COUNTY OF SUFFOLK

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

R. Lawrence Swanson
CHAIRPERSON

Michael Mulé
SENIOR PLANNER

NOTICE OF PUBLIC MEETING

Notice is hereby given that the Council of Environmental Quality will convene a regular public meeting at 9:30 a.m. on Wednesday, September 15th, 2010 in the Arthur Kunz Library, H. Lee Dennison Building, Fourth Floor, Veterans Memorial Highway, Hauppauge, NY 11788. Pursuant to the Citizens Public Participation Act, all citizens are invited to submit testimony, either orally or in writing at the meeting. Written comments can also be submitted prior to the meeting to the attention of:

Michael P. Mulé
Council on Environmental Quality
Suffolk County Planning Department
P.O. Box 6100
Hauppauge, NY 11788

Council of Environmental Quality
R. Lawrence Swanson, Chairperson

LOCATION
H. LEE DENNISON BLDG. - 4TH FLOOR
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS
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HAUPPAUGE, NY 11788-0099

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AGENDA

MEETING NOTIFICATION

Wednesday, September 15th 9:30 a.m.

Arthur Kunz Library
H. Lee Dennison Bldg. - 4th Floor
Veterans Memorial Highway, Hauppauge

Call to Order:

Minutes - check the web at
http://www.co.suffolk.ny.us/departments/planning/minutes.aspx#ceq
May minutes need to be approved.

Correspondence:
Letter from Legislator Kennedy regarding IR 1670. Declaring Yaphank property surplus to County needs and authorizing property sale at public auction.

Michael Kaufman's letter in response to Legislator Kennedy's IR 1670.

Janice Jijina's letter to Larry Swanson explaining comments received on Draft Scope.

Public Portion:

Historic Trust Docket:
Director's Report:

Updates on Housing Program for Historic Trust Sites
Updates on Historic Trust Custodial Agreements
CEQ Adoption of the Historic Trust Manual

Suffolk County Parks:

Updates on County Parks

Project Review:
Recommended Unlisted Actions:

A. Proposed Acquisition for Open Space Preservation Purposes Known as Beaverdam Creek County Wetlands Addition – Marist Brothers, in the Town of Brookhaven

B. Proposed Declaration of 95.3 acres of Industrial/Commercial Zoned Property surplus/offer for sale, in the Town of Brookhaven.

Project Review:
Recommended TYPE I Actions:

A. Proposed Final Scoping Document for the Draft Generic Environmental Impact Statement for the declaration as surplus and subsequent sale of 255± acres of County owned land in Yaphank for mixed use development purposes, in the Town of Brookhaven.

Other Business:

Bike Route Committee

CAC Concerns:

*****CAC MEMBERS: The above information has been forwarded to your local Legislators, Supervisors and DEC personnel. Please check with them prior to the meeting to see if they have any comments or concerns regarding these projects that they would like brought to the CEQ's attention.**

*****MEMBERS – PLEASE NOTIFY THIS OFFICE AS SOON AS POSSIBLE IF YOU WILL BE UNABLE TO ATTEND.**
*****ALSO FOLLOWING THE MEETING PLEASE LEAVE BEHIND ALL MATERIALS OF PROJECTS THAT YOU DO NOT WANT OR NEED AS WE CAN RECYCLE THESE MATERIALS LATER ON.**

ORIGINAL

- X

SUFFOLK COUNTY DEPARTMENT OF PLANNING

COUNCIL ON ENVIRONMENTAL QUALITY

- X

100 Veterans Memorial Highway

Hauppauge, New York 11788

Date: September 15, 2010

Time: 9:30 a.m.

MEMBERS PRESENT:

MICHAEL KAUFMAN, Acting Chairman

EVA GROWNEY (Until 10:30 a.m.)

RICHARD MACHTAY

GLORIA G. RUSSO

MARY ANN SPENCER

HON. VIVIAN VILORIA-FISHER

THOMAS ISLES, Director of Planning

RICHARD MARTIN, Historic Society Representative

MICHAEL MULE, Senior Planner

CHRISTINE DeSALVO, CEQ staff

STEVE BROWN, Town of Brookhaven CAC (Until 11:05 a.m.)

MICHAEL PITCHER, Director of Communications for Presiding Officer

THOMAS YOUNG, ESQ., Ass't County Attorney

S.C. PLANNING DEPT.
2010 OCT -5 AM 11:24

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9/15/10 CEQ meeting

THE CHAIRMAN: I'm going to call the meeting to order. My name is Mike Kaufman, the vice chairman of the Suffolk County Council on Environmental Quality. Today is the September 15, 2010 meeting. We do have a quorum, so we can begin the meeting. We will be jumping be around a little bit on the agenda. One of our members is not here yet, plus also -- Ms. Viloria-Fisher is here. I wanted to give everyone time to show up. Is Loretta here?

MS. FISCHER: Yes.

THE CHAIRMAN: Loretta, we're going to start off with you. This would be the proposed acquisition for open space purposes known as Beaverdam Creek County Wetlands addition.

MS. FISCHER: Good morning. Loretta Fisher, Principal Environmental Analyst, Department of Planning. Before you today I have one acquisition in the Beaverdam Creek county wetlands area in the Hamlet of Brookhaven, Town of Brookhaven. We are acquiring seven point six acres of a nine point six acre lot. As you can see on the map, there is a two acre cut out, including an existing structure that was used as a residence, and there also was a pool on the northeast corner of the property, one little portion of which is

in the section that we are taking. That will be demolished and there will be no structures on the property that we are to acquire. It's primarily mature woodland.

There is a swale area on eastern side of the property that has an association with the property to the south that the county owns. This then feeds into Beaverdam Creek itself. The property to the west, outlined in orange, we are in the process of hoping to acquire that parcel as well. We would like to move that one forward and get your approval.

THE CHAIRMAN: Any questions for Loretta from the members? Rich.

MR. MACHTAY: How big is the property to the west?

MS. FISCHER: It's about fifteen to twenty acres.

MR. MACHTAY: I'll make a motion. Unlisted.

MR. BROWN: Second.

MR. MACHTAY: Neg Dec.

THE CHAIRMAN: All in favor? Objections? Absentions? Motion carries. One question for you, Loretta, on this project. I'm looking at the lower right-hand portion. It appears to be a small stream or

brook; is that Beaverdam?

MS. FISCHER: That feeds into Beaverdam, yes. That is Beaverdam, a portion of it.

THE CHAIRMAN: Thank you. We don't have any other acquisitions?

MS. FISCHER: No, that is it for today. Thank you.

THE CHAIRMAN: Just to let the members know, the Kennedy bill has been adjourned at the legislators' request for the next month, so we won't really be dealing with it, unless anyone wants to talk about it at the end of the meeting.

Declaring ninety-five acres of the Yaphank area surplus, and there is a letter I wrote in response to his memo. We will do some of the Historic Trust stuff right now, an update on the Housing Program and update on the custodial agreements.

MR. MARTIN: I thought I'd put that time towards going over the manual. There is nothing new to input towards those two items.

THE CHAIRMAN: In which case we will hold those in abeyance, okay. We will hit the fun stuff. Proposed final scoping document for the Draft GEIS for the declaration as surplus and subsequent sale of two

hundred fifty-five plus or minus acres of county owned land in Yaphank for mixed development purposes, in the Town of Brookhaven; also known as the Legacy Village project EIS.

I want to read a couple of things into the record so that all the members are clear what we are doing today. Mike Mule will be talking about it and also one of the consultants is here from Cameron Engineering. There is a fair amount of documentation here. We have maps, the new scope, the old scope. We also have the comments on the draft scope, et cetera. We will have apublic portion to this, but I want to go into one thing first.

You have to remember what the scope's purpose is. It is basically to provide a basic road map for preparation of an EIS. It's a preliminary assessment of the likely issues to be assessed or examined. It's primarily a guide, more than anything else. It is not determinative of any final answers; rather just asks questions that need answers. It's formed by public and professional comment.

The public comment period is over as to where the EIS should go, the concerns expressed by the public earlier this year after several scoping meetings and

after written comments that were accepted. They are noted and form part of the actual document. These concerns are listed in the response to the public document as prepared by Cameron Engineering. They have been placed in the scope itself where relevant. All comments relevant were assessed and organized for review for CEQ and where appropriate placed in the scope. The comments are not answers; they are guides at this point in time and responses for the content of the scope and to guide CEQ as to where we are supposed to go. They are preliminary road maps. They are not determinative of precise issues.

We don't have answers at this point in time. The issue today for CEQ is approval of a scope for subsequent submission to the legislature pursuant to the Suffolk County Charter. Our job and the parameter of our decision is to see if the scope has met public and CEQ concerns, whether it meets SEQRA requirements, whether the road map is complete enough to begin the EIS. In other words, under SEQRA, is the scope adequate to guide the development of the EIS and discuss the identified issues.

The scope has changed somewhat since our August meeting to reflect some of the issues that CEQ

raised at that time. The biggest changes are a better expressed commitment to examining the impact on the Carmans and general environment of the area. No development alternative as a fully developed analysis has been placed in the scope. There is going to be some language changes indicating a very full analysis needs to be done on the impact on Yaphank's character and development. You can see the changes in the documents that have been sent to you and also the final comments of the consultant.

