

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 November 19, 2003.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

James Bagg - Chief Environmental Analyst/Dept of Planning
Richard Martin - Historic Services
Joy Squires - CAC of Huntington
Ruth Gordon - Commissioner of Parks
Ray DiBiase
Paul McMahon - Department of Public Works, Sr. Civil Engineer
Nick Gibbons
Carolyn Fahey
Neil Toomb
Lauretta Fischer - Planning Department
Catherine Stark - County Executive
Kara Hahn - Press Secretary
Maria Ammirati - Aide to Legislator O'Leary
Penny Kohler - CEQ.

MINUTES TAKEN AND TRANSCRIBED BY:

Diana Kraus - Court Stenographer

[THE MEETING WAS CALLED TO ORDER AT 9:36 AM]

CHAIRPERSON ELKOWITZ:

Good morning. I'm going to call the meeting of the CEQ to order and ask that the members review the minutes of the October 15th, 2003 meeting. And if there are any comments or corrections, I'll take them. Larry.

MR. SWANSON:

I have a correction, I think, on page 17, the very bottom. I'm speaking and it says "what the impact to the college might be." And I think it probably should be "of". "Of the college." That's all I have.

CHAIRPERSON ELKOWITZ:

Okay. Any other corrections?

MR. KAUFMAN:

Motion to accept.

CHAIRPERSON ELKOWITZ:

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

MS. MANFREDONIA:

Second.

CHAIRPERSON ELKOWITZ:

All those in favor? Opposed? Abstentions? Carried.

Ratification of Staff Recommendations -- well, actually I have a piece of correspondence from the Yaphank Taxpayers and Civic Association dated November 14th regarding Resolution Number 1658-2003 Dedicating the Suffolk County Farm in Yaphank to the Conservation of Agricultural Lands.

The Yaphank Taxpayers and Civic Association supports Introductory Resolution Number 1658-2003 entitled, "Dedicating the Suffolk County Farm in Yaphank to the Conservation of Agricultural Lands." We urge you to support this legislation at the November 18, 2003 general meeting.

This crucial piece of legislation assures that: The Suffolk County Farm at Yaphank is dedicated to the Suffolk County Conservation of Agricultural Lands for continued use for farmland, 4-H programs, school children visits and the annual Fall Pumpkin Fest. The bill also places the Suffolk County Farm under the jurisdiction of the Suffolk County Department of Planning for agricultural land conservation. It authorizes the Director of the Division of Real Estate to obtain a survey and metes and bounds description of the property.

At a time when the County is spending millions of dollars for farmland development rights, it is important to know that the publicly owned farm at Yaphank will be preserved. It's our understanding that some of the site has been designated for soccer fields. At one time,

the State of New York proposed a massive rest stop at this location and the County was considering an International Rifle Range. In addition, a 1200 bed maximum-security prison and regional sewer district expansion have been proposed at the Yaphank location. Knowing the metes and bounds of the farmland will prevent projected projects from encroaching on this valuable public resource.

Further, we urge the Legislature to prepare a "master plan" for the County owned public property in Yaphank. There is a nursing home, minimum-security prison, police headquarters, proposed juvenile detention facility and proposed regional sewer district expansion at this site. Our membership is concerned that the 1200 bed maximum-security prison has not received a full SEQRA review. A cumulative environmental review of projects, rather than segmented reviews, would benefit the environment and serve the public.

Thank you for your consideration of our requests. We look forward to hearing from you regarding our concerns and suggestions.

Okay. Item one, Recommended TYPE II Actions, Ratification of Staff Recommendations for Legislative Resolutions Laid on the Table - November 18, 2003.

Jim, is there anything you'd like to call to the Council's attention?

MR. BAGG:

No. This is the end-of-the-year resolutions ending up business probably for the year. There's other meetings in December, but they're pretty straight forward.

CHAIRPERSON ELKOWITZ:

Any questions for Jim?

MR. KAUFMAN:

No. I read through the packet and I make a motion we accept staff recommendations.

CHAIRPERSON ELKOWITZ:

Motion to accept. Do I have a second?

MR. SWANSON:

Second.

CHAIRPERSON ELKOWITZ:

Second by Larry Swanson. All those in favor? Opposed? Abstentions? Carried.

Okay. Item two, Proposed Improvements on CR 19, Patchogue-Holbrook Road between Old Waverly Avenue and CR 65, Division Street, Capital Project 5050, Town of Brookhaven. It was tabled at our last meeting.

Good morning. You're going to have to grab a mike.

MR. McMAHON:

Good morning, members of the Council. How are you?

CHAIRPERSON ELKOWITZ:
Good morning.

MR. McMAHON:
On the October 15th meeting --

CHAIRPERSON ELKOWITZ:
State your name for the record.

MR. McMAHON:
Oh, I'm sorry.

CHAIRPERSON ELKOWITZ:
I know who you are.

MR. McMAHON:
Paul McMahon, Suffolk DPW.

October 15th we initially presented the CR 19 corridor improvement. And an issue was brought up, what would the impact of relocating the Briarcliffe College campus to the old Swezey's location be. As per the request, we analyzed -- we re-did all the traffic capacity analysis for the whole corridor to include the future occupancy by the college. The result yielded acceptable levels of service for both the morning and evening peak hours at all the intersections. There was no decrease, no major impact on the whole corridor for the project.

So, at this time I'd like to introduce Ray DiBiase from our design team of LKMA. If there's any specific questions related to what was done, how we generated these results.

MR. DI BIASE:
Good morning. Ray DiBiase, McLean Associates. Do you have any questions on the memo? I'll be happy to answer them. Yes, Larry?

MR. SWANSON:
Would you review what level of service C means?

MR. DI BIASE:
Okay. I always like to use a teacher's report card as an analogy for level of service. So it's very similar to, if you were in school, and you got a report card, if you got a C grade, that's satisfactory. And when we talk about level of service in this context, it's for the design year, which is year 2025. So we're talking future growth. It's not what's out there now. Conditions are probably a little bit better than that, but in a design year, C is a satisfactory level of service.

D would be something that would be barely passing, that we could tolerate in the peak hour. We have a level of service, an additional one, called E, which is at capacity where things are very close to maximizing what an intersection can handle. And we have an F which is break-down, unacceptable.

MS. ESPOSITO:
Right now is it an A or a B?

MR. McMAHON:
Right now? At which particular intersection?

MS. ESPOSITO:
Both. In other words --

MR. DI BIASE:
At the college intersection, it's probably an A because the building is vacant. At the adjacent intersection of Old Waverly Avenue, I'm not quite sure. I don't have that information with me. It probably is about the same or a little bit worse because that intersection is not signalized now. And in the proposal we have a -- the proposed plan for CR 19 includes installation of a traffic signal at this intersection. So, right now if you're traveling northbound on Old Waverly Avenue, you're probably experiencing difficulty in getting out into traffic and making a turn. So that situation will improve.

MS. ESPOSITO:
That's not happening, just so you know. Also my other question is your memo covers the critical time period of the PM. But what about the AM? Is that what that means or am I reading that wrong?

MR. DI BIASE:
Conditions are better in the AM. So we just focused on -- I just give some highlights there of what the worse case scenario is. We either look at the AM peak hour or the PM, whatever's worse. And that's what we consider. PM happens to be worse because there's more traffic in the PM. So that's why we gave you the result for the PM. AM would be B; would be better than that. Which they can be C or better. But it would be a better level of service at those two intersections. For design we take the worst time period.

MS. ESPOSITO:
How did you analyze that the PM was worse than the AM?

MR. DI BIASE:
More traffic.

MS. ESPOSITO:
Well, I understand that. Thank you. But what I meant was, if you're adding traffic flow in the morning -- I mean, I'm assuming college students are going to be going to school in the morning which is traditional -- so you're adding all that load into the morning AM; but then it seems to me, you know, the school at least the way it impacts, they'll be a scattered departure time. So you're going to have one time in the morning where everyone's utilizing the roads. And then as they depart, there's a scattered departure time, which would -- I just -- it doesn't make sense to me that you would say the AM there's no traffic. I don't --

MR. DI BIASE:
No, No. There's less traffic in the AM both on the roadway now and also in the future. The college also is more active in the evening. They have 60% of their students at night.

MS. ESPOSITO:
Okay.

MR. DI BIASE:
So, not only do we have more background or existing traffic in the evening, but we also have more college traffic in the evening also.

MS. ESPOSITO:
Okay.

CHAIRPERSON ELKOWITZ:
Larry, you had a question.

MR. SWANSON:
Yes. My recollection is that one of our concerns last time was that in the future the lands that you are now designating as parkland may, in fact, be in jeopardy if you need to widen the road or do something else. I just want some assurance --

CHAIRPERSON ELKOWITZ:
I think that's DPW's question. I don't think that's Ray. I think it's DPW who has to answer that question.

MR. SWANSON:
Okay. Can you we get any assurance that this now designated parkland will remain parkland? You're not going to reclaim it for a roadway?

MR. McMAHON:
We just demonstrated 23, 22 years from now it'll be operating at a level of service C. And then you have further levels of service to go. We would not be -- it would not -- after this project is complete, we would not be going back to widening the road. You know, if we designate it as parkland, that's it. It's parkland.

MR. SWANSON:
Okay. So even if it falls to level E, you would not be withdrawing it from parkland?

MR. McMAHON:
It's not -- no. I mean we can't once it's designated.

MR. KAUFMAN:
Are you going to so designate it? That was one of the questions we had last month.

MR. McMAHON:
Well, probably what we can do, is we can re-map it.

CHAIRPERSON ELKOWITZ:
Right. The question that Lance had was the way you had it designated, even though you weren't designating specifically for parkland, that it might end up being assumed parkland because the community would get accustomed to it being open space; and there might be some even legal question regarding the status of the property. I think that was really

Lance's concern. And it was Lance, I believe, that elucidated that.

MR. McMAHON:

At that point, then, we could introduce, you know, the mapping issue. We could map out the access right-of-way. We've done it in the past on some of our projects.

CHAIRPERSON ELKOWITZ:

Anybody have questions? If not, I'll entertain a motion.

MR. KAUFMAN:

I make a motion this is an unlisted, that it's negative declaration on it.

CHAIRPERSON ELKOWITZ:

I have a motion. Do I have a second?

LEG. FIELDS:

Second.

CHAIRPERSON ELKOWITZ:

I have a second by Ginny Fields. All those in favor? Opposed? Abstentions?

MS. ESPOSITO:

Abstain.

CHAIRPERSON ELKOWITZ:

One abstention. Carried. Thank you.

Proposed Gabreski Airport Infrastructure Construction of a Commercial/Light Industrial Park, Westhampton, Town of Southampton.

MR. McMAHON:

October 15th. We tabled this project as well.

CHAIRPERSON ELKOWITZ:

You were on a roll that day.

MR. McMAHON:

I was going backwards. At this point in time, it's appropriate to introduce Bob Nelson from our design team. And he's going to present the project because there were some issues that he has a lot of experience in addressing.

CHAIRPERSON ELKOWITZ:

Okay.

MR. NELSON:

Bob Nelson, a partner of Nelson & Pope, 572 Walt Whitman Road, Melville.

Members of the Council.

CHAIRPERSON ELKOWITZ:

Hello. How are you?

MR. NELSON:
I'm great.

CHAIRPERSON ELKOWITZ:
Good.

MR. NELSON:
This is my first time before you. Hopefully you'll be nice to me.

CHAIRPERSON ELKOWITZ:
We're always nice.

MR. KAUFMAN:
No.

MR. NELSON:
I have gone through and based on your request, we have resubmitted a revised --

CHAIRPERSON ELKOWITZ:
Use the mike.

MR. NELSON:
Oh, so sorry. The proposed project is a development that's being currently under review; is for the construction of the infrastructure for the proposed Gabreski Airport Industrial Park. In addition to that, at your request we've expanded EAF to incorporate the total 58 acre proposed project.

