

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 December 17, 2003.

MEMBERS PRESENT:

Theresa Elkowitz - Chairperson
Larry Swanson - Vice-Chairperson
Thomas Cramer
Michael Kaufman
Adrienne Esposito
Lance Mallamo
Nancy Manfredonia

ALSO IN ATTENDANCE:

James Bagg - Chief Environmental Analyst/Dept of Planning
Penny Kohler - Department of Planning
Richard Martin - Historic Services
Joy Squires - CAC of Huntington
Ralph Borkowski - Department of Public Works
Christopher M. Deutsch - Architect
John Donovan - Associate Civil Engineer
Bob Grover - Environmental Planner
Judith Gordon - Commissioner of Parks
Thomas Rogers - Principal Civil Engineer
Nanette J. Essel - Aide to PO
Traci Bames - Assistant Commissioner
Roger Barbaro - Division Administrator
Janet DeMarzo - Commissioner of Social Services
W. Charles Bender - Parks Department
Lauretta Fischer - Principal Planner
Nick Gibbons - Environmental Analyst

MINUTES TAKEN AND TRANSCRIBED BY:

Diana Kraus - Court Stenographer

(THE MEETING WAS CALLED TO ORDER AT 9:35 AM)

CHAIRPERSON ELKOWITZ:

Good morning everybody and happy holidays. I'm going to call the meeting to order. We don't have minutes from the last meeting. They'll be available at our next meeting. So I'm going to go directly to correspondence.

In your packet I believe you all have copies of correspondence dated November 17, 2003 from the Northfork Environmental Council. It relates to the Vector Control Wetland Management Long Term Steering Committee and this ongoing controversy with the CAC designated representative. Feel free to read it. It really doesn't affect CEQ. So you can just read it and we'll enter it into the record.

MR. KAUFMAN:

Can I see it?

CHAIRPERSON ELKOWITZ:

Sure. If you don't have it in your packet, I'll be happy to share it with you because I have a copy. Okay.

Item 1 a) ratification of staff recommendations for legislative resolutions laid on the table December 2nd and 16th, 2003. Jim, is there anything you'd like to call to Council's attention?

MR. BAGG:

No, it's pretty straight forward.

CHAIRPERSON ELKOWITZ:

Any questions for Jim?

MR. KAUFMAN:

I'll make a motion to accept staff recommendations.

CHAIRPERSON ELKOWITZ:

Do I have a second?

MR. SWANSON:

Second.

CHAIRPERSON ELKOWITZ:

I have a second by Larry Swanson. All those in favor? Opposed? Abstentions? Carried.

Proposed SEQRA Type II approval for planning for capital project 6011 - Tier II Homeless Shelters, Suffolk County. I have correspondence dated December 2nd that I'll read into the record.

Dear Ms. Elkowitz, The Department of Public Works and Department of Social

Services wish to proceed with the planning for the above referenced project, being planning for Tier II Homeless Shelters. This project will involve site selection and construction of a Tier II homeless shelter, subject to the provisions of New York State Title XVIII, Part 900 - "Shelter for Families." It will provide housing and services for 100 families. The Department of Public Works considers this a Type II action under SEQRA in accordance with the provisions of NYCRR -- well it should be 6 NYCRR subsection 617 (c) (21), as it only involves planning at this time. Is there anybody here who can explain this? Come on up. I just have a quick question. It's just the letter is a little confusing. Because site selection and construction obviously isn't a Type II action. So just tell me what planning means. You have to identify yourself for the record.

MR. BORKOWSKI:

Ralph Borkowski, Suffolk County Public Works. Planning means developing preliminary architectural plans for the facility. Also selecting a site somewhere in the County that this might be appropriate.

CHAIRPERSON ELKOWITZ:

Okay. But the County wouldn't be committing to the site until you went through SEQRA; right? You'd just be identifying a potential site.

COMMISSIONER DeMARZO:

Right. Janet DeMarzo, Commissioner of Social Services. The process is 1.7 million dollars, is the money that we're asking for today for the planning, design and supervision. The dollars for the acquisition of the property, we'd have to come back to you so we'd have no authorization to purchase or move forward without a further action by CEQ and the Legislature. So it is just the planning environmental assessment identification of sites. There will be no further action without legislative and CEQ consideration.

CHAIRPERSON ELKOWITZ:

Okay. With that I'll entertain a motion for Type II action.

MR. SWANSON:

Motion.

CHAIRPERSON ELKOWITZ:

I have a motion by Mr. Swanson. Do I have a second? I have a second.