Last week, Larry and I went over the document line by line with Tom Isles and with Mike Mule and with the consultant to assure SEQRA compliance before these documents were sent out to the members. Before we begin our deliberations, Mike Mule and the consultants will eventually give us their analyses of the scope changes and basically look at the salient issues. We also have to have a public portion. The public has to be heard from, and they do get what I like to say several bites of the apple.

Today will be somewhat limited. Each speaker will get three minutes. Public comment should address only the SEQRA compliance of the scope to assist CEQ, i.e., has the scope met its burden of production under

SEQRA. Are there any SEQRA flaws. This is not an examination of project flaws, if any. The comments about the validity of the project, whether it should proceed or not, whether it's good or not, are not germane to what we are going through today. This is a technical exercise we are going through looking at how the EIS is to be devloped. We don't have answers yet. No one knows where this is going one way or the other. We are essentially dealing with adequacy of scope more than anything else.

Once the EIS is under way, it will go through several iterations, including a draft GEIS that the public will be allowed to comment upon the GEIS at that time. And also I believe be allowed to comment when the final is put out there. There is plenty of time for people to discuss issues. We heard the preliminary issues. We have an idea of where everything is going. This is more for design work on the EIS itself and as to where it will at least preliminarily go.

It's been my experience through the years that the EIS's change as they go along. What we have in the scope may change itself in the future. Again, this is just a basic road map to get to where we need to go. It's a start of the process more than anything else. It

reflects public and professional opinions.

Mike, do you have anything?

MR. MULE: In the packets you have the revised final scope, a marked up version of the original draft scope showing the changes from that one to that one. This accounts for the comments from the March 16th meeting, the extended written comment period, the meetings held with Brookhaven and the New York State Department of Transportation, and also comments at the August 18th CEQ meeting. Also there is a memo from our consultants outlining the comments made throughout the comment period, and how they addressed them in the document, or ones that weren't substantive and why they were disregarded. Some of the more substantive comments addressed in the final document were analyzing the project in a parcel by parcel basis, so once we go through the process, they can be perceived as one whole project or the county can decide at that point to piecemeal it out and deal with each parcel separately.

We also included an open space alternative that was brought up at the last meeting and expanded the sections on the impacts and mitigation measures. As Mike said before, what this is basically, does this final version address the comments raised sufficiently.

I don't know, Janice, do you have anything?

MS. JIJINA: No, you covered it pretty well.

MR. ISLES: I would like to add, of course, the action of the CEQ has to go before the Suffolk County Legislature. They will take it under review and make the final determination as to the extent of the scope.

THE CHAIRMAN: One interesting aspect of it, as I was looking through the documents, the Kennedy bill that was originally going to be considered today, it's been adjourned, as I said earlier, but many of its elements were recognized as being somewhat valid in terms of possibly selling off individual parcels. That was introduced into the scope and that will be looked at. So, in many ways his bill has been, I don't want to say superceded, but the purpose of his bill has been included inside the GEIS.

MS. VILORIA-FISHER: How is that done; is that done with the other comments? Does it indicate that it came from that source?

THE CHAIRMAN: No, it it doesn't indicate where it came from.

MR. MULE: It's part of the project description.

MS. VILORIA-FISHER: May I ask another question? I didn't understand your memo very well, your memo to Mike about your comments and the definition. Can we go over it quickly?

MR. MACHTAY: The hundred acre parameter for Type I action doesn't always apply. It could be a ten acre threshold, as described in SEQRA under 617.4(b), 6(i). I quoted SEQRA in there.

MS. VILORIA-FISHER: Let me find it and I'll ask you later. Maybe I'll ask you one-on-one. It's a little confusing. I thought I would ask it on the record.

MR. ISLES: That applied to the Kennedy proposal for Area D?

MR. MACHTAY: Yes.

MR. ISLES: There are several thresholds for a Type I action. One threshold, this is a parcel of greater than one hundred acres.

MS. VILORIA-FISHER: It has to be listed or defined in Type 1 or something?

MR. ISLES: There are a number of thresholds, one of which if a parcel is more than a hundred acres. Rich pointed out, rightfully so, there are other thresholds, including clearing more than ten acres of

land. He wanted to make the point, I believe - I don't want to speak for him - the fact this is less than a hundred acres doesn't necessarily mean it's not a Type I action. It's tabled today, so it's not really before you.

MR. MACHTAY: Mike said in his memo that I said that I thought it was a Type I action, but he didn't say why I thought it was a Type I action. I didn't want anybody to misunderstand my opinion, so to speak. You can't make something out of thin air. It has to be on the list of Type I actions.

THE CHAIRMAN: There are several different triggers.

MS. VILORIA-FISHER: That it wasn't on the list. I wasn't sure what that list included.

MR. MACHTAY: Less than a hundred acres is on the list. The trigger would be ten acres if it's a non-residential project and there were activities leading up to the development. Now, if you consider surplusing the property and selling the property activities, then it's a matter of semantics.

MS. VILORIA-FISHER: You have explained it. I get it. We don't have to spend more time on it. I didn't understand what you meant by the list. It's the

list of types under Type I action.

MR. MACHTAY: Yes.

THE CHAIRMAN: We have to get into that, not right now. Rich and I have a difference of opinion on how far that trigger goes. Nothing that is dispositive or anything like that. I would like to eventually discuss it with the council.

MS. VILORIA-FISHER: I didn't want to sidetrack the meeting. I read the memo and I didn't understand what you were saying.

THE CHAIRMAN: By the way, in the project description, the county has the option to sell the entire two hundred fifty-five acres to one developer, or to sell portions of the property at different times and/or multiple purchases. That is the thrust of the Kennedy bill.

MR. MULE: Our consultants are going to address the impacts and mitigation measures together and parcel by parcel, so we will be able to determine mitigation.

THE CHAIRMAN: Let's do the public comment. Anyone here from the public who would like to speak on this particular project?

MR. MORRIS: Daniel Morris, with the Open

Space Council. Having not seen the draft, I'm a little confused as to the discussion just had about segmenting the four parcels separately out. Is this after the GEIS has been completed and all the impacts are considered, or is this prior to the conclusion of the environmental impact review?

MR. MULE: It's going to be looked at in the Environmental Impact Statement. The result of the impact statement will allow the county to proceed with the entire project as a whole, or decide to piecemeal it out, you could say, and deal with each parcel separately. That would be after a final adoption of the impact statement.

THE CHAIRMAN: That would not be segmentation or anything like that because we are analyzing it as an EIS. It's simply options.

MR. MORRIS: My understanding of the Kennedy bill was that the ninety-five acre, was to be declared surplus and offered for sale prior to the completion of the environmental review. That is not going to be the case?

THE CHAIRMAN: Right now, the bill is in limbo right now. It's been adjourned for several months. Legislator Kennedy could not make it here

today; he had a prior commitment. As such, the bill is still in existence. It could be submitted to the legislature eventually.

Many of the ideas that were contained in it have been placed into the scope, but the bill itself has not been passed and it's not dispositive of anything. It's not a policy yet of the county. It may never be. We don't know. Again, there are aspects of it that we thought were worthy of placing it into the scope.

MR. MORRIS: I'm trying to understand, does the adoption of this scope finally essentially kill the Kennedy's bill --

THE CHAIRMAN: No.

MR. MORRIS: Effect on the environmental review?

THE CHAIRMAN: Has nothing to do with that. It's separate and apart from that. We are dealing today with the scope. The scope is part of a process that the county legislature mandated begin when it accepted the CEQ positive declaration back in January or February of this year. We are required to undertake an EIS process. We are looking at the entire global --

MR. MORRIS: I'm familiar with that. My concern is that the EIS process is going to take months,

years maybe, and the Kennedy bill can come --

THE CHAIRMAN: It's independent, is really what it boils down to.

MR. MORRIS: It comes up and all of a sudden you're segmenting out the ninety-five acre parcel. I would like to go on record that the Open Space Council would oppose segmenting out any parcel on what has been proposed at two hundred fifty-five acre Legacy Village.

THE CHAIRMAN: Well, I think you would have some support on that issue.

MR. MORRIS: Okay, thank you.

THE CHAIRMAN: Anyone else from the public that would like to speak? Hearing none, Janice, do you have anything to add at this point in time?

MS. JIJINA: No.

THE CHAIRMAN: At which point I'll throw it over to the members. Any comments?

MS. VILORIA-FISHER: I have a question. I had made a comment regarding the current prohibitions on property that is owned by the county regarding pesticides and fertilizers. The response to that comment was well, we are already looking at mitigation of adding nutrients and pesticides to the Carmans River watershed. I don't think that was sufficient.

What I'm looking for was the types of prohibitions that we already have on county properties being carried with the land, being part of the deeding of the land to somebody else, and so I'm not satisfied with that response.

THE CHAIRMAN: I am looking at initial identification of mitigation measures. "Findings will dictate methods of ensuring compliance. These methods may include covenants and restrictions which will run with the land, regardless of who owns title.

