

COUNCIL ON ENVIRONMENTAL QUALITY
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, Veterans Memorial Highway, Smithtown, New York on October 15, 2003.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

James Bagg - Chief Environmental Analyst/Dept of Planning
Penny Kohler - Department of Planning
Richard Martin - Historic Services
Joy Squires - CAC of Huntington
Ralph Borkowski - Department of Public Works
Roger Podd - Presiding Officer's Office
Leslie Mitchell - Department of Public Works
Paul McMann - Department of Public Works
Rich Schneider
Carolyn Fahey - Suffolk County Economic Development
Bob Nelson
Catherine Stark - County Executive's Office

MINUTES TAKEN AND TRANSCRIBED BY:

Diana Kraus - Court Stenographer

(The meeting was called to order at 9:30 AM)

CHAIRPERSON ELKOWITZ:

Good morning. I'm going to call the meeting to order and ask that the members review the minutes of the August 6 and September 17th CEQ meeting. And I'll entertain any corrections that anyone has. Any corrections?

MR. KAUFMAN:

No.

CHAIRPERSON ELKOWITZ:

Then I'll entertain a motion.

MR. KAUFMAN:

Motion.

CHAIRPERSON ELKOWITZ:

I have a motion to accept the minutes of August 6th and September 17th. Do I have a second?

MR. CRAMER:

Second.

CHAIRPERSON ELKOWITZ:

Second by Mr. Cramer. All those in favor? Opposed? Abstentions?
Carried.

MR. SWANSON:

I abstain. I just said I abstain since I wasn't here in September.

CHAIRPERSON ELKOWITZ:

Okay. Correspondence. I have correspondence regarding the 2002 Vector Control Plan Program Continuation. So, I'm going to hold that until we get to that item.

And then I'm going to move on to Recommended Type II Actions. There were no legislative resolutions. There's something that was in our packet this morning regarding a temporary pedestrian bridge. I have a memorandum dated October 7th, 2003 from William Shannon, Chief Engineer of Suffolk County DPW.

"This Department is presently involved in planning with regard to installing a temporary pedestrian bridge to be in use during the two weeks of next year's Open Golf Tournament to be held at Shinnecock Hills Golf Course June 14 through June 20, 2004. As you may be aware this effort will be a repeat of the County's involvement when the U.S. Open was held at this location in 1986 and 1995.

We are requesting that the above project be declared a Type II Action pursuant to Title 6 NYCRR Part six one -- " well this has to be a typo. It says "616.5 (c) (7) and (15) due to the fact that it is a minor, temporary use of land have negligible or no permanent impact on the

environment and involves the construction of a non residential structure with less than 4,000 square feet of gross floor area.

Anybody have any questions?

MR. KAUFMAN:

No. I'll make a motion that this is a Type II Action.

CHAIRPERSON ELKOWITZ:

Okay. I'm just going to check the citation.

MR. KAUFMAN: 617.

MR. BAGG: 617.

CHAIRPERSON ELKOWITZ:

It's 6.7.5 -- I believe it's 617.5 (15). (C) (15). Okay. I have a motion. Do I have a second?

MR. CRAMER: Second.

CHAIRPERSON ELKOWITZ:

I have a second by Mr. Cramer. All those in favor? Opposed? Abstentions? Carried.

Okay. Next we have a tabled project which is proposed alterations to the Criminal Courts Building, Riverhead County Center, Capital Program 1124, Town of Southampton. You might remember that Ralph Borkowski was here last time. And he was asking us for a recommendation for Type II Action. We told him he needed a short EAF, which he's provided. Does anybody have any questions for Mr. Borkowski? If not, I'll entertain a motion.

MR. KAUFMAN:

I'll make a motion this is a Type II Action.

CHAIRPERSON ELKOWITZ:

Motion, unlisted neg dec?

MR. KAUFMAN:

I'm sorry. I will amend that motion. I will make a motion that this is an unlisted action neg dec.

CHAIRPERSON ELKOWITZ:

I have a motion. Do I have a second?

MR. CRAMER:

Second.

CHAIRPERSON ELKOWITZ:

I have a second by Mr. Cramer. All those in favor? Opposed? Abstentions? Carried.

MR. BORKOWSKI:

Thank you.

CHAIRPERSON ELKOWITZ:

Okay. Thank you.

Proposed 2002 Vector Control Plan 2004, Suffolk County. I know Leslie Mitchell is here. I'll also read into the record a letter that I have dated October 14th, 2003 from Matthew R. Atkinson.

"Dear Council of Environmental Quality, I write to comment upon the referenced documents as General Counsel for Peconic Baykeeper, Inc. (Hereinafter PBK).

Thank you for forwarding these materials for my review. The memorandum enclosing the referenced materials also states that enclosed is an Environmental Assessment Form; however, no EAF was enclosed.

I previously commented on the continuation of the 2002 Plan of Work into 2003. Those comments apply equally here, and now with greater force. The County's premise, under the State Environmental Quality Review Act ("SEQRA"), for the Type II categorization of the 2002 Plan of Work into 2003 and now 2004, is that it is a continuation of an existing agency action. If true, the "2002 Goals", found on page 17 of the Plan of Work, are not being expanded. For example, the presently proposed action should authorize no more than a completion of the "cleaning [of] 400,000 feet of ditches." Should "continuation" of this plan be deemed to authorize an additional 400,000 feet of ditch "cleaning," such would be a new project. By analogy, the approval to build a 75 mile highway one year, cannot be deemed to be the approval to construct a new 75 mile highway every year that the original approval is "continued" without new review of what that is: A new action under SEQRA.