MR. MALLAMO:

Second.

MR. KAUFMAN:

Second.

CHAIRPERSON ELKOWITZ:

I have a second. Do you have a question?

MS. MANFREDONIA:

I just have a question. Is there any preliminary thought to using parklands for this -- for these shelters?

MR. BORKOWSKI:

I don't believe that was entertained at this time, but --

MS. De MARZO:

No, we're looking for identifying sites and moving forward quickly. Parklands would require an action by the State Legislature so it is outside the time frame consideration by the Department and the County at large at this point. It is something that we would look -- we have both capital dollars and the possibility of state grant dollars so it is to buy land.

MS. MANFREDONIA:

Thank you.

CHAIRPERSON ELKOWITZ:

I have a motion. I have a second. All those in favor? Opposed? Abstentions? Carried. Thank you.

Item 1 c) proposed Riverhead County Center Pump Station Modifications, Town of Southampton. Someone here to speak on this? I have a memo I can read into the record. Then we can ask any questions. It's a memo to Jim Bagg from Ben Wright dated December 1st.

This memo is to advise you that the Riverhead County Center Sanitation Pump Station located on Nugent Drive in Riverhead requires modification. The modifications included the installation of new equipment within the building and the relocation of the emergency electric generator on the roof of the building. Twenty copies of a location plan of the exterior equipment is attached. The project was initiated due to notification by the receiving Sewer District, this is the Town of Riverhead, that debris generated by the County Center, specifically the County Jail, was interfering with the treatment process and in accordance with their regulations for sewage discharge required a resolution. In order to remove debris new equipment is necessary which can only be placed at a location where the existing and outdated emergency electric generator is now installed. Due to the size of the Pump Station site and location, the only option for relocation of the generator is on the roof. The generator is exercised monthly and utilized during power outages to insure that County Center sewage is conveyed to the Riverhead Sewer District. We look for your concurrence that this is a Type II action with respect 6NYCRR Part 617.5 (c) (1) in that the project is a repair involving no substantial changes in an existing structure or facility and (2) a project which involves a rehabilitation of a structure or facility in kind on the same site. We request that this matter, if necessary, be placed on the upcoming CEQ meeting agenda.

Does anybody have any questions about this?

MR. KAUFMAN:

I do.

CHAIRPERSON ELKOWITZ:

Go ahead.

MR. KAUFMAN:

Where is this thing located?

MR. DONOVAN:

John Donovan, Suffolk County DPW, Division of Sanitation. This is on Nugent Drive in Riverhead, which is the little bridge crossing Peconic River. It's on the side of that.

MR. SWANSON:

I was curious, what is the nature of this debris that's getting --

MR. DONOVAN:

Well, basically this services the County Center and also the jail. And being it's a jail, they try to flush anything and everything down it. But what happens is large debris gets flushed that's not typical for a sewer. And we have to put in some equipment that can grind it up or take it out before it goes through the pumps to the district.

MR. SWANSON:

Okay, thank you.

CHAIRPERSON ELKOWITZ:

So, it's just replacement of equipment basically and relocation of equipment?

MR. DONOVAN:

That's correct.

CHAIRPERSON ELKOWITZ:

Anybody have any other questions? If not I'll entertain a motion for Type II.

MR. KAUFMAN:

I'll make that motion.

MR. SWANSON:

Second.

CHAIRPERSON ELKOWITZ:

I have a motion by Mike, a second by Larry Swanson. All those in favor? Opposed? Abstentions? Carried. Thank you.

One d) proposed sewer district #3 - Southwest, Stream Street Sewer Extension, Town of Babylon. This is on my Type II list. I'm not so sure -- I have memo to Jim Bagg from Ben Wright dated December 1st. Please find attached twenty copies of a preliminary drawing and Short EAF for a sewer connection to a parcel located on the Sunrise Highway South Service Road approximately 500 feet west of Stream Street. The parcel in question is within Suffolk County Sewer District No. 3 and, therefore, the district is obligated to provide sanitary sewer service to that parcel. The field work and design are underway. Due to the existing shallow utilities in the area, the connection facilities to be provided by the district will require shallow construction and, therefore, de watering will not be necessary. The connection concept is to provide a connection to the nearest manhole which is located on the attached drawing, with a small diameter pipe, 6-inches or smaller. The majority of the work will be in the sidewalk. This option is the only one available due to conflicts with other utilities and would require the parcel

owner to install an on-site pump station and appropriate facilities to connect to this sewer. The installation will require traffic maintenance and restoration of the pavement, curb, and sidewalk area and is estimated to consume a few days of construction. We would appreciate your concurrence that this project is a Type II project in accordance with 6NYCRR Part 617.5 (c) (11) an extension of utility distribution facilities to render service in connection with actions within the Type II category. All right. Explain this one to me a little bit. You have an existing parcel. What kind of parcel is it?