MS. VILORIA-FISHER: It say "may include."

MS. RUSSO: It should say "shall include."

MS. VILORIS-FISHER: That is the response that I was looking for. It should say "shall include," not "may include."

THE CHAIRMAN: C and R's may not always be the best way to go. This is something the lawyers have to look at.

MR. VILORIA-FISHER: I want to put on the record that the response that I read was not the response that I was looking for. If you are looking at a watershed, there would always be mitigating circumstances in protecting the watershed. I was looking for something that is tighter because I feel it

creates an impact. If we currently have county laws that prohibit these additions into our soil and into the watershed, that will suffer when the sale occurs. Even if there is some mitigation, it is not as strong as what we have in the protection of the watershed.

MR. ISLES: I think your point is very well taken, and certainly we understand it and agree that kind of patrol is probably warranted. The only point is this is spelling out the scope for the process for the EIS, so it's in contemplation. These are things that may be possible mitigation measures, including the statement on pesticides and so forth. Since the study hadn't been completed, none of this is confirmed.

What will happen is obviously there will be a completed study and there will be a finding statement prepared and words like "may" will probably go to "shall" at that point in time.

MS. VILORIA-FISHER: I wanted to make sure that this goes on record by the time this comes to CEQ, I won't be in the legislature any more.

THE CHAIRMAN: When does your term end?

MS. VILORIA-FISHER: December, 2011.

THE CHAIRMAN: Hopefully this will be finished. Legislator Fisher, it's been noted. This is

frankly more properly for the DGEIS stage.

MS. VILORIA-FISHER: You will hear me mention it had many times, whatever stage we are in.

THE CHAIRMAN: I happen to agree with you about the county's policies on fertilizers and everything else. We just did that with the Foley Nursing Home and placed C and R's on there. In the scope, it's more a guide than anything else. It's not necessarily determinative.

MR. MACHTAY: For the purposes of SEQRA, one thing I would like to say, the scope should not be a preconceived list of items that show up as conclusions in the impact statement or in the finding statement, because that is where you can get into trouble. They thought about that, that is what they were going to do at the beginning. "May" is an appropriate word when you're starting.

The other thing, in order to segment, if I go back to the language in SEQRA, you have to show or prove that the project will be as protective to the environment as it would be if you didn't segment. Mr. Kennedy wrote all this documentation here, but he did not make that point. So, I think I would have a lot of trouble going along with what he was saying. He made

a lot of good arguments, but not that as it's as protective as going along with the entire program.

THE CHAIRMAN: I pointed that out in my memorandum that there was a paucity of environmental analysis to justify any of this.

MR. MACHTAY: Having said that, that is where I stand on it.

MS. GROWNEY: This is such a major project. The county has such a major role in the whole thing and this body also has a major role in the whole thing. I think the project is going to have a life beyond this board. I think anything that we can do to put it in the light of higher standards environmentally is a critical thing, because it also becomes a showcase for what the county then can go forward and say look what we did in terms of upping the standards on projects of this scale and scope. Anything we can do to move it in that direction I think is important.

THE CHAIRMAN: That is more for the draft stage and the finals. As Rich pointed out, the scope you have to be very careful with. You identify issues. It's not determinative of any final answers. It doesn't push one way or the other, rather it asks questions that need answers. While I think the board feels pretty much

the way you do, we can't necessarily impose those opinions at this point in time. That is a later amendation, if you want to say, that we can look at. There will be a work group formed eventually and everyone be copied on it wherein those concerns can be input by CEQ.

CEQ controls the process. Once it's authorized, we control the develoopment of the EIS. We will be doing it in cooperation with the County Planning Department. At that time, we get to see what kind of information is produced, see what kind of problems and issues there are. Basically make changes that we feel are necessary to uphold the high standards.

MS. GROWNEY: I think everybody is feeling this on some level.

THE CHAIRMAN: It's been brought up several times.

MR. PICHNEY: Just addressing a couple of people's comments. When you look at the consultants' responses to the people's questions and comments, it will give you an excellent idea of how the issues are addressed in the final document. If you're not happy with that, the tone of the comments, now is the time to say something.

MR. BROWN: I'm just seeing the final scope also. Has anybody been mailed this in terms of the Historic Advisory Committee so that they can comment on the information that is on here?

THE CHAIRMAN: I don't know if this has been sent out. Right now public comment by the various boards in the year ended March 30th, I believe.

MR. BROWN: We have a public comment period here today.

THE CHAIRMAN: That is only to advise us as to the adequacy of the scope.

MR. BROWN: Should the community itself, advisory committee have this information before this meeting so they can come here and make their comments on what they see?

THE CHAIRMAN: Technically under SEQRA, no. We are dealing with an approval process internal to the county and internal to SEQRA. The policy of this board has been to allow public comment to inform us as much as possible. None of us are county employees. We are all members of the public. We don't have all the answers.

From a technical standpoint, the final drafts have been submitted to Planning and CEQ. According to charter, this is what we are dealing with. CEQ is

making any approvals or disapprovals as to content. The question is open has it been sent to --

MS. DeSALVO: It wasn't sent to the historic district, per se, but it was sent to the legislature, supervisor, yourself and DEC person in the Town of Brookhaven, and anybody could have passed that information along.

MR. BROWN: I'm talking about the neighborly thing. We are talking about a community that is going to see some major changes. It may be technical, they don't have to see it.

MR. MULE: The public comment period was over March 30th. The comments were addressed in a final. This was basically just to determine if the comments were addressed adequately. We are not extending the public comment period.

THE CHAIRMAN: This is not a second bite of the apple. They can't come in and comment each time.

MS. VILORIA-FISHER: That is not what he is saying.

MR. BROWN: You asked individuals, anybody wants to speak in regard to this. They don't have it in front of them. They had their public comment period, but they haven't had a chance to look at this and say Ed

Romaine made this comment or Jack Kennedy wrote that ninety-five acres needs to be segmented and sold off.

MS. DeSALVO: The scope isn't on the list but the agenda is sent out.

MR. BROWN: Could we at least be neighborly and send it to individuals who might be affected by this?

MR. ISLES: I would like to have clarity so I understand what it is that you are asking. Is it basically every document should be shared with everybody who has commented?

MR. BROWN: When you do a final scope.

MR. ISLES: It's not final until you have acted on it and the legislature has acted on it. The legislature could change that when they see it. I understand your point. If we can facilitate that in some manner that works, consistent with the law and charter, we will, of course be happy to do so.

MS. VILORIA-FISHER: Once we act on it and the legislature, it will come to my committee. Will it then be on the Website?

MS. DeSALVO: I believe once it's finally approved and adopted.

MS. VILORIA-FISHER: What I'm doing is

following up on what Steve is saying. In other words, there will be a public portion at my EPA committee meeting, and people might want to comment on this. This is a way for them to see what the response was to the many comments. Remember when we going over the vector control, not that, the wetlands management plan, people had many opportunities to look at what was going on and come back to us during that period.

I'm understanding what Steve is saying. If someone wants to come to my committee and make a comment on it, they didn't like the answer, they read what someone else's comment was and didn't like that, perhaps once we act on it here, it should be put on the Website before it comes to my legislative committee, so people can come to the public portion of my legislative committee.

MR. ISLES: It typically would be attached to the resolution. We have no problem posting it on the Website, if that is your desire.

MS. VILORIA-FISHER: Steve, I think that will serve the purpose that you're looking for. People will have the opportunity to review it and comment on it at my legislative meeting when it comes before us.

MR. ISLES: I think that works well. This is

a document in flux right now. It changed from last month. It may change after today when you review it. If the CEQ acts on this today and it comes before the legislature, it has a certain status at that point. The original document was posted, we made revisions; this would be the logical next step. We can do that.

MS. VILORIA-FISHER: You will let the constituents know.

MR. BROWN: And I guess these individuals here from the historic committee, you will get it on line.

THE FLOOR: That would be great. Thank you.

THE CHAIRMAN: Any other comments? Larry and I went through this pretty much line by line. There were a couple of changes here and there, nothing of giant consequence or anything like that. I've not seen any problems with it. I've gone through the public comments, or Larry and I went through the public comments, et cetera, and thought they were pretty much properly intergrated into the scope and concerns that were out there.

This is the document that is going to guide the preparation of the EIS. This is the final stop. No other comments? Okay. In which case we need to have a

vote on this. This would be a --

MR. MULE: Basically vote on the adaquecy of the scope.

MR. MACHTAY: You have to make a recommendation to the legislature? I'll make a motion to recommend that this goes to the legislature with the recommendation that it be adopted.

MS. RUSSO: I second.

THE CHAIRMAN: All in favor? (Show of hands) All opposed? Abstentions? Vote carries. It's under way. We will have to set up a committee at CEQ to manage our aspects and our overview of this project.

Traditionally, we have set up committees in the past to oversee EIS's. They demand a fair amount of time. There is a fair amount of paperwork that is produced. There are meetings that occur basically here at Planning to review the documentation, to review the production, things like that, and to provide guidance. Generally it's been three or four people. We need to establish that committee. Larry and I are going to be on it. Larry expressed interest in being on it, I expressed interest in being on it. We had the most experience dealing with scopes and preparation of EIS's for the last twenty or so years.

