIVE SESSION 12:27 PM - 12:46 PM)

32
33 CHAIRPERSON HAHN:

34 Okay. Hello, everybody. We're back on the record. The committee
35 voted unanimously to direct Counsel to prepare a procedural
36 resolution authorizing Real Property to make offers to acquire the
37 following parcels: Frank Dammeyer, Mastic/Shirley Conservation
38 Area; Frank Dammeyer, Mastic/Shirley Conservation Area Number 2;
39 Mary Lucyshyn, Hauppauge Springs parcel; the estate of Gary M.
40 Susnjara, Core Pine Barrens, and the Sisters of St. Joseph PDR
41 property in Brentwood. And they all were unanimous. That being
42 said and there's no further business before us, we are adjourned.

12:46PM

43
44 THE MEETING CONCLUDED AT 12:47 PM

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