In December of '98, the Town of Southampton adopted and established the Airport Commercial Industrial Plan Development District. This was in support of the County's Airport Development Program. The 1990 Airport Study, the Town's Comprehensive Plan and the Central Pine Barrens Comprehensive Land Use Plan. In the Town's resolution adopting the district, they stated the goals of the district and summarized them as follows: To insure the future development and improvements are in conformance with the compatible growth area of the Central Pine Barrens and the Airport Study and the creation of a mixed use activity employment center compatible with the airport and compatible with the growth area of the Pine Barrens.

This project's been going on for quite a few years. And I believe there's been a number of actions by this Board and other Boards concerning this. A number of them have been environmental Reviews. The latest, I believe, and I could be wrong on this, 1997, I believe, this Board -- ah, Council issued a negative declaration for the construction of the treatment plant that's to service this facility. That has been constructed. At that time you issued a negative declaration.

The EAF that you're reviewing for today because there's no overall construction plan for the project, I had to make some very gross assumptions. I took a look at the Town's zoning and tried to determine a conservative analysis, something that would be probably more than what you really would anticipate just to try to protect everybody and give an honest review or detailed review. Under the zoning, this property can be developed as

light industrial, office, residential uses, some retail associated with warehousing or manufacturing, conference hotel center. There's a number -- the list goes on.

For purposes of this analysis, I consider this to be a combined industrial and office complex. I took the Town's zoning and maxed out the site. They have 20% building coverage permitted under code. I went to 20% building coverage, worked in the parking requirements, adjusted it accordingly, provided their 15% maximum vegetated landscaped area. The requirement for a 60-foot landscaped buffer along CR 31 and came up with the numbers that are -- that you have in the EAF.

In general, the infrastructure component of this, I can describe that for you. It's very simple. It's basically putting together all the groundwork so that somebody can come in, lease a parcel and develop it. The major infrastructure improvements include the construction of an entrance road going down the middle. That particular -- that's one lane in each direction with a center landscaped median. None of the lots are going to be accessed off of this particular. It's intended to be a -- the main drive into the whole complex.

What they're now calling an access drive A, at some point in time that'll have a street name. That is where most of the lots will be access to. That'll have a lane in each direction, a center-turning lane for purposes of getting vehicles in and out of sites. And at certain points to facilitate traffic maneuvering, we have islands in there. But it's primarily not a continuous island. We have sanitary sewer going in, we have water, utilities. Cook Street which is currently an existing access will become an emergency access only. The airport requires that. It'll also become a utility right-of-way. And also form a little bit of an access for circulation around the existing complex over here. The A -- I get the initials messed up all the time -- AHCR or RC -- forgive me -- which will remain out there.

The big addition to this, is that we are now providing storm water retention on the site; where the existing airport has minimal facilities. Over the years they've put in a pool here or there. We have designed five-year storm. It'll be retained in retention areas. Landscape retention areas that'll be located in the front yard buffer area; front yard area set-backs for the -- on the lots. So, in other words, there won't be buildings, there won't be parking up in there. There will be these drainage swales for containing the storm water. They'll be a couple of feet deep at most. But they will be landscaped with the appropriate vegetation. That will be -- the tributary area for those will be the roadway and any existing site area that is tributary to them. The individual lots will have to be self-contained. And that will be an issue when they come in for the development of those lots, that will be a consideration and that will be addressed at that time. There is an additional 200 plus acres tributary to this project that comes off the airport from the north. There is a wooded area over here. What we're proposing to put in is a little check dam and create a natural retention area back in there to impede the water from coming into and affecting the lots. It won't affect the airport. It'll be outside the improved area of the airport. It will be maintained in the existing scrub area out there.

If there's any specific questions you have concerning the numbers in the EAF, I can address them. One issue that I should bring up, there is a potential for a hotel conference center. And I took a look at the numbers, compared what a hotel conference center

would generate as opposed to what this particular office complex would develop. As far as parking demands goes, it would be actually less. There would be a reduction in the parking. As far as waste water flow goes, it does increase. But the treatment planned has been designed -- and it's my understanding it's extremely well-sized to accommodate the facility. It would probably encompass two to three of the lots. So the lots would be -- final configuration of the lots is going to be the function of the tenants. So right now they're anticipating 15. That could change. That could be reduced. I guess it could be enlarged, but the overall area doesn't change. And I guess that's --

CHAIRPERSON ELKOWITZ:

I have a couple of questions.

MR. NELSON:

Okay.

CHAIRPERSON ELKOWITZ:

This is incompatible growth area of the Central Pine Barrens?

MR. NELSON:

Yes, it is.

CHAIRPERSON ELKOWITZ:

Okay. Does any of the vegetation, even the scrub vegetation, meet the definition of natural vegetation pursuant to the Pine Barrens?

MR. NELSON:

It's my understanding, and I believe the Planning has looked at this particular site, the clearing that we're proposing on this is in conformance to the overall plan.

CHAIRPERSON ELKOWITZ:

Is that true?

MR. BAGG:

We did a survey of the airport in terms of natural areas.

CHAIRPERSON ELKOWITZ:

Natural as defined by the Commission or natural as defined by the Planning Department?

MR. BAGG:

Natural as defined in terms of wooded areas and grasslands. All right. Now, the Commission's Protected Lands Council's identified grasslands as unique habitat area worthy of preservation, in the core and outside of the core. So have they ruled on whether or not it's considered vegetation? I assume it is based on the reports of the PLC and that. But what we determined, if you take out the industrial park area, because the

1990 plan had the industrial park area in and count that as developed area, as well as the runways and other development of the airport, there is still 72.6% of that airport in natural areas. Excluding the industrial park area and other proposed development in the 1990 Master Plan area.

So if the County has to adhere to a 65% clearance standard, they have more than enough property even without the industrial park area.

CHAIRPERSON ELKOWITZ:

Okay. But my question is, is this in the Southampton's Aquifer Protection Overlay District?

MR. NELSON:

I believe it is.

CHAIRPERSON ELKOWITZ:

Well, the problem is, I'm hearing that it's subject to Town of Southampton zoning. If it's subject to Town of Southampton zoning, my recollection of that zoning code is, when the Town of Southampton codifies the Pine Barrens Regulations, it requires that you comply not with the clearing standards of the Pine Barrens that is figure 5 in the plan, it requires that you comply with the Aquifer Protection Overlay District's standards, which I believe -- and I'm doing this from memory because I don't have the Southampton Code in my hand -- is a 50% limitation.

MR. BAGG:

Well, basically we already excluded the airport acreage. And if this were to develop, the airport still has 72.6% natural area.

CHAIRPERSON ELKOWITZ:

Yeah, but my question, Jim, is this.

MR. BAGG:

They meet on a whole basis the entire airport area.

CHAIRPERSON ELKOWITZ:

Is the County saying that the entire airport is subject to Town of Southampton zoning? I doubt it.

MR. BAGG:

No.

CHAIRPERSON ELKOWITZ:

Right. So the County -- I believe what the County is saying, is that because you're using this for proprietary use, this is subject to Town of Southampton zoning.

MR. BAGG:

Right.

CHAIRPERSON ELKOWITZ:

So what does the Town of Southampton look at? This 58.15 acres? Or the entire airport?

MR. BAGG:

Well, I think Nelson & Pope just said that they consider -- with the areas all clear, they're going to consider 50% landscaping to conform with the codes.

CHAIRPERSON ELKOWITZ:

But 50% -- well, that's my question. I'm reading this. And I see that there's scrub, meadow and turf. And that was the genesis of my first question, which is -- and I'll tell you -- certainly I have a lot of experience in the Pine Barrens. I don't know think it's natural. The Commission thinks it's natural. The Town of Southampton thinks it's natural.

MR. BAGG:

Well, I think the grasslands surrounding the runways, which are mowed regularly and growing, could be considered natural areas.

CHAIRPERSON ELKOWITZ:

But, Jim --

MR. BAGG:

But I don't know if we consider this --

CHAIRPERSON ELKOWITZ:

But, Jim, I'm talking about this area right here. Not the rest of the airport. This area right here. Have you been out there to look and see what the vegetation is on here?

MR. BAGG:

Yes. It's very sporadic grass, if anything. It's not really even been planned or anything else. They've had buildings demolished and clearances and everything else.

CHAIRPERSON ELKOWITZ:

There are no wooded areas to talk about?

MR. BAGG:

There's one small area to the northwest, which is wooded.

CHAIRPERSON ELKOWITZ:

So, the Planning Department -- I'm not asking Nelson & Pope -- the Planning Department is representing that to the best of your knowledge, the development that's proposed here not only conforms to the Pine Barrens, but conforms to the Town of Southampton Aquifer Protection Overlay District?

MR. BAGG:

I believe that when the development goes in and the Town of Southampton has regulatory authority pursuant to zoning, it will meet their standards.

CHAIRPERSON ELKOWITZ:

What's interesting to me is that if we're -- we're talking about the Town of Southampton. Has the Town of Southampton inquired on this at all? Has anybody asked them?

MR. BAGG:

Everything was sent to the Town of Southampton. I know the Town of Southampton has issues with respect to a proposed asphalt plan at the airport. And also there is a Master Plan the Town of Southampton has drafted pursuant to the development of the industrial park here. I believe that Master Plan was also prepared by Nelson & Pope -- for the Town of Southampton?

MR. NELSON:

Nelson & Pope employees, the environmental group.

MR. BAGG:

Okay.

MR. NELSON:

I stayed specifically out of the realm of that.

MR. BAGG:

So you had to discuss with the office of Economic Development about what the relationship is between the County and the Town of Southampton on this particular issue.

CHAIRPERSON ELKOWITZ:

Well, I mean it's clear to me that the Town of Southampton is an involved agency. And, you know, somebody's asking me for SEQRA recommendation; right?

MR. BAGG:

Right. But in this particular instance, you're right, if they're going to take out the entire build-out, they're an involved agency with respect to that. But in terms of --

CHAIRPERSON ELKOWITZ:

I'm going to ask you this.

MR. BAGG:

-- the construction of these roads, they don't --

CHAIRPERSON ELKOWITZ:

Has this been coordinated?

MR. BAGG:

Well, we have sent it to the Town of Southampton, yes.

CHAIRPERSON ELKOWITZ:

Have we officially down a coordinated review?

MR. BAGG:

The original Master Plan was coordinated with the Town of Southampton. They prepared the whole PDD zoning district pursuant to the Master Plan of 58 acres.

CHAIRPERSON ELKOWITZ:

The Town hasn't sent any comments?

MR. BAGG:

We do not have any comments on this. I mean they have an ongoing thing in terms of a proposed Master Plan for this site pursuant to the PDD.

CHAIRPERSON ELKOWITZ:

Right, but the way I'm looking at this, is this is a TYPE I Action. Because you're going to ultimately be disturbing more than ten acres; right?

MR. BAGG:

Correct.

CHAIRPERSON ELKOWITZ:

So, has this particular EAF gone through a coordinated review is my question.

MR. BAGG:

At this point in time, no. Probably should be.

CHAIRPERSON ELKOWITZ:

Absolutely should be because it's required. Anybody have any questions?

MR. KAUFMAN:

I do, as long as Mr. Nelson is here. I think obviously we're going to end up tabling this.

CHAIRPERSON ELKOWITZ:

Well, you can't issue a determination of significance until you have a coordinated review done.

MR. KAUFMAN:

Absolutely.

CHAIRPERSON ELKOWITZ:

The law precludes it.

MR. KAUFMAN:

But as long as he's here, I'd like to ask a couple of questions. You were talking about swales and drainage up front, on the fronts of the properties, etcetera. What is the soil over there? I assume it's probably just sand and stuff like that but are there clay lenses, etcetera. What I'm looking at --

MR. NELSON:

We haven't done borings; however, based on being out there during some rains and observing the conditions and talking to the Air National Guard, who actually now have to have their entrance relocated to here because of national security issues, they can't be on the main road any more. They have to have a line of sight and everything.