Anyone else in the group like to be on this?

MS. VILORIA-FISHER: I'd do it, but I don't want to push anyone else out. If it's only four people, I want to be informed as to what is going on.

MS. GROWNEY: I would like to be on it, but I have some time constraints coming up. Is it three or four meetings a month kind of thing?

THE CHAIRMAN: No.

MS. RUSSO: How many do you think?

THE CHAIRMAN: Maybe once a month, once it starts getting going.

MS. GROWNEY: Okay, that can work.

THE CHAIRMAN: You're anointed.

MS. RUSSO: Once a month, morning, afternoon what are you looking at?

THE CHAIRMAN: We are pretty flexible.

MR. MACHTAY: Can I say something? This is a ten member board. If five people are on it, we have a quorum and you can't meet without having it an announced public meeting. Before you make it five people, think about that.

MS. VILORIA-FISHER: Can I do this, because I want to remain informed as to what is going on. If I were to send a representative from my office that would

be a non-voting person, who would be just reporting back to me, a quorum won't be constituted.

MS. RUSSO: I'll withdraw so there are no complications, just to be careful.

THE CHAIRMAN: None of what we do over there is quote official or anything like that. It's just discussions and things like that. Any member is welcome at any time. We are not trying to drive the process or cut anyone else. Everyone has a vote on this eventually. There is a lot of, I like to say grunt work associated with it, reviewing documents looking at where it is going, makes sure everything looks okay and is properly completed.

Anyone is welcome at any time. Just call up. If you have questions and things like that, call myself or Larry at any time. You know we always let everyone know what is going on.

MS. VILORIA-FISHER: If you say everyone is welcome at any time, if everyone comes --

THE CHAIRMAN: I'll throw one of you out.

MS. VILORIA-FISHER: That we do at the nine member budget meetings; if someone else comes, someone has to leave the room. I was trying to make room for Gloria because you know so much more than about SEQRA

than I do.

MS. RUSSO: If you alert me when there is a meeting schedule, and how does that work? I will see what my schedule is.

MS. VILORIA-FISHER: We will work it out.

THE CHAIRMAN: I have a proposed SEQRA time line. I don't know if the members got one or not.

MS. RUSSO: No.

THE CHAIRMAN: Once this thing gets going, it's going to move relatively quickly. Hopefully right now there is something in here that a possible DGEIS maybe submitted to CEQ before Thanksgiving. I think there is a fair amount of information out there already that can be organized. I know the consultant and Planning Department has been working diligently on this, so we may get information relatively soon on it.

I think that is it for Yaphank for today. I'm sure we will be revisiting it.

Let's go to the Historic Trust docket. Mr. Martin, you stated there were no updates on custodial or housing or anything.

MR. MARTIN: Nothing new that I need to report today.

THE CHAIRMAN: We will be jumping then to the

adoption of the Historic Trust Manual.

MR. MARTIN: Mary Ann and I have reviewed the comments that were sent in to Christine DeSalvo, who forward them on to us. Mary Ann will go through the manual and respond to those comments.

MS. SPENCERR: What Christine did was she took all spelling and punctuation and grammatical comments and incorporated them, so the trust met yesterday and we had the grammatically correct draft to work with. Then, as Richard said, he and I went over the comments that you also graciously sent to us, so we have some final recommendations.

My first recommendation is we put page numbers on the document because Richard and I -- I'm going to sit and turn this literally and you watch what I'm doing.

MS. DeSALVO: Does anyone else want a copy of it?

MS. RUSSO: Of the latest one.

MS. SPENCER: First thing to note is that your aerial view of Blydenburgh is a reminder. The reason it was on the cover is that it was the first dedicated property in Suffolk County. Michael Mule pointed out that it will be enhanced and be a much prettier presentation when it goes into print. We just

wanted to have a working draft.

The first page, the title page, there are no changes. Second page, under the Historic Trust Committee, Thomas Smith is Thomas B Smith, as in "boy." Turning the page, Table of Contents. Turn the page, under Appendices, C, Evolution of Long Island Early History and Architecture was included in the first manual and written by Barbara Van Liew, and we made a mistake and we did not identify that. As such, as Gloria pointed out, it was missing a footnote. We will provide that, but we will Not change her text because that was hers. It's her document and she is no longer with us, so we will leave that text as it, is but we will include the footnote. We will add both on this page and in the back.

Richard will write a little sentence or paragraph about Barbara Van Liew and the first manual and why we included it. We included it and then didn't explain what we were doing. That was in the appendix of the first manual. Let's do this handout now.

MR. MARTIN: There were a number of comments. What is the meaning of historic with the dedications. What we left out, which was in the original manual, was Apendix A, Criteria for Evaluation, which is the

National Register guideline. That is what we handed out to you. We were getting too modern, thinking people can just look things up on line, but we will put that back.

MS. SPENCER: That was our thinking why put that in the document; it's on line. Three people came back with what are you talking about, so it's back in.

MS. VILORIA-FISHER: In the acknowledgments, you tell us a little bit about Barbara Van Liew.

MS. SPENCER: Yes. She wrote this evolution of Long Island, early history and architecture. Because of her time and because she created the trust, we wanted to keep it in.

MS. VILORIA-FISHER: And put another piece in, you're saying?

MS. SPENCER: No, that is what Appendix C is.

MS. VILORIA-FISHER: I thought you said Richard was going to add something.

MS. SPENCER: We are going to explain it better.

MR. MARTIN: Who wrote it.

MS. RUSSO: A little bit more about her.

MS. SPENCER: We do that in the acknowledgement, but we didn't explain why we included

her early history, this writing.

MS. GROWNEY: I don't know if it's the right thing to do, but in the appendices can you put there that was by her.

MS. SPENCERR: That is my point. We will put it in both locations, because it isn't clear.

MS. GROWNEY: Also, I didn't realize, I did make a correction in her writing.

MS. SPENCER: So did Gloria, and it brought to my attention that we had Not been clear. Bear in mind that the committee worked with this for over a year. It became very much a part of us. I think sometimes we knew what we were doing. So it was helpful for all of you to read it and send comments.

MS. GROWNEY: May I make one other comment? I mentioned to Christine this morning that I wrote out my comments and I want to submit them. I don't know who to submit them to.

MS. SPENCER: You will have to verbally give them to me because I already incorporated the comments from people who submitted them to me.

MS. GROWNEY: I have to leave in a few minutes. I wrote them out. I wrote the chapter number and title of the chapter and wrote down below.

MS. SPENCER: Give them to me. We'll do what we can.

MS. GROWNEY: There are only a couple of them. Most of them have to do with mentioning waterways or water bodies, because in the beginning there are similar descriptions that don't include them in there, since they're part of the landscape features. I think when you have a minute to read it through.

MS. SPENCER: I will move through what we incorporated, because it's finished, and then Richard and I will go back through your comments.

MS. GROWNEY: I appreciate it.

(Ms. Growney left at ten-thirty a.m.)

MS. SPENCER: No changes in the preface. Chapter 1, other than having no page numbers, Richard and I don't have a preference as to whether you want to say "shall" or "will" or "should." We just feel the document should be consistent.

MS. RUSSO: "Shall" is a better term far as when you're writing regulations. It's more definitive. It means you must. It's written better and clearer that you have to do this.

MS. SPENCER: Christine can do a word search for consistency, you know -- Chapter 1, turning to the

next page you have A, the Trust and Council. One, establishment of Historic Trust. Larry wanted us to define what the trust is, so we are going to do that. What we are going to put in the Historic Trust, which supervises county owned historic properties, was established in 1970.

Paragraph 4, Line 4, capitalize "county."

Turn the page. Richard, you had asked that we put something in when there are purchases that are county or town.

MR. MACHTAY: Shared.

MS. SPENCER: I'm going to just paraphrase it and let Richard speak. The sense that I got from talking to Richard is that is so complicated and takes so many forms.

MR. MARTIN: It's one of the many arrangements that you say that we have, can be in the town, can be with the village, can be with the local historic society. It all comes in the sense of a stewardship. After a county purchase, CEQ puts that stewardship on the property. So I don't think it needs to be that the town specifically needs to be in the document.

MR. MACHTAY: It's not by transfer or title

or a gift or anything else that you have here. It's something very different. It's a shared purchase or a shared ownership, is it Not?

MR. MARTIN: Yes, but there are still decisions made --

MR. MACHTAY: When the Town of Huntington agrees to share the cost of purchasing a particular piece of property that happens to be historic in nature, should not that be represented here also?

MR. MARTIN: A decision has to be made. It's not a given who is to take the stewardship.

MR. MACHTAY: I'm not talking about the stewardship, I'm talking about the ownership. You're talking about communities in their preservation effort recommending that the county take title by transfer and I put in "as a gift," but it said "as gift." You had "or buy properties which local communities cannot afford." And what I'm saying is after as a gift or share the cost of purchase, it doesn't say shared by whom. It could be any local municipality, it could be a private group. It could be any number of different entities, but you don't have to put it in.

MR. MARTIN: I understand your point.