MR. DONOVAN:

It's basically a buildable lot, a residential --

CHAIRPERSON ELKOWITZ:

It's a residential lot?

MR. DONOVAN:

Right. I don't know what the zoning is.

CHAIRPERSON ELKOWITZ:

That doesn't matter.

MR. DONOVAN:

Okay.

MS. ESPOSITO:

But there's nothing on it now?

MR. DONOVAN:

No, it's basically just a wooded lot that the owner wants to develop.

CHAIRPERSON ELKOWITZ:

Is it in an approved sub-division?

MR. DONOVAN:

No, it's a single and separate parcel. Most of the land surrounding it was either sold, I think, to the state and made part of Belmont State Park and other land was taken for Sunrise Highway.

CHAIRPERSON ELKOWITZ:

All right. But you're obligated to provide a sewer extension.

MR. DONOVAN:

That's correct.

CHAIRPERSON ELKOWITZ:

My question is that the Type II that they're citing, I'm going to read to you verbatim because I'm not sure that it really fits. I mean, there's not an issue with it but I don't think it's a Type II. (C) (11) is extension of utility distribution facilities including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list. Now, it's not an approved subdivision, but what action are we connected with? I don't know see another action. The action is the sewer connection.

MR. BAGG:

Is there a development on a single family residential parcels which are exempted, too?

CHAIRPERSON ELKOWITZ:

One single family house --

MR. BAGG:

Yes.

CHAIRPERSON ELKOWITZ:

-- on an improved lot. It's an improved lot?

MR. BAGG:

Yes. Single and separate --

CHAIRPERSON ELKOWITZ:

So all they need is a building permit?

MR. DONOVAN:

Well, yes, it's a buildable lot according to the town. The lot does have in its back parcel part, it is adjacent to wetlands.

CHAIRPERSON ELKOWITZ:

Yeah, but that doesn't matter. If all it needs is a building permit and a wetland permit, then, it would fall into the exemption on item nine, which is construction or expansion of a single family, two-family or three-family residence on an approved lot including provision, if necessary, utility connections as provided in paragraph eleven, which is what I read to you before. And the installation, maintenance and upgrade of a drinking water well receptive. So it is a Type II action pursuant to the record.

MR. MALLAMO:

Is this the lot? Number 0100160 --

MR. DONOVAN:

No, it goes down the Service Road. If you look on the left side of your drawing, there's just the --

CHAIRPERSON ELKOWITZ:

It's highlighted in yellow.

MR. MALLAMO:

Oh, okay.

MR. DONOVAN:

The sewers end just past those two -- those two lots you were referring to. You'll see a manhole number 80a. That's where the sewers end. We have to extend it about 350 feet to get it to that buildable lot that's all by itself.

MR. MALLAMO:

Is there anything beyond this?

MR. DONOVAN:

There is nothing. It's just all wooded land around it. I think it's part of the state park.

CHAIRPERSON ELKOWITZ:

The problem is that they have one out lot, single and separate lot. And it's in the sewer district and we're obligated to provide them with service. And it is a Type II action because it's a buildable lot that just requires a building permit. It's a Type II action. That's all it is. I'll entertain a motion.

MR. SWANSON:

Motion.

MR. KAUFMAN:

Second.

CHAIRPERSON ELKOWITZ:

I have a motion by Larry, a second by Michael. All those in favor? Opposed? Abstentions? Carried. Thank you.

Proposed Smith Point Park Seawall Extension, Town of Brookhaven.

MR. ROGERS:

I'm Tom Rogers from Public Works, Director of Bridges/Structures and Waterways. This project is for the extension of the steel bulkhead seawall at Smith Point Park. A few years ago we put in a steel bulkhead in front of the pavilion to protect that. Subsequent to that, the Flight 800 Memorial was built to the east of that. And we're installing a steel seawall to protect that Flight 800. Bob Grover from {Greeman Peterson} did the design. He's going to make the presentation. We also have Judy Gordon, Commissioner of Parks and Charlie Bender, Deputy Commissioner and Nick Gibbons here to answer any other questions that may come up. Bob Grover.