MR. KAUFMAN:

That's a gun fire line of sight, but that doesn't really apply.

MR. NELSON:

Yeah, whatever. The site actually drains all onto their property now; everything. It just discharges out to them. No water is getting there. They have don't have a flooding problem, they don't have any water problems. From what we've been out there and looked out, the map is 200 and some acres coming in. We see no evidence of that water even reaching. So our opinion is that it's leaching very well and it's going to continue to leach.

MR. KAUFMAN:

Okay. So we're not going to end up with any ponding in front of the industrial buildings that might be developed over there.

MR. NELSON:

That is not intended at all. As a matter of fact, some discussions with the DPW is the potential of putting in a couple leaching pools in each just to insure that there's -- doesn't silt up or anything over time. And there's a mechanism for relief of that.

MR. KAUFMAN:

All right. Also, you were talking about a check dam to the right of the area.

MR. NELSON:

A small area.

MR. KAUFMAN:

So that's basically -- right now you're saying that that terrain to the right as the map is presented to us is basically higher and everything is draining onto there?

MR. NELSON:

Yeah. Right now the site is in a valley. And it drains in this general direction discharging over here into the -- or continuing in that direction.

MR. KAUFMAN:

So basically the plan is to put a check dam in there and just have the stuff settle down over there?

MR. NELSON:

Yeah. It not even a -- a dam is really not a -- probably a good phrase. It's going to be able to -- water is going to -- you know, it's not going to be impermeable. So it's not going to cause a ponding issue again.

MR. KAUFMAN:

It's more a barrier, if you will, to slow down current and things like that.

MR. NELSON:

Yes.

MR. KAUFMAN:

Having built dams, I'm a little bit aware of the issue. No more questions.

CHAIRPERSON ELKOWITZ:
Put your mike on.

MR. CRAMER:
You said that the -- you said no water's getting in to the other site.

MR. NELSON:
Nothing appears to be getting in.

MR. CRAMER:
So you still feel that a dam's necessary, that extra disturbance there? I've noticed the soils out there, too. And I wouldn't imagine that even though it's higher and the topo on paper makes it look like it's all draining in that direction, whether in deed any water's coming there, whether in deed the extra disturbance is necessary.

MR. NELSON:
It's something that could always be added at a later date, if needed. My concern was that once that property to the -- these properties over here develop, there is actually a little low area that settles in here before it continues on down. And I was trying to impede it before it got into there. I was just a little concerned that it might get into their lots and --

MR. CRAMER:
The 58 acres of the project site is essentially disturbed vegetation compacted --

MR. NELSON:
For the most part, absolutely.

MR. CRAMER:
For the most part. Yet that area isn't even contributing water to the National Guard site to the south. But to the north it's all wooded?

MR. NELSON:
It's -- yes. It's natural. Some type of vegetation, yeah.

MR. CRAMER:
So I would expect that even less water would be coming onto the site.

MR. NELSON:
That's our opinion, yes. It does not have to be installed.

MR. CRAMER:
So probably the dam would not be necessary. And we probably could avoid that amount of disturbance within that natural area.

MR. NELSON:
Absolutely. And if somehow it became a problem, it's something that could be incorporated in the future, yeah. Absolutely.

MR. KAUFMAN:
Or you possibly could place it inside the 58 acre parcel itself.

MR. NELSON:

I hesitate to do that only because once the property's become developed, I'm not sure how much control or somebody might not -- think that they don't want that there and disappears without people knowing why it was there in the first place and ending up with a problem. And it's also -- in the wooded area is actually the way looking into topo out there, it looks like a very perfect defined piece -- very little, minimal amount of disruption. As a matter of fact, we weren't talking about constructing a -- a major construction; just enough clearing to construct this piece. It doesn't have to be straight. It can be moving around.

MR. KAUFMAN:

Some of the things that I have done in the past is we basically placed layers of boulders; small boulders, you know, couple feet around, things like that.

MR. NELSON:

The details are very similar to that. It wouldn't be boulders, but yeah, it would be something very, very similar; something permeable.

MR. NELSON:

Gabions or something like that?

MR. NELSON:

Yeah, along those lines. Not even gabions. It could be a riprap of some sort, but it doesn't have to be a gabion.

MR. KAUFMAN:

Yeah.

CHAIRPERSON ELKOWITZ:

Larry.

MR. SWANSON:

On page three you state that you have traffic generation rate of 550 vehicles per hour in phase two. And I guess my question is can a two-lane or a one-lane road each way really handle that? And secondly, is this based on a traffic study or --

MR. NELSON:

Not a traffic study. It's ITE, trip generation based on an industrial office building type development. The roadway system, yeah, we feel it can handle it -- adequately handle it. We're also as far as being on-site, if there are any potential delays internally, we've confined them to the internal area and not impacting the general public out on CR31. We feel very comfortable of the one lane in each direction.

MR. KAUFMAN:

There's no third interior turn-lane or anything? I don't --

MR. NELSON:

Well, there are turn-lanes. Actually there will intersection improvements up here for -- to improve the traffic trip generation and to create a better entrance. Right now it's pretty abrupt. There will be a turn-lane provided for traffic coming from the south into the

property. That was from -- based on discussions with the Air National Guard because they felt that they get a substantial amount of traffic on their weekends from that general direction. And the area is there. It's just a matter of providing a small lane. It's not a major improvement. So this here area will be reconstructed. There is a continuous turn lane for the most part on the access road. There is no access from the lease parcels into the main driveway. Only comes through in the -- here or Shelton Lane.

CHAIRPERSON ELKOWITZ:

We can't take action on this until coordinated review is undertaken, but as you know I never like anyone to leave here and not know what people's questions are. Because I don't want him to come back or whomever to come back here after coordinated review is conducted and not hear if we have concerns about things. So if we have issues, I'd like to get them on the table. Larry?

MR. SWANSON:

Yes. My recollection is probably very fuzzy on this. But I'm wondering whether the issues that you identify in here or the County identifies in here with regard to use is consistent with the Master Plan. It seemed to me that originally the Master Plan said that the uses were to be compatible with sort of the general ambience of an airport, and appliance stores and so forth, I wonder about. And secondly, I might be recalling incorrectly, but we threw a guy out that ran a bagel store or a bagel factory because it wasn't compatible.

CHAIRPERSON ELKOWITZ:

While Bob is looking at that, I think that the airport Master Plan designated areas that had to be aviation-related. And then there were areas that were non-aviation related.

MR. NELSON:

I was just looking for the Town Board Resolution, which I have -- I couldn't grab a hand on it quickly -- for the -- when they put the airport district in place back in '98. And everything in there was specific non-aviation use. So it was very -- it was intended to be so.

CHAIRPERSON ELKOWITZ:

Does anybody have questions?

MS. ESPOSITO:

Just a quick comment more than a question. I see also on page three it calls for turf maintenance 7.4 acres to be used with pesticides. Just as a reminder, the County-owned property is right now under the phase-out law for pesticides. So you'd want to make this consistent with the County law.

MR. NELSON:

Well, the reason that's in there is because the Town required -- permits maximum of 15% that fertilized. So I assume if an area was fertilized, there wouldn't probably be a pesticide application.

MS. ESPOSITO:

It doesn't say fertilization. It says pesticides and herbicides. That's different than fertilizers.

MR. NELSON:

It's just an assumption I made. It doesn't have to be. If obviously there are laws precluding it, it will not happen. Again, that's the worst case scenario.

CHAIRPERSON ELKOWITZ:

Nancy.

MS. MANFREDONIA:

Yes. I just had a question about the swale area, the drainage area that's going to be in front of the buildings. Are you speaking of just swale area unfenced or are you talking about an actual sump?

MR. NELSON:

No, not a sump. It's designed -- and I believe we're talking about a one on five side slopes so it could be mowed or landscaped; so it can be maintained.

MS. MANFREDONIA:

Okay.

MR. NELSON:

And that's the intent. It's only intending to have -- I don't have -- I think the maximum was like three foot depth during a storm event.

MS. MANFREDONIA:

All right. So it will be attractive and landscaped.

MR. NELSON:

That's the whole intent of it, yes.

MS. MANFREDONIA:

Thank you.

MR. NELSON:

And that's consistent with the current storm water guidelines that we now have to start complying with.

MR. KAUFMAN:

Terry, I'd make a motion to table this thing pending coordinated review.

CHAIRPERSON ELKOWITZ:

Right. Do I have a second?

MR. SWANSON:

Second.

CHAIRPERSON ELKOWITZ:

Okay. Second by Larry. I agree, but I just want to get whatever issues there are on the table because I don't want people to think -- I mean, if everybody's happy that once we get the coordinated review over with and nobody raises any issues, okay. But if people have concerns, I think it's our obligation to let the applicant know that.

MR. CRAMER:

I'd like to see the dam eliminated and only as an alternative if there's a problem. Because I don't foresee any problems. We have slopes of less than 10% out there. The soils are such we have an area where it's -- that's been disturbed and compacted in the past. It's not generating any storm water run-off to the adjoining sites. I don't see the need to go into an existing natural area and clear it to put a dam up. And the EAF should also reflect that pesticides and herbicides will not be used on the County-owned property. That should be revised.

MR. NELSON:

Do we need to revise the EAF to do that or can you just do that as a condition of your approval?

CHAIRPERSON ELKOWITZ:

We don't grant an approval.

MR. NELSON:

Oh, pardon me.

MR. CRAMER:

The EAF should be revised to reflect what is the law.

CHAIRPERSON ELKOWITZ:

You can hand correct it and initial it. It's not that big a deal.

MR. NELSON:

That will be taken care of. And we'll make a note on there about the dam being an alternative.

CHAIRPERSON ELKOWITZ:

Larry.

MR. SWANSON:

I'd like to see a little more analysis of the traffic flow. It seems to me if you assume half of the 550 cars are going to be coming into the place each hour, that you're going to have a real bottleneck on the main road turning right and left to get into the place. And I just think it needs more analysis to see whether this is compatible with the way the roads are laid out.

MR. NELSON:

Right now you have approximately 800 and 8900 trips in one hour on weekends to the Air National Guard making that -- not this particular turn at this location but the turn is up here by the entrance that they have up there. You're dealing with a number that's less than that now. I don't see that it would be any more of a problem. I don't see it as a problem right now.

MR. SWANSON:

I need convincing.

CHAIRPERSON ELKOWITZ:

Ginny.

LEG. FIELDS:

When you replant vegetation in areas near swales and so forth, are you planning to have native non-invasive species plantings or --

MR. NELSON:

It would be the appropriate vegetation. But vegetation that would be native and can live in an environment that gets wet and dry.

LEG. FIELDS:

Okay. Thank you.

CHAIRPERSON ELKOWITZ: Jim.

MR. BAGG:

I was just going to point out that basically the recommendation with pesticides, just point out that it should be in conformance with the County's Pesticide Law, because I'm not too sure what the particulars are with respect to that law on different types of property at the County level.

CHAIRPERSON ELKOWITZ:

Do you know, Adrienne?

MS. ESPOSITO:

Yes. Actually it ends this year that any county property is not able to use toxicity level one, two and three for all pesticides unless they're granted a one-year waiver by a Citizen Advisory Committee that the County has set up.

CHAIRPERSON ELKOWITZ:

Is that it? Jack.

MR. FINKENBERG:

Maybe it doesn't apply to this specific issue, but I'm a little fuzzy on this coordinated review. Why did it come up on this project?

CHAIRPERSON ELKOWITZ:

Because if something is a TYPE I Action, the law requires coordinated review. And this is a TYPE I Action by definition of the law.

MR. FINKENBERG:

I just don't remember it coming up before.

CHAIRPERSON ELKOWITZ:

Oh, it has on TYPE I Actions always. You must do a coordinated review. It's not optional. Anything else? I have a motion. I have a second. All those in favor? Opposed? Abstentions? Carried.