MS. SPENCER: Where are you, not page

number, what paragraph?

MS. VILORIA-FISHER: Custodianship.

MS. SPENCER: How do you want it?

MR. MACHTAY: County takes title by transfer as a gift, or share the cost of purchase of properties which local communities cannot afford.

THE CHAIRMAN: We did that today, as a matter of fact, with a recommendation of the purchase of the Beaverdam purchase; that is a-seventy thirty.

MR. BROWN: The issue right now is who takes title to it. It usually isn't split title. If the county takes title to it, they're the custodians of it. If Brookhaven takes title to it, they're the custodians to it.

MS. FISCHER: It's not necessarily true. We have said that tenants in common with the towns more than separate joint ownerships.

MR. BROWN: On the closings, who is the owner of the title?

THE CHAIRMAN: If it's joint, it's also tenancy in common; it's management. That management, that's is the issue.

MR. MARTIN: A decision would have to be made.

MR. MACHTAY: Any number of properties that the county and town purchased jointly in the Town of Huntington, it's usually the proviso that the town provide management and whatever it takes to maintain the property.

MS. FISCHER: That is part of legislative resolution.

MR. BROWN: Or the county takes title to it.

THE CHAIRMAN: Title doesn't matter when there is a joint purchase. In fact, if I'm not mistaken, I think the county has purchased things a hundred percent and the towns have managed.

MS. FISCHER: Correct.

THE CHAIRMAN: Management is the critical aspect in terms of operations. In terms of that, Rich is saying that language is needed in there. Otherwise, you have actually precluded joint purchases.

MR. MARTIN: You're just acknowledging that is a possibility of one of many possibilities.

MR. MACHTAY: Whatever the arrangement is.

MS. VILORIA-FISHER: We did it in the Village of Port Jefferson that the Barnum Avenue property, that little gray house where the town couldn't afford to buy the property. The town did the acquisition we

transferred the title, didn't we, Loretta?

MR. ISLES: It's owned by the county, town and village.

MS. VILORIA-FISHER: That little tiny postage stamp of property, but the village is managing it and it's an historic property.

MS. SPENCER: Turn the page. Larry wanted us to define custodianship but we decided that we were satisfied with what we had, so we didn't change it. The flow chart on the next page, original chart has been cleaned up.

Turn the page. Definition of historic. That is what we just passed out to you. We had several of you commented on that. Our thinking of well, it's on line, we backtracked it. Will be in the appendix and will be referred to her.

MR. MARTIN: We will add in a line here in Appendix A, whatever it is.

MS. SPENCER: We will add a line.

MR. MACHTAY: See Appendix A.

MR. MARTIN: So it will be there. This is the criteria for years. We have followed since the beginning of the program. And the National Register hadn't changed them. First, by the way, you know the

Frank Melville Park in Setauket is now on the National Register. The difference we have between the State and National Register was the addition of a listing of a property for county, community or contextual context. This allows for buildings that might Not be eligible for National Register and fit under the guidelines and still give historic protection that is unique to us.

MS. SPENCER: That is what we brought over the to CEQ over a year ago and you adopted. We found that very useful.

MR. MARTIN: Once listed as contributing to the history of the parks might Not be --

MS. SPENCER: That doesn't mean that they might Not -- we might look at them again twenty-five years from now and decide that they were eligible for the National Register or for designation.

MR. MARTIN: It is a fifty year time period so obviously that is constantly standing. In twenty years, the buildings that we list as being too new for National Register may be eligible.

MS. SPENCER: We were out at Prospect Pines. There are two bungalows on the property. We are going to list them now with the understanding that twenty-five years from now someone might want to designate them.

Right now they're just cottages on the property, so we will list them.

THE CHAIRMAN: I have a fair idea of how the National Register works. Are there any differences vis-a-vis the State?

MR. MARTIN: State follows the Not policy.

MS. SPENCER: It's called the State and National Register. If you're listed, you're on the State and National Register.

THE CHAIRMAN: I have never seen any differences.

MS. SPENCER: They're the same.

MR. MARTIN: I'll explain the process. The state reviews all the applications, both State and National Register. When the state committee reviews a property and says it's eligible to the National Register, at that point it goes to the State Register. It can take a few months for the paperwork to get down to Washington for them to enter it on the National Register.

Sometimes that doesn't happen. A good example is the house in Seatuck in Islip. The federal didn't approve that building for the National Register, even though the state had. Sometimes the federal does not

agree with the state.

MS. SPENCER: The West Meadow cottages were turned down by the state and feds accepted them.

MR. MACHTAY: Normally all you need to reach a threshold in SEQRA.

MS. SPENCER: To be declared eligible on the state.

THE CHAIRMAN: That still kicks back to the thrust of my original question. Right now it's just federal as recommended by the County Historic Trust. Should there be any room in there for anything about the state, even though --

MR. MARTIN: State follows the same guidelines. What comes down to the interpretation of the guidelines, and to be honest, the politics of the decision making.

MS. SPENCER: We're designing historic, Michael.

MR. MARTIN: There can be other reasons why a property listed is not listed even though it qualifies under those guidelines.

MR. PICHNEY: Do we have any scenic roads or corridors?

MR. MARTIN: Nothing officially designated.

We always viewed parts of the Motor Parkway, but it does not have official dedication.

THE CHAIRMAN: Parts of 25A is a New York State designation.

MR. MARTIN: It's a state designation, not county designation.

MR. PICHNEY: It seems like it can be a pretty powerful planning tool.

MS. SPENCER: BVL tried to get Motor Parkway designation.

MR. MARTIN: There was resistance from the DPW.

THE CHAIRMAN: They wanted to flatten all the hills and reduce the curves and in short, reduce its historic character.

MS. SPENCER: Collection, no comments. Surveys and Inventories, no comments. Chapter 2, Dedication Recommendations and Procedures, turn the page. Purposes for dedication, Section B, procedure for dedication. Gloria pointed out a redundancy and we are going to try and solve it in the following way. Bear with us.

Under B, Procedure for Dedication, we are going to remove Paragraph C because that talks about how

to remove something. Go two pages back where it says Removal of Dedication, you will see there we are going to take A and B out.

MS. RUSSO: Thank you.

MS. SPENCER: That makes it clearer. We had mentioned the three paragraphs twice. Two of them have to do with dedication and one has to do with removal, so we tried to clear that up.

Back to the first page purpose for dedication, second page, F, Functional. Richard Machtay wanted us to add storage, and we will do that. So it will say optional museum or office use, semicolon, other. So, turn the page, under procedure for removal of dedication, we took A and B out and left C, and because it's an article in the charter, we feel that Gloria, the very last sentence on that page says "furthermore, if a property has been acquired or later designated for park purpose, state legislative action will also be necessary to remove it from designated parkland."

Michael, we would like you to research that a little. We think we want to leave it in.

MR. MARTIN: Let's say it's not parkland we're talking; we do have historic properties that are not on county parkland, like the old courthouse. If the

county wanted to sell those, does that designation have to be reviewed by the state, or is that just a local review?

MS. RUSSO: That is why I felt that had to be fleshed out a little more.

MS. SPENCER: We don't need the area.

MS. VILORIA-FISHER: If it's county property, it can't be done by just the executive branch, it has to come to the legislature. I think you're talking about alienation of parkland, which is very specific, which has to go to the state legislature. But if it's not parkland, we can sell county property without having to go to the state.

THE CHAIRMAN: If there is an Historic Trust designation on that.

MS. VILORIA-FISHER: Don't know. That would be interesting to know.

MR. MARTIN: We should add another paragraph here explaining the purposes of non-parkland. Either way, if it's just the legislature approval, fine, let's put it in here.

MS. VILORIA-FISHER: Furthermore, perhaps it should have the expression "alienation of parkland," because that is the term that is used.

MS. SPENCER: Michael will look into that for us so that that paragraph can be correct and clear and helpful.

MS. RUSSO: I want somebody to read the deed, the procedure for removal. After you saw the other section two pages you recall earlier, I want the document to stand on its own. So you can read in D, okay. That is the way you get it off. Make it very clear.

MR. MACHTAY: There should be nothing left to the imagination. We don't know who is going to be sitting here twenty-five years from now. Maybe Michael. (Pointing)

THE CHAIRMAN: Let me state for the record again, under Robert's Rules, there may be executions.

MS. SPENCER: Turning the page, Management. Turn the page, turn the page, Chapter 4, Preservation, Restoration and Maintenance.

MR. MACHTAY: You did not like my never comment?

MS. SPENCER: I didn't. I can tell you why. This is from my own personal opinion. Leaving these houses vacant is the single largest threat to their integrity.

MR. MACHTAY: I couldn't agree with you more.

MS. SPENCER: This is the document that Richard and I use to sell the importance of historic properties to all concerned, whether it be a legislative body or park trustees or someone who is coming in to sign a custodial agreement. Think just never say never, just don't ever leave them vacant.

MR. MACHTAY: I couldn't agree with you more. I guess the only comment I can make to that is if I were a legislator, I would think of it as the tail wagging the dog because this body makes recommendations.

MR. MARTIN: That is a recommendation to never leave it vacant.