MR. GROVER:

Good morning, I'm Bob Grover. I'm the Director of Environmental and Coastal Planning Services at {Greeman Peterson}, Incorporated in Babylon. Suffolk County DPW has contracted with us to first do an erosion study at Smith Point and see what the situation was, the cause and the various risk factors. And then after we identified them, it became obvious that the risk factor was very high at the Flight 800 Memorial. And so they asked us to design an extension to the steel bulkhead which is in front of the pavilion in order to protect the Memorial. If I can, is this recorded? If it isn't, I can just speak loud. Because I have a very loud voice. Is this recorded?

CHAIRPERSON ELKOWITZ:

Yes.

MR. GROVER:

It's recorded. I'll bring this because I have some graphics that I can show you. Not going to make it. That's good enough. I may have to walk around with this. This is a big room. I don't know if you're going to be able to all see it.

CHAIRPERSON ELKOWITZ:

Why don't you just bring it close. If you bring it really close, usually we'll all get up.

MR. GROVER:

Okay, now, the trick is where do I stand so I don't block anybody's view.

CHAIRPERSON ELKOWITZ:

It's okay. You can stay right there.

MR. GROVER:

I'll use the laser pointer. Right here -- this is the existing pavilion area. And this is the -- buried under here is the existing seawall in front of the Smith Point pavilion. The Flight 800 Memorial is up here. So what we're proposing is an extension in the same alignment as the existing bulkhead 445 feet; and then a return to tie back up into the dunes of about 220 feet. The design changes as it gets further away from the shoreline because of scour factors, etcetera.

The intent is to, as with the existing seawall, to bury it and landscape it so that it will remain buried and invisible at all times. It will look like a natural dune except in the case of a severe storm where it will be in place for the sole purpose of saving the Flight 800 Memorial from erosion. We predict a ten-year frequency storm will put the Memorial in jeopardy, whereas a 25-year frequency storm will completely undermine it and cause damage. So the intent is to have this in place in the event that storm occurs, when that storm occurs, to protect the Memorial after which it will be buried again.

So I have plenty of material, but it probably would be better if I just answered questions.

CHAIRPERSON ELKOWITZ:

I just have a question. Have you -- you assert in the EAF that you're above the ten-foot contour. Have you gotten a letter of non-jurisdiction from the DEC?

MR. GROVER:

We've talked to the DEC. They basically said, yeah, we understand that, but I don't think we've gotten a formal letter from them.

CHAIRPERSON ELKOWITZ:

Have you requested a formal letter?

MR. ROGERS:

When we built the other one, the DEC gave us a letter of non-jurisdiction. And that -- we're following that same procedure for this. So we will get that.

CHAIRPERSON ELKOWITZ:

You're going to seek a letter of non-jurisdiction before you commence construction?

MR. ROGERS:

Yes, we will.

CHAIRPERSON ELKOWITZ:

Okay.

MR. GROVER:

Just to point out to you, the bulkhead's going to be back here. The ten-foot contour is all the way out here, so we're substantially set back from it.

CHAIRPERSON ELKOWITZ:

Right. But I'm sure given what you've explained your profession is, I think you know that that limitation on the adjacent area, there's more to it than just being -- if you were not -- if you have a slope that's more than the natural angle of repose --

MR. GROVER:

Right.

CHAIRPERSON ELKOWITZ:

-- then the jurisdiction goes up to the top of the crest.

MR. GROVER:

Right.

CHAIRPERSON ELKOWITZ:

So that's why I am asking you if the DEC has actually looked at this particular location and determined that their jurisdiction is limited.

MR. GROVER:

They've gone out on site and looked at it, but we'll follow up with that.

CHAIRPERSON ELKOWITZ:

You must get -- I mean if we're inclined to give you a neg dec, I'm going to state that we're going to strongly recommend that you get a letter of non-jurisdiction.

MR. GROVER:

Sure. That's no problem.

CHAIRPERSON ELKOWITZ:

Okay. Anybody have a question?

MR. KAUFMAN:

Yes.

CHAIRPERSON ELKOWITZ:

Yes.

MR. KAUFMAN:

The seawall that presently exists right now, is there sand in front of it? I believe you said yes.

MR. GROVER:

Yes, it's buried.

MR. KAUFMAN:

It's buried right now. Has the sand been eroding away from it in front of it over the years?

MR. GROVER:

Yes, periodically it does. And it's replaced. I don't -- I'm not aware that the bulkhead's been uncovered in any of the recent storms.

MR. KAUFMAN:

Do you have any idea why the area is eroding?

MR. GROVER:

Yes, we do. We've actually studied this very extensively.