MR. NELSON:

Thank you.

CHAIRPERSON ELKOWITZ:

You can come up and speak.

You're welcome, Bob.

MS. FAHEY:

Carolyn Fahey with Economic Development. Again, I really want to know what the issues are so when we do come back, we answer them all. There was a coordinated review done on the industrial park as a whole with the Town.

CHAIRPERSON ELKOWITZ:

No. Jim explained that.

MS. FAHEY:

And it is County property. And it was our understanding from the Department of Public Works and the County Attorney's office and in direction from the County Executive's office that as County property and as infrastructure, it was not required to go through a coordinated review for the infrastructure alone.

CHAIRPERSON ELKOWITZ:

With all do respect, they're wrong.

MS. FAHEY:

That was our direction and that was our understanding that we received.

CHAIRPERSON ELKOWITZ:

Okay.

MS. FAHEY:

You want a coordinated review --

CHAIRPERSON ELKOWITZ:

It's not that I want it. If you look at SEQRA 6NYCR 6 1 7.4, you'll find this is a TYPE I Action. TYPE I Actions require coordinated review. It has nothing to do with County policy, County Law, Town Law. State law.

MS. FAHEY:

And the coordinated review that was done initially for the industrial park that we needed to do for --

CHAIRPERSON ELKOWITZ:

If you have to do a SEQRA Review, you have to follow the regulations. So if you didn't have to do SEQRA Review for this and it was covered under your prior, then you wouldn't even be here and it would never have come up. But being this is an action in and of itself, it requires coordinated review.

MS. FAHEY:

So if the original SEQRA Review included all of this --

CHAIRPERSON ELKOWITZ:

Then you wouldn't have had to come here.

MS. FAHEY:

Okay. Thank you.

CHAIRPERSON ELKOWITZ:

Okay. Where are we? Proposed Acquisition of 13.6 acres of vacant land along Abets Creek for park purposes, East Patchogue, Town of Brookhaven.

Hello, Laretta. We can't hear you. You have to state your name for the record. There's a button on the top you normally have to push up.

MS. FISCHER:

Hello.

CHAIRPERSON ELKOWITZ:

Hello.

MR. SWANSON:

We can hear you now.

MS. FISCHER:

Laretta Fischer from Suffolk County Planning Department. If you have any questions on the next three projects.

CHAIRPERSON ELKOWITZ:

We have to do them one at a time. Okay. So the first one is 13.6 acres east of Durkee Lane and south of South Country Road.

Mike, you had a question.

MR. KAUFMAN:

Yes. Laretta, I can't tell from the aerial what's not in color what's being bought. Could you possibly give us some guidance as to the Suffolk County tax map where it's located?

MS. FISCHER:

Sure. I'm sorry. I thought you might have had --

MR. KAUFMAN:

We have black and whites.

MS. FISCHER:

Okay, let me give you the colored ones.

MR. KAUFMAN:

For the Council's edification, it looks -- on my black and white there is a tributary stream or something like that to the left of the main channel going in. You can just barely make it out. It looks like an entirely natural undeveloped area. I'll pass the map around. From the aerial, it looks like it's all marshland. The acquisition is everything in green. Oh, Lord, it is ditched.

CHAIRPERSON ELKOWITZ:

Does anybody have other questions for Laretta now that we know what we're buying? How about an unlisted neg dec, Legislator Fields? Do we have a motion from Legislator Fields?

LEG. FIELDS:
Not yet. Not yet.

CHAIRPERSON ELKOWITZ:
No? Okay. I don't think she has anything else to say.

MR. CRAMER:
I'll make the motion, then, unlisted neg dec.

CHAIRPERSON ELKOWITZ:
Okay. I have a motion. Do I have a second, Legislator Fields?

LEG. FIELDS:
Yes.

CHAIRPERSON ELKOWITZ:
Okay. I have a second. All those in favor? Opposed? Abstentions? Carried. The motion was Mr. Cramer, seconded by Legislator Fields under duress and it was unanimous.

LEG. FIELDS:
It was not under duress. Strike that.

CHAIRPERSON ELKOWITZ:
I'm only teasing you.

Proposed donation of property from Newport Construction, Inc to Suffolk County parkland for Open Space Preservation, Miller Place, Town of Brookhaven.

MS. FISCHER:
This is a TDR proposal to exchange property -- transfer of density development from a property in the Miller Place-Yaphank Road Nature Preserve Area to an area of development north, however south of 25A in the Miller Place area. If you'd like to see, I have a large map of the area that we just transferred most of the property into parks this year. And this property is situated within that area. There are some vacant land that isn't County-owned still so we're recommending that we pick up a few of these. And two of them were owned by this individual. And we would like to see this transferred.

MS. ESPOSITO:
So the green on that is already owned by the County or just tell me --

MS. FISCHER:
Yes.

MS. ESPOSITO:
Yes. Okay. And where on that is what we're looking at now?

MS. FISCHER:
Two properties are right in the interior portion of it.

MS. ESPOSITO:
Okay.

MR. KAUFMAN:

Lauretta, what designation does that property have right now in terms of being transferred to Parks? Is it Nature Preserve or just general park purposes?

MS. FISCHER:

We put -- some are in the Nature Preserve; others are in just parklands.

MR. KAUFMAN:

Does it make sense to designate all of them as Nature Preserve rather than having a scattering?

MR. CRAMER:

No. You get into different situations. You have to have a plan.

MS. FISCHER:

We'd rather see a plan before we --

CHAIRPERSON ELKOWITZ:

I agree.

MR. CRAMER:

You need a plan for Nature Preserve properties. Once they accumulate them all, once they have them all together, then, at that point the plan can be developed and then they all can be put into Nature Preserve. I think Legislator Fields is right. We've seen the problem that was run into before that certain Legislators just threw thing into the --

CHAIRPERSON ELKOWITZ:

And then you can't use them for anything.

MR. CRAMER:

And then you can't use them and they become problematic.

CHAIRPERSON ELKOWITZ:

I know. I agree.

MR. CRAMER:

Until you have a plan -- we ran into the same thing with -- like the Girl Scout Camp in Miller Place and all.

CHAIRPERSON ELKOWITZ:

I remember.

MR. KAUFMAN:

That was going to be my next question. What's going on in the area? I don't know.

LEG. FIELDS:

The ones that are being transferred now, are they -- the present transfers, are they just parkland?

MS. FISCHER: Yes.

LEG. FIELDS:
Okay. So there's no new nature preserve dedication?

MS. FISCHER:
No, not at this time.

CHAIRPERSON ELKOWITZ:
I'll entertain a motion.

MR. CRAMER:
Motion unlisted neg dec.

CHAIRPERSON ELKOWITZ:
I have a motion unlisted neg dec. Do I have a second?

LEG. FIELDS:
Second.

CHAIRPERSON ELKOWITZ:
I have a second by Legislator Fields. All those in favor? Opposed? Abstentions? Carried.

MS. FISCHER:
Thank you.

CHAIRPERSON ELKOWITZ:
You're welcome. I think you have one more, right?

MS. FISCHER:
Yes.

CHAIRPERSON ELKOWITZ:
Okay. Proposed acquisition of Patchogue River Watershed Addition. 25 acres, North Patchogue, Town of Patchogue.

MS. FISCHER:
Okay. This is an acquisition in an area, again, where the County has been acquiring property through this -- within this watershed north of Linden Avenue -- actually totally north of Woodside Avenue and west of Ocean Avenue. We have significant holdings in this area. And we'd like to add this property to our holdings.

MR. CRAMER:
Motion unlisted neg dec.

LEG. FIELDS:
Second.

CHAIRPERSON ELKOWITZ:
I have a motion. I have a second. All those in favor? Opposed? Abstentions? Carried.
Thanks, Laretta.

MS. FISCHER:
Thank you.

CHAIRPERSON ELKOWITZ:
You're welcome.

Revision to proposed improvements and expansion of Indian Island Campground, Town of Riverhead.

MR. GIBBONS:
Nick Gibbons, Suffolk County Parks.

CHAIRPERSON ELKOWITZ:
Welcome.

MR. GIBBONS:
I'm not sure about that.

CHAIRPERSON ELKOWITZ:
All right. I already know. So go ahead. Enlighten us on the record.

MR. GIBBONS:
Okay. I'll just go over briefly what I sent to the Council in correspondence, that is that -- it was brought to my attention by Adrienne by way of a concerned constituent of the Indian Island County Park that the EAF, there are discrepancies between the EAF and the approved plans; that the plans were forwarded to the contractor or the contractors on-site. The work is being done in accordance with the plans; however, the impression that you guys had at the time, and that was my mistake, was that I had set clearing limits in the EAF that did not concur with the plan. That was also available at the time. And I have no explanation for that other than it's a gross oversight.

So I'm here today to discuss what mitigating measures you might offer. I'm not coming here for a determination in that it's after the fact. I know the Council doesn't do that. So I revised the EAF at Jim's suggestion so that at least it's on file. It does concur with the plans which I have here today. You can review those again.

And I also discussed the status of the project; and that is that the significant clearing has already occurred and --

CHAIRPERSON ELKOWITZ:
Can you just tell the Council how much because I don't know that -- I know I got a phone call. But I don't know that everybody got a phone call.

MR. GIBBONS:
Sure. If you have the -- there are three different versions of this project. But the EAF that was approved in January, it established three segments of the project. One was an existing campground improvement. And that called for the clearing of 20 trees, I believe.

CHAIRPERSON ELKOWITZ:
I think it was 20. It was 20.

MR. GIBBONS:

The second aspect was improvements to an existing group area. Again, I believe that was 20.

MS. ESPOSITO:

30.

MR. GIBBONS:

And it's actually 30. And the third aspect was a development of a new group area. And that is the only one that hasn't changed. That's the removal of 50 mature trees. So the biggest issue, as I see it, is the existing campground, which originally indicated 20 trees -- would not exceed 20 trees. And to date 110 trees have been cleared from the property.

MS. ESPOSITO:

Just in section one?

MR. GIBBONS:

That's right. And two and three are pending.

MS. ESPOSITO:

Can I jump in?

CHAIRPERSON ELKOWITZ:

Sure.

MS. ESPOSITO:

Because I don't know if you're being clear enough. Originally when we looked at this project as Nick explained, there were three sections. And, remember, we went through tree counting and all that. So in the first section EAF's at 20 trees and that's where the hundred -- is it up to 110?

MR. GIBBONS:

110.

MS. ESPOSITO:

110 have been cleared. So the EAF said 20. This said 110. And section two and three, you've revised the projections for two and three; is that correct?

MR. GIBBONS:

Just two.

MS. ESPOSITO:

Just two.

MR. GIBBONS:

From 20 trees to 30. And three remains at 50.

MS. ESPOSITO:

Okay.

MR. GIBBONS:

I should clarify, though. And it is stated in this letter as well. In segment number three, that is the new group area, I just want to make it clear that it does not include trees below a six-inch diameter, which is apparently a standard that came from the -- from the landscape architect. They don't pick up trees smaller than six-inch diameter. So that 50 includes 6-inches or greater; not under. And this is an intact site. This is intact understory. And so there's countless trees under that six-inch threshold.

CHAIRPERSON ELKOWITZ:

Well, wait a minute. Do we need to do a SEQRA determination, Jim, because it's a revised EAF? So to us it's revised. So maybe we should do another SEQRA determination.

MR. BAGG.

I would. But also, too, what is the total acreage here we're talking about?

CHAIRPERSON ELKOWITZ:

Square foot area.

MR. GIBBONS.

For all three segments?

CHAIRPERSON ELKOWITZ:

Yes.

MR. BAGG:

Yes, for the entire project. I mean --

MR. GIBBONS:

It's greater than 2.5.

MR. BAGG:

Pardon?

MR. GIBBONS:

If that's your question. It's greater than 2.5.

