## MINUTES

A regular meeting of the Suffolk County Council on Environmental Quality was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veteran Memorial Highway, Smithtown, New York on February 19, 2003.

PRESENT: Theresa Elkowitz- Chairperson Larry Swanson - Vice-Chairman Legislator Ginny Fields Michael Kaufman John Finkenberg Nancy Manfredonia Adrienne Esposito Lance Mallamo Thomas Cramer

ALSO IN ATTENDANCE: Judith Gordon - Commissioner of Parks Joy Squires Richard Martin Jim Bagg Nick Gibbons Christopher McVoy Ralph Borkowski Margo Myles

MINUTES TAKEN AND TRANSCRIBED BY: Donna Catalano - Court Stenographer

(\*THE MEETING WAS CALLED TO ORDER AT 9:38 A.M.\*) CHAIRPERSON ELKOWITZ: Good morning everybody, and I apologize for beginning late. I'm going to the call meeting to order and ask that the members review the minutes of the December 16th. And if they have any corrections, I will entertain them. Yes, Larry. MR. SWANSON: Page 8. CHAIRPERSON ELKOWITZ: Sure. MR. SWANSON: It's where I'm speaking, and you have under walter quality protection, it should be water. CHAIRPERSON ELKOWITZ: I have a minor thing on Page 11. In the second line -- the first time that I speak on the second line, it says service by taking an overhaul program, it should be overall. Other than that, I don't have any other corrections. Anybody other corrections? MR. KAUFMAN: I don't have a correction, but I do have a question on 1028, the first page, that's authorizing --CHAIRPERSON ELKOWITZ: We're doing the minutes. MR. KAUFMAN: Sorry, wrong thing. I don't have coffee. CHAIRPERSON ELKOWITZ: Does anybody have any --MS. SOUIRES: I don't have the minutes. CHAIRPERSON ELKOWITZ: Only members get minutes. Any other questions? I'll entertain a motion to accept the minutes as corrected? MR. KAUFMAN: Motion. CHAIRPERSON ELKOWITZ: I have a motion, do I have a second? Seconded by Larry Swanson. All those in favor? Opposed? Carried. Okay. Correspondence. The only correspondence that I have is from Larry Swanson in his capacity at the Waste Reduction and Management Institute where he does a detailed commentary on the DEIS for the restoration and management of Maritime Grassland and Savanna in Teddy Roosevelt County Park and Montauk State

Park. I assume that Jim has passed this on to County Parks.

MR. BAGG: Yes. CHAIRPERSON ELKOWITZ: Okay. That's the only correspondence that I have. I'll go onto Type II actions. Ratification of staff recommendations for Legislative resolutions laid on the table January 28th and February 11th. Jim, is there anything you would like to call to the Council's attention? MR. BAGG: No, there's nothing unusual. CHAIRPERSON ELKOWITZ: We know Mr. Kaufman has something on 1028. MR. KAUFMAN: Yeah. I'm curious what 1028, it's authorizing, empowering and directing County Parks Department to initiate process for cell tower revenue at County parks. Is this -- well, I'd like to know what the resolution is all about. MR. BAGG: Basically, the Legislature would like to increase revenues to the County from cell tower operation, and they're -- they want to direct the Parks Department to possibly come up with some sites. All those sites would be sent to you at the time there were being proposed. They're in the planning stages from what I understand. MR. KAUFMAN: So basically, at this point in time, there's a operation, at this point in time. MR. BAGG: Correct. MR. KAUFMAN: It's not the actual placement of the towers themselves. MR. BAGG: Right. MR. KAUFMAN: Okay. Because quite bluntly, I have dealt a little bit with cell towers, and I do have some concerns with cell towers. CHAIRPERSON ELKOWITZ: Mike. Mike, they're doing planning operation. If you have comments, call the Parks Department. MR. KAUFMAN:

Also, I'll have to abstain on 1085.

CHAIRPERSON ELKOWITZ: Anybody else have comments. I'm going to abstain on 1028 because I represent six cellular companies. Other than that, I'll entertain a motion to approve staff recommendations.

MR. KAUFMAN: Motion.

CHAIRPERSON ELKOWITZ: I have a motion, do I have a second? Seconded by Larry. All in favor? Opposed? Abstentions? CARRIED.

Proposed improvements to the County Correctional Facility, C.P. 3014, C-141-Riverhead.

I have correspondence from Ralph Borkowski. Dear Ms. Elkowitz, this department is ready to proceed with the planning and construction phrase of the above referenced project, which are improvements to County correctional facilities. This project consist of the installation of new high efficiency lighting, new PA systems, new interior doors, heating and air conditions systems and new sally port gates at the both the medium security and maximum security correctional facilities. This department considered this a Type II action under SEQRA in accordance with the provision NYCRR 617.5 1 and 2 as the action concerns replacement and rehabilitation involving no substantial changing to an existing structure or reconstruction of a structure or facility in-kind. Does anybody have any questions for Mr. Borkowski? Go ahead, Nancy.

### MS. MANFREDONIA:

Yes, I just have a generalized question about this type of a project where you are doing repairs and maintenance and so forth. Does the County have a policy about -- and I don't know of this is interior or exterior -- but in terms of exterior lighting in terms of dark sky standards, is there anything that you know about that?

### MR. BORKOWSKI:

At this point I'm not quite sure if there is an official policy, but I will investigate that and get back to you with an answer. I know we are cognizant of the fact that we don't want lights shinning in the environment unnecessarily, so we do take that into consideration in picking certain fixtures to eliminate that sort of illumination.

CHAIRPERSON ELKOWITZ: Is this interior lighting or exterior lighting? Because lighting at a correctional facility may be different just inherently.

MR. BORKOWSKI:

I'm not sure. I believe it might be exterior lighting also.

# CHAIRPERSON ELKOWITZ:

Okay. I have a question for you. Are you also -- you're obviously purchasing some of this stuff.

MR. BORKOWSKI: Yes.

## CHAIRPERSON ELKOWITZ: Okay. I don't have any objection to the -- to Mr. Borkowski's classification, except I would add 617.5 C-25, because he would be purchasing fixtures and such and that's also required. Does anybody have any other questions? If not, I'll entertain a motion for Type II actions.

MR. KAUFMAN: Motion for Type II action.

CHAIRPERSON ELKOWITZ: I have a motion, do I have a second? Seconded by Larry Swanson. All those in favor? Opposed? Abstentions? CARRIED.

Okay. You know what, Ralph. I'm going to take something out of order, because you have another one, so you may as well just stay.

Proposed renovation at the Yaphank Correctional Facility, CP 3009.

### CHAIRPERSON ELKOWITZ:

I have a letter from Mr. Borkowski. This department is ready to proceed with the construction phase for the above referenced project. The work consists of the renovation of the existing kitchen, bakery, laundry space recently vacated into inmate classrooms, barbershop and medical rooms. This department considers this a Type II action under SEQRA in accordance with the provision of NYCRR 617.5 C-1 and 2, as the action concerns rehabilitation involving no substantial changes to an existing structure or reconstruction of a structure or facility in-kind. Does anybody have any questions for Mr. Borkowski? I'll a entertain a motion for a Type II action.

MR. KAUFMAN: I'll make a motion.

CHAIRPERSON ELKOWITZ: I have a motion, do I have a second. Mr. Swanson. All those in favor? Opposed? Abstentions? CARRIED.

Thanks, Ralph.

MR. BORKOWSKI: Thank you.

Proposed planning to perform architectural planning and engineering surveys for improvements to the Vanderbilt Planetarium.

### CHAIRPERSON ELKOWITZ:

We'll go to 1-C. I have correspondence from William Dieck, the Director of Operations at the Suffolk County Vanderbilt Planetarium and Museum. The Suffolk County Vanderbilt Museum is planning to perform architectural planning and engineering surveys for improvements to the Vanderbilt Planetarium, specifically, the work involves the replacement of windows and exterior doors in the building, rehabilitation of the lobby and theatre areas and an investigation to identify the cause of recent cracks and water infiltration into the building. You may remember that several years ago there was a project to shore up the rear side of the building due to settlement. We are concerned that the issues raised then may not the have been totally resolved, and the Department of Public Works has confirmed that additional engineering services are necessary. Capital budgets for planning necessary to develop this project are included in the 2003 Capital Budget and Program. This appears to be a Type II action pursuant to Title 6 NYCRR Part 617 C-21 since it involves conducting preliminary planning only. Is there someone here to speak on this? I'm assuming that it's clearing planning, planning to identify, you know, how they are going to replace the windows, it's not the actual replacement of windows. MR. BAGG: No, I discussed with Lance, it's for planning only. CHAIRPERSON ELKOWITZ: Okay. And I think that we should -- we should fix the citation so it's 617.5 C-21. And with that, I'll ask for a motion for a Type II. MR. KAUFMAN: Well, I'm not sure that it -- I understand that it is preliminary planning only, but in the -- to the extent that it is the context of the Vanderbilt Museum, which is historic trust property, and that's Type I activity. CHAIRPERSON ELKOWITZ: No, Type II -- if you're doing planning, it's a Type II. It doesn't matter what you're it to. MR. KAUFMAN: Okay. All right. In which case, I'll make a motion as a Type II. CHAIRPERSON ELKOWITZ: I have a motion, do I have a second? I have a second by Nancy Manfredonia. All those in favor? Opposed? Abstentions? CARRIED. Proposed acquisition of active parklands at Marion Carll School, Commack (Town of Huntington) under the Suffolk County Greenways Program. CHAIRPERSON ELKOWITZ: Who's here to speak on this? Hello, Margo. How are you? Can I -can I ask you a question before we start? Are you acquiring this property from the Commack School District? MS. MYLES: No, it's in private ownership. CHAIRPERSON ELKOWITZ: You may as well identify yourself for the stenographer. MS. MYLES: Margo Myles, I'm from the Town of Huntington Department of Planning and Environment. The property is currently held by BDG Reality, which is a private corporation.