THE CHAIRMAN: I don't have a problem.

MR. MACHTAY: Therefore shall never be without utilities.

MS. SPENCER: Adaptive uses.

MR. MACHTAY: Yes, second paragraph.

MS. SPENCER: Under adaptive uses, second paragraph.

THE CHAIRMAN: I have to agree with Rich. Actually, I'm not sure I agree with him on this. The tail wagging the dog is not a bad idea in certain ways.

This manual is supposed to show how the system should be run. And given the vagaries of the county in terms of budgets and things like that, you never know what might happen in the future. If we were going to preserve the historic system in any way, shape or form, we don't necessarily want to allow basically utilities and other things to happen to these buildings because we know they're going to fall apart.

If we are on record saying that is a policy, it's a strong policy. It's something we can use with the legislature. you never know what can happen in the buildings in the future. We have seen enough buildings get lost throught the years. We have seen buildings that should have been repaired, and because of monetary reasons don't get repaired and then they just fall apart. I don't have a problem saying a proactive statement like this.

MR. MACHTAY: "Shall never" or "should never?"

THE CHAIRMAN: I would say "shall."

MS. SPENCER: We have a legislator sitting here. How do you feel?

MS. VILORIA-FISHER: I understand what Richard is saying. It doesn't sound like a

recmmendation, it sounds like a mandate. In this case, I think "should" should replace "shall."

MS. RUSSO: "Shall" is a mandate. You want most of this document as a law, a mandate, that this is what is supposed to happen. You must follow that. This is a situation with this one particular sentence, that is a mandate that says we have to fix this building no matter what; it's falling apart. In one way is that overzealous? Or maybe you should say "should" because your optimum way of treating everything is hopefully protect them. You may not be able to. The funds may not be available.

MS. SPENCER: Do you think they should change "shall" to "should" in this instance?

MS. RUSSO: I think it's appropriate. You're aiming for a very high bar here.

MS. SPENCER: We follow it with examples of county properties that have been vandalized and it's cost the county millions of dollars.

THE CHAIRMAN: I disagree, but I'm outvoted.

MS. VILORIA-FISHER: You have to realize that you are a recommending body and not a policy making body. You recommend and only the legislature can establish policy.

MS. SPENCER: I'm for "never" being left in there.

MS. VILORIA-FISHER: Then soften it with "should."

MR. MACHTAY: It's not softening it, it's recommending it.

MR. PICHNEY: So we're all clear with that.

THE CHAIRMAN: This entire document, though, is for our purposes. It is not a full policy, if I understand this correctly, of the County of Suffolk; is that accurate?

MS. SPENCER: No.

MR. MARTIN: It's a good question. Once the legislature dedicates a property to the Historic Trust, then I think the guidelines should be followed.

MS. VILORIA-FISHER: You used the words "should be followed."

MS. RUSSO: I took this document as a stand-alone -- as a policy for the Historic Trust. This is the reason for having this rule. You want it to say "shall," not just this one line, everything else, the whole document.

MR. MACHTAY: By the same token, we can only recommend to the legislature that they're charging too

much rent, and that is why we can't get people into those places. We can't set rent, only the legislature can do that.

MR. MARTIN: No matter what words we use, even if we say "shall do this," it doesn't mean it's going to happen.

MS. RUSSO: I understand that.

MS. SPENCER: These are the standards that we in bringing the recommendations to the SEQRA.

THE CHAIRMAN: To that extent, let's say the membership of the CEQ changed and we got an anti-preservationist majority. Without having those words "shall" in there, you basically lower the bar in this document to allow certain things to happen to a lot of these buildings, which you know already happened.

This might be my last stand on it. It's making a policy, maybe, for this board to try and enhance and fortify our position, if you will. Once a recommendation is made by this board to the legislature saying this is our standards. If you loosen them up at CEQ level as opposed to the leg level, you potentially have danger.

If the composition of the board changes and the protection of historic structures is not as

necessarily as high a --

MS. RUSSO: How about if we tweak this by saying historic buildings are threatened by vandalism and deterioration and therefore, the county shall optimally try to never let them be left without utilities or anything like that.

THE CHAIRMAN: You can actually change another word. Maybe "must." It's not as imperative.

MR. MACHTAY: It's the same as "should."

MR. MARTIN: I think "should" would work. I want to bring out an example the importance of this concept. When the county purchased the Scully Estate, there was no thought that they should keep the building occupied. There was four hundred thousand dollars' worth of vandalism in three months.

They should have kept a caretaker in throughout the whole closing process to avoid all that vandalism. This should go beyond the Parks Department guidelines. This should be the county guidelines to have a caretaker there to avoid all that vandalism. It's costing the county millions of dollars by not keeping these occupied. Black Duck Lodge, that also happened.

MS. VILORIA-FISHER: Mount Sinai, the

Chandler Estate. Peter Cardona, the architect who took me aside and said do you know what is happening at the Scully Estate, that is when we became pro-active, making sure we had rentals. Your concern about having people who are preservationists, if they are in any way sensitive to investments made by the county the person doesn't even have to be a preservationist. We own a million dollar historic home and we are not maintaining utilities and we're letting the pipes freeze or whatever. They're going to be destroyed. I think the protection is intrinsic in the value. I think "should" is strong enough here.

MS. SPENCERR: When the trustee comes to the CEQ, which is the trust, with the recommendation, they have to have a basis upon which they made that recommendation. That is why we struggled with this over the year; that is the point. That has gone back and forth. Jim Bagg was deeply involved.

A lot of time and thought has gone into this in terms of up deeding. This is just so if someone to Richard or to me or any member of the CEQ says well, why did you do that. This is the thinking. It draws heavily from the National Register and National Guidelines. We are trying to make Suffolk County

specific and trying to address the things we see as serious problems, and vacancy we see as a serious problem.

THE CHAIRMAN: Larry and I have both been a member of the Nissequogue Head-of-the-Harbor Local Waterfront Revitalization Program, Coastal Management Commission, as it's officially known. We have major historic responsibilities also. The thing that disturbs me over the years has been there were things in historic preservation categories are not fully protected by certain language, those designations have been lost or ignored or just sort of left by the wayside.

The historic power that we have had in the two villages based on the village's LWRP has been diminished because of that, because of the language flaws, if you will. That simply makes me jumpy. Admittedly, that is in the context of private people doing it. We have seen national register designation stripped off of properties so people can build mansions. Without bright line standards, that makes me jumpy, because I have seen it happen.

MR. MACHTAY: That is up to the resolution that the legislature passes. This can only be a recommendation as to how it ought to be. The resolution

that comes from the Planning Department or whomever and goes to the legislature to designate that is where the strong language has to be; otherwise, this body is telling the legislature what to do and it becomes more than a recommendation.

MR. PICHNEY: Even if you had a voting block of antique preservationists in the future and they decided to revise the document again, it's still a recommendation. The legislature can say these people are nuts, we are going to preserve it. To have the force of law, the legislature would have to adopt the document and it would change the story.

THE CHAIRMAN: I'm simply saying at this particular level, I would rather see a bright line standard sort of pushing us one way or the other when we make a recommendation.

(Steve Brown left at 11:05 a.m.)

MS. VILORIA-FISHER: I think this is a bright line standard right here. I have experienced a period where politically an overzealous legislator reacting to a scandal made it very difficult to keep tenancy in our buildings, and I wish there had been something like this already in the handbook, just saying the policy is that we keep tenants in the building and that supercedes

reacting to a newspaper story. You know how difficult it was with that overzealous --

MR. MARTIN: We have two vacancies for approximately eight years because of that.

MS. SPENCER: It's to the credit of a number of people, including the legislature, that these rents are being reviewed by committee. These buildings are being occupied. I think as things go, for something to come forward in the county, this is done in an admirable way and it is working, and these properties are now -- many more of these properties are secured two or three years ago.

MS. VILORIA-FISHER: I have to tell you, Mary Ann, because of that political spin on it, it wasn't until Peter Cardona told me privately this is what was happening because he was afraid to come to the legislature to say it, because there was such a sense of -- well, that he had to tell me quietly, and then I began to work on it with Richard, quietly getting the Parks Commissioner and Building the support. We need that to be here. I think it's a tempest in a teapot here. I think the line says it.

MS. SPENCER: Chapter 4, Preservation, Restoration and Maintenance, we will change "shall" to

"should" under adaptive uses.

Now, I left left the historic are threatened by vandalism and unoccupied or untenanted.

We are on Chapter 4, Section A, Preservation Principals and Objectives. Gloria wanted the following change in the first sentence. It would be shortened and it reads: "The guiding principle of preserving historic sites, buildings, structures, roadways, landscape plantings and other such features is that it serves a public benefit." Period. Take out the word "and." Capital I. It is therefore. In the last sentence in that paragraph, Mr. Machtay dislikes the word "insofar," and we are going to change it to "when."

MR. MACHTAY: I love that. I just wanted to know what insofar as possible meant.

MS. SPENCER: Structures, Larry wanted the source of the quote "better to preserve than repair, better to repair than restore."

MR. MARTIN: I presume it's from the National Register. Barbara Van Liew put it in the first edition.