CHAIRPERSON ELKOWITZ:

It's greater than 2.5. It's a TYPE I Action, though.

MR. GIBBONS:

Well, it depends on what you constitute as a clearing.

CHAIRPERSON ELKOWITZ:

Well, you're telling me that these are trees that are six inches and over. And I assume that's the area you've given me, right?

MR. GIBBONS:

That's right.

CHAIRPERSON ELKOWITZ:

So, technically if we went by square footage, you're clearing more because you're clearing

all the understory.

MR. GIBBONS:
That's in that one section.

CHAIRPERSON ELKOWITZ:
Right. But still it's going to be more than 2.5; right?

MR. GIBBONS:
Depending on what you count. No, not that section is not in and of itself greater than 2.5.

CHAIRPERSON ELKOWITZ:
The whole thing?

MR. GIBBONS:
Yeah, the whole thing is.

CHAIRPERSON ELKOWITZ:
It's a TYPE I Action. But wait a minute. There's no other agency involved; right? It's just the Legislature and Parks. So there's nobody to coordinate with but ourselves.

MR. BAGG:
You are the lead -- the County's the lead agency.

CHAIRPERSON ELKOWITZ:
And there's no other agency that gives any approval. All right. So that gets rid of that problem. So what do we want to do?

LEG. FIELDS:
Can I ask a couple of questions?

CHAIRPERSON ELKOWITZ:
Sure.

LEG. FIELDS:
Nick, when you came to us a couple months ago, I think there was very detailed discussion about the trees. And I believe on the record you said you were going to oversee the clearing.

MR. GIBBONS:
That's right.

LEG. FIELDS:
But you did not.

MR. GIBBONS:
Yes, I did. However, I was going by the approved plans with the contractor. And they methodically marked out every tree that was indicated on the plans to be cleared.

LEG. FIELDS:
But how come those plans were not the same plans you told us --

MR. GIBBONS:

They were the same plans. The EAF was in error. I never referred back to the EAF when I walked the site with the contractor. Only to the plans.

CHAIRPERSON ELKOWITZ:

What we're being told is the mistake was made transferring the information from the plan to the representation on the EAF.

MR. GIBBONS:

Right. But the Council did have the plans at the same time as the EAF; however, it's my job here to cull out of this what's pertinent for you all to understand. And that's where the mistake is.

LEG. FIELDS:

I think I would prefer before I say anything today seeing an aerial of what you're proposing rather than drawn out plans. Because I understand that the new group -- I understand that there are larger campers, and they want to be able to utilize our county parks. But I think judging from the phone calls that I've received that it's precluding the pop-up tents and the Girl Scout kinds of group camping by expanding, you know, in such a massive amount. So I'd like to just see what you're -- how close you're coming to what we already have as group camping.

MR. GIBBONS:

Sure. The concern was that the group areas were infringing on the youth group areas.

LEG. FIELDS:

Exactly.

MR. GIBBONS:

Okay.

LEG. FIELDS:

So I would prefer seeing a real aerial so we can look and judge --

MR. GIBBONS:

I'll be happy to provide that. We did address that specific issue in the field with a concerned constituent and walked the site to show -- I'll be happy to provide it. There is quite a significant buffer area between the group area being proposed and the youth group area. But I'll be happy to bring that.

LEG. FIELDS:

Okay.

MS. ESPOSITO:

I have a couple things. One is that Nick met me at the site a couple weeks ago. He was kind enough. We walked around for about two hours looking at, you know, what the situation was. And, one thing about that area for Legislative Fields is the third area is a pretty much a mature forest. I mean there are some very mature trees in that area. And it is close to the Girl Scout/Boy Scout area that they use, which is a beautiful section of the park. Okay. A couple of things. Number one is that the first area that was cleared with the 110 trees, just for clarification, it was the 110 trees plus all of the understory. And

there were a number of trees there that didn't classify as trees because they didn't reach the six-inch in diameter. So basically what happened there is the whole thing was cleared.

MR. GIBBONS:

Well, that was pretty well open to begin with. That was an impacted currently being used campground with no understory to speak of.

MS. ESPOSITO:

But the whole thing was cleared is my point.

MR. GIBBONS:

No. I mean there's existing trees that remained.

MS. ESPOSITO:

Nick, I can count on one hand how many existing trees remain in that area. My point is that when we discussed this originally, the reason and I think I was the one who asked the question about trees because it wasn't clear, which is why you went back and provided the detailed maps, how many trees would be cleared, what would be the impact. And so as we fast forward today, the whole thing got cleared, which I believe -- and I don't want to speak for everyone -- but that was our intent. Our intent was to prevent that, you know, from occurring or to at least know if that was the intent. So we have a situation now, at least in my opinion, where we have a whole section that got cleared. So we have to talk about mitigating that, what kind of mitigation can occur. And do we now look at section two and three and say okay, well if section one is totally cleared now, do we look at two and three and say we need less clearage there or no clearage there or leave three alone? How do we compensate for what occurred?

And the last thing I just want to say, I have to say I was a little surprised in your letter when you offered your opinion that if the EAF had accurately reflected the approved plans, meaning the 110 trees in the first section, you think the Council would have done the same thing anyway. And I really want to take issue with that because I don't know that that's true. And I don't think it's appropriate for you to offer what you think what we would have done anyway. I think that's inappropriate.

MR. GIBBONS:

That's fine. I'm here to try and make the argument.

CHAIRPERSON ELKOWITZ:

Ginny?

LEG. FIELDS:

I also received a call that while they were clear-cutting this area, they were using a road that we already have there. But going beyond the road and they're nicking tries as they're going in and out with the machinery.

MR. GIBBONS:

That's true. I see that is as an insignificant. I've seen it firsthand. It's been pointed out to me in the field. That's an inevitable result of using heavy equipment on a narrow road.

LEG. FIELDS:

Well, then maybe we shouldn't be using heavy equipment.

MR. GIBBONS:

Well, the reason -- well, there is no other --

LEG. FIELDS:

We went through this with Forsythe Meadow, if you remember, where we -- the Parks Trustees were very upset. A lot of people were upset because someone went in and put a fence in.

MR. GIBBONS:

Right.

LEG. FIELDS:

And consequently ruined a lot of understudy and a lot of mature trees.

MR. GIBBONS:

Right. That was in a more remote area than this. The reason we're bringing the material cleared from the site to a staging area, we have an old dumping area that was cleared out that had been used by the parks for many years. We're chipping what's being limbed off the main trunks. The trunks themselves are being used for firewood in the park. What's being taken off the main trunk is being chipped in a stockpile of wood chips in this section that they're accessing with the heavy equipment. And then those chips are going to be used in the park.

LEG. FIELDS:

But I'm talking about trees that are still up that are being nicked and chipped as the trucks go through. They're still standing.

MR. GIBBONS:

Right. I have been it.

LEG. FIELDS:

They're not being used.

MR. GIBBONS:

What's that?

LEG. FIELDS:

They're not being used. They're being ruined. That's my point.

MR. GIBBONS:

Right. I did address it in the field. I did see it. I didn't see any reason to have to speak to the heavy equipment operators. I saw them operating as professionally as could be expected.

LEG. FIELDS:

But what I'm saying is maybe we shouldn't be using heavy equipment.

MR. GIBBONS:

I don't see any practical way to move the material around other than using heavy equipment.

MR. KAUFMAN:

Legislator Fields, if I might, the real question is, you're saying that you're seeing trees that are being chipped, etcetera. Are the trees going to be dying? That's the question.

LEG. FIELDS:

Maybe because of the chipping.

MR. KAUFMAN:

I mean are these large gashes girdling the trees?

LEG. FIELDS:

We don't know if it's going to damage the tree and kill the tree. That's my point.

MR. GIBBONS:

Right. Anything I saw in the field did not elevate to that level, no.

MR. KAUFMAN:

Nick, I have one question. In the EAF, and I do remember this from the January meeting, you're talking about planting 58 red oaks and a 167 white pines. Where will those trees be going? And are they serving as a little bit of mitigation?

MR. GIBBONS:

Those are mostly intended for the campground area. We had that white pine switched to pitch pine. You might recall that was a request. I had to DPW to stick with native species in the area. I'm not going to make any representation that those trees are going to replace the value of the trees that had been taken out. Obviously these are not mature trees.

MR. KAUFMAN:

Are they going to serve as a screening and things like that?

MR. GIBBONS:

That's the idea. We lost the screening between the backs of each campsites. As they came together, they sort of blended together. And so there is no definite boundary between the campsites. We're trying to re-establish that long term.

MR. KAUFMAN:

Yeah.

MR. GIBBONS:

I'm not going to tell you that those trees aren't going to take a while to grow. They are. And I also offered to Adrienne and the Council as a whole that if -- as one of the mitigating measures to add to the plantings scheme and add a different suite of species or a number of species, we're happy to do that as well. But, yes, Mike, the purpose of that is to re-establish a buffer between the campsites and give it better camping experience.

CHAIRPERSON ELKOWITZ:

Can I ask a question? We're asking Nick to come back with an aerial photo showing us what was there and then showing us what is here now; what remains now? Right? That's what we're asking?

MR. GIBBONS:

No, I think the aerial was better to represent the location of the proposed new group area in relation to the youth group areas.

CHAIRPERSON ELKOWITZ:

I don't think that was only it, because I think you were asking for us to be able to see what the trees looked like, what the area looked like before it disappeared. And where the trees have been removed, from an aerial photo. Weren't you asking for that as well?

MS. ESPOSITO:

No. That was Ginny. I know what it looks like now; pretty clear.

LEG. FIELDS:

I think we all have an idea what it looks like now.

CHAIRPERSON ELKOWITZ:

And then are we asking Parks Department to come up with some sort of a mitigation plan? Because I just want to be clear what we're asking for.

LEG. FIELDS:

I also remember, and I think if you look at the minutes, when you came to us the last time, you interpreted most of the trees as being pitch pine and --

MR. GIBBONS:

The existing?

LEG. FIELDS:

That were knocked down.

MR. GIBBONS:

Right. They're mostly oak. I'd have to check that myself.

LEG. FIELDS:

But I think according to the minutes you said they were mostly pitch pine.

MR. GIBBONS:

Okay.

LEG. FIELDS:

And so I think maybe when we look at these plans, we should look at aerials so that it, you know, helps you to remember if you hadn't been there in a while.

MR. GIBBONS:

Right.

LEG. FIELDS:

And it helps us to get a better visual of how it's going to impact or not impact.

MR. GIBBONS:

But I just want to be clear on that first point about the aerials, then. You're also requesting an aerial of current conditions; is that right?

CHAIRPERSON ELKOWITZ:

Well, I don't know that you can get an aerial of current conditions unless flown, and I'm not suggesting that the County pay for an aerial to have a flown. But I think you could probably do a little bit of an overlay that shows where the trees that were there on the aerial are now not there.

MR. GIBBONS:

Okay.

CHAIRPERSON ELKOWITZ:

That's easy, I think.

LEG. FIELDS:

And you can take a photograph. A photograph, too, would be fine.

CHAIRPERSON ELKOWITZ:

Oh, yeah, a regular land photograph.

MR. GIBBONS:

Oh, the ground? Sure, yeah.

CHAIRPERSON ELKOWITZ:

Judy?

COMMISSIONER GORDON:

May I make a point before you vote?

CHAIRPERSON ELKOWITZ:

Sure.

COMMISSIONER GORDON:

Again, I apologize profusely for the error. You know, I just can't say enough. I just have to remind you, though, that you all know we have approximately 45,000, 46,000 acres of parkland within the County, very few of which is developed for active use. Approximately 3,000. Camping is a big activity in the Parks Department. It's a large revenue generator. We collect probably close to two million dollars a year in camping. The camping community, as was mentioned earlier, the rigs are getting larger and larger. Our sites are -- in many cases -- and the Parks Department will be coming back to this body for future renovation of campground areas. I have a concern if we delay this another month, we have a contractor that's in there now, we're planning to have this project done by the camping season for '04. And if we delay the contractor further, I don't know what that's going to cost us. I don't know what the ramifications of that are. And I'm requesting

would there be a possibility to come up with a mitigation program now that we try and correct the problem as much as possible.