### CHAIRPERSON ELKOWITZ:

I was going to abstain because I've done work for Commack School District, but I'm also going to abstain because I've done work for BDG, although not on this property. So I'm going to turn the microphone over to Larry.

MR. SWANSON: Okay. Margo, go to it.

### MS. MYLES:

We're here today hopeful that you will recommend a negative deck declaration on the acquisition of 5.4 acres of property on the west side of Commack Road. It's just west of the town boundary between Huntington and Smithtown. It's property that at one time was held by the Commack School District as the Marion Carll Elementary School, later sold and was functional for several years as the New York Institute of Technology. There was a fire at the site, the use was seised, it was sold into private ownership, and it really sat idle for several years before a plan came in for redevelopment. Right now it has Ruby Tuesdays and Pep Boys at the frontage along Jericho Turnpike.

We're looking at 5.4 acres, which is the souther portion of the property that at one time held parking area for the school as well as the playing fields, the recreational fields. The Town's proposal is for active use. We had a community meeting last June where we invited everyone within a half mile radius whether they were Huntington residents or Smithtown residents to come give us input at a meeting at the Commack Public Library. We had a meeting room that could hold 60, we were inundated by about 150, most of which were younger teens clamoring for a skate park. We really did not feel the area was appropriate to be used as a skate park. And we have tried to incorporate as many of the recommendations that came out of that meeting as was possible.

Our proposal is for junior soccer field and two T-ball fields in the northern component of the site. It's an area that we will not have formal fencing and what not in, so that if there was more demand for two junior soccer fields, four T-ball fields, we could lay it out that way. The southern component of the site would have the harder structural improvements. We're looking at two multi-use courts, a parking area for 40 cars, some nice access improvements, walkways and what not, a handicapped accessible playground, and our first fitness par course. We are looking at laying out fitness trails throughout the town where you have stations where you would do certain exercises, but a par course basically brings all of those elements together in a more focused area.

So we're look the at this at a site where the kids could be using the playground where the parents also have an opportunity to have certain recreation. We're looking at doing a bicycle path and walkway that would basically run around the perimeter of the site. We've laid out our proposal so that it maintains as much of the existing wood edge as possible. The site is 5.4 acres, a little under one acre is secondary growth wood edge, mostly Norway Maple, Black Cheery, maybe 20, 25 years into succession. Most of the open component in the site that we're looking to improve for park facilities is in successional meadow

growth right now. You have some Red Cedar, Autumn Olive, Locusts and what not moving in, but it's mostly still fairly open. You can still see the baseball backstops out in the field if you are out there.

We feel this is an ideal location to have a facility like this. We have gotten feedback already from Ruby Tuesdays that they are excited about the prospect of having a park right next door. We fell it's an ideal location. We have a signalized intersection at Commack Road, which means that the very large apartment complex just across Commack Road in Smithtown would have easy access as well at the signalized intersection. And we're hoping in time if there is such a need that we might be able to forge an agreement with the commercial owners to utilize some of their parking as overflow if that turned out to be necessary. I don't know if there any questions. I have some aerials in you are interested in seeing what the property looked like about six years ago. You can see where the parking area is laid out on the site and how disturbed it was.

MR. SWANSON: Michael.

MR. KAUFMAN:

Thank you, mr. Chairman. Margo I have two questions. One of them is about any possible pollutants existing on the site since there was a building, New York Institute of Technology and the Marion Carll School there at one time, has there been any kind of survey work done over to see there's -- if the County basically is buying a polluted site?

### MS. MYLES:

I know that there is phase one work that was done when the site plan was being reviewed for the new buildings. Where the buildings are located now is essentially where the buildings were when the school was there. They were all on the northern portion of the site. This portion that we're look at now was the parking area, it was a large parking area, about a 100 car parking, and then it was the recreational field area south the that. I do know that there was a phase one done. I don't know if the County has contracted anyone recently to do any follow up.

## MR. KAUFMAN:

The second question I have is regarding the Town of Smithtown access. I come from Smithtown, so I'm a little sensitive to the fact. You said that you had a meeting -- and we discussed this a couple of minutes ago -- regarding people within say half a mile, etcetera, to the extent that the Town of Huntington is also going to be -- or is going to be buying this property in cooperation with the County, if I understand that application correctly, is there going to be any limitation on --

MS. MYLES:

Actually, the County would be purchasing this outright under the Greenways Program. The County will be the owner. The Town will be signing an agreement to -- to improve, to maintain and manage this property as an active park. It will be County parkland.

MR. KAUFMAN: It will be County. So there will be no restrictions on people coming in from the County then. MR. SWANSON: Joy. MS. SOUIRES: Just to -- I Chaired that meeting in my role as Chair of the Town of Huntington Open Space Committee, and we -- it was a huge meeting with probably equal Smithtown-Huntington representation. Our Director of Parks and Recreation assured everyone who was from Smithtown that they would absolutely have excess as would anybody from the County with something that we were -- that the County was purchasing. I have a list of all those people that attended if you are interested, Michael. MR. KAUFMAN: I believe you that people from Smithtown showed up. MS. SOUIRES: The pictures that I'm sending are -- are pictures that I had taken at the site. It's the playing fields that were part of the Marion Carll School. And we're just proposing more playing fields where there were playing fields before. MR. SWANSON: Any other questions? Margo, you will be coming -- the County will be coming back with specific actions as you move along if it's purchased. MS. MYLES: If it's purchased, the town will come back with a fully engineered plan. What we're giving you right now is a conceptual plan, it would have to be approved by the County Parks Department, and we will be working very closely with them. The town would probably bid the entire project out, and our bids specs would be reviewed by the County before we would release them in order to make sure that everything we do fully meets the County's retirements. MR. SWANSON: Any other questions? MS. MANFREDONIA: Just -- so in other words, this will come back to CEQ when you have the final plan. Just a question though, the road that goes to Pep Boys and Ruby Tuesdays, that's already used by the shopping center people? MS. MYLES: Yes, and that will stay open. MS. MANFREDONIA: Okay. Are you -- are you expecting people to park there too? MS. MYLES: No.

MS. MANFREDONIA: They might. MS. MYLES: We're creating our own parking area. MS. MANFREDONIA: No. I see where you're parking area is. I just wondered if there was going to be a walkway from the parking area for Ruby Tuesdays. MS. MYLES: Oh, absolutely, there is. If you look on our conceptual plan, we have a mark where there's a gate that would come in, but we don't expect people to be parking on the roadway there. The roadway is really too narrow, it's single lane either way. MR. SWANSON: Jim. MR. BAGG: Yeah, excuse me, Larry. Basically, the Council has to review this in it's entirety. With a conceptual plan, you can't segment them in terms of acquisition and then plan later on. So you have to review the plan as submitted in terms of impacts now. MR. SWANSON: So we will not have an opportunity later to look at, say, laying design and --MR. BAGG: I assume you could request the Town to come back to give you an overview or put in a neg dec that you want to make sure the lights are directed down and, you know, fulfill the dark skies concept, that type of situation. MS. MARGO: We will not be lighting these fields. MR. SWANSON: Could you tell us in context of EPA Stormwater Two Requirements, what your plans are for this property. MS. MYLES: Not specifically right now. I know that you our engineers do review in compliance with those standards. It's my understanding that in terms of drainage, it's a relatively gradually sloped site, it slopes down towards the southern component of the property. The hard surfaces that are going to be installed would be the multi-use courts and the parking area. I'm certain that they will have to put in special catch basins to control any stormwater management there. But I don't -- as I said, I don't have a specific engineered plan to date. We will incur that cost once we know that County is definitely going to acquire the property. Right now they are, of course, not in

contract yet.