MR. KAUFMAN:

What's the change in off-shore formations?

MR. GROVER:

Well, basically what's happened is the existence and the maintenance of Moriches Inlet is acting as an enormous sand trap. The profile -- the profile surplus in the area of Moriches Inlet and the area west of Moriches Inlet is absolutely enormous. And we've been tracking that overtime. Since we have the survey data to do it, we can track it over time. And as that surplus is built up in the Moriches Inlet reach, we have seen a corresponding decrease in our off-shore profile.

MR. KAUFMAN:

In other words, you're starved for sand?

MR. GROVER:

Yes. Severely starved, yes.

MR. KAUFMAN:

The currents have been basically -- have lost their sediment supplies, is what you're basically saying.

MR. GROVER:

Yeah, we're starved for sediment because it's being trapped in the Moriches Inlet system.

MR. KAUFMAN:

Is there sediment still flowing by?

MR. GROVER:

Oh, sure, yeah, there's some. But we're in a severe deficit situation. We're -- I mean I can show you some graphs if you'd like.

MR. KAUFMAN:

No, I understand what you're talking about. I'm somewhat familiar with the area. That's why I'm asking --

MR. GROVER:

I can give you quantities if you're interested. I have the information.

MR. KAUFMAN:

Has anyone thought about putting a groin in the area to try to trap some of the sand and build-up in that particular area?

MR. GROVER:

Nobody has seriously considered that. We don't think that's a reasonable regulatory hurdle that we can get over. And the problem with the groin is, if you have a serious deficit in the off-shore profile and the near-shore profile, there's no sand to fill it up. So the only thing a groin will do is cause more severe damage down drift but really won't help you up drift.

MR. ROGERS:

And related to that, Mike, the Army Corps of Engineers is doing a reformulation study along the whole coast from Fire Island Inlet to Montauk Point. And until that reformulation is completed, they will not -- DEC will not allow any hard structures. And their reformulation study should be available within the next two years.

MR. KAUFMAN:

Within the reformulation study, is there any provision for public facilities to be protected by hard structures as opposed to private facilities and private ownership?

MR. ROGERS:

We don't know what's it's going to be. They're still working on it, so we don't know. They're looking at everything. And they've been looking at for a longtime.

MS. ESPOSITO:

Was there an erosion study done before the siting of the 800 Memorial?

MR. GROVER:

I wasn't consulted.

MS. ESPOSITO:

I guess I was asking DPW.

MR. ROGERS:

I'm not aware of that. Maybe someone from Parks would know?

COMMISSIONER GORDON:

No.

MR. KAUFMAN:

I can tell you right now there was none done.

CHAIRPERSON ELKOWITZ:

Larry.

MR. SWANSON:

I was wondering are you in a federal wetlands area? Because in item number 11, you identify as the prominent vegetation is a beach grass.

MR. GROVER:

Right. Beach grass is not a wetland species. We're not in a federal wetland.

MR. SWANSON:

Well, certainly in the state you might -- all right. You're sure of that?

MR. GROVER:

Yes.

MS. ESPOSITO:

I'm sorry, how big did you say the extension that you'll need is?

MR. GROVER:

The long shore extension -- let me go back to the other graphic. The long shore extension is 145 feet. The return -- I'm sorry. The return back here is about 225 feet. At least that's what we're looking for the authorization to do. We may shorten that, depending on the big costs and things like that.

MS. ESPOSITO:

So the total is over 300 feet from what you just said?

MR. GROVER:

Correct.

MR. KAUFMAN:

How much sand is going to be needed to bury this thing?

MR. GROVER:

About 3,000 yards.

MR. KAUFMAN:

Okay. How deep are you going to be burying it?

MR. GROVER:

Not very deep. There's a concern -- we're looking at a foot to 18 inches. And then it will be planted with beach grass and there will be an irrigation system to make sure that the beach grass gets stabilized. But there is a -- there's a concern with the Flight 800 Memorial. The aesthetic impact of what we're doing is a concern to the Flight 800 Memorial Organization. And they don't want anything to disturb the view in this direction. So they actually would prefer a lower wall than we're willing to build. So we need to keep that burial height very low.

MR. KAUFMAN:

Yeah, but given the fact that it's a dynamic area and is possibly going to be eroded out in the 25-year storm as you've said, or even a 10-year storm, aesthetics have a place in one area and preservation of the Memorial is important also. How far is the sand going to extend in front of the return over there? In other words, how

much of a dune, if you will, are you going to be creating on the return?