MS. SPENCER: Then Gloria wanted us to rewrite a sentence in the third paragraph. I read it over a number of times and I like the way it is.

MS. VILORIA-FISHER: Can you tell us?

MS. RUSSO: Let me read my version. "Reasonable care and expense should be taken to utilize and incorporate the materials, methods and quality of old construction in new work."

MS. SPENCER: Old construction in new work is confusing.

MS. VILORIA-FISHER: Can you tell us which sentence?

MS. SPENCER: "Reasonable care and expense should be taken to incorporate in new work, the materials, methods and quality of old construction." I think that is clear and not at all confusing. When I read Gloria's reworking of that sentence, I thought it was not as clear.

MS. RUSSO: "Reasonable care and expense should be taken to utilize and incorporate the materials, methods and quality of old construction in new work."

MR. MACHTAY: There is something backwards about that.

MS. RUSSO: Fine. When I first read the sentence as written, I was like, huh?

MR. PICHNEY: You should probably take out

the comma. Not to be the copy editor that I was for many years. There is no reason to have that comma there.

MS. SPENCER: You're right. Remove that comma. Good point.

Turn the page. There is part of a paragraph at the top of that page and then there is a paragraph. We are going to insert between the large paragraph and small paragraph. New York State Building Code for handicapped accessibility, for historic buildings, will be followed. Larry had asked how do we handle the American with Disabilities Act, so we are inserting that.

MR. MARTIN: Our provisions for historic buildings that are on the National Register that accommodates museum use, so we don't have to upgrade it as you would a public office building or something like that. It's a good faith effort is required by the state code.

MS. VILORIA-FISHER: If you are referring to the state code, do you think you should put the chapter or article that it comes from to have that reference if people want to take a look at that?

MS. SPENCER: Mr. Machtay, you want us to add

registered or licensed landscape architect and Richard is going to tell you why we don't want to do that. In fact, we want to change landscape architect to historic landscape professional.

MR. MARTIN: I don't necessarily need a landscape architect to do an historic landscape study.

MR. MACHTAY: The way it read, any number of people out there call themselves landscape architects that are not registered.

MR. MARTIN: I don't need a registered architect.

MR. MACHTAY: Mary Ann's comment is wholly appropriate.

MR. PICHNEY: In New York State you can't call yourself architect without being licensed.

MR. MACHTAY: Don't know about that.

MR. PICHNEY: You can't put yourself forth as a landscape architect without a license in New York State.

MS. SPENCER: Taking that into consideration, we would like to change it to historic landscape professional.

MS. VILORIA-FISHER: Can we change the order in the first sentence under landscape to historic, and

that landscape survey of each site should be conducted. I think it sounds a little awkward.

MR. PICHNEY: You're right.

THE CHAIRMAN: Excuse me for one second, Rich, how expensive is it to do something like that?

MR. MARTIN: It depends. The best one I have is from a student in the summer with seasonal employment. A professional landscape architect can cost the county tens of thousands of dollars.

MR. MACHTAY: I think Mary Ann's comment is appropriate. Inasmuch you need someone that has a knowledge of legacy type plants. If you are looking at a house built in 1710 and it was landscaped as that time, you want the plants that were appropriate for that era. That is why her change is more appropriate than mine.

MR. PICHNEY: What Richard is referring to, we had a landscape architectural student do a very thorough landscape survey. He did an excellent job at that point in his career. He was a generalist. He did the research necessary that had it do with historic interests.

I believe that could be said of any landscape architect. My feeling leaving it generic rather than

saying historic, at least gives that opportunity for a landscape architect to be brought on or student. They could simply do the research. The research isn't all that difficult. If you are concerned about cost issues, just adding historic onto landscape architect jacks up the price quite a bit.

MS. SPENCER: I said "professional" not "landscape architect" because he might not use a landscape architect.

MR. MARTIN: For most of our jobs that won't be necessary. Some of the jobs are more complicated, like Coindre Hall, you might need a landscape architect because you're talking about parking issues.

MS. SPENCER: I guess what I'm saying is whether it's a professional who is able to do research. We have to give Richard the latitude here to service his properties within his budget and think about the needs of any particular site. That is why I think if we say historic landscape professional --

MR. PINCHNEY: My objection wasn't to architect, it is more designation of historic landscape profession. You can just use landscape professional. Are we quibbling here?

MS. SPENCER: We are.

MR. PICHNEY: Okay, moving on.

MS. SPENCER: Chapter 5, Intent to Lease. Richard Machtay, what did you want said?

MR. MACHTAY: Shall be stipulated in terms of the lease; in all ways consistent with acceptable management practices as outlined in this document, including any special needs that may be necessary.

MS. SPENCER: That's okay.

MR. MARTIN: You said "document." This says Historic Trust Manual. I want to keep it as Historic Trust Manual.

MR. MACHTAY: Fine. This just says what you're supposed to do. It has to be consistent with this.

THE CHAIRMAN: I think that is important; otherwise, with that kind of language in there, you can bypass it.

MS. SPENCER: We will do that.

THE CHAIRMAN: Lease or license agreement. That is very necessary.

MR. MARTIN: Or license.

MS. SPENCER: Work that out because that is it. I make a motion with those changes, understanding that this will change from time to time.

MS. VILORIA-FISHER: Loretta's hand is raised.

MS. FISCHER: On the last page, funding process, you have written here the various steps undertaken to acquire property. This is the policy today. This policy might change as legislative resolutions are adopted to change the process by which we do acquire land, which has happened over the years.

I don't know if it's important to identify all these specific parts of the process out here, because it will change and it does change.

MS. SPENCER: I think if it will change, then the charter code should say as of 15 September, 2010, because Jim Bagg wanted this in. This was important to him. But if the code will change, then we should date -- therefore, Michael, maybe once a year you should look at it and see if it's current.

MR. MACHTAY: Did you make a motion?

MS. SPENCER: No, I wanted the rest of the comments. That was a premature motion.

THE CHAIRMAN: Were there any other comments?

MR. MULE: I wanted to say that the council is going to adopt the manual as a guidance document for

1 the Historic Trust to make decisions. It's not going to
2 be forwarded onto the legislature for full county
3 approval.
4 MS. SPENCER: It never has been, no. This is
5 a CEQ document.
6 THE CHAIRMAN: When the motion is made, you
7 have to phrase it that way, that is for the CEQ to
8 utilize.
9 MS. SPENCER: The Standing Historic Trust
10 Committee brings forward to the CEQ and asks them to
11 adopt for their use this document, this Historic Trust
12 Manual. It is an update of the original manual written
13 by Barbara Van Liew.
14 MS. RUSSO: I second.
15 THE CHAIRMAN: I will call the vote now. All
16 those in favor? (Show of hands) All those opposed?
17 All those abstaining?
18 MS. SPENCER: Thank you.
19 MS. VILORIA-FISHER: Good job.
20 MR. MACHTAY: I think it would be helpful,
21 when the minutes are finished and adopted, the section
22 of the minutes that had this discussion in it, attach it
23 to the back of the document as another part of the
24 appendix.
25

MS. SPENCER: Why?

MR. MACHTAY: Anybody that looks at it can see what the intent of the CEQ was and what the discussion was.

MR. MARTIN: I think that is problematic as we were are handing it out to all county employees, and I think the document should speak for itself.

THE CHAIRMAN: There is a compromise that can be made. We can have the minutes printed up once they're approved, and either post them on line or keep them for our internal records.

MS. SPENCER: Can you clarify why you are requesting that? Are you displeased with this manual?

MR. MACHTAY: No, I'm pleased with it. There are things in there that have to go with the intent of what is written there. Anybody that is not understanding what is in the document can look at the minutes and say oh, that is what they meant.

MS. SPENCER: If it's unclear, then we need to revisit it and clarify it.

MR. MACHTAY: If you feel it's clear enough, that is fine with me.

MS. SPENCER: Let me explain how it's been used for the last thirty-five years. The way this has

been used is when someone in DPW asks Richard why do you want me to put wood siding on this bungalow, or when we had this arguement after the debacle about tenancy in historic buildings, we pointed to the manual and said look, here are the guidelines. That is how we used it.

MS. VILORIA-FISHER: Can I suggest a compromise? The minutes are posted. There can be a reference in the appendix with the Web address.

MS. SPENCER: I guess the reason I'm hesitating about that is that you're making -- look, the CEQ is the Historic Trust. We are a standing committee that advises you.

MR. MACHTAY: Can we go off the record?

(Discussion off the record)

THE CHAIRMAN: Let's go back on record. We had a motion, we had a second, and we voted. So it passed. Any further discussion on this?

Nick Gibbons, who has been sitting by patiently, do you have anything that you need to tell us today?

MR. GIBBONS: Last month we talked about doing an overview of Theodore Roosevelt Park in Montauk. I talked to Chris. In the interest of Larry's absence, we decided to postpone that for next month. I'll prepare

that more formal presentation in the next meeting in light of Larry's interest in that county park.