MS. ESPOSITO: I have a question. The EF -- EAF says that for sedentary sewage that it's not applicable, but then on one of the graphics it has the site of a possible future comfort station. MS. MYLES: We left an area on the conceptual plan if that turns out to be a necessity. For a park of this size, which is typically a neighborhood park, we don't normally install restrooms. We don't have any intention of installation them at the outset. We did mark that on the plan as possible area should we find a necessity for it down the road. MR. KAUFMAN: See, this is the problem with the Greenways Acquisition Program in that we're presented with a conceptual plan upfront, we're basically voting it or declaring a negative declaration if that's the way we go, and yet we're not really seeing everything that's going to be possibly going in there. We can try accommodate some of our concerns by placing in the neg dec certain conditions, but I'm not always sure that those are effective given the possible planning choices in the future that might be made. MS. MYLES: The Town will be doing its own SEQRA review before any funding is approved to implement this project. We'd be more than happy to come back to CEQ and share the engineering project with you. MR. KAUFMAN: That's probably the best thing to do. MR. SWANSON: Any other comments? Questions? Legislator Fields. LEG. FIELDS: I have a problem approving some of these things without have a full plan. If this were another activity such as many of the ones that have come before us before, we have sent it back saying, well, you didn't come here with a full plan, and we're not going to look at the full plan -- I mean, we're not going to approve it given a partial plan. So I would -- my vote would be to either vote no or to abstain until I see a complete plan of everything. I don't want to segment it and not look at the entire plan. MS. MYLES: This is -- what we've presented here is entirely what we intend to develop here. What you don't have is an engineered plan which would show your specific grades, any plans for erosion control and what not. And that is an expense that would have to be incurred at this point. I don't know that you have asked the other towns to -- to bring you that kind of information upfront. What we were directed was to give you a conceptual plan. LEG. FIELDS: You have no idea what we've asked the other towns to do. They've come back here several times on lesser plans. So I just don't feel comfortable, you know.

MR. SWANSON: Jim, you had another comment.

MR. BAGG: Basically I think the schematics shows what the town wants to, where they want to put facilities. They have in there a proposed bathroom facility in the future probably. I mean, your review should take that into account an if it's part and parcel of the entire project. I mean, if in the future they want to build a restroom facility, they have to go to the Health Department for a permit. And if it's in conformance with Article 6 of the Sanitary Code, then basically I don't know what the problem is. I mean, there should not be a impact from a restroom facility whether it's there or not. But you should review it, take it into account at this point. MR. SWANSON: Anything else? MS. MANFREDONIA: I'm a little confused at this point. The object now is to purchase this property for active use. Okay. So I'm trying to remember what we did before. What you are saying is we have to have the entire project reviewed now before they can go ahead with the purchase? MR. KAUFMAN: That's what I was basically saying. That's the problem that exists under Greenways. The legislation, if you will, is kind of different that way. MR. BAGG: Well, you have to review a proposed project. I think as the schematic is submitted, I mean, it lays out what they want to do. I mean, whether or not you know what the grade is and whether or not they are going to remove two feet here and put two feet there or what the specifications are or how much black top and how thick it's going to be or where there's going to be curbing, I mean, basically you're concerned with is this project going to pollute groundwater, are there traffic problems, will the, you know, recharge be done or not. And I think you can put those types of things in your negative declaration that they will conform to, you know, Health Department Sanitary Code, that all runoff will be recharged on-site, those types of things in your negative declaration. MR. KAUFMAN: In addition, we've got -- I won't say these are complete plans, but we've got a pretty good idea of what we're looking at. To the extent that the Town of Huntington is willing to abide by this conceptual plan that has been presented to us, and to the extent that we're -whoever makes the motion and we vote upon it, to the extent that we place this is as this is what we're looking at, this is what we're proving, I think that it probably could get through today. You know, we could give a SEQRA recommendation. We know what we're looking at. We obviously can also place further conditions on it; we want them to follow dark skies policy, we want drainage contained on site from any hard surfaces, we want to see a full engineered plan later, etcetera, and if we could put those conditions on, that would make it something

amenable to a -- to a motion today.

MR. SWANSON: Even though Terry is abstaining from the formal discussion, she is going do give us some advice on SEQRA.

### CHAIRPERSON ELKOWITZ:

I'm just going to give you some guidances about what you have to think about. This is not particular to the Greenways Program. This is State SEQRA Law. You are not permitted to do improper segmentation. You can't look at a piece of a project. So the town is correct to come here with a project that includes the acquisition and the project that they are putting forward. It is not typical for, even when you go through an entire DEIS process, that an applicant come with full engineered plans. If there's an issue that a lead agency identifies, for example, with drainages in a DEIS or in whatever the environmental review process is, it's not unusual for you to say we want drainage plans, but to just ask them to come with more detailed plans because it's nice, is not required. If somebody says this is a steeply sloping property, we're concerned about our ability to retain stormwater on site, that's a different issue.

The other thing that I caution you about what you're putting in a -in a neg dec is that if this is not an unlisted action, if it's a Type 1 action -- I haven't looked at it, so I'm not -- I'm not talking about this project particularly -- be very careful that you are not really issuing condition negative dec because you are putting conditions on a project. What I would suggest to the Council is if they have questions about dark skies, you ask Ms. Miles, are you going to be lighting the facility. Ms. Miles would represent to you we are not lighting the facility. So Ms. Miles is offering you mitigation and you are binding the town to that in your neg dec if that's what you choice to do. So it's not that -- you know, someone said it's usual for the Greenways program. It's not unusual for the Greenways Program. This is what SEQRA requires. So, I mean, I don't -- I haven't looked at the details of this and, you know, it's not my issue, but I don't want to see the Council go awry on SEQRA issues.

MR. SWANSON:

Thank you. Any other comments before we go ahead?

LEG. FIELDS:

I have one. I know I heard Mike ask about the ability of other groups to use this facility. But in your application, I guess it is, it states that you will be giving permits to use the property. What's the process if the East Islip Soccer League wants to run a tournament on the property, and they come to the town and say, we'd like to apply for a permit?

MS. MYLES: They would make that request of the Department of Parks and Recreation, who -- I don't know the fee, I know it's a nominal fee.

LEG. FIELDS: Is it the same fee for Town of Huntington as it is for Town of East Islip?

### MS. MYLES:

Absolutely. There would be no difference. And essentially they are looking to avoid any scheduling conflicts to make sure that the facilities are ready for whoever needs them, if they have to be stripped in a particular way or what not for their use. We don't see any really problem down the line. We have not had a site that has been constructed under this program, yet we are working on the final designs for the Knolls Facility, which is the Benjamin Property. And we anticipate we're going to be dealing with exactly the same sort of thing, that will be groups from outside the town that will be requesting use of the facility. And right now our Department of Parks and Recreation is the coordinating agent for that. We have other sites throughout the town that have benefited from funding from other sources, be they state or federal sources. And those, of course, having to be availed to any entity from outside the town depending where the funds originated from. In the cases where we've taken federal funding, we have no restrictions. We have to be able to accept use from outside agencies.

MR. SWANSON: Adrienne.

### MS. ESPOSITO:

What is the Town's policy as far as maintenance of the soccer fields with relationship to fertilizing and pesticide application? I mean, do you have IPM policies that you use? If it's owned by the town -sorry, owned by the County but maintained by the Town, is the property still subjected to the County's phase out program for pesticides?

#### MS. MYLES:

We've stated in our application that we will abide by any restrictions that are applicable for County properties. Clearly, this is going to be County property, so we would absolutely abide. We have our own similar type program for our golf courses right now. Most of our soccer fields are not fertilized. They are maintained right now, we're trying to increase the number of fields wherever we can so that we can start resting fields so there isn't a need to have to put that sort of intensive management into the fields. But it's definitely one of our most needed types of facilities, but clearly, any restrictions the County has on their properties, and I'm sure that will be laid out very clearly in the County's agreement with the town.

## MR. SWANSON: It's my understanding if the Town makes any alterations to your generalized plan, you will have to come back.

MS. MYLES: Yes. To the Parks Department, I understand that that's subject to the Park Department review.

### MS. SQUIRES:

I just wanted to point that over this time period of the -- of Greenways Active Recreation Program many people have come in with proposals and then the proposals have not been able to be executed because of either community anguish or not a willing seller. We have here a community that supports the concept, no lighting because people

in the Town of Huntington have a big fit over lighting. And so there is no lighting proposed here. We have something that is on the corner of Huntington and Smithtown, which would help both constituencies. We have a Legislator, Legislator Crecca, who is not -- we don't think of him necessarily as primarily a Huntington Legislator, who proposed this. And I think it would be an excellent addition to an area that is deficient in active park services and is highly populated. MR. SWANSON: Have a motion? MR. CRAMER: Yeah, I'll make a motion. Based on what was presented here in the conceptual plan, the fact that there is no significant resources on the site and will not have a significant impact, I will recommend a negative declaration. MR. SWANSON: Do I have a second? MR. CRAMER: It's unlisted -- unlisted neg dec. MR. SWANSON: Second? I have a second from Nancy. All in favor? First of all, any other questions. All in favor? Opposed? LEG. FIELDS: Opposed. MR. SWANSON: One opposed. The motion is passed. CARRIED CHAIRPERSON ELKOWITZ: Larry, I'm going to abstain from the next one also, not because I've worked on this, but because I do represent Exxon Mobil. MR. SWANSON: Very good. Do we have anybody here from Exxon Mobil? Step to the microphone and please identify yourselves, please. Welcome gentlemen. MR. SPIELBERG: Good morning. My name is James Spielberg, I'm an attorney with the Law Firm of McCusker, Anselmi, Rosen, Carvelli and Walsh, and we serve as outside counsel for Exxon Mobil Corporation. MR. SWEDBORG: I'm Rich Swedborg, I'm from Geologic Services Corporation, consultant group for Exxon Mobile Corporation, and I'm the project manager. MR. SWANSON: Thank you. MR. SWEDBORG: I have an addendum I'd like to pass to the board members. I'd like to explain. I just passed out an addendum to our January 21st request