Similarly, the pesticide applications described in the 2002 Plan of Work clearly are devised as a one-year program. Its repetition is not a continuation, but would result in the application of harmful pesticides to thousands of more acres of wetlands. Failure to recognize the multi-year impacts of renewing the 2002 Plan of Work year after year, not only segments the Long Term Plan that received a positive declaration, but also fails to address the cumulative impacts of annual applications - a matter not considered in the annual plan in 2002 or 2003; as such, it is not a Type II action under SEQRA.

The proposed resolution should be redrafted to clearly state that the "continuation" is only to finish up the specific scope of work authorized by the 2002 Plan of Work not completed in 2002-2003. Failure to make this clarification indicates that Suffolk County intends to expand Vector Control's activities, a violation of the rule against segmentation and a misapprehension of the term 'action' altogether under SEQRA.

Sincerely, Matthew R. Atkinson."

Ms. Mitchell?

MS. MITCHELL: Hi.

CHAIRPERSON ELKOWITZ: Hello.

MS. MITCHELL:

As you can see, we are requesting continuation of the '02 Plan which you have previously considered and have already issued a recommendation. There are no changes to the plan of work. It is just the 2002 plan that we are looking to continue for our program in '04.

CHAIRPERSON ELKOWITZ:

And the whole idea is you're continuing --

MS. MITCHELL: I'll answer any questions.

CHAIRPERSON ELKOWITZ:

-- an existing program while the long-term program is being developed?

MS. MITCHELL: That's correct.

CHAIRPERSON ELKOWITZ:

Any questions? Larry?

MR. SWANSON:

Yes, I'd like to hear your response to Mr. Atkinson's claim that the existing plan authorizes you to go ahead and clean -- I guess the word is -- additional ditches. And is that -- perhaps that shouldn't be in the 2004 plan given our original guidance that this was a one-year plan. It really was not a provision to expand it due to the way the 2002 year plan was written.

MS. MITCHELL:

What the Plan of Work allows Vector Control to do is maintain existing ditches and not to exceed 400 thousand feet.

CHAIRPERSON ELKOWITZ:

I think you also have to understand that in my opinion Mr. Atkinson is confusing what the action is. The action is the continuation of an existing program as it exists without any modifications. Because as we're all aware, the County is embarking on developing an overall long-term program. And if and when it's ever adopted, the programs that -- the individual work plans for each year would have to comport with that program. But until that overall program is developed and adopted and goes through SEQRA, they have an existing program by which they manage mosquitos. Like it, don't like it, it's an existing program. And what they're here to do is basically to renew the SEQRA for the program that has existed since 2002. Any questions?

MR. SWANSON:

Yes. If I recall we were concerned in the 2002 plan that the ditches not be widened. Are we still guaranteed that that won't be the case?

MS. MITCHELL: Yes.

MR. SWANSON: They're just going to be --

MS. MITCHELL: Maintained.

MR. SWANSON: -- existing width?

MS. MITCHELL: Maintained.

MR. BAGG:

The 2002 plan as you remember was scoped down. And basically it deals for maintenance of ditches. Number one, Vector Control has to go and review the ditch. It has to be shown to be -- breed mosquitos. They have to then check with DEC. They have to check with the Office of Ecology. And if [it's|its] found that it is causing a mosquito problem, then they go in and they remove the obstruction in the ditch. I mean they're not widening the ditch. They're not deepening the ditches or anything else. [It's|Its] strictly a maintenance operation in a specific location that is shown to be breeding mosquitos.

CHAIRPERSON ELKOWITZ: Ginny?

LEG. FIELDS:

Did Vector Control or did we get the permit renewed from DEC?

MS. MITCHELL:

No, it is pending at DEC.

LEG. FIELDS:

So how would they pick a project to maintain it if we haven't gotten a permission yet to do that?

MS. MITCHELL:

Maintenance work, we're not required to have that. The permit is not required for us to do maintenance work.

LEG. FIELDS:

So, at the same time, then, if it's not required, then we also don't go to DEC as Jim Bagg just said to evaluate a project and prove that it has mosquitos in it. We just go --

MS. MITCHELL:

Well, a permit is not required. But I believe that there is constant dialogue between our office and DEC and the Office of Ecology.

LEG. FIELDS:

But it's been or understanding that he just picked and chose a ditch to go to, that he didn't clear where he was going and what he was going to do with DEC prior to what he was doing.

MS. MITCHELL:

I'm not sure I understand your question. Are you asking whether or not every time Vector Control goes to maintain a ditch, do we need to get prior approval from DEC?

LEG. FIELDS: Yes.

MS. MITCHELL:

I don't believe that's required for the maintenance which is basically the removal of tree branches.

LEG. FIELDS:

So what I'm saying, then, to Jim is, that that's not accurate actually; because according to Dominick, that was not the procedure where he was checking with DEC prior to maintaining a ditch.

CHAIRPERSON ELKOWITZ:

No, but my recollection of the exercise that CEQ went through in 2002 before we ever did this, there was so much discussion about ditches that we -- when we made our recommendation to the Legislature, we made a recommendation which I believe the Legislature adopted, which put forth a protocol so that DPW could not go out on its own and decide when there was a mosquito problem in a ditch and when they could maintain it. And I believe there were people -- I don't believe it was DEC because DEC and DPW have the permitting issue. But I believe it was people from the Health Department and Office of Ecology and Parks.

MS. MITCHELL:

It was the Office of Ecology. And we do consult with DEC although it's not required.

CHAIRPERSON ELKOWITZ:

You know why it's not required? Because if you were to get the Wetland Regulations and you were to -- the DEC Wetland -- the Wetland Regulations, and you were to look at it, maintenance of mosquito ditches is exempt from permitting requirements.

LEG. FIELDS:

I understand that. But Jim just stated that prior to them maintaining a ditch, that they are contacting DEC. And that that's part of the procedure. I know that's not part of the procedure.