CHAIRPERSON ELKOWITZ:

I haven't been there. But I know Adrienne has been there. So if you have a suggestion, I'm happy to have the discussion.

MS. ESPOSITO:

Well, I'm not sure what can be mitigated, frankly. I mean to me, it was a -- this is the way -- I look at it as this. We approved something. And I hand wrote in my notes, no more than 90 trees removed for the entire project. That's what we took a vote on; that's what we made a SEQRA determination on. Now we have 110 trees that are removed and an additional number of trees that are pending, so to speak. That's not what we voted on. So I don't see how you can go forward and do that. I would say, then, you know, we have to figure out what happens to the other two sections to mitigate what happened in the first section. That would be my recommendation. I don't think that putting in seedlings of whatever species, you know, is appropriate is a mitigating action. I really don't. So it has to be something else. And the only other thing I can think of unless somebody has something else to suggest is reducing the numbers particularly in the mature forest section in number three.

CHAIRPERSON ELKOWITZ:

Is that a possibility?

MR. GIBBONS:

Well, it's a possibility. I mean it hasn't been cut yet, you know.

MS. ESPOSITO.

Nothing's been cut in two and three; right?

MR. GIBBONS.

No.

COMMISSIONER GORDON.

The problem that we have is we have a contract with the contractor to do the project. If we start changing the project, I don't know what the -- I can't answer that today. We would have to confer with DPW regarding that. And we've already delayed them, you know, to come back to you for this meeting.

MR. SWANSON:

Judy, with all due respect, I think it's inappropriate for you to be trying to put the onus on CEO for an error that was made by your Department. And I don't think that kind of pressure should be applied to us. We need to do what is the appropriate thing to do regardless of your particular problem. Now, maybe we should consider that in the overall debate, but I don't think that the burden is on CEO.

COMMISSIONER GORDON:

And I didn't mean to make that implication, Larry.

CHAIRPERSON ELKOWITZ:

I don't have an easy suggestion for this. I really don't. Let me ask a question this way.

And I have to keep asking Adrienne because she was there. Does the removal -- in your opinion does the removal of the 110 trees as opposed to the 20 trees elevate this to a significant adverse impact?

MS. ESPOSITO:

That's the question I've been struggling with. And that's why I took issue with Nick for putting that in his letter. Because at what point does the park become a parking lot? And that's what I have been really focussing on for the last couple of weeks. I mean, if you take the trees out of the park, at what point -- how many trees determines what becomes a significant impact? And when I looked at the one section, it's leveled. I mean there's basically no trees left in that one section. And if we go into the mature forest there, and we take out all the mature trees there, to me it does. I think it's a little subjective. I don't mind telling you this.

CHAIRPERSON ELKOWITZ:

Well, all of this is subjective.

MS. ESPOSITO:

To me, you know, when you clear -- but I do agree that people should have access to the parks. And I do agree that the parks are also there for the public to enjoy and to have use of. But that's -- to me that doesn't necessarily influence whether or not it's a significant impact. And to me it looks like if all of this is -- all of those trees are removed that are currently being planted be removed, that does look like a significant impact to me.

CHAIRPERSON ELKOWITZ:

Let me ask a question. Let me ask a question. The extra 90 trees that got removed, did they impair a view from a public roadway, from a residential neighborhood, from anything like that? Or are people looking at the same thing they always looked at? From the outside?

MR. GIBBONS.

Oh, there's no impact from the outside.

CHAIRPERSON ELKOWITZ:

At all?

MR. GIBBONS:

No.

CHAIRPERSON ELKOWITZ:

If somebody looked at this park from the outside, whether it's from their residential property or from a public roadway, it looks the same?

COMMISSIONER GORDON.

Yes.

CHAIRPERSON ELKOWITZ:

How essential is removing the 50 trees on group three to this project? And I'm not talking about from a contractor's standpoint because to be quite frank with you, that is not compelling to me.

COMMISSIONER GORDON:
From a use standpoint?

CHAIRPERSON ELKOWITZ:
From a use standpoint.

MR. GIBBONS:
There's no group area of that size without the removal of those trees.

CHAIRPERSON ELKOWITZ:
I didn't ask you that. I believe I asked you if you didn't remove those 50 trees, how does it impair the use? Could you not use it, would it not be 15 campsites, it would only be 5? What would the difference be if those trees had to stay and you just had to selectively remove, for example, understory so that you could get vehicles in there?

MR. GIBBONS:
No, this is already -- this already represents selective removal. They're working around what's already there in terms of vegetation to accommodate the campground. You couldn't have the campground without --

CHAIRPERSON ELKOWITZ:
At all?

MR. GIBBONS:
Right.

CHAIRPERSON ELKOWITZ:
You didn't remove all 50 trees?

MR. GIBBONS:
You couldn't do it. This is a group camp area designed for trucks pulling trailers; not people carrying tents.

LEG. FIELDS:
Do you have the whole plan there?

MR. GIBBONS:
The plans? Yes.

LEG. FIELDS:
Would that help anyone in some way?

MR. CRAMER:
I would like to see them.

CHAIRPERSON ELKOWITZ:
I would, too, because if we could -- I mean, 110 trees could be significant, couldn't be significant. It depends on where they are, what they --

COMMISSIONER GORDON:
Well, again, also, the size of that park, what, Nick, is 275 acres approximately?

MR. GIBBONS:

Right. But you're not speaking to that issue. You're talking about that specific spot.

COMMISSIONER GORDON:

Right. No, I know.

CHAIRPERSON ELKOWITZ:

Let's look at the plans and see if we can get to a significant issue.

MR. CRAMER:

I think, certainly when I reviewed it or my feelings of it, was not getting into counting trees; but it was more how the overall project was laid out, you know, as opposed to getting in, saying, you know, okay, you have five trees over here, five trees there. It was the overall concept. Now, if one section of that wasn't followed through correctly and they took out and they cleared cut an area, I don't see where it necessarily should impact on the other areas, if the other areas are done correctly.

CHAIRPERSON ELKOWITZ:

Right. But the question is does the 110 trees rise to the level of significant? Because if it rises to the level of significant, that's an issue.

MR. CRAMER:

Again, not counting trees, and, you know, it's the overall --

CHAIRPERSON ELKOWITZ:

First, of all we can't all speak.

MR. GIBBONS:

Okay. So this is the existing campground that we're talking about now, area one. The circles with the crosses through them are the trees to be removed. The stars and the dark spots are the trees to be planted. And I believe those are itemized by species somewhere on here. The white that aren't crossed through are the trees that remain.

LEG. FIELDS:

So basically this is all clear-cutting.

MR. GIBBONS:

No. Everything -- these trees are still present.

LEG. FIELDS.

Show us where it's clear-cutting.

MR. GIBBONS:

Everything with a cross through it is removed.

LEG. FIELDS:

I'm talking about this whole thing. Basically what have you done?

MR. GIBBONS:

Everything that's represented on here has been completed in terms of the removal of these trees that are x'd out. In addition, those trees that aren't x'd out remain.

CHAIRPERSON ELKOWITZ:

And you'll be planting.

MR. CRAMER:

So what you're saying essentially is Hulse Avenue and Dredging Pond Road have been widened, pushed back.

MR. GIBBONS:

Well, not only that, though, Mike, because --

MR. CRAMER:

I'm Tom.

MR. GIBBONS:

Tom, I'm sorry. Within the interior as well these trees have been removed. So it's not contiguous to the road. It's behind the existing campsites. The center as well, the trees have been removed.

MR. CRAMER:

I can't see the crosses.

MR. BAGG:

Also I might point out that the Department of Public Works, the landscaping division, only puts trees on there greater than six inches. But, I mean, they have to put in all the ground cover into these areas, too, and what is actually being removed under six inches. I mean, are they taking out, you know, bearberry or high bush blueberry or -- I have no idea.

MR. GIBBONS:

In this section, really, Jim, no understory to speak of. There are two to three sections in here that were more weedy species. Over on the other side in the proposed group area, there is that typical suite of species of dexamian and clethra and all those things that you would see.

MR. BAGG:

Okay. I'm just saying in the future the plan has to identify all the vegetation, not just trees.

MR. GIBBONS:

That's an engineering standard that DPW -- I understand the point, I'm just telling you what --

CHAIRPERSON ELKOWITZ:

I understand.

COMMISSIONER GORDON:

Unfortunately, it's not up to us necessarily to tell them how to do their jobs.

CHAIRPERSON ELKOWITZ:

Well, that's not necessarily true. I mean, let's put it this way. If you were to come here and somebody were to ask the question, you'd have to go back to DPW so they can pay to do it twice as opposed to paying it to do it once.

COMMISSIONER GORDON:

Right.

LEG. FIELDS:

I think basically, visually, I wanted to know did you clearcut from here to here, do you go from here to here? What did you do?

MR. GIBBONS:

No, you can't really categorize it that way. It's more sporadic and -- it was cut -- things were cut to accommodate utilities and these campsites.

LEG. FIELDS:

These were cut.

MR. GIBBONS:

That's why I proposed the question whether or not it constituted clearing. Okay. This shows both the existing group areas -- this is one.

LEG. FIELDS:

Does this show one, two and three? Do you have one thing that shows one, two and three altogether?

MR. GIBBONS:

The group areas?

LEG. FIELDS:

Yes.

MR. GIBBONS:

This is across the street from this. It shows here just in context, this is where the campground is that we were just looking at. These are the group areas. This shows the re-configuring. This is currently three existing group areas. They're going to be combined into two and establish a greater buffer between the sites and enlarge the existing sites.

LEG. FIELDS:

And where is the Girl Scouts?

MR. GIBBONS:

It's to the -- I'm not sure how this is represented. But I believe this is north. Maybe Adrienne can comment on that. We walked to the youth group sites to see what the impact would be. We stood in the youth group sites and looked back at this site, which is currently fenced off with orange construction fence. And, yes, you can see it. But the distance is such that I'm not sure -- I believe it's debatable whether or not you would impact the youth group sites by developing this site. I need to quantify that in terms of

footage. I unfortunately don't have that. I'm not sure -- I don't think we have a page here that shows the existing youth group sites in relation to this project.

MS. ESPOSITO:

I think the concern, though, was that the third section might impact the youth group site.

MR. GIBBONS:

Right.

MS. ESPOSITO:

That is the third?

MR. GIBBONS:

Yes, this is.

MS. ESPOSITO:

Okay.

MR. GIBBONS:

This shows the new road where we walked in on, the proposed entrance. That would be separate from these.

This is the same representation of trees to be removed and trees to remain.

MR. CRAMER:

Nick, these plans are what we reviewed the last time.

MR. GIBBONS:

That's right.

MR. CRAMER:

The plans are exactly the same.

CHAIRPERSON ELKOWITZ:

They haven't changed.

MR. CRAMER:

With the clearing and the number of trees as shown on the plans.

MR. GIBBONS:

That's right.

MR. CRAMER:

The difference is EAF didn't pick up --

MR. GIBBONS:

That's correct.

MR. CRAMER:

-- the number on these plans?

MR. GIBBONS:
I'm at a loss to explain why that's the case.

MR. CRAMER:
And you're just here to correct the number --

MR. GIBBONS:
In the EAF.

MR. CRAMER:
To reflect this plan that we reviewed. I know we spent a lot of time the last time sitting on -- going over this and laying out how it was, you know, the cross-overs, the amount of trees.

MR. GIBBONS:
Well, the first EAF had no clearing limits.

MR. CRAMER:
Had no clearing limits set. Right. And then you came back.