for access. MR. SWANSON: Could you pull the microphone a little closer to you. MR. SWEDBORG: Sure. I just passed out an addendum to our January 21st request for access to the parklands. I apologize for getting it to you now. We just received approval on the 12th, which was last Thursday, from the DEC case manager for two additional geoprobe locations within the parks. And what that addendum I just handed out identifies are those two locations. I'd like to just put a board up on the display easel there, it will maybe make life a little easier. MS. ESPOSITO: Is it a total of five geoprobes now that you are asking for? MR. BAGG: Six. MS. ESPOSITO: Six. MR. SWEDBORG: Yeah, there's a total of six geoprobe locations. Only five of the them though will be within the parklands. One geoprobe is located up on the -- along Nesconset Highway, which falls under the Department of Transportation in terms of area excess. MS. ESPOSITO: You expect us to see that? MR. SWEDBORG: Well, I didn't realize the size of the auditorium when we put that together, so my apologies. This is the first time I've sat before a review board like this so. In the in the addendum I have a copy of the revised figure which is up on the board, which is the same. As you can see on this figure, the revised figure, we've added two additional geoprobe points to the south in the parklands. And they are identified as GWN5 and GWN6. MS. MANFREDONIA: I'm sorry, could we back up, because I'm having a hard time figuring out exactly where this is? I assume that is 347. MR. SWEDBORG: Correct. MS. MANFREDONIA: But what are -- what are -- Nick, where are some of the cross streets? Where's Terry Road? Where are we? MR. GIBBONS: Right. Terry Road is just to the east.

MR. SWANSON: Can you point them out on the map there? MR. GIBBONS: Are you looking on the page on the addendum? You have Catherine and Florence, end of Terry Road. MS. MANFREDONIA: Are we near Bow Drive -- or, you know, is this part of where the Hidden Pond apartments are? I'm not -- I'm not --MR. GIBBONS: It's to the west. MR. SWEDBORG: If you'd like, I'd be happy to point it out on the board. MS. MANFREDONIA: Good. Thank you. MR. SWANSON: Please point out where the gas station is. MR. SWEDBORG: To answer your question with respect to the Exxon Service Station, it's located right about here at the end of -- at the intersection of Nesconset Highway and Terry Road. This figure here is the same as I have presented in the addendums, but just in order to be able to see it a little better, I had zoomed in the area down here where we've added two additional geoprobes. What was was due to ongoing discussions with the DEC case manager, Chris Engelhardt, in the, I believe it was the 3rd of February at a meeting, he requested we add two additional geoprobe points down here in this wetland -- in this woodland area. What had happened was it wasn't until last Thursday I received approval from him for the placement of these locations. And with respect to the timing on this meeting, I couldn't -- we didn't have the opportunity to get this information to you prior. However, I did fax out a copy of the addendum to the Suffolk County Department of Parks yesterday as well as also I sent a copy over to the -- Mr. Bagg. Any other questions? MR. SWANSON: I have a question. Presumably these wells are being placed because you have some idea where the plume is, and yet the presentation -- the information that you've given us doesn't give us any contours of concentrations or anything like that. So how do you know where this -- where to place these wells if you don't -- you haven't mapped it? MR. SWEDBORG: Well, we have mapped it. This is an ongoing -- currently, this is a interim remedial action under state oversight guidance. So we have been doing is we have numerous wells throughout the area, and we have -- there is an MTBE plume that extends down along the edge of the wetland area. The reason for putting these geoprobe nests in here is

we don't have any information within the parklands where it has or has not extended beneath the Suffolk County Parklands. So what we need to do is, at the state's request, is to put these geoprobe points in here to gather that data. MS. ESPOSITO: So you are saying -- that the original question that Larry asked, though, is where was the gas station? It's off the map. MR. SWEDBORG: Yes, it's off the map, but I believe I have it on the -- on the -identified on the figure of the addendum that we've provided. MS. ESPOSITO: Okay. And the plume obviously is heading south. What are the concentrations along the border of the parkland and the residential area? MR. SWEDBORG: We have concentrations in various locations. MS. ESPOSITO: Down where you are asking for where the geoprobes would go. Yes, right around there. MR. SWEDBORG: Right in here, we don't have this -- as I stated before, we don't have any information. MS. ESPOSITO: Okay. What I meant was what are the concentrations you have in the geoprobes closest to the park area? MR. SWEDBORG: Okay. We have concentrations that range anywhere from non detect all the way up to approximately 3000 part per billion along the -- one or two of these wells. We have monitoring wells all through the area. But closest to the wetland area, I believe we have one over here that ranges, based on our last reading, I believe it was 3000 or 3200 part per billion. MS. ESPOSITO: Do you have any wells -- any extraction wells along that area? MR. SWEDBORG: Recovery wells? Currently, we've been in the process of installing recovery wells along Tower Place. We currently have three installed here; one, two and three. And we also have another -- we have nine other recovery wells -- I'm sorry, seven other recovery wells already in place on Caroline and on Annette and -- yes, Caroline and Annette also. MS. MANFREDONIA: Could you show me where the river goes under the highway? MR. SWEDBORG: That is not -- it's off of this map. It's approximately, based on scale, I'd say right about here. The Branch Brook itself runs -- I

don't have the -- I don't know the exact distance from the edge of the park, but it extends all the way down over here. MS. MANFREDONIA: Isn't some of this land -- where is the Smithtown portion of this property, or is that only north of 347? MR. GIBBONS: Smithtown-Greenbelt? MS. MANFREDONIA: Yeah. MR. GIBBONS: This is all sort of loosely included under what we call in the department Smithtown-Greenbelt. It is in vicinity of the property you are thinking of north of 347? MS. MANFREDONIA: Doesn't Smithtown own some of this property? MR. GIBBONS: Not what we're considering here today. MS. MANFREDONIA: Not what you're considering today, okay. MR. GIBBONS: We have two County parcels though; one is general parkland and one is the Nature Preserve. And the activities proposed on each is different. So that's really what we need to consider here today. But the town property is to the southwest of what we're look at right now. MS. ESPOSITO: Last question about the -- what is the depth that you are finding these concentrations at approximately? MR. SWEDBORG: From recollection, we have concentrations ranging from in this area, I believe, of about 40 feet into the water table, down to approximately 80 feet. MS. ESPOSITO: And are you finding when you monitor the plume that it's pretty much contiguous as far as depth or it is sinking down further into the water table? MR. SWEDBORG: Within this area, it's fairly at a constant depth, somewhere between 40 to 80 feet. MR. KAUFMAN: So basically, it's in the upper glacials level then? MR. SWEDBORG: That is right.

MR. KAUFMAN: Has it penetrated into any of the layers beneath there? MR. SWEDBORG: Not that we know of. We have wells down to 150 feet that we - we don't have any detections of. MR. SWANSON: What is the rate that it's traveling to the south? MR. SWEDBORG: Groundwater flow, I don't have the -- off the top of my head, I don't have the velocity. We've calculated hydraulic conductivity for this area using an average of approximately 202 feet per day, but that doesn't necessarily apply to our overall rate. Gradient, the groundwater gradient in this area is extremely flat based on the, I believe, it was in our August quartey, we had gradient foot by foot of .0001. Because when gradient flattens out, what we're having is we have a decreased velocity -- groundwater velocity through here. We also have a lot of clay layers and lenses throughout of the edge of this marsh, so that helps -- that slows it down also. MR. SWANSON: It's traveled, just looking at this casually, 2000 or so feet in a decade. MR. SWEDBORG: That may be right. The 2000 feet, that's right in terms of time. MR. SWANSON: But MTBE has only been used for what, 11 or 12 years? MS. ESPOSITO: 1991. MR. SWEDBORG: 1991? I'm not sure. MR. KAUFMAN: Larry, if I may. One the questions I have is regarding the discharge of this stuff once it's traversing -- once it finishes traversing the County parklands. Page four of your original presentation dated January 21st, it says that you are going to discharge a portion of the treated groundwater from the future groundwater remediation system located on the Terry Road property into an existing stormwater drainage system that then will traverse the nature preserve of parkland areas and drain into the Branch Brook. So basically you're going to be putting treated water into the existing stormwater drainage system. How heavily treated is that water? Are we basically going to be pumping stuff that is contaminated underground and stripping out what we can and then putting it in, or are you going to be getting out most of it out or what? Give me the numbers if you could.

MR. SWEDBORG: Okay. With respect to the treatment systems that will be installed, the concentrations will be on the effluent side of -- it will meet groundwater drinking standards of ten part per billion or less, all right? Our goal right now is non detect. With respect to the discharge into the drainage, when we met with the Parks Department back last year, I believe it was the -- November 25th -- we had been -- they asked us to put whatever we could conceivably think we would ever need to use the park for or access for. And that's one of the reasons I had added the potential discharge. There's a culvert stream that comes off the end of Caroline that runs through there should we ever have the opportunity to discharge water, treated water, back into the wetland area. At this point in time, we don't believe we are going to be able to do that, because that requires additional approvals. The main focus today though in our application is the request for permission to install the geoprobe wells as well as the ability to perform the directional drilling underneath the edge of the property. So to answer your question, I hope I have, is at this point, if we were to follow through with our request for discharge into this drainage ditch it would be less -- it would be -- it would meet groundwaters standards.