A couple of members approached me about this past season's piping plover program. We have been doing our own program since 1997. Prior to that, it was operated by the Nature Conservancy. For roughly thirteen or fourteen seasons now, of which I have been involved in twelve or thirteen of those, we have been doing our own program in the county parks. We have sixteen sites, give or take one or two. These are the result of this year's program. They're site specific. Some sites we go to daily, so they represent well over a hundred site visits over the season. Other sites we go to once every two to three weeks. I forget which measures, I think Rick Machtay, I don't recall off the top of my head.

Overall, the program showed the same number, or relatively same number of pairs with no particular statistical difference from one year to the next. However, the productivity, how many chicks make it to survival and fledge age, meaning adulthood and can migrate to wintering grounds was dismal. You can see from site to site. In the case of Cedar Point, we had eighteen pairs and zero chicks fledged and that involves

mortalities of several dozen chicks on the beach. The overall recovery goal established by the federal government was one point five chicks per pair.

Rough numbers, each pair hatches four chicks. If you can get one and a half of those overall to make it to fledge, you meet your recovery goals. We did that once two years ago, I think. We certainly won't do it this year. So the sites themselves are listed on the left-hand column. Going across left to right are various aspects statistically or data points for each pair that we monitor over the course of the season. The numbers have been verified by myself. For all intents and purposes, they're final. I didn't know if anybody had anything specific.

If you take a look at it and want to ask me something specific contact me or track me down at the next meeting.

MR. PICHNEY: I don't quite how to ask the question. Are these survival rates typical? For example, with turtles, in terms of the number of eggs that are hatched versus the number that actually survive and so forth, or for other bird species.

MR. GIBBONS: You can't compare. Certain species of turtles can lay dozens of eggs. The plover,

first nest attempt is typically four eggs, I'd say ninety-five percent. If this fails overall, there will be a second or third nest attempt, progressively smaller, either three eggs, even two eggs. The birds don't start incubating until the fourth egg is laid. Twenty-eight days after that, the eggs hatch. If we can catch the nest before they're in full clutch, we can estimate within twenty-four to forty-eight hours when they will hatch and we will be there that day.

It takes fourteen days after a failure for them to re-nest. If the re-nest is successful, it takes roughly thirty-five to forty-five days to fledge. Between incubation and brooding to fledging, you can be up to sixty days, best case scenario, for a single pair. When you match that up with the parks season, it makes for complicated policy decisions in the management of the park.

MR. PICHNEY: How do you measure success? Do you feel that as long as you get a chick brought to adulthood, that counts as a success?

MR. GIBBONS: I would be very happy if we got one chick per pair to fledge. There is a federal management guideline for plovers. There are varying degrees or intensity of programs. We have a very

popular beach buggy program for off-road beach driving. There are some federal guidelines you have to follow in order to let the program continue. If you don't meet the guidelines, you open yourselves up to U.S. Fish & and Wildlife Service enforcement actions against the program. We have gone down that road and certainly don't want to revisit. Places like Smith Point, we have daily visitation there.

The overall of the Atlantic population, to further confuse things, there are three distinct populations in the United States. The Atlantic Coast population is not a federally endangered species, but a federally species. The overall goal is one point five fledges per pair. Overall in New York State, there are about three hundred fifty pairs, of which we have sixty in any given year. Overall the state has a goal. We are not meeting that recovery goal. The bird isn't coming off the list any time soon.

What we can do is continue to do the good monitoring that will at least serve to demonstrate either what is good about the recovery or not. Other places have better productivity, which wouldn't be surprising to you. It's probably places with less population, and other places have worse.

THE CHAIRMAN: If they have less population, I'm looking at your notes here. It seems that it's mostly natural predation and not so much human interaction with them.

MR. GIBBONS: That is true. We have a conservative policy now. We closed vast stretches of beaches to public access, at least vehicular access in this summer in particular, what we saw in terms of the mortality was the weather. The weather was so intense for so long without any kind of relief, and predation.

THE CHAIRMAN: I saw ospreys, for example, standing in their nest with their wings outstretched trying to give off heat.

MR. GIBBONS: They're better off because they're forty feet in the air with their nest. Their recovery is somewhat better.

THE CHAIRMAN: Comparable sites, you said the federal standard is one point five. Are there other sites out there where the fledge success rate was higher as compared to ours?

MR. GIBBONS: Other programs, you mean?

THE CHAIRMAN: Other programs, other municipalities? Are we doing something different such that we have this low fledge rate?

MR. GIBBONS: I'm biased. However, I don't think -- I would put our program up against any others in the county. In terms of search effort, resources, I hire probably twelve seasonal employees that are dedicated to this program all summer. Our sites are so varied in terms of intensity of use or even the habitats themselves. I don't think overall there is anything that I could change in the program that would help to serve improving productivity.

THE CHAIRMAN: A community down in Carolina, for example, with the same population pressures, such that they might be doing something different; you are not seeing that and nobody is telling you anything?

MR. GIBBONS: No, I'm comfortable with our balance of restrictions of public access and serving the birds' needs. I think we are very good about affording the birds as much as we can, short of, in some cases, we do shut the park down to any kind of significant public access.

THE CHAIRMAN: Do you see increases in the predator population?

MR. GIBBONS: Yes.

THE CHAIRMAN: Where I live, I'm suddenly seeing an influx and increase in turkey, deer, fox and

some pheasant. They have been wiped out for twenty years and suddenly they're coming back. We are seeing foxes on beaches and generally foxes don't go out in open areas like that.

MR. GIBBONS: That is all anecdotal. Nobody is going out there to determine statistically whether or not, we just know about the fox population specifically.

THE CHAIRMAN: Raccoons, which suddenly exploded in population.

MR. GIBBONS: Foxes specifically are cyclical. They are generalists in terms of their natural habitats. They also have disease that serves to keep their population in check,

THE CHAIRMAN: Mange and things like that. There may be a necessity to do some culling. Cedar Beach seems to be one of the more popular areas, yet there seems to be a significant amount of predation. Not everybody likes removal of animals might be the best way to phrase it. If you can find them, that might be a control measure. Has anyone looked at that?

MR. GIBBONS: We have visited that at times in the past, but that hasn't gone very far. It's true other agencies are more active in predator control.

The other thing I want to pass around for the benefit of the council, over at Southhaven County Park, trap and skeet, without going into an entire dissertation about the history, what is going on there is a county mandated lead reclamation. It's being operated by our concessionaire. The process is to screen the top two or three inches of soil for lead shot. They expect to reclaim two hundred fifty thousand to three hundred thousand pounds of lead from the site. There is no cost to the county or operator in the sense that there is a market for the product. So the operator and his contractor and then I guess the county will see a percentage of that.

MR. PICHNEY: Do they just do recovery in the track and skeet or the sporting clays?

MR. GIBBONS: It circles around the edge of the field. It is true, some portion, I don't know what of that shot is quote, unquote lost to the environment, brush and vegetation that surrounds the sporting clays trail. Effective reclamation in the sporting clays area would require clear-cutting the property.

This is an EPA recommended management strategy for keeping lead from -- it's a routine maintenance of any well run track and skeet facility. It's part of our

environmental stewardship plan for the site. It's going smoothly. The primary concern is with dust. We consulted with the Environmental Department in terms of air quality monitoring. We are pleased with the program in terms of no dust leaving the site. I expect the project to be completed by the end of next week. They are currently doing this Monday through Friday, so shooting ceased at the site Monday through Friday and recreational shooting activities are occurring Saturdays and Sundays.

I just wanted the council to be aware of that. You see from time to time in various news outlets; it's been going on for about two and a half weeks.

MR. PICHNEY: Do you know the status of a law requiring steel shot rather than lead shot in shotgun shells?

MR. GIBBONS: Currently in New York State you have to use such shot for water fowl hunting and any shooting of any kind over wetlands or water.

THE CHAIRMAN: Any other questions? If not, thank you.

Has anyone read the May minutes? Put the May minutes off. The plaque that Larry was talking

about for the Environmental Defense Fund at Stony Brook, he's not there talking about it. We will put that off.

Finally we need to talk about the bikers, otherwise known as the bike route committee. I was not present for that meeting. Who would like to be on that committee?

MS. RUSSO: It's already been taken care of.

THE CHAIRMAN: From what I understand, Mike is going to be monitoring what goes on there as relevant issues come up. It will be distributed to bikers among us. Do you have any other concern?

MR. MACHTAY: Make a motion to end this meeting.

THE CHAIRMAN: I second that.

(Time noted: 11:50 a.m.)

1

2 CERTIFICATION

3

4 STATE OF NEW YORK)

5) ss:

6 COUNTY OF SUFFOLK)

7

8 I, JUDI GALLOP, a Stenotype Reporter and

9 Notary Public for the State of New York, do hereby

10 certify:

11 THAT this is a true and accurate transcription

12 of the Suffolk County Council on Environmental

13 Quality meeting held on September 15, 2010.

14 I further certify that I am not related,

15 either by blood or marriage, to any of the parties

16 in this action; and

17 I am in no way interested in the outcome of

18 this matter.

19 IN WITNESS WHEREOF, I have hereunto set my

20 hand this 29th day of September, 2010.

21

22 Judi Gallop

JUDI GALLOP

23

24

25