MR. GIBBONS:
But it had these plans. The Council specifically requested to quantify those removals.

MR. CRAMER:
Right.

MR. GIBBONS:
Which I must have done without the benefit of the plans. I can't recall. It's pushing a year ago. But I don't know what the explanation is. The plans remain the same, that's right.

MS. ESPOSITO:
Well, I think we need a little clarity on that, Tom. The plans, what were reviewed, though, we reviewed it in the context of the EAF. So when we reviewed the plans, we thought there were 20 trees coming down. So I'm a little at a loss why you're making it sound like an administrative thing. We specifically asked how many trees. That was the whole discussion.

MR. CRAMER:
That's your review of it. You know, when I sit down and review the plans, I take EAF into consideration but also the plans, how they're laid out, how they're represented. You know, the way you interpret something, the way I interpret something may be different. I feel confident with what we reviewed the last time. We wanted to know how this was being laid, the trees that were being removed, and the trees that were remaining and the trees that were being restored. Now, again, I'm not a big one going back taking another pound of flesh from them. Apparently this was administrative error; that it wasn't put down. There was a difference of trees on the thing. But certainly these plans illustrate what took place on the site. You know, whether -- I don't have any problem with making the motion that we accept the amendment and move on with the project. I mean, this is what we reviewed. This is what we had in front of us. And I know we spent a lot of time on these particular plans

MS. ESPOSITO:

Well, I really disagree. We had it in front of us, but we were talking about different numbers. And that's where, you know -- that's why the issue's here.

MR. CRAMER:

Well, I'd make a motion, then, that we just accept the revisions to EAF in that they were based on these plans.

CHAIRPERSON ELKOWITZ:

So you're just reaffirming the prior --

MR. CRAMER:

Yes.

CHAIRPERSON ELKOWITZ:

All right. So you're making a motion. I need a second and then I want to talk about it a little bit.

MR. SWANSON:

Second.

CHAIRPERSON ELKOWITZ:

I have a second. We have a motion. We have a second. The question that I have -- I mean I'm troubled by this. I was troubled by the phone calls. I'm troubled by -- we have a mistake of 90 trees when clearly the members of the CEQ had an issue specifically with the number of the trees. I'm troubled by that.

MR. CRAMER:

I agree with that, too.

CHAIRPERSON ELKOWITZ:

However, I'm looking at these plans, and I'm saying to myself if that never happened, would I sit here and say that I would have supported a resolution determining a pos dec for this? And that's where I am losing it. I'm troubled by this. But I believe that Nick -- I mean, Nick's been here many, many times. I don't think he's lying to us. I think he made a mistake. I think it had a terrible consequence, but, you know what, welcome to the human race. But the reality of it is, if this never happened, and you brought me those plans and you told me it was 110 trees, maybe somebody would have gotten you down to 90. But would it make a significant adverse impact? Not in my mind. And if that's what we're here to deal with, I would be supportive of Tom's resolution. But I'm one vote, so --

MR. GIBBONS:

That's the point I was trying to make in the letter. I wasn't trying to -- and I do in every letter of correspondence, I just make a suggestion. It's not --

CHAIRPERSON ELKOWITZ:

And I think that you've heard that members of the Council like you a lot, but you shouldn't pre-suppose what we're going to determine or suggest until somebody appoints you here. I think that's what Adrienne's telling you. Anybody else have an opinion?

MS. MANFREDONIA:

I'm still in a quandary about what we're doing to make this better.

CHAIRPERSON ELKOWITZ:

We're not doing anything is what we're hearing. And the reason why we're not doing anything, and I'm paraphrasing what I heard and I'm just trying to cut to the chase because we could be here for five hours talking about these 90 trees; what I'm hearing is the Parks Department always intended to remove these 110 trees. Either somebody didn't count it correctly on the plan, somebody made an assumption it was only 20; the trees were always the trees that were x'd, they were always in that area. But when somebody put the number on the EAF in response to our question, instead of 110, it was 20. That's really it in a nutshell. It wasn't a mistake that they removed more than they thought they were going to remove. They were always removing this. It was mis-represented to us in error is what I'm hearing on the EAF.

MR. CRAMER:

But not the plan.

CHAIRPERSON ELKOWITZ:

On the EAF. Not on the plan. Those are the same plans we've seen.

MR. CRAMER:

And, yes, I agree with you, also; that things like this shouldn't happen. They do.

CHAIRPERSON ELKOWITZ:

Well, you know, when they happen in my office, I say that's why God made professional liability insurance.

MR. CRAMER:

Don't bring that up, Terry.

CHAIRPERSON ELKOWITZ:

You know, I don't know what to tell you. I can't fix it. I can't make the trees go back. And we're -- well, one of us is, but not in that capacity. None of us except for Legislator Fields is here to make policy or determine whether there should be more active campgrounds or not. I don't even have an opinion on it because most of you who know me know I would never camp.

MR. KAUFMAN:

She isn't a country girl.

CHAIRPERSON ELKOWITZ:

No.

MR. CRAMER:

Based on -- maybe we should ask the Parks Department whether they're planning to do any additional mitigation based on, you know, what you've seen after the actual clearing has taken place according to the plan that was done.

COMMISSIONER GORDON:

I would think that we would agree where we could plant more trees, we would like to plant some additional trees.

MR. CRAMER:

Is that something that you would like to add to this project?

COMMISSIONER GORDON:

Yes, absolutely.

CHAIRPERSON ELKOWITZ:

And would you be willing to have Nick and Adrienne Esposito go out together and determine where those trees should be?

COMMISSIONER GORDON:

Sure, we could do that.

MR. CRAMER:

And that's something that, you know, can be done, you know, over the winter and spring-planting take place --

COMMISSIONER GORDON: Yes.

MR. CRAMER:

-- beforehand so that the project itself could move along so long as we get mitigation down the line.

COMMISSIONER GORDON:

We're not going to be replacing the trees that were removed, obviously. We're re-planting and they need time to grow.

MR. CRAMER:

Additional mitigation. I mean, you talked about some of those spots that in between, that there's no understory there presently; that, you know, it's been utilized so much. I would imagine there, there might be some areas. And, again, looking at different types of plant materials rather than just the pitch pine and the oaks that were proposed, maybe get into some more of the understories and some of the other native material that's in the area.

CHAIRPERSON ELKOWITZ:

Tom, our resident tree expert has volunteered to be on this sub-committee. So Nancy and Adrienne -- Nancy has volunteered; Adrienne has been appointed -- to take on that task should we go in that direction. And since you're a landscape architect, if you'd like to go on the field trip, too, we're happy to have you.

MR. KAUFMAN:

We can get you all individual camps.

CHAIRPERSON ELKOWITZ:

Larry?

MR. SWANSON:

Well, I guess I would ask that there be consideration given to other than seedlings being--

CHAIRPERSON ELKOWITZ:

Well, that was Nancy's point.

MR. CRAMER:

Yes. I don't think -- was it ever intended for seedlings? Our original discussions were never seedlings.

MR. GIBBONS:

No, the plans indicate the size to be planted.

MS. ESPOSITO:

Can you give us a general idea, Nick, what it says?

MR. GIBBONS:

The original plans showed red oak of three to three and a half inch caliber.

MR. CRAMER:

That's a good size tree.

MR. GIBBONS:

It is, yeah. And eastern white pine, mind you I had that switched to pitch pine, was five to six foot high. They're pretty much as big as you could get commercially, you know, in this quantity.

MR. CRAMER:

And moved relatively easily.

MR. GIBBONS:

Right.

CHAIRPERSON ELKOWITZ:

You know what, I have a motion, I have a second. And I don't think we're going to hear another useful thing. So we have an offer of mitigation. We have a sub-committee. I've already heard that we've gone from crucifying him to having planting more trees. I don't know what else to do. We have a motion, we have a second. We have an offer from the applicant to take two people out there and determine where the trees are going. And if there's a problem, I'm sure we'll hear next month. I'm going to take a vote. All those in favor? One, two, three, four. Opposed? One. Abstentions? Two. Carried.

MS. ESPOSITO: Three.

MR. CRAMER:

Three.

CHAIRPERSON ELKOWITZ:

So I have four, three, one. Is that what I have?

MR. KAUFMAN:
Four, one, three.

CHAIRPERSON ELKOWITZ:
Four, one, three. It carries.

MR. GIBBONS:
Thank you.

MR. BAGG:
I have a question.

CHAIRPERSON ELKOWITZ:
What?

MR. BAGG:
On the mitigation, I assume the Parks Department will submit something for the file?

COMMISSIONER GORDON:
Yes.

CHAIRPERSON ELKOWITZ:
Well, I think what should happen is that Nancy and Adrienne are going to go out. The Parks Department is going to write it up or show it on a plan. Nancy and Adrienne are going to look at it. We're going to be told that it was acceptable or not acceptable. And I really hope it's going to be acceptable.

MR. BAGG:
I'm just saying that the final plan will be submitted to our file --

CHAIRPERSON ELKOWITZ:
To have on file.

MR. BAGG:
-- as mitigation.

CHAIRPERSON ELKOWITZ:
Yes.

LEG. FIELDS:
May I ask that if this is going to be done within the next cycle before the next meeting, that, Nick, you bring those aerials just so that we have a report and we all feel good.

MR. GIBBONS: Sure.

CHAIRPERSON ELKOWITZ:
And maybe you can mark out where you're going to plant those extra trees so there is something for Jim to have in the file.

MR. GIBBONS:
Sure, I'll do that.

MR. KAUFMAN:
Terry?

CHAIRPERSON ELKOWITZ:
What?

MR. KAUFMAN:
This is tangential to this particular discussion, but it's something that Adrienne and I had discussed. We've relied at CEQ in the past upon often for projects for people like Nick to go out and do work in the field. And we're relatively dependent upon that. And Adrienne made the point that we don't know sometimes whether the work in the field has been observed -- whether it's by Parks, whether it's by DPW, etcetera. And Adrienne and I both feel that it might be a good idea sometimes to have the various agencies report back us as to what actually happened in the field. It could be a relatively quick report, you know, it can be written, it could be oral, whatever. But I'd like to sometimes hear, you know, if Nick goes out and he's clear-cutting Gabreski Airport or something --

MS. ESPOSITO:
Like, maybe 24 acres?

MR. KAUFMAN.
58 acres, actually.

MS. ESPOSITO:
No, no, that's another thing.

CHAIRPERSON ELKOWITZ:
Another issue.

MR. KAUFMAN:
Or Economic Development might want to tell us that, if they're doing something like that. It might be something for us to hear, basically.

CHAIRPERSON ELKOWITZ:
I agree. And Adrienne and I discussed the same thing. And we actually -- Jim will really be thrilled to hear this -- we actually discussed some things that were particularly sensitive to ask for Jim to be notified so that he could go out there. I mean if we were really talking about something that the Council was very concerned about, because Jim is only one person -- but, you know, if he could go out occasionally and provide the oversight for CEQ's benefit on things we were particularly interested in.

MR. BAGG:
You might find it interesting; however, the Charter states that when the project is complete, the initiating unit is to submit a report as to what has been done. It's in the Charter, but nobody's ever adhered to it, but it is there.

CHAIRPERSON ELKOWITZ:
I guess we're going to adhere to it now. Thank you for enlightening us. You're still going to have to go out in the field, though.

MR. BAGG:
That's quite all right. It makes my job pleasant.

CHAIRPERSON ELKOWITZ: Interesting.

LEG. FIELDS:
Under what circumstances is that? Is that when you have a TYPE I? Or a neg dec or --

MR. BAGG:
I have to look it up. But specifically the Charter does say that, you know, once the Environmental Reviews are done, the initiating unit is supposed to do a follow-up report.

LEG. FIELDS:
That's a great idea, though, actually. I mean, I know it's a lot of work, but it helps you in your future determinations.