## MR. KAUFMAN:

Right know I believe that you're stripping the stuff out via an air stripper, no, strike that -- there is some sort of a large structure at the gas station itself right now. I'm not sure if it's an air stripper or not. Is that where most of the treatment is occurring right now and what occurring -- what is going on with the water that is over there?

## MR. SWEDBORG:

Currently, that system over at the station it was shut down. It hasn't been in use in several years under the approval of the DEC. The groundwater treatment system that we're referring to, will be installed up on Terry Road. The Exxon Mobil had purchased the piece of property up here.

MR. KAUFMAN: So it doesn't exist at this point in time?

MR. SWEDBORG: No, it does exist. And we are -- we are planning on reactivating it, but that discharge itself goes to a recharge basin down along -- on Terry road.

MR. KAUFMAN: I believe we have someone from the Town of Smithtown here at this point in time. I think I saw someone in the audience. If I might, Mr. Chairman, can I ask that representative, if he's still here, to make a few comments regarding the -- I wanted to drive in on this.

### MR. SWANSON:

Well, let him come back if he's even here to talk on the subject. One of the thing that concerns me, I guess, is that there's seems to be a lot of technical information that would be helpful that is not included in you analysis. I don't think any of us probably would object to trying to clean up an MTBE spill, but I think there's just a number of technical issues that are not addressed in the application. That bothers me.

phase.

MR. BAGG: Larry. I mean, the proposal before you today, number one, is there are existing wells in town roads that are already set up to, you know, pull out the groundwater and remediate it at the remediation site. What the proposal is here before you, number one, is to hook up some of those wells through that underground drilling and connection below the Nature Preserve Park so that they -- those wells then can transmit the groundwater taken out to the treatment facility. The other things before you are the five hydropunch wells for data collection, that's They are not for pulling out water, they're not for remediation it. purposes, they are for data collection as required by the DEC. The project before you is DEC on an order consent is requiring this to be done. And they are here before you to say can we connect the wells that exist on Town road properties through the Nature Preserve. And that's a lateral underground drill. It's not going above or no trenching or anything else and to put in these five hydropunched wells, which will not disrupt the vegetation on County parkland. It's not Nature Preserve either, they've kept them to County parkland per Whether or not -- what the water quality is, what the groundwater se. curves are, I mean, this is basically data collection and to connect a series of remediation wells at this point in time. I mean --LEG. FIELDS: Can you tell us where the Nature Preserve is, Jim, on this map? MR. GIBBONS: The boundary is on, it's the regular shaped parcel. And then you will see a label property of Suffolk County Parks. To the left of that, that's the general County parkland parcel. LEG. FIELDS: So they are not going to be touching the Nature Preserve. MR. GIBBONS: Well, they are below surface. That's the directional drilling is the dotted line that connects between RW-6 --LEG. FIELDS: And are we being asked to comment on that part of it too? MR. GIBBONS: Correct. LEG. FIELDS: I know that we've discussed in Parks a couple of times the fact that you can't do much on a Nature Preserve. Does this require special legislation in order to let them do that even though it's DEC approved? MR. GIBBONS: We're suggesting that this was a minor temporary use of property with no negative environmental impact, that phase of the proposal today. And the other on the general County parkland was a data collection

LEG. FIELDS: But in order for them to go through the Nature Preserve, what are they going to actually do, walk on the property, they're going to drill? MR. GIBBONS: They're going to drill underneath it. It actually has far less impact then trenching. In traditional, that's how it would normally be done, but with this new technology, we'll be on site to inspect it at the time that it's done. The entire installation take about two days from what we understand. LEG. FIELDS: Is this similar to the cabling that they did under Smith's Point? MR. GIBBONS: Correct. MS. ESPOSITO: But there will be some activity on the Nature Preserve for the installation of the geoprobes? MR. SWEDBORG: No. MR. GIBBONS: No, there won't. The access for the geoprobe site is -- well, for three of them it's cross-Nature Preserve property. And for the other two, it would be all on County property, general County parkland. It requires taking an ATV. MR. KAUFMAN: ATV into a park? MR. GIBBONS: And the Nature Preserve. MR. KAUFMAN: Isn't that sort of like not allowed now a days? MR. GIBBONS: Depends. MR. CRAMER: Where are the wetlands on this piece of property? It's not shown on the aerial. MR. GIBBONS: Essentially all the geoprobe locations are in wetlands. MR. CRAMER: Wooded -- wooded swamp? MR. GIBBONS: Right. Yes.

### MR. SWEDBORG:

That's one of the difficulties with putting these geoprobe points in, and that's one of the reasons we had suggested that in we -- you know, in our request for access that we would use a device such as this. This is a typical what they call a mule. What our intent is, and as I described to Nick -- to Mr. Gibbons and Mr, Bagg, in terms of our intent is to be able to access these various locations. These are --I have a photographs here which we've had in our first submittal that basically identifies and shows the locations of each -- where we plan on putting these geoprobe locations. To get in there, well use whatever means necessary, using planking, plywood. In some areas where we have some light saplings and brush, we'd be able to pull them aside using contractor's netting temporarily so we can avoid any type of disturbance. Once we're all done and once we install these, we'll be able to -- we'll be able to back out the -- this mule. And the only thing remaining will be several geoprobe wells, these clusters that will approximately be -- we're figuring -- anywhere from four to five sandpipes on a foot, anywhere from one to one and a half feet in lengths above the ground.

MR. CRAMER: Is the soil fairly solid so it can support the mule?

MR. SWEDBORG: Well, that's one of the reasons we want to try to get in in the winter time when everything is frozen, the growing season is in dormant stage, we can get in, we can get out, and I don't have to worry about it.

MR. CRAMER: The photos you've taken are done in the winter. The understore, is it fairly parse? It looks like it's fairly sparse.

MR. SWEDBORG: Yes, in the locations that we've selected. I'm not -- I can't identify each type or each species of vegetation, but for the most part this area has some large -- large trees. And in addition, we'd have some sparse understored growth.

MR. GIBBONS: Tom, the Parks Department went out and inspected the sites with an eye towards how much impact there would be in bringing the mule in there, and the understore is very open, and it will easily accommodate the equipment.

MR. CRAMER: Then with going back for data collection, that's just done by foot, walking in and collecting it?

MR. SWEDBORG: That is right. We'll be -- actually we'll be measuring and monitoring these wells by foot access.

MR. CRAMER: Then once you no longer need the wells, what happens to them? MR. SWEDBORG: When the time -- with approval from the County -- with approval from the state that they are no longer necessary, what we'll do is we will remove them, the ones that we can remove by hand, then after that we will -- we will abandon the ones that we can't in accordance with state regulations. They will be cut off at grade. Actually, they will be cut off below grade about a foot, foot and a half, as low as we can go, they will be filled with sand and covered and filled. I believe I put that description in my January 21st. MR. CRAMER: The -- just one thing. The directional drilling, that's about 20 feet below the surface going under the Nature Preserve. MR. SWEDBORG: It's going to range anywhere from eight to ten feet, a little deeper if necessary. Speaking with people who do -- the contractors who do this type of work all the time, that's the depth they said they were going to wind up going. With respect to the trees themselves, almost all the trees that we look through, as we took a walk through and we identified this, they have a relatively shallow root system. MR. CRAMER: And the Park Department will be on scene when this is being done you said. MR. GIBBONS: During the installation. MR. CRAMER: And also when they bring the mule into do the installation of the wells. MR. GIBBONS: Not necessary, unless Council requests it. MR. CRAMER: That would probably have more of an impact on the situation rather than just the directional drilling. You get the mule out there going in the wrong spots, things could --MR. GIBBONS: We're fairly comfortable and confident that it's easy to access the sites without any impact, but we'd be happy to be there. MR. SWANSON: Any other comments from the board? MR. MALLAMO: I have a comment. I think you've given a very sensitive presentation to this problem, but I'm still concerned with we're solving a corporate problem by using parkland to do it. Don't we have some alienation of parkland issues? MR. GIBBONS: This is an order on consent from DEC.

MR. MALLAMO: Does that take precedence over an alienation issue? MR. GIBBONS: I think technically if we pushed it, you know, far enough that it would, but they're coming to us for our approval because it is our property. MR. KAUFMAN: Lance, we're not selling the land or anything. At most --MR. MALLAMO: Yeah, but we are using it for a different purpose. MR. CRAMER: For temporary -- for temporary use. It's not an alienation. MR. KAUFMAN: And frankly, it is trying to protect the parkland if there is some sort of a plume approaching, etcetera, and these monitoring wells pick it up, that's all to the benefit of the park. I mean, it's not exactly a great situation to have Nature Preserve property with monitoring wells in it, but look at the actual purpose. LEG. FIELDS: I would agree with Lance about this. Because when we have talked about other properties in the Nature Preserve, it's been kind of a joke saying we can't even breath on the Nature Preserve. So even though this is a temporary use, I think it sets a precedence to say, well, we'll just kind of overlook it. I think we have to follow whatever rule we have to follow. And I think they should check with Counsel to find out whether or not, you know, this truly is an alienation. MR. KAUFMAN: The Nature Preserve handbook is not necessarily a suicide pact in that we can't do anything to try to protect the parkland. To the extent that a plume is coming over here, and that was caused by Exxon Mobil \_ \_ LEG. FIELDS: I understand that it's for a good purpose, I totally understand that, and I'd love to see them in there and get this out as quickly as they can. I just want to know that the procedure is the proper procedure and it's being done in accordance with Suffolk County Charter and lawfully done. MR. KAUFMAN: Well, at this point in time, we're making a SEQRA recommendation. That would be for the Counsel to the Legislature to finally make any determination. LEG. FIELDS: Well, that's why I asked.