MR. GROVER:

Okay. Here's the face of the -- of what I call the return. And here is the edge -- roughly the edge of the fill. And you can see it's not a straight line because it's graded to blend into the existing dune system so you shouldn't see it. And then on the long shore component, again, here is the wall. And here is the seaward extent of fill. Now, there's a continuing commitment to maintain that there. So if we get a storm the next day, it takes out 2,000 yards, the commitment will be that we put the 2,000 yards back.

MR. KAUFMAN:

Any idea where that sand would be coming from?

MR. GROVER:

Well, as it stands now, this is going to be tied in with another project that I believe you've already looked at, which is the amendment to the Town of Brookhaven's project using a hopper dredge to bring sand off shore. We're talking about 200,000 yards of sand being brought in for the entire Smith Point Beach area. So we'll have more than enough sand to bury the seawall extension.

MR. KAUFMAN:

Is there any consideration being given to increasing the sand supply on the beach itself right now in front of the Memorial as part of what you were just talking about?

MR. GROVER:

Yeah. We've studied a wide range of alternatives to do that. The bottom line is what we need to do is get -- is address the surplus -- sorry -- address the deficit in the beach dune offshore system. And the cost of doing that is very expensive. We're looking at -- to do it right, would be about a 30 million dollar project. So clearly it's something that the federal government would have to be involved in and hopefully would be tied in with the reformulation project when it comes on line. The bottom end -- the bottom of the range of costs for doing something is about five million dollars. Now, the difference is half life. The five million dollar project only has a two to four year half life so you continually have to go back and replenish it. Again, we're talking about a severe deficit. So until something is implemented at Moriches Inlet that effectively bypasses sand, we're going to be faced with this. And we're going to be looking to augment the sand supply in order to keep the system stable.

MR. KAUFMAN:

One question regarding Moriches. What is trapping the sand in that area right now?

MR. GROVER:

It's a combination of two things. First of all, it's the inlet itself. A title inlet, especially one that is artificially maintained in a barrier island, is going to trap sand in two systems, both the ebb tide and flood tide deltas. As the tide's going in, it's sucking sediment in, it get's trapped in the bay so you see all those shoals on the inside of the Bay, which is sand being lost to the literal transport system. And then offshore you have a flood tide delta, which is the shoal, which causes problems for navigation. That gets trapped. Then once that develops, you have a situation where the predominant waves get refracted around this shoal. So instead of the

normal east to west lateral transport, you have a localized situation where the waves refract around and they actually push the sediment back towards the shoals. So those two in conjunction are trapping an enormous amount of sand in the Moriches Inlet zone.

MR. KAUFMAN:

So basically that's where the long shore of current in the area is getting deflected and --

MR. GROVER:

That's correct. Yes, sir?

MR. SWANSON:

Is this in a designated coastal erosion hazard area?

MR. GROVER:

Yes, I would assume that it is, yeah.

MR. SWANSON:

I just am having a hard time accepting that you don't need any permits from DEC to go forward with this project.

MR. GROVER:

We'll get a letter from them to that effect. We'll work on that. But they've basically given us a verbal sign-off.

MR. ROGERS:

The one requirement that we had when we built the original steel bulkhead is the DEC required that if that was exposed from erosion, that we had to bury it again. We had to truck in sand or find sand some place.

CHAIRPERSON ELKOWITZ:

And that's fine. But that's what's kind of confusing to me because if they have no jurisdiction, they cannot impose requirements on you. So by virtue of the fact that you're telling me that they imposed requirements on you, they had to have had jurisdiction. That's the point.

MR. ROGERS:

Well, from what I remember, I don't have the documentation in front of me here, that when we applied for permits back there, back when we first started working on that, there was the old boardwalk in front of there. We removed that. And we wanted to bring sand in. And we discussed this, about the bulkhead with them. And they said as long as bulkhead is buried, that it would be out of their jurisdiction.

CHAIRPERSON ELKOWITZ:

It's almost irrelevant because you're going to -- you are going to go to the DEC. And they're either going to give you a letter of non-jurisdiction or they're going to

tell you, you need a permit and you're going to have to meet their permit conditions; so whatever happens, it's one or the other.

MR. GROVER:

I think that just -- we're dealing here -- and I think the reason that the DEC is being --

CHAIRPERSON ELKOWITZ:

Cooperative?

MR. GROVER:

-- unusually flexible, is that we have the extraordinary situation of the Flight 800 Memorial. There really isn't anything like that anywhere in the state with this situation with -- a valuable situation like this vulnerable to storm.