CHAIRPERSON ELKOWITZ:

I'm saying I think Jim made a mistake because I think that the 2002 -- when we had the discussion here of the 2002 program, I think we discussed the fact -- Dominick did say he's not required to go to DEC for maintenance of ditches. And I think that there was a concern around this table that Dominick or DPW not be the original entity that go out there and decide this, which is why we asked the Office of Ecology to be consulted prior to him going out and maintaining ditches.

MS. MITCHELL:

We do consult with the Office of Ecology. And we do consult with DEC although it is not required. They do not have to issue a permit for us to do maintenance work. But we do consult

with them as we proceed with our water management program.

LEG. FIELDS:

I just wanted to clarify that. I know that that was not correct.

CHAIRPERSON ELKOWITZ:

I just think Jim made a mistake. Because that wasn't my recollection either.

MR. BAGG:

I don't have it here, but I believe that right in the neg dec it specifically specifies how DPW will maintain those ditches.

CHAIRPERSON ELKOWITZ:

It will be easy to rectify. And I hope although I can't speak for them, DPW does what it's supposed to. And if it's not, certainly the Legislature has the ability to enforce against them. But we're here to talk about classifying this action or recommending classifying -- classification of this action pursuant to SEQRA. Any other comments or I'll entertain a motion.

MR. KAUFMAN: I will make a motion this is a Type II Action.

CHAIRPERSON ELKOWITZ: I have a motion. Do I have a second?

MR. CRAMER: Second.

CHAIRPERSON ELKOWITZ:

I have a second. All those in favor, please raise your hand. One, two, three, four. Opposed? Okay. How many opposed? One opposed. And I'm going to have three abstentions, right? I have three abstentions so motion carried.

Thank you, Ms. Mitchell.

Ginny, Larry and Adrienne Esposito. Okay? The abstentions were Ginny Fields, Larry and Adrienne Esposito. I think Jack Finkenberg voted no. And everybody else voted yes.

Okay, item four, proposed donation of properties from Silver Ridge Homes to the Suffolk County Nature Preserve. I'm going to recuse myself actually and turn this over to Larry not because I had any involvement in this, but I worked for Silver Ridge Homes previously.

MR. SWANSON:

Is there anybody here to speak on the matter? Jim, do you want to make any comments concerning this?

MR. BAGG:

Yes. This is a gift of property to Suffolk County from Silver Ridge Homes. It's part of one of those transfer development rights with respect to the Health Department. It is an area that is an

already established nature preserve area. And the County, you know, would accept it as a gift and would be placed in nature preserve.

MR. SWANSON:

Thank you, Jim. Anybody have any questions for Jim? Yes?

MR. FINKENBERG:

Why are they doing this? It's a transfer of development rights?

MR. BAGG:

It's a transfer of development rights. Actually the individual -- the Health Department receives an application from an individual to usually expand a restaurant or something. And if they do not have enough property for the sanitary, they're required to go out and purchase another piece of property. TDR, the credits to the new use or expanded use, and then normally what happens is the individual is left with a piece of property with no development rights. And they usually donate to the County that as a gift.

MR. FINKENBERG:

So do we know what the provocation is? I mean are they building more homes, are they expanding a restaurant? Or what is it?

MR. BAGG:

I believe it's in the application, but that's really up to the Health Department.

MR. KAUFMAN:

Jack, we dealt with a number of these things.

MR. BAGG:

This is a straight gift. The County either receives it in the nature preserve or you don't. I mean, that's the action.

MR. FINKENBERG: Okay.

MR. BAGG:

I believe the Health Department reviews the other things under SEQRA themselves individually.

MR. KAUFMAN:

Yes, the Planning Department has a very vested interest in doing these kinds of programs in that they get ecologically sensitive lands, protected essentially. And in return they don't have to expend any money. And if they've got a program in the area, they're more than happy to take these kinds of lands and allow the TDR to occur. It's a win/win situation for a lot of agencies involved and also for the developer. And, we, again, have dealt with a number of these situations.

MR. FINKENBERG:

As long as they're not building a Home Depot, it would be okay with me.

MR. KAUFMAN:

I don't think they're building a Home Depot on this particular wetland.

MR. SWANSON:

Do we have a motion? Your mike's not on.

MS. ESPOSITO:

Is that better? Is that on? Anyway, the point I just wanted to make is that, they're not building -- just for clarification for Jack's question -- they're preserving the area at the head waters of the Patchogue River and increasing density in another section of already populated Patchogue. So, it's a good deal ecologically and it fits in with other management plans on how to manage tributaries and estuary protection.

MR. SWANSON:

Any other comments? Do we have a motion?

MR. KAUFMAN: I'll make a motion.

MR. CRAMER: Motion.

MS. ESPOSITO: Second.

MR. SWANSON:

All in favor? Opposed? Motion passes unanimously. Madam Chairwoman.

CHAIRPERSON ELKOWITZ:

Thanks, Larry.

Okay. Proposed improvements on CR 19, Patchogue-Holbrook Road between Old Waverly Avenue and CR 65, Division Street, Capital Project 5040, Town of Brookhaven.

Hello. Grab a mic.

MR. McMANN:

How's that; better?

CHAIRPERSON ELKOWITZ:

It's wonderful.

MR. McMANN:

All right. I'm going to introduce you to the CR 19 improvements project, the limits being Old Waverly Avenue to Division Street, which is south of Montauk Highway.

CHAIRPERSON ELKOWITZ:

Can I interrupt you? You may remember that many of us are over forty. Can you pull it closer?

MR. McMANN: Yes.

CHAIRPERSON ELKOWITZ:

Yes, much better. And you won't hang yourself with the microphone either. Thank you.

MR. McMANN:

Okay. Where were we? Okay. I'm going to introduce this project. [It's/Its] an intersection improvement and corridor aesthetic enhancement. The limits are Old Waverly Avenue, continuing south-easterly to Montauk Highway. Then on the back sides of these sheets I have -- we're going down to Division Street.