We did speak to the County Attorney, though, on the issue. LEG. FIELDS: I just -- you know, I want to make sure that -- because at some point in time, maybe we want to do a wetland restoration on a Nature Preserve, and that's a temporary --MR. GIBBONS: It's a lot harder. LEG. FIELDS: I'm just saying, it's temporary. So we'd response, well, this is just temporary. Well, so would that be temporary, that manipulating the land for a little bit of a while, and maybe restoring it back to the natural process? So that, you know, the ultimate goal is a good goal, but still we're precluded from doing that because it's Nature Preserve. So would that stay the same? MR. CRAMER: I think you're mixing apples and oranges when using an example like that. What we're looking at is trying to install monitoring wells on the site. And as Mike said, we're here to determine this environmental impact, not necessarily the policy or the -- you know, whether they can do it under the Nature Preserve code. That's something for the attorneys to look, but from an environmental standpoint, I think we're looking -- that's what we have to consider. MR. SWANSON: I'm going to ask that Terry once again, even though she's recuses herself, give us a point of clarification on SEQRA. CHAIRPERSON ELKOWITZ: The point of clarification is that if these gentlemen waited until the order on consent was signed, they wouldn't have to be here. Because if something is initiated pursuant to an administrative order, it's a Type II action. So by virtue of timing, and by virtue I think of the responsibility trying to be shown by the Parks Department, although I'm not going to speak for the Commissioner, she is here for herself, but the reality is when the DEC issues an order on consent and someone is implementing a program pursuant to that administrative order, it is exempt -- it is a Type II action, and it is not subject to SEQRA. MR. CRAMER: In fact, if we wait we could have more of an impact. CHAIRPERSON ELKOWITZ: Well, the reality is if you were to wait and they were to not want to be cooperative, they would walk out this door, get their order on consent signed and never have to deal with any of you again. LEG. FIELDS: Okay. That clarifies my question. MR. BAGG: I'd like to point as well that, number one, this property is under the

MR. GIBBONS:

jurisdiction of the Suffolk County Department of Parks, and it's the Commissioner that makes the decision as to whether or not to proceed or not. This is not a County initiated action that goes before the Legislature. It's up to the Commissioner to make a decision with respect to this and also a classification under SEORA. MR. SWANSON: Speaking of the Commissioner, the Commissioner is as I see at the microphone ready. COMMISSIONER GORDON: Well, I just want to point out that we have had guidance from the County Attorney's Office in this process also, and they are fully supportive. MR. CRAMER: That being said, I'd like to make a motion. MR. SWANSON: Tom, proceed with your motion. MR. CRAMER: Unlisted neg dec based on the mitigation that was presented here. LEG. FIELDS: I'll second that. MS. ESPOSITO: Can I make commentary before you call? The first thing is -- I just want to say that I think when we get these things in the future we need really maps. I have good eyes, and I can't read the maps that where provided to us, which makes it that much more challenging. The second thing is that when dealing with groundwater issues, I have to just repeat what Larry said, we should have contour maps. I would have liked to seen -- have seen an illustration of the flow of the plume, because then you can say to yourself, okay, what is the likelihood of this plume flowing in a westerly direction into this parkland, what's the necessity for the geoprobes, not that -- but it would have been helpful, I think, for some of these folks to have that to answer those questions in advance. Based on the information we have, I think it's very likely your going to find MTBE in those geoprobes, but -- for the future. And the third thing is that you had mentioned that you are going to be remediating and then discharging it at the level of ten parts per billion, is that in writing somewhere? Because the state standard is still 50. Then New York State Health Department is yet to reduce the standard like they've promised for over a year. And if you're going to be remediating at ten, that's -- that's great, but we's hate to see you default to the 50 parts per billion that's still on the state record.

# MR. SWEDBORG:

I believe in the order on consent it will be finalized. It states it will be a recommendation for the concentration of ten. With respect to documentation publicized by the state, ten parts better billion is the guideline. MS. ESPOSITO: But the Health Department hasn't ratified it yet. That's what worries me. New York State Health Department. MR. SWEDBORG: I believe that is the case, but right now we are bound on this project at ten part per bill. Our goal with the system is non detect. MS. ESPOSITO: Okay. Thank you. MR. KAUFMAN: Mr. Chairman, I have one question regarding the motion itself. What appears to be before us today is the drilling of these -- these well systems, these monitoring wells, and also the directional drilling for piping associated with those wells. That's the only thing that we are being presented with officially here today, is that accurate? MR. BAGG: Yes. MR. KAUFMAN: I expressed a couple of minutes ago a great concern about the discharge as a -- as a Ms. Esposito, just be very clear there is no discharge contained in this plan at this point in time. I want to be very clear on that, because if you do want to come back for discharge in the future -- rather, if you do have plans to do any kind of discharge into drainage basins or anything, marshlands or whatever, you would have to come back before this board to review that. I want that to be very much understood, and I think that's something the Council should be very much aware of. MR. SWEDBORG: I'd like to get a clarification on that. You are referring to this wetland area. MR. KAUFMAN: Yes. If you are going to be discharging anything in the future on to County parks, that's what I'm looking at. MR. SWANSON: Do you want to include that in the motion? MR. KAUFMAN: I think that would be a very necessary component of it. MR. GIBBONS: Jim, is that -- was that your understanding of the original proposal? I was under the impression that everything potentially that they are going to be doing on the property was going to come to them upfront here today, the Council, for their approval. MR. BAGG: Well, that's true. But I think we discussed the situation about using the drainage that is in existence. We kind of put that in as an option in a future, but if the CEQ feels that that is not an option at this point in time, and that if that is going to be used in the future, they'd have to come back, they can so state in the neg dec. MR. SWANSON: Tom, would you like to modify your motion? MR. CRAMER: I was under impression that it was all included in this, that you are looking to discharge at this point, that's the reason for the line. MR. SWEDBORG: The discharge into the wetland, what we wanted to use the irrigation line was as a conduit to the Branch Brook. Permission to discharge to the Branch Brook would have to come through the Town of Smithtown and through the wetlands. At this time what I'm looking for is almost like a line item approval. I don't know in the future -- I'd like to at some point in the future have the ability to do that. MR. CRAMER: But you are not showing it on this plan. All your showing is the directional. MR. SWEDBORG: That's what -- in terms of a line item -- right now, this is what we're looking for, we're looking for approval for the geoprobes and also for the directional drilling. MR. CRAMER: Okay. Then I'll amend the motion to include having you come back if you decide to discharge. MR. SWANSON: First and seconded. We have a second on the modification. Okay. Jack. MR. FINKENBERG: Just one last question to the Parks Department. No endangered species here, no possibility of owls nesting, no vegetation that might be endangered? You know that for sure, right? MR. GIBBONS: We never know that for sure, Jack. MR. FINKENBERG: Well, you gave it a good damn look, right. MR. GIBBONS: We were there Friday, before the snow. That's the best I can tell you. MR. FINKENBERG: All this work's going to be done in the winter? MR. GIBBONS: Ideally. We'd like to get it done by the end of March.

MR. SWEDBORG: The geoprobe work I'd like to get before March so we don't have any problems with the equipment going through. The directional drilling will be some time during the spring, but since we're going to be accessing from one roadway to another without having to -- without having to actually go on the park other than the drill bit with some equipment, which will mean someone's walking with a meter, we plan on -- it's not necessary we do this in the winter time. So we will be doing it some time during the spring. MR. SWANSON: I'm going to call the question. LEG. FIELDS: I have a question. Sorry. Jim or Terry, it going before CEQ, we approve it, does it not then go before the Legislature? MR. BAGG: Basically when CEQ makes a recommendation to the decision maker. The decision maker in this instance under SEQRA is the Commissioner of Parks. LEG. FIELDS: Okay. I just wanted to be clear about that. Because when you said March, we don't have a Legislative Meeting, and generally that's the way that we go, is it goes before CEQ then it goes to the Legislature, so okay. So it will go before Commissioner Gordon. MR. SWEDBORG: Folks, thanks very much. MR. SWANSON: Before we move, is there anybody in the audience who wants to speak on this issue? Representatives from Smithtown? I'm going to call the question. All in favor? Opposed? Abstentions? CHAIRPERSON ELKOWITZ: I abstain. CARRIED. MR. SWANSON: Thank you very much. LEG. FIELDS: May I -- I apologize for my lateness, I am still snowed in and had to get a ride here. But I wanted to introduce Roger Podd who is a new voting member of this panel. He represents the Presiding officer's Office. CHAIRPERSON ELKOWITZ: He is not a voting member. LEG. FIELDS: Oh, okay. CHAIRPERSON ELKOWITZ: He is just here representing and monitoring and observing.

LEG. FIELDS: Okay. Thank you.

Proposed Hillaire Woods Addition - Town and County Land Acquisition, Town of Huntington

CHAIRPERSON ELKOWITZ: Margo, I guess this is you, hiding where I can't see you.