CHAIRPERSON ELKOWITZ:

I understand that. I just want to make sure you cover the County's obligation.

MR. GROVER:

They're being overly cooperative. Yes, we will absolutely see that we do that, yes.

Yes, ma'am?

MS. MANFREDONIA:

I just had a question. In the event of a serious storm, would this new bulkhead have -- create any more of an adverse effect west of the pavilion area?

MR. GROVER:

No. We did a scour analysis. And that doesn't seem to be a concern.

MS. MANFREDONIA:

Thank you.

CHAIRPERSON ELKOWITZ:

Anything we haven't heard?

MR. GROVER:

In fact, I could even add to that, the enormous amount of sand that we're going to keep putting into the system here is going to be a benefit down drift.

CHAIRPERSON ELKOWITZ:

Any other questions? I'll entertain a motion.

MR. CRAMER:

Motion unlisted neg dec.

MR. KAUFMAN:

And I'll second that.

CHAIRPERSON ELKOWITZ:

I have a motion. I have a second. All those in favor? Opposed? Two opposed. Three opposed. So we have one, two, three, four in favor. Three opposed. Abstention? Carried. Happy holidays.

All right. Last item on the agenda -- last project on the agenda proposed Scully Preserve acquisition, Town of Islip. If they passed it yesterday, why are we wasting our time? If this was approved yesterday, then it doesn't need to be before CEQ.

MR. BAGG:

It was placed on your agenda before it was approved; however, if you wanted to look at it technically, you could say that before -- it doesn't become a law until the County Executive signs it. And, therefore, CEQ would have reviewed it before it became a law.

CHAIRPERSON ELKOWITZ:

I'll read a letter into the record that I have from Eugene Murphy, Acting Commissioner, Town of Islip, Department of Planning and Development. Dear Mr. Bagg: Upon a review of the Suffolk County Short Environmental Assessment Form, and our familiarity with the character of the subject parcel, please be advised that the Town of Islip supports unequivocally the resolution to acquire both the vacant land as well as the residence and environs from the National Audubon Society. We are pleased to work with the County on any site planning or permitting issues dealing with access to the property or adaptive reuse of the residence or other buildings.

Hello, Laretta.

MS. FISCHER:

Hello.

CHAIRPERSON ELKOWITZ:

How are you?

MS. FISCHER:

Fine. Thank you. I'm here if there are any questions.

CHAIRPERSON ELKOWITZ:

I don't have any questions. Does anybody have any questions? Jim, you have a question?

MR. BAGG:

I don't have a question but it might be pointed out that I believe this structure is historic.

MS. FISCHER:

Yes.

CHAIRPERSON ELKOWITZ:

Okay.

MS. ESPOSITO:

As a matter of fact there were -- it was the Long Island Antiquities Association was there yesterday testifying in favor of preservation of the structure. Not the

wetlands, but the structure.

MR. MARTIN:

I toured the facility and have been through out the house. It's in good condition. I would think it would be eligible for the National Register as well as our Suffolk County Historic Trust nomination. And I plan to have a Historic Trust Committee meeting there in the spring.

CHAIRPERSON ELKOWITZ:

I know this is none of my business, but I have a question. Why did we have to buy from the Audubon Society?

MR. MARTIN:

I don't have the answer.

MS. ESPOSITO:

I can tell you. It's owned by the National. And the National as many non-profit charities in the year 2003 are experiencing financial difficulties.

CHAIRPERSON ELKOWITZ:

They wanted to sell.

MS. ESPOSITO:

They are selling it.

CHAIRPERSON ELKOWITZ:

Okay.

MS. ESPOSITO:

And the appraisal, just for your knowledge, came in -- the County appraisal came in between 5.2 and 5.6 million. And National offered it up to the County at four million.

CHAIRPERSON ELKOWITZ:

Okay. So they were going to sell it to whomever.

MS. ESPOSITO:

They were going to sell it, yes. And according to Islip Town zoning codes, even though 75% of the lands are wetlands, with Islip codes 39 homes could have been built on the uplands portion of the property. And that was the driving force for continued preservation.

CHAIRPERSON ELKOWITZ:

Do we know how the Legislature classified this under SEQRA?

MR. BAGG:

It is not over a hundred acres. It's an unlisted action. Unlisted action negative declaration.

CHAIRPERSON ELKOWITZ:

I was just curious.

MR. BAGG:

Unlisted action negative declaration.

CHAIRPERSON ELKOWITZ:

That's how they classified it?