The main objectives of this project is to improve the hazardous conditions at this intersection and provide park-like setting of an increased buffer area at the Patchogue Lake section. And also some of the other objectives are going to be to improve the quality of the storm water that's currently discharging into the Patchogue Lake unabated.

So let me just go over the existing conditions. Through the corridor currently this is a free-flow intersection. The level of service is currently operating at an "F" during -- you know, failing during peak hours. There's also an accident rate which is significantly higher than the County and State average for a similar road. And additionally we have two through lanes, a median in each direction, continuing south. Then we go south of Montauk Highway, it's also a two-lane in each direction with the center turning median.

We did a traffic study. And it currently indicates that we can remove a lane in each direction. And we'll still have a level of service of "C" or "B" in twenty years from now; twenty-year buildup. So with that being said, we can eliminate the northbound roadway, convert the southbound roadway with a moderate widening into two-way roadway with provisions for left-turning vehicles. And then the north roadway would be eliminated.

If we eliminate this roadway, we can create a park, you know. This is all adjacent to the lake. And then there's currently the existing drainage flow. There's two discharge points, which flow directly into Patchogue Lake directly off the roadway. No treatment. It's catch basins, existing pipe. And there's no provisions for any water quality improvement.

What we propose to do is modify the existing network to accommodate the [knew/new] roadway alignment. And we're going to install a series of settling basins. And furthermore, that's going to accommodate a minimum of two inches of storm water. And subsequent to that discharge, we're going to install storm water mediation units. And that's going to be capable of treating another two inches of storm water after it's settled.

There's also going to be aesthetic improvements in this park. It's going to be intergrated with Patchogue River Walk Project. So we're going to install decorative benches, trails. It will be good use for pedestrians, bicyclists, joggers. And then the roadway itself, the shoulders are going to be wide enough and, you know, it's going to be able to accommodate bicyclists. And it can be

assigned accordingly as a bike road. So that's the north section of the project. Let me show you the south briefly.

Okay. South of Montauk Highway, all we're strictly doing here is re-striping the roadway to eliminate a through lane and install the center turning -- actually there is an existing turn lane. What we plan on doing is installing some planted medians where there's really not a need to make left turns. It's going to kind of serve as a gateway to the Patchogue River front area.

Okay. Does anybody have any questions on this?

MR. KAUFMAN:

Yes. If I may, Madam Chairwoman, let's see. Regarding the area of reconstruction by Patchogue Lake, you said that you're going to be able -- you're going to try and contain two inches of rain fall and run-off, etcetera. What's the ground water level in that area? I mean --

MR. McMANN:

Ground water varies. It's a variable according to the amount of rain we get. But generally it's between zero to three, five feet or so.

MR. KAUFMAN:

I mean you're essentially adjacent to the --

MS. ESPOSITO:

Zero to ten. Zero to ten.

MR. McMANN:

Zero to ten. That's the way the form's set up. According to the latest well readings, which were done a while ago, ranked five to six feet or so.

MR. KAUFMAN:

My question obviously is directed towards whether you're really going to be able to contain that water; that amount of water.

MR. McMANN:

Well, it would depend -- depending on -- it could fluctuate. We're going to install leaching basins. We are -- the bottom elevation of this -- these swells will be higher than ground water so it's not going to be a lake we're creating. And with the amount of area that we have, we're going to design it based on the highest ground water level.

MR. KAUFMAN:

About how many structures are going to end up over there? Along the -- adjacent to the lake?

MR. McMANN:

Adjacent to the lake?

MR. KAUFMAN: Yes.

MR. McMANN:

Two or three environmental settling basins. And you'll have two to three leaching basins in each one.

MR. KAUFMAN:

Thank you.

CHAIRPERSON ELKOWITZ:

Ginny, did you have a question?

LEG. FIELDS:

What are you planting in the medians and in the park area?

MR. McMANN:

Probably in the park area adjacent to the lake we would have typical ornamental street trees. In the medians we would want to have low-growth plants so it's not going to --

LEG. FIELDS:

Are they native species?

MR. McMANN:

Everything would be indigenous, native species.

LEG. FIELDS:

And not to be maintained or watered?

MR. McMANN:

Well, the County, you know, obviously we do our own road-site maintenance.

LEG. FIELDS:

Because that's a problem, for instance --

MR. McMANN:

Sometimes with Village Chamber of Commerce's we -- our maintenance, we do not allow, I guess, a Chamber of Commerce, a Civic Association to do -- plant in medians because it's a liability issue for the County. So what we try to do is, we'll install Junipers, we'll -- you know, it will be designed by a landscape architect, of course. But a lot of medians you'll see, a Civic --

CHAIRPERSON ELKOWITZ:

Are you striving for low-maintenance vegetation, though? Is that what you're --

MR. McMANN:

We're striving for low-maintenance vegetation, low growth, you know, so it's not a visual safety hazard. In the park area where people are not going to be exposed to the traffic conditions, then, a civic group can, you know, they can do their annuals, perennials. But it's a dangerous liability issue for the County.

CHAIRPERSON ELKOWITZ:

Any other questions?

MS. ESPOSITO:

Two questions. One is, are you coordinating this upgrade with the Patchogue River -- River Front Revitalization Committee?

MR. McMANN:

We've actually coordinated with their design consultant. And there's on-going coordination efforts with Legislator Foley and the Village itself.

MS. ESPOSITO:

Okay. So you have been working with the Village? Because this is in the Incorporated Village.

MR. McMANN:

Oh, I know that.

MS. ESPOSITO:

Okay. No, I know you know. I was just saying --

MR. McMANN:

Yes.

MS. ESPOSITO:

-- they have their own consultant and ideas of what the area should look like. But you're coordinating.