MS. MYLES: Now I'm afraid you're not going to be able to see my diagram either.

### CHAIRPERSON ELKOWITZ:

Well, you know what? We all joke about how most of us are over 40 and we often suggest that you bring it up here, you know, bring your microphone or I'll give you mine and you make your presentation from right here.

### MS. MYLES:

Just last year the town and County shared in a land preservation partnership to acquire the Hillaire Woods Park. Hillaire Woods Park is an eight acre park located very close to -- located very close to Park Avenue. Hillaire Woods Park provides a very important scenic can backdrop to many of the historic homes that exist along Park Avenue. It contains steep sloped oak dominant woodland. It is upgradient to regulated freshwater wetlands, and it's a very important acquisition. It was considered basically the cornerstone acquisition for the planned Huntington Heritage Trail, which is a trail that is going to wind about three miles through several other property in the area, around through and incorporate streets as well as off-road trails. What we're before you today on is four parcels that have been proposed for acquisition again with the town and County each providing 50% of the funding in order to provide better access to Hillaire Woods Park. Hillaire Woods is a very steep sloped area, we've got a trial that winds around and through, but it has a very steep gradient from the street access up here. What these four lots will allow us to do is provide a trail head station essentially, a very small gravel parking area that would accommodate maybe six cars, and we'd want to do a little landscaping as well in this area.

There are brand new homes right behind it. Each for of these lots right now has a building permit on it and has Health Department approval. So they can each have a new home on them. We have a willing seller who is very anxious to have this acquisition completed.

He has several offers on the table that are better offers than what the town and County have already brought to the table that he's agreed to. We're very hopeful that you will be support this. We would be putting in some signage, a little bit of buffer landscaping, and really more than anything just formalizing the access point to the trial. Once these four lots are acquired, there's a 50 foot paper road that they front on. The Town would immediately then dedicate that paper road into the park to enhance the park assemblage as well. So we're hoping that this is something that you will support as a neg dec. We feel it's a very vital acquisition to the trail that's planned. CHAIRPERSON ELKOWITZ: Anybody have any questions for Margo? MR. SWANSON: Just as a curiosity, I assume you're paying 350,000 for eight-tenths of an acre, am I correct? MS. MYLES: Actually the total purchase price a 700,000, it's 350,000 each. CHAIRPERSON ELKOWITZ: Four building lots with Health Department approval in the Town of Huntington. Anybody have a motion? MR. CRAMER: Motion, unlisted neg dec. CHAIRPERSON ELKOWITZ: Do I have a second? By Lance Mallamo. All those in favor? Opposed? Abstentions? Larry Swanson abstains. CARRIED. Proposed improvements to CR 12, Oak Street - between Wellington Place and Lake Street, Amityville, Town of Babylon, CP #3301. CHAIRPERSON ELKOWITZ: You have to come much closer. MR. MCVOY: Christopher McVoy, Suffolk County Department of Public Works. Okav. As you can see -- maybe you can't see -- the project is located in Amityville on County Road 12, Oak Street, between Lake Street on the east end, and -- I think it says it on there, but we don't have it labeled -- Wellington Place. CHAIRPERSON ELKOWITZ: Wellington Place and Lake Street. MR. MCVOY: The purpose of this project is to widen the road to place a median in the middle and some cross -- crosswalks. As you can see there's going to be a painted strip median all along the center of the road after it's widened and painted crosswalks. CHAIRPERSON ELKOWITZ: Are there any acquisitions associated with this? MR. MCVOY: No. CHAIRPERSON ELKOWITZ: Are you removing any trees? MR. MCVOY: I don't believe so, but if so, they will be --

CHAIRPERSON ELKOWITZ: Replaced. MR. MCVOY: -- replaced. CHAIRPERSON ELKOWITZ: What about drainage? MR. MCVOY: There's -- I don't believe there's any change to any --CHAIRPERSON ELKOWITZ: The existing drainage has the capacity to handle the widening, is that what you're telling me? MR. MCVOY: Yes. LEG. FIELDS: There is -- on page five, are there any plans for revegetation to replace that removed during construction, yes, install new topsoil and sod on disturbed lawn areas and install new street trees. MR. MCVOY: If they are removed. CHAIRPERSON ELKOWITZ: Does anybody have any questions? MR. MALLAMO: Will there be additional lighting? MR. MCVOY: I don't believe so. CHAIRPERSON ELKOWITZ: Well, you know, the I don't believe so doesn't work. It's either yes or no, because I can't give you maybe a neg dec. MR. MCVOY: No. The only thing -- there are some LIPA poles that will be relocated. CHAIRPERSON ELKOWITZ: Right. But you are not proposing any new lighting that Suffolk County would be installing whether you have to move -- that's the question. MR. MCVOY: No. No. CHAIRPERSON ELKOWITZ: Does anyone have any questions? Okay. I have a motion for an unlisted neg dec. Do I have a second?

LEG. FIELDS: I'll second. CHAIRPERSON ELKOWITZ: I have a second by Ginny Fields. All in favor? CARRIED. MR. MCVOY: Thank you. CHAIRPERSON ELKOWITZ: You're welcome. Proposed radio transmitter site for Suffolk County Police Department, site at Northport Veterans Memorial Hospital, Town of Huntington. CHAIRPERSON ELKOWITZ: Who's here to speak on this? MR. GARDNER: Good morning. My name is Bill Gardner, with the Suffolk County Police Department. CHAIRPERSON ELKOWITZ: Mr. Gardner, before you start, I have to ask you a question. Is this solely for Suffolk County Police Department -- this is for my own purposes -- is it solely for Suffolk County Police Department use? MR. GARDNER: No, it is not. CHAIRPERSON ELKOWITZ: Who else will be using it? MR. GARDNER: Everybody within the Suffolk County Radio Network will have access to CHAIRPERSON ELKOWITZ: Right, but this has nothing to do with private cellular or wireless communication? MR. GARDNER: We are strictly Suffolk County --No. CHAIRPERSON ELKOWITZ: Fine. I just wanted to know for my own purpose so I didn't have to abstain or I did have to abstain. MR. GARDNER: No commercial activity at all. CHAIRPERSON ELKOWITZ: Okay. We're happy to hear your application. MR. GARDNER: What we're trying to do is install a transmitter site at Veterans

Hospital located underneath the existing water tower there. And we're going to hang some antennas on their water tower.

CHAIRPERSON ELKOWITZ: You're going to paint them the same color as the tower?

### MR. GARDNER:

We will do whatever they want us to do. And I'm sure there will be, because they've spent a lot of time and money on their water tower. We have local approval. By that I mean the local administration out of Veterans Hospital has approved it. They have taken our request to Washington and spoken on our behalf. And we are currently in the midst of answering some of those questions from Washington. But this is part of the Suffolk County Public Safety Radio System. We, the Police Department, by contract and by legislative approval are the managers of the system, but there are some 7000 radio uses on that system now, and everyone of those users all have access to this equipment.

CHAIRPERSON ELKOWITZ: Do you know how many antennas you would actually be installing?

#### MR. GARDNER:

We're going to install a minimum of four radio transmitter antennas. Those are straight up and down poles -- or raised, depending on the pattern we get from the water tower. We've done some engineering studies already, but we need money to complete them. But what we've been able to do is we have a very good idea, it's a small four by four panel antenna, and there is a possibility maybe within another year or two, if this site is approved by the Vets Hospital, we'll be hanging two microwave dish antennas, they're four foot circulate antennas. But that right now is the extent of the antennas. They will not go above the water tower, they will be along the walkway on the water tower.

#### CHAIRPERSON ELKOWITZ:

And at least from my perspective, I would ask that if someone's going to make a motion that they be required to paint them a color to compliment the water tower. Are there any other questions?

#### MR. CRAMER:

Motion, unlisted neg dec and also that they be painted the same color as the water tower.

MR. KAUFMAN: Second.

CHAIRPERSON ELKOWITZ: I have a second. All those in favor? Opposed? Abstentions? CARRIED.

Update renovations to the Yaphank Home and Infirmary, CP 1771.

CHAIRPERSON ELKOWITZ: Hello.

MR. EHASZ: My name is Russ Ehasz, from Ehasz, Jiacalone Architects. The gentleman at the easel is James Havrilla also from Ehasz, Jiacalone Architects. Just to summarize, we have received a neg deck on the project, but the people in this room have asked us to follow through after we do working drawings on concern items to make sure that we, in fact, have done what we said we would do. What you see before you is a landscape plan. We have 50 parking spaces that where in front of the existing infirmary. You asked us to eliminate those and push them back beyond the building, and you can see that was accomplished. You also asked us to put burming and landscaping at the main entrance, and you can see that also has been accomplished.

in addition, the windows -- since this is eligible, it is not on, but it is eligible for the historic registry -- to use, in fact, an historic panning window, we have done that. We have specified a gram architectural product. We have extensive details in the working drawing on it if anyone would like to get into details. But gram architectural products, and we have literature on it, has been known as window industry's premise historic preservation specialist. And that's the window that we have specified for this. So we are keeping with what's there. Even though we are replacing the existing windows, we keeping the same panning that is in existence. I believe that is the items that you asked to us follow through on.