CHAIRPERSON ELKOWITZ:
It certainly does. And maybe, Jim, what we could is maybe instead of making it a report, maybe we could come up with a form. We can come up with a form so that, you know -- and some categories so that it's easier.

LEG. FIELDS:
Very helpful.

CHAIRPERSON ELKOWITZ:
We'll try. And, you know, maybe some photographs so that people aren't -- you know, I don't want to create work. But at least we'd have a form.

LEG. FIELDS:
Motion to approve.

CHAIRPERSON ELKOWITZ:
If you want to make it a motion, go ahead.

LEG. FIELDS:
No.

MR. BAGG:
I'll be glad to do that --

LEG. FIELDS:
It's a law.

CHAIRPERSON ELKOWITZ:
No, but to make it so that people, you know, can do it. Go ahead.

MR. BAGG:
One of the things you might consider, you said on the more significant issues. I mean, on everything you review, I mean that is quite a task. So you may want to selectively --

CHAIRPERSON ELKOWITZ:

Right. But, you know what, periodically you might want -- right. If you come up with a form -- I mean obviously every little -- certainly TYPE II Actions -- no one -- I don't think anybody's going to ask for this. Who cares what faucet you put in the bathroom. Give me a break. But if we're doing clearing, if we're doing things like that, I think it would be very, very useful.

LEG. FIELDS:

You know what, I will make a motion. We're doing this where it's pattern. Jim, you will put together a form. I make a motion for Jim to put together a form with -- if it's appropriate, either aerial or both. Because I do believe that in future determinations, this body would find that extremely useful.

MR. CRAMER:

Second.

MR. SWANSON:

Second.

CHAIRPERSON ELKOWITZ:

You're right.

LEG. FIELDS:

And it would probably even end a lot of discussion that sometimes we take in determining if we had some kind of a form from the past.

COMMISSIONER GORDON:

If I could just but in. In terms of the project that we just went over, as I mentioned the Parks Department will be coming back with more of these. So, you know, this would probably be a good one to come back to you, tell you how it worked out so that you can make a better decision the next time.

CHAIRPERSON ELKOWITZ:

We can't wait. Okay. I have a motion and I have two seconds. I think Tom seconded it first. All those in favor? Opposed? Abstentions? Carried.

Historic services. And then CAC.

MR. MARTIN:

Good morning. I'd just like to report on Sagtikos Manor. The Friends For Long Island Heritage are putting a request for a grant of 250 thousand dollars to the Governor's office. And this would go to establish a collections center at Sagtikos Manor, which would concentrate on our extensive collections there that we have in the house, but would also provide services for the collections work that we need to do at our other historic trust sites. And this would involve the documentation of all the objects in the house, and the conservation efforts that are needed there. And we're right now looking at the Carriage House which we've identified for interpretive center as where the office space would be for this collection center. And that site compared to the rest of the County trust sites, that would be the best site to do an educational program on the decorative arts that we use at

collections there at Sagtikos.

The Blydenburg Mill, we have worked out a project that Walter Haline, who is the Millright architect hired for the job, will be working with the County-approved general contractor Austin Interiors to do a shoring up job on the west wall. There are concerns of the supports there that are in the water. And also working on the timber frame restoration and additional work on the west wall. And that job should start immediately.

MR. KAUFMAN:

On that particular shoring up job, you said the supports are in the water right now.

MR. MARTIN:

Yes.

MR. KAUFMAN:

They're rotting out, I would assume?

MR. MARTIN:

Well, that's part of it. And it's just the angle of the wall itself is --

MR. KAUFMAN:

It's bowing?

MR. MARTIN:

It's bowing out to the west. So we need to restructure that,

MR. KAUFMAN:

So that will be temporary as opposed to permanent?

MR. MARTIN:

That will be temporary work that's needed to be done because they have to remove some of the timber framing to do the work. So, this is part of the job. It's not an additional part of the job.

MR. KAUFMAN:

just out of curiosity, what is the wall, the original wall made of that's sitting in the water? Is it wood? I doubt that, but -- masonry?

MR. MARTIN:

Well, it's wood, locust posts that are sitting on slate in the water.

MR. KAUFMAN:

Yes, that's the old way they used to build things.

MR. MARTIN:

Right.

MR. KAUFMAN:

Frankly, I'm surprised that locust has lasted this long.

MR. MARTIN:
Locust lasts very long.

MR. CRAMER:
Locust would last forever.

MR. KAUFMAN:
Yes, but even in water.

MR. MARTIN:
That's why you use locust because it can be in the water. Okay. So that job we should see some action within the month definitely at that site.

MS. MANFREDONIA:
Rich, can I just ask about the Millers House?

MR. MARTIN:
Sure. The Millers House we still need to bring in the County contractor to do a new plan on the heating plant. I think I explained last time we had already done that with the previous contractor that lost the county contract that did a full plan for us. And now I need to bring the new contractor in. We haven't done that yet. I passed out the brochure on Deepwells. I hope you get to visit that this year. We do have new producers for the show at the house running through the holiday show. Dermont and Muna Entertainment. And they will be continuing with us and are writing and working on the spring show so we will again open the house up in March for the program as we have before.

LEG. FIELDS:
How many people usually visit the Deepwells show at holiday time?

MR. MARTIN:
I'm going to take a guesstimate at about 10,000, I think, is our visitation, plus or minus.

MR. KAUFMAN:
For whatever it's worth, I've been there a few times. And the place is really decked out. It's something to see.

MR. MARTIN:
It's a good two months that we have the house open to the public, just about every day except for Monday. This year we've instituted Thursday night shopping at the request of the vendors. And we're hoping to publicize that more. A lot of people don't realize that we are open Thursday nights until eight o'clock. That's a new addition this year.

MR. KAUFMAN:
I was over there a couple days ago. And I was speaking to a couple of the vendors. And they seem to be doing okay so far so it's kind of a snap shot.

MR. MARTIN:
Most of them do very well. Any other questions? That's all I have today.

CHAIRPERSON ELKOWITZ:

Joy?

MS. SQUIRES:

I'll speak quickly. This is in regard to the 2003 conference on the environment, which is co-sponsored by NYSAC and NYSEM. Again, CEQ is an environmental management council. And I think one of the things that comes out of this conference is that with reduced funding that comes from New York State, there are many environmental councils throughout the State that are folding because they have no money for staff. We used to get a great deal of money from the State. Jim, of course, administered huge amounts of money, and now there is nothing. And this proceeds -- and there are several of the Upstate counties that have lost their environmental management councils.

The theme was sustainable -- living with renewable energy. And there are a couple of points I'd simply like to make. One, William Flynn who's the new Chairman of the New York State Public Service Commission, spoke. He was NYSERDA. In listening to all the NYSERDA comments, it was very apparent to me that the activity in terms of alternate sources of energy, the activity is happening primarily in the western part of the state. Wind turbines, the grants for solar application seem to be much more in the western part. When I commented about that, they said well, they're not going to put up with any wind turbines on Long Island. And they were almost dismissive of Long Island and Westchester County. And I think we better look at that in response to all the organizations that we represent. There are grants. There are grants for solar applications on schools. There are grants for solar applications on public buildings. People are getting money. And when you see NYSERDA's picture of where the grants have been coming in, they're not coming in on Long Island. They're not coming in in Westchester.

In addition, Steven Strong spoke. He's a solar design architect. He was a Hero of the Planet for Time magazine. If you ever get a chance to listen to this guy speak -- he was something like I had never heard before. So I offer that to you as a name.

And, finally, Walter Simpson, who was the Energy Officer at SUNY Buffalo, has managed to through the ins in Buffalo, the campus, and through his work, is the largest purchaser of wind power in New York State. He's done extraordinary things. He also -- and this is on a more personal level -- we went to his home, which is a completely solar home. And when you think about the fact this is Buffalo, not the south, he showed all the applications. And I just re-produced what was in his house, which is in a publication named Solar Today, if anybody wants that. But it was very interesting, very interesting how he was so -- ever inch of him, you know, from where he lived to what he was doing for the university. But he had really interesting applications.

But I think this is a place that Long Island, and I think all the agencies that we represent, and it's a lot of them, we should be looking at the grants that are available for alternate energies, especially with that's happening today as we speak.

CHAIRPERSON ELKOWITZ:

Certainly DPW because we've had conversations -- guess I was at the Energy and Environment Committee, which isn't called that any more, when we were talking about -- when they are talking about having the buildings be more energy efficient. So that's something DPW should look at.

MS. SQUIRES:

It would be in grants. And they come from all over. And I'm looking and they're not here. They're not here. So, thank you.

MS. ESPOSITO:

Wind power will be on Long Island in a couple of years.

MS. SQUIRES:

Oh, I know that. I am aware of that, but there's so much more. I was just astounded. There are wind turbines south of Rochester on farms that are supplying western New York State. And there are rebates and there are all sorts of things of this nature. I was surprised of how little we have. I can make more copies. I didn't know how many people would be interested. Thank you.

CHAIRPERSON ELKOWITZ:

Anything else? I'll entertain a motion to adjourn.

MR. CRAMER:

Motion.

MR. KAUFMAN:

Second.

CHAIRPERSON ELKOWITZ:

I have a motion. I have a second. Happy Thanksgiving everybody.

(THE MEETING WAS ADJOURNED AT 11:20 AM)

CHAIRPERSON ELKOWITZ:

There was a motion to reopen the meeting by Mr. Kaufman.

LEG. FIELDS:

And I seconded it.

CHAIRPERSON ELKOWITZ:

And it was seconded by Legislator Fields. The reason why we are re-opening the meeting, is because Adrienne noticed that when we had the vote on the Parks issue, the vote was 4-1-3; 4 in favor, 1 against, 3 abstentions. And I may have incorrectly said that the motion passed and it did not. But I now have had a birdie whisper in my ear that their vote make have changed. So we're just going to re-vote on the same motion. Okay.

LEG. FIELDS:

I think we have to make a motion to re-visit that one. And then second it.

CHAIRPERSON ELKOWITZ:
All right. So Tom is making a motion to re-visit. Do I have a second?

LEG. FIELDS:
Second.

CHAIRPERSON ELKOWITZ:
I have a second by Ginny Fields. All those in favor? Opposed? Abstentions? Carried. Okay. I don't think we have to do the whole motion.

LEG. FIELDS:
Yes, you do.

CHAIRPERSON ELKOWITZ:
We do. Okay. So we had a motion -- go ahead, Tom, it was your motion, wasn't it? It was Tom's motion.

MR. CRAMER:
That we correct -- I have to think now.

CHAIRPERSON ELKOWITZ:
We correct the EAF.

MR. CRAMER:
We correct the EAF.

CHAIRPERSON ELKOWITZ:
Re-affirm the prior SEQRA determination -- recommendation for SEQRA determination.

MR. CRAMER:
Right. Include the mitigation.

CHAIRPERSON ELKOWITZ:
Establish a sub-committee of Adrienne Esposito and Nancy Manfredonia, that's going to go out with the Parks Department to determine what the mitigation will be for the planting of additional trees. They will come back to us with an acceptable plan. And I think that was the motion.

LEG. FIELDS:
And a report.

CHAIRPERSON ELKOWITZ:
And a report. Okay. So that's the motion. All those in favor?

MR. SWANSON:
Wait a minute. You already have a vote. It's a matter of how you counted it before.

CHAIRPERSON ELKOWITZ:
No, no. We're going to re-vote. We have a motion. I need a -- we had a second. We had a motion. Are you the second?

LEG. FIELDS:
Second.

CHAIRPERSON ELKOWITZ:
I have a second by Ginny Fields. All those in favor? One, two, three, four, five. Okay.
Opposed? Two. Abstentions? One. Motion carries.

I'll have a motion to adjourn.

MR. SWANSON:
Motion.

MR. CRAMER:
Second.

CHAIRPERSON ELKOWITZ:
And a second by Tom. All those in favor? Happy Thanksgiving again.

(THE MEETING WAS ADJOURNED AT 11:30 AM)