MR. McMANN:

Right. A lot -- a majority of the River Walk Project is off -- is off this project, but the area fronting the lake is where we want to -- we're going to coordinate, you know, the final design. We'll coordinate the final aesthetics area in the lake front because that is going to be adjacent to the river walk.

MS. ESPOSITO:

Okay. And I just want to make sure I understood you. So the maximum rainfall that would be mitigated through these improvements would be a two-inch rainfall.

MR. McMANN:

Two-inch -- it varied. This year we had a much higher water table. We could have another year where we hardly have rain. That's going to be variable. But our goal is to store two inches; then furthermore install the storm water treatment units which will treat at least two inches. Even if we didn't -- even if we didn't have the capability of storage, we're still treating two inches plus of water when currently there's nothing being treated.

MS. ESPOSITO:

Right. Right. Now, last question, have you coordinated the traffic flow with the projected increase in traffic flow, which people are saying there will be with the Briarcliff College that will be located right there? I'm just concerned about this elimination of two lanes as someone who takes the road every day.

MR. McMANN:

Okay, that's a valid question. But our growth projections are based on the LITP 2000, which is a study done by the New York State DOT which --

MS. ESPOSITO:

I know, but that was done prior to a change in the [sight|site] there.

LEG. FIELDS: Prior to Swezey's leaving.

MS. ESPOSITO:

Yes, and Briarcliff coming in. As a large college, they want to have dorms in the area now.

MR. McMANN:

We still projected over a 25% growth rate. Their growth rate is not going to exceed 20% of the whole Patchogue area.

MS. ESPOSITO: It could. God, we hope so. I mean --

MR. KAUFMAN:

You may want to ask Wayne {Hugolich} who was the Chief Planner at DOT for the LITP about the growth factors for that particular area. He also may be able -- the computer model is in place right now. He may be able to calculate in the additional growth factors for Briarcliff, etcetera, the additional usage factors. The model that was developed is discreet enough now days that you can look at half mile segments and things like that. I know. I worked on the modeling and on the LITP. So he may have some information for you. I'm not saying it will necessarily change your mind or anything, but something to look into.

MR. McMANN:

It could be. We could see if it's going to drastically affect the significance. But currently this is operating at a level of service "A". There's -- twenty years from now it's going to be operating at the worse case scenario level of service "C".

MS. ESPOSITO: Okay. But some of us don't know what that means.

MR. McMANN:

Okay. There's basically -- I'm going to introduce to you Rich Schneider from LKME. He's coordinated the traffic study on this project. So, Rich, if you'd like to give a brief explanation on the level of service? It's basically "A" through "F"; "A" being constant -- "A" and "B" are pretty much free flow conditions. Level of service "F" is a complete failure.

Our goal is at the minimum a level of service "D", which will be, you know, some minor congestion during peak hours.

MS. ESPOSITO:

Some of us like "A".

MR. MALLAMO:

But by the same token, I can see as a college -- I've been on this strip and it's a drag strip at times. And now college kids coming around those curves, you may want to have some traffic common techniques put in there. And I would think that the department store handled enormous volumes of traffic.

CHAIRPERSON ELKOWITZ:

No. But whether they handled it or they didn't, you design for a certain flow. It's not -- it's not actually what they handle. The Institute for Transportation Engineers have trip generation factors for retail use sales and colleges. But before we answer the question, why don't we let the Traffic Engineer, unless you have a question.

LEG. FIELDS:

I just have a question for anyone. If we know how many students Briarcliff is predicting. Does anyone know what that plan was?

CHAIRPERSON ELKOWITZ: I don't know.

MS. ESPOSITO:

I just know they were talking about combining two different campuses into the one there, which is why I even raise the question. I mean I think some water mitigation is terrific. Patchogue Lake greatly needs it. I am concerned, you know, about traffic, though, because we're going to have increase. And frankly, you know, there wasn't any traffic going into the Swezey's Store. So I'm not really sure we understand the magnitude of what this is going to do here.

MR. McMANN:

Another point to consider is should down the road, if it did occur that there was starting to become some difficulties, some lower levels of services that are less desirable, we could have -- there could be a capacity improvement project again. But clearly the intent of this study was to introduce traffic calming measures and improve the storm water quality. We're trying to create a park-like setting and introduce traffic calming.

CHAIRPERSON ELKOWITZ:

But I think many of us here are interested in what you designed for, which might address the question, might now. So maybe we could just hear what you used to design -- you need a microphone and you need to identify yourself.

MR. SCHNEIDER:

You know, we're talking about level of service "A", "B", "C."

LEG. FIELDS:

You have to identify yourself for the record.

MR. SCHNEIDER:

My name is Rich Schneider. LKME Associates.

The level of service "A", "B" or "C", I mean they're all very good levels of service. We usually design for either "C" or "D". "A" would be at an intersection; almost delay -- no average delay at all. "B" might be a 5 to 10 second average delay. And "C" might be a 15 to 20 second average delay. So, I mean for Long Island, "A", "B" or "C" is a very good level of service. These levels of service that we -- that we're looking at is for twenty years from now. So --

CHAIRPERSON ELKOWITZ:

Right. But I think the question was, when you did your projection of a 25% growth rate -- is that what I heard?

MR. SCHNEIDER:

Actually, it's -- it's really 40. We did 2% -- the LITP recommended 2% per year in this area. Based on looking at all the vacant land and all the types of development you could have --

CHAIRPERSON ELKOWITZ:

Right. But given all the types of development you could have, I think that what Adrienne was asking is, was the transformation of the under-utilized Swezey's to a college campus considered in there? I think that was the question.

MS. ESPOSITO: Yes, right.

MR. SCHNEIDER:

No, it wasn't. Because we only found out about Swezey's only recently, so that didn't actually go into this.

CHAIRPERSON ELKOWITZ:

Okay, but then the next question is, you're a traffic engineer. In your expert opinion, is this designed sufficiently to handle the campus traffic associated with Briarcliff?