CHAIRPERSON ELKOWITZ: We're just going to ask Richard Martin and Lance Mallamo, who are actually the County's historic experts regarding this, to take a quick look. And I'm going to ask them for a recommendation.

MR. EHASZ: The color will be white as the existing building was, yes. Is there paint led -- I'm sorry, was the question is there --

CHAIRPERSON ELKOWITZ:

Wait a minute. Wait. Wait. If we're going to start asking questions back and forth, it has to be on the record, grab a microphone and ask them back and forth.

MR. MALLAMO: I'm asking about the {transim} over the front entry-way, is that -the existing one leaded glass?

MR. EHASZ: I'll be honest, I don't know.

MR. MALLAMO: Does anybody have a photograph of the front.

MR. EHASZ: I do, but not here. No, I don't have it here. We actually have elevations, and we have matched the existing front. Our main entrance will not be the front entrance. We're restoring the front entrance to the way it was before that ramp was slapped on.

MR. MALLAMO: I think the window design is great, it looks fine. I'm just concerned about that one window. If that were leaded window, I would prefer to see the leaded window remain. MR. EHASZ: Okay. We'll follow up on that. That was not one of the items listed, but absolutely we'll follow up. If it is, in fact, leaded, then we will make sure that this is restored and left. MR. MALLAMO: Thank you. CHAIRPERSON ELKOWITZ: Rich, do you have any questions or comments? Then if the Council is satisfied with the responses -- okay. We're doing a SEQRA recommendation, or what are we doing? MR. EHASZ: We have been declared negative dec, but you did want to make sure that some of the things you had mentioned we had followed through on, and we, in fact, have. MR. BAGG: You as the Historic Trust could make a recommendation for approval if you wanted to. CHAIRPERSON ELKOWITZ: Do they need it? MR. BAGG: Well, usually with the County historic buildings, the Historic Trust makes a final approval, disapproval. MR. EHASZ: This is not declared an historic building, though, it's just that it's eligible for it. MR. MALLAMO: It's been determined it's eligible. So I would make a motion that we recommend approval of this design subject to your checking on that front door. MR. CRAMER: Second. CHAIRPERSON ELKOWITZ: All in favor? Opposed? Seconded by Mr. Cramer. Abstentions? CARRIED. LEG. FIELDS: Thank you for bringing that back to us. CHAIRPERSON ELKOWITZ: The next item was -- it's my understanding that Legislator Guldi has requested an explanation of CEQ's Vector Control recommendations for

2002-2003. Those of you who were here understand that this is really a legal issue, that it was not a policy issue, it was not a SEQRA issue, it was a clearly a legal issue. So my response to Legislator Guldi is as follows: We would be very happy to explain to Legislator Guldi the reason why this was done. However, given that there's litigation regarding this matter and given that it was discussed in a Legislative Executive Session, Legislator Guldi should advise us if he'd like to come to the next meeting. I'd be happy to hold an Executive Session. And we'll be happy to explain to him why it was done. Okay. Historic Services.

### MR. MARTIN:

Okay. I just want to report on our Historic Trust Meeting that we had February 13th at Gardiner County Park. And this was to review proposed dedication of Sagtikos Manor and Gardiner County Park to the Suffolk County Historic Trust. We did tour the site, and everyone was in aggreance (sic) at both sides of the property on the north side, which contains the main house and the outbuildings and the south side, Gardiner County Park which was originally part of Sagtikos Manor should be dedicated. And we'll come back to you next meeting with a formal presentation in this dedication. Otherwise, I'd like to just announce that there is a fund raising event scheduled for Sunday on site at Sagtikos Manor sponsored by the Bay Shore Chamber of Commerce to raise funds for the restoration of the site. And it's to take place between 1:00 and 3:00. If anyone's interested in going, I would call the Chamber directly at 665-7003, and it is \$35 a person. And all of these monies will be turned over to the Sagtikos Historic Society who will be going into contract with the County to restore the site. Tours of the main house will be provided in those two hours by the Saqtikos Historic Society. And parking will be accommodated across the street at Gardiner County Park.

CHAIRPERSON ELKOWITZ: Okay. Any CAC issues?

### MS. SQUIRES:

I believe either Nancy or Jack handed out this on Green Peace. It's come to -- Geese Peace, sorry. And I would like to know more about it. I know the Town of Huntington is pursuing this. I've spoken to a representative, but since it's a problem not only for all the towns and a problem for County parks, could we have someone perhaps in the future give a presentation, a brief presentation on this? Or, Jack, can you do it?

### MR. FINKENBERG:

I don't think I'm qualified to do it, but the company that's working with Nassau County would be glad to come and make a presentation. They're going to be coming to the Great South Bay Audibon Society Board Meeting in March. And I have contacts with them, they'd be glad to some and speak to the group.

#### CHAIRPERSON ELKOWITZ:

I actually think that it would be more appropriate -- while I find it interesting, I don't necessarily think I want to take up CEQ time with it -- but I think it might be appropriate, if it's something that the Parks Department would like to hear. COMMISSIONER GORDON: We're actually in the process of -- we've applied for one of the permits from Fish and Wildlife for Suffolk County. CHAIRPERSON ELKOWITZ: Would you be interested in some of your people sitting and if there were a meeting that Jack and Joy could get together? COMMISSIONER GORDON: Sure. Sure. Or maybe even --LEG. FIELDS: Judy, would you like me to invite then to a Parks Committee Meeting? COMMISSIONER GORDON: Well, either that or a Parks Trustees. I don't know what -- you know, what might be your pleasure, but I think either forum. I think the Trustees might be interested in it also. CHAIRPERSON ELKOWITZ: Because I think that's where it's most applicable. We have very little to do from an implementation --COMMISSIONER GORDON: Our thoughts right now are golf courses. You know, but perhaps that can be expanded in the future. My understanding is if you apply for this permit, if the County applies for the permit, that the towns might be able to be sanctioned under -- under our permit. But I don't know the specifics of that, but I believe that that's the case. MR. MALLAMO: Would the Vanderbilt Museum be included in that? They've got plenty of pieces of geese. COMMISSIONER GORDON: Sure. MR. FINKENBERG: If anybody didn't get one of these fliers and wants one, let me know. MR. KAUFMAN: Would a dog run be part of this program? MS. SOUIRES: The god gets rid of the geese. CHAIRPERSON ELKOWITZ: So how are we leaving this? Ginny is going to work with you and you will be kept informed, is that it so that you can participate? Okay. Great. COMMISSIONER GORDON: Actually, we have a Parks Trustees Meeting tomorrow, so maybe I'll bring it up to them and we can move forward from there.

CHAIRPERSON ELKOWITZ: Okay. Thank you, Judy. Okay. We have to do election of officers, so feel free. MR. KAUFMAN: I would like to motion that we reelect Terry as Chairman and Larry as Vice-Chairman for one reason. We have right now Terry's name on the letterhead, and I'd like do save the County money at this particular point in the budget process. So that's my motion, I'd like to --MR. CRAMER: Second. MS. MANFREDONIA: I will second that with a much better endorsement; thank God we have Terry and Larry. I appreciate all your efforts. CHAIRPERSON ELKOWITZ: And I appreciate it as well. MR. KAUFMAN: So amended I will. I like you quys, okay, that's why I'm voting for you. MS. SQUIRES: I'd just like to commend you on your -- on the clarity of all of our SEQRA comments. I think that a few of us have heard such specific and succinct explanations of SEQRA, and it's something that we've been saying for a very long time. And also kind of as an addendum to that, a long time ago, maybe two years, I suggested that you and Tom do a SEQRA workshop in Suffolk County. I still think it's important. I've heard you do it before, and it's something that organizations throughout the County should listen to, your expertise. MR. KAUFMAN: Jack and I had to recently pay to hear that. LEG. FIELDS: Actually, the County did give a SEQRA, the Planning Commission --Planning Department gave a huge seminar, all day seminar -- all evening, I guess it was, and they will be doing that again. And I might recommend that Terry come and do a presentation. I think -- I agree with you. Before I got on to this committee, I didn't really know what CEQ did, and I agree with you that Terry does an excellent job of explanation and clarifying and getting us straight. MS. SQUIRES: And Ginny, when you put the two of them in combination, and I have listened to workshops that they have taught, they fill in the gaps, the SEQRA gaps very beautifully. LEG. FIELDS: I'll make that recommendation, it's a good idea. Thank you. CHAIRPERSON ELKOWITZ: I appreciate all that I've heard today, but I have to tell you, it's

actually a testimony on my pathetic life that I am able to memorize all this. MS. ESPOSITO: Is that off the record? CHAIRPERSON ELKOWITZ: No, it could be on the record. MR. KAUFMAN: Motion to strike that from the record as to Ms. Elkowitz's lack of personal life or necessity thereof. LEG. FIELDS: Stop. She is still taking this all down. MR. KAUFMAN: That's why I made the motion to strike. CHAIRPERSON ELKOWITZ: I guess I get to -- I have a motion and second. All in favor? Opposed? Abstentions? I'll abstain. CARRIED. Thank you. Motion to adjourn. MR. KAUFMAN: Motion made. CHAIRPERSON ELKOWITZ: Seconded? All those in favor. Okay. We'll see you in March.

(\*THE MEETING WAS ADJOURNED AT 11:20 P.M.\*)

{ } DENOTES BEING SPELLED PHONETICALLY