MR. SCHNEIDER:

In my opinion, I believe, yes. I believe, yes. Because we took 2% a year, which was recommended by LITP for 20 years at 40% increase in traffic, which is a big increase. So, you take the traffic you have today, increase it by 40%, that's a large increase. I don't think you're going to get that type of any -- you know, the college won't -- will be a small part of that, but it's not going to be anywhere near 40 -- you know, anything major. So I believe, in my opinion, that it won't have a great -- a major impact. The store itself would have been considered to be drawing more traffic probably than it did. So I think the LITP would have considered that also, you know. So that would be my opinion on it.

CHAIRPERSON ELKOWITZ: Okay. Larry?

MR. SWANSON:

I'd like to make a motion that we table this until we find out a little more specifically what the impact to the college might be on the traffic flow.

CHAIRPERSON ELKOWITZ:

I'll take a second; and then I want to discuss it.

LEG. FIELDS:

I'll second it.

CHAIRPERSON ELKOWITZ:

I have a motion and I have a second. But then I want to discuss it. What are you asking these people to do? Are you asking them to go back and do a trip generation estimate for Briarcliff College, compare it to what a maximum retail use -- because that's what they would have done. They wouldn't have done Swezey's. They would have done a retail use at that location. And then tell you whether or not based on those calculations the growth factor that they used is adequate to address the Briarcliff College? Is that what we're asking for?

MR. SWANSON:

Yes. And, you know, basically it bothers me, for example, that you say if it shows that we have under estimated, that we will come back to you and do an expansion. Well, if you do a little upfront planning, in fact, maybe we can avoid the eventual expense of having to expand it.

CHAIRPERSON ELKOWITZ:

That bothers me, too. I agree. Do you understand what they're asking you for?

MR. MALLAMO:

And I will add, that although this looks like a good project to me, by putting that north lane back into parkland, I think whether it's your intent or not, it can be viewed in the future that this is parkland and cannot be used for a road-widening project. So, I think we should look at this a little more carefully. That's going to be -- could be construed as an alienation of parkland. You would have to --

CHAIRPERSON ELKOWITZ:

Well, you'd have to dedicate it as parkland, though.

MR. MALLAMO:

Well, it's not required to dedicate it as I understand it. It's used as --

LEG. FIELDS:

You have to use the microphone.

MR. MALLAMO:

It's my understanding if you use land as parkland or indicate it on a map --

MR. McMANN:

It would not be dedicated to Department of Parks.

MR. MALLAMO:

Well, what I'm saying I don't think it has to be dedicated.

CHAIRPERSON ELKOWITZ:

Would it be shown on the maps as right-of-way?

MR. McMANN:

It would be -- it would just be our right-of-way --

CHAIRPERSON ELKOWITZ:

And it would be shown and identified --

MR. McMANN:

-- for our use and --

CHAIRPERSON ELKOWITZ:

-- as roadway right-of-way?

MR. McMANN:

Correct. There would be no change in any mapping. It would not be required.

MS. ESPOSITO:

Yeah, but you know, we shouldn't lose -- Lance's point is once it becomes parkland, and then whether it's dedicated or not, to tell a community we're going to take that parkland and make it a road 10, 20 years from now, will probably not be the most -- or the best place you can find yourself. So if we could avoid that situation --

MR. MALLAMO:

I think you could make a case that if the community's used to seeing it as parkland, and it's treated as parkland, and then suddenly it's not parkland anymore, I just -- I think we should look at this a little bit closer.

LEG. FIELDS:

It's not only that. But I think that what we need to consider, too, is this is taxpayer money. And if you're going to go through all the effort to take away road and make parkland and suddenly find out that Briarcliff has tremendous impact, and you have to take that back again, then, we have to look at the taxpayers to repay for something that could have been looked at right here and right now or next month. So I would agree that we should table it until Briarcliff has some kind of input of what they project for students and how much activity they're going to have.

CHAIRPERSON ELKOWITZ:

So you understand what you're being asked for?

MR. McMANN: Yeah.

CHAIRPERSON ELKOWITZ: Okay.

MR. McMANN:

We'll come back with some traffic counts.

CHAIRPERSON ELKOWITZ:

We have a motion, we have a second. Well, you're going to come back with --

MR. McMANN: Well, we'll look into the situation since you're going to table it.

CHAIRPERSON ELKOWITZ:

Okay. We have a motion, we have a second. All those in favor? Opposed? Abstentions? Carried. Thank you.

Proposed Gabreski Airport infrastructure construction of a commercial/light industrial park, Westhampton, Town of Southampton.

MS. FAHEY:

Good morning. Carolyn Fahey, Suffolk County Economic Development.

The project we have before you today is approval for the construction of the new interior network for the industrial park at Gabreski Airport. CEQ in approving of the last master plan updates that was prepared approved the industrial park in concept, but required the Department to come back to you with each phase that we decide to go through.

We did come back to you last year asking for approval for planning and design money, which you made the determination to go ahead. And based upon that, we have had DPW contract with Nelson and Pope to prepare the interior road work. With me today to talk about the specifics is Paul McMann, again, Senior Civil Engineer with DPW and Bob Nelson from Nelson and Pope, the contractor who prepared the plans.

MR. McMANN:

Okay. This project, as you're all aware, it's a lease lot industrial park re-development. DPW was contacted to develop the internal roadway network. So what we're proposing to do is provide a single main entrance to the airport industrial park lots. And the main -- and the Air National Guard. There's -- currently the existing conditions out there are existing roads, some buildings that are being demolished by the Buildings Department at DPW. What our proposal plans to do is regrade the lots, creating a developable area and construct internal roadways and provide positive drainage throughout. This drainage system that we have designed in here will accommodate a 5-inch design storm. And the roadway -- the roads have been designed for WB 50 vehicles, ME trailers. Everything has been approved for that.

Does anyone have any questions on this?

MR. KAUFMAN: Madam Chairwoman.

CHAIRPERSON ELKOWITZ: Yes.

MR. KAUFMAN:

The buildings that are being knocked down, if I remember correctly, someone had come before

CEQ in the past and we had looked at these in terms of a historic aspect. And I think these were the buildings we determined did not historic impact.

MR. McMANN:

There's no historical significance to any of these buildings.

MS. FAHEY:

We do have in writing from New York State that they did a quick review. You do have it on file. You've acquired it before you approved the planning.

CHAIRPERSON ELKOWITZ: Right.

MR. KAUFMAN: Then my memory is correct on that.

CHAIRPERSON ELKOWITZ:

I have a question, though. I have a plan in front of me that's called Lease Plan prepared by Nelson, Pope. And it shows me a road network. And it also shows me 15 lots?

MS. FAHEY:

The lots that you see, Chairwoman, are potential lease lines. We don't know what the lease lot sizes or dimensions are going to be until we have actual users who are ready to go into contract and to sign leases. That was a preliminary layout just to give us an idea of how we might lay out the lots. It really is just conceptual.

CHAIRPERSON ELKOWITZ:

Yeah, my question, though, relates to the level -- the SEQRA review and what we're actually looking at and what we should be looking at; whether we're just looking at the impact of building this road, or whether we're looking at the impact of building this road for the future development of 15 lots in an industrial park.

MS. FAHEY:

It's presented really just for the roads. We might have a single user. We have various different types of interest for the property. Each use would come back to you again. But we have designed the roads to accommodate any potential multiple use.

CHAIRPERSON ELKOWITZ:

I'm concerned about this and actually I'm going to look at Tom for a minute. I'm concerned about this more from a segmentation perspective than I am for what your -- you know, what your actual use is.

Tom, my question is, if you look at the Lease Plan prepared by Nelson and Pope, it shows you -- the project is being presented as the construction of the internal roadways to allow the future development of this industrial park. And, as we've been told and I understand this, of course, they've laid out potential for 15 lots. They have no users. They don't even know if this will ultimately be the sizes. And my concern was, if you look at the CAF, the EAF tells you there's

not going to be any sanitary waste, there's not going to be water use, there's not going to be any of that because we're looking at the road. But I'm just a little concerned about the procedure.

MR. CRAMER:

I think with EAF, you could you certainly -- with EAF you could certainly lay out the potential, the maximum flow that could be done.

CHAIRPERSON ELKOWITZ:

My question is, do we have to? And if we don't, is it improper segmentation? I don't necessarily want this to be a conversation between the two of us. I'd like to hear what people have to say.

MR. CRAMER:

Well, I think if I was filling out EAF, it would have the maximum flow that would be the potentially -- you know, it's 300 gallons per acre.

CHAIRPERSON ELKOWITZ:

Whatever it is, right.

MR. CRAMER:

Whatever it is. I mean that's the maximum that could take place on there.

CHAIRPERSON ELKOWITZ:

My concern is that this is improper segmentation to just look at mapping roads, and not look at the development potential that goes along with that. Anybody else have an opinion?

MR. CRAMER:

We're not necessarily even showing the lots; just showing the roads.

CHAIRPERSON ELKOWITZ: Correct. It creates --

MR. CRAMER: Then the next phase would be --

CHAIRPERSON ELKOWITZ: Jim?

MR. BAGG:

If I might point out, this project really has a dual purpose. This is not only for the industrial park per se. But the main road is for access not only into the industrial park, but to the administrative buildings and to the rest of airport. The other road is to channel the traffic into -- through one gate into the Air National Guard facility, which is currently in existence.

The other part to the -- I guess it's south -- would be designated for industrial park use. Also, in the past the Council reviewed in this area, the construction of a sewage treatment plant.

CHAIRPERSON ELKOWITZ:

Right.

MR. BAGG:

And that plant was designed not only to service the airport, the airport administration, the Air National Guard, but also the build-out of the industrial park.

CHAIRPERSON ELKOWITZ:

Right. But my concern, Jim, is that, at least since I have been here, I don't ever recall evaluating the impacts of the overall development of this industrial park. And while you may be 100% accurate in what you just said, if you read the first paragraph of the project, it says the proposed action is the construction of the access drive infrastructure improvements for the redevelopment of 58.6 acres of existing developed airport properties for an industrial parkland at the Francis S. Gabreski Airport. And it goes on and on. And, then, you know, it talks about orderly redevelopment of the existing developed area at the airport, rental income, providing jobs, you know. So to me this sounds like a redevelopment project of 58.6 acres. And this is one phase of the overall redevelopment of an industrial park.

MR. BAGG: No, I understand that.

CHAIRPERSON ELKOWITZ:

And I think it flies in the face of SEQRA compliance to say today I'm going to look at the roads; and then when they have a user for lot 1, we're going to look at the impact of lot 1. And when they have a user for lot 15, we'll look at the impact for lot 15. I don't know any development project on Long Island that does that.

MR. BAGG:

No. Right. I mean I assume you could put the sewage -- the projected sewage in there and say it's going to be handled by the plant.

CHAIRPERSON ELKOWITZ:

Well, you could say this is maximum development, whether it's 15 lots, 5 lots. This is -- obviously somebody came up with a logical lot layout, whether it actually goes like that. I don't think I've had a project that I've worked on in the past 20 years that it's gone the way it's been proposed.

MR. SWANSON:

Madam Chairman, as much as it pains me to do so, I think I have to agree with [your|you're] analysis.

CHAIRPERSON ELKOWITZ:

Why, because you don't want to agree with me? Or you don't want to have DPW do more work?

MR. MALLAMO:

This is like the Yaphank County Center all over again.

CHAIRPERSON ELKOWITZ:

Exactly; right?

MR. SWANSON:

I guess the question is now really what we should be asking them to do.

CHAIRPERSON ELKOWITZ:

I think that they have to -- my suggestion would be that they have to do an Environmental Assessment Form that evaluates the impact, not only the provision of those roads, but the maximum development of this acreage. You know, it's a theoretical maximum development. I'm sure, you know, Nelson and Pope is very familiar with these kinds of things. They do them for a living.

MR. McMANN:

Let me just -- I have a question.

CHAIRPERSON ELKOWITZ: Sure.

MR. McMANN:

The intent of this particular project was to construct the internal roadway network.

CHAIRPERSON ELKOWITZ: Right.

MR. McMANN: Independently of --

CHAIRPERSON ELKOWITZ:

Yeah, but it's not independent. It's not independent. Because if you didn't have intentions of developing the acreage as an industrial park, you wouldn't be building the road. So, they're related.

MR. McMANN:

Okay. So what are you asking us to do? Project how many lots are going to be developed?

CHAIRPERSON ELKOWITZ:

And how much sewage you would generate, and whether it would go to a sewage treatment plant, how much water you would use, how much clearing you would do. And, you know, I'm going to defer to Mr. Nelson who I know knows how to do this. I'm sure he'll be happy to provide guidance to you.

MR. McMANN:

Okay. Bob, is there anything you'd like to add to this? Do you have any specific questions for Bob?

CHAIRPERSON ELKOWITZ:

I don't have any questions at all. So I'm going to entertain a motion to table, I assume?

LEG. FIELDS:

Motion.

CHAIRPERSON ELKOWITZ:

I have a motion to table. Do I have a second?

MR. KAUFMAN: Second.

CHAIRPERSON ELKOWITZ:

All those in favor? Opposed? Abstentions? Carried. If you have specific questions, you can call Jim. I'm sure he knows. Okay?

All right. Other business. I have a piece of other business that Larry Swanson informed me about; and that is that we should congratulate Adrienne Esposito because it's my understanding that she'll be very soon receiving an award from LIU in Southampton. Except I don't know exactly what it is so maybe you should tell us all.

MS. ESPOSITO: I know you're all very excited about this.

CHAIRPERSON ELKOWITZ: Excited enough to mention it.

MS. ESPOSITO: It's simply Environmentalist for 2004 in the non-profit sector.

CHAIRPERSON ELKOWITZ: Well, congratulations.

MS. ESPOSITO: Thank you. I mean 2003.

CHAIRPERSON ELKOWITZ:

Okay. Historic Services.

MR. MARTIN:

Okay. Just to give updates on activities at the various properties, the Deepwells Fall Fair was successful this year held on Monday, this past Columbus Day. We had over 2,000 people. And we had a great day. And that weekend's working out perfect for us. We had it scheduled for Sunday. We were able to call the rain date and then push it up to Monday, which just works out perfect. And the community, I hear on Sunday even though the news of the rain date, they were still circling around hoping it was going to be open. So we definitely have an audience that loves that event.

The Holiday Show will be opening on Saturday, November 8th. And that will run for two months. The opening party for that event is November 12th starting at 5 o'clock. And you're all invited. You'll be sent invitations, but just mark on your calendars you'll all be invited to that event. And that we got a great turnout for that.

At Sagtikos Manor this Sunday, October 19th, we have a garden cleanup that's sponsored by the Sagtikos Historic Society. And that will run between 10 and 3. And they've been very successful in getting volunteers to work on the landscape. And this is a lot of obvious cleanup. They've titled it a designing day. And they'll be pulling the vines off the trees and cleaning up the brush and the gardens.

Down at Meadowcroft in Sayville, Bayport Heritage is sponsoring a house tour also on Sunday, October 19th between 1 and 5. And this will go through 6 homes in the neighborhood and will

originate at Meadowcroft so that always brings more people to that site. Bayport Heritage is also hosting the Association of Suffolk County Historic Societies at Meadowcroft.

LEG. FIELDS:

What time is that?

MR. MARTIN:

The house tours between 1 and 5 on October 19. And the Association tour is between 9 and 12 on November, Saturday the 1st. And that will originate at Meadowcroft and go through community historic sites.

Also, I want to announce the Sixth Annual New York State Conference of Saving Historic Barns. This is the first time it's taken place on Long Island. It will be this weekend, October 18th through 19th. And that's sponsored by the New York State Barn Coalition in cooperation with the Cornell Cooperative Extension. And we're hoping to network and pass the word around that we need contractors to rebid on the Yaphank Holmes House hay barn. The low bidder did pull out of that project so we're back to square one. We're hoping to get -- this, of course, is New York State -- that we can get some people interested in on bidding on that project. And Marion Spencer, who sits on our Historic Trust Committee, will be giving a lecture on the barns of Southold Town, which relates to a survey that she conducted. I do have a brochure if anyone is interested. And I can get some more to you if you need it. It's \$45 for non-members. That's all I have today.

CHAIRPERSON ELKOWITZ:

I have something that came in the mail from the Conservationists United for Long Island. And it's basically -- I'm not going to read you the entire thing -- but it's a plea for support in -- well, they're not actually asking us to do anything. They're just giving us some information regarding the ongoing battle of the cottages on West Meadow Beach. And Their position, of course, is that they want the cottages removed. And they're talking about Senator Flanagan's bill, which would allow the cottages to remain. So, if anyone's interested, I have a packet here you can look at. Anything else?

I'll entertain a motion to adjourn.

MR. KAUFMAN:

Motion.

MS. ESPOSITO:

Second.

CHAIRPERSON ELKOWITZ:

Thank you.

(The meeting was adjourned at 10:30 AM)

{ } DENOTES BEING SPELLED PHONETICALLY