MS. FISCHER:

I think --

MR. MALLAMO:

I'll just add that I know there was some concern about the setting a precedent for non-profit groups to divest themselves of their holdings to the County. But as far as I know the Audubon Society is not charged with preserving historic structures. And the building was a very important part of that acquisition. I think having the County acquire it would insure the preservation of the chateau itself. It's a very -- very unique building for the south shore and a very important acquisition I think.

CHAIRPERSON ELKOWITZ:

Do you have an answer to my question?

MS. FISCHER:

Yes, it was considered a Type II action.

CHAIRPERSON ELKOWITZ:

I knew it. Go ahead.

MR. GROVER:

I'm going to put on an entirely different hat. I'm still Bob Grover, but I am the Director of Conservation for Great South Bay Audubon Society. And I can tell you, first of all, we are a chapter of National Audubon, but there's sort of an interesting structure. We're kind of at odds with National. We're very much at odds with National over this issue. I personally have resigned from National because of their callous way that they're talking about disposing of this property. And I'm still a member of the chapter. But Great South Bay Audubon has a very strong presence in the area. And we are very, very interested in having the County acquire this. It's a very valuable piece of property. There's nothing really other -- other piece of property like it in the area. And Great South Bay Audubon is extremely interested in seeing this acquired. And we would really hope you would act favorably on it.

CHAIRPERSON ELKOWITZ:

Well, as you heard the Legislature already acted on it.

MR. GROVER:

Yes, I saw that in the paper this morning.

CHAIRPERSON ELKOWITZ:

I was just curious as to how they classified it because we're not going to classify it the same way, but I was just curious. I'll entertain a motion for an unlisted neg dec.

MR. KAUFMAN:

I shall make that a motion.

MS. ESPOSITO:

Second.

CHAIRPERSON ELKOWITZ:

I have a motion. I have a second by Adrienne. All those in favor? Opposed? Abstentions? Carried.

MR. KAUFMAN:

I would like to add one thing that we maybe should make a recommendation to Parks Department that the preservation of the -- or the classification of the structure be looked into and see if it should be placed into the historic trust.

MS. FISCHER:

It was identified by Town of Islip as a historic structure so there has been work done previously and then it will follow.

CHAIRPERSON ELKOWITZ:

My experience with the Town of Islip is that any property that has a blue form, they classify it historic and --

MS. FISCHER:

Yes, and it does have a blue form.

CHAIRPERSON ELKOWITZ:

Right. And that doesn't necessarily make it historic.

MS. FISCHER:

Right.

CHAIRPERSON ELKOWITZ:

All right. I think we're done with the formal agenda. Other business? Historic Services.

MR. MARTIN:

Just for point of information, the people interested at this point, the Scully Estate, the residence there was built for Harold Weeks in 1917. And it was built by Grosvenor Attebury, who is a very well-known architect on Long Island. His reputation in a sense was built on the Long Island residence that he built in Suffolk County. And he also designed the Forest Hills Gardens Complex and the railroad station there that many people see on the way to New York. And this was his last home that he built on the Island. So I think definitely historically it's eligible for all listings.

CHAIRPERSON ELKOWITZ:

When was it built?

MR. MARTIN:

1917. And it is in good shape. I've toured it. The Audubon Society did maintain it. They had caretakers living on site. It's a tile roof that they maintained properly and it's in very good condition.

CHAIRPERSON ELKOWITZ:

So it's habitable?

MR. MARTIN:

Yes. And the -- Commissioner Gordon, what's the name of the organization that has an interest?

COMMISSIONER GORDON:

Seatuck.

MR. MARTIN:

Seatuck has an interest to go into the building and would maintain it for the Parks Department so we're looking to go into contract with them.

CHAIRPERSON ELKOWITZ:

Is that it?

MR. MARTIN:

No. I just want to announce that the Office of Historic Services services has moved to Timber Point Clubhouse in Great River. And this provides us with more space and room for expansion. There's a lot of room on the second floor of that building. We do have -- County Parks Department has a capital project to renovate the historic part of the structure. So we're hoping to fix that up. And I also plan to have an Historic Trust Committee meeting in 2004 at that building.

CHAIRPERSON ELKOWITZ:

Great.

MR. MARTIN:

That's it.

CHAIRPERSON ELKOWITZ:

Any CAC Concerns? Anything else. If not, happy holidays. Motion to adjourn.

MR. KAUFMAN:

Motion.

MR. MALLAMO:

Second.

CHAIRPERSON ELKOWITZ:

All those in favor? Not too bad, twelve after ten.

(THE MEETING WAS CONCLUDED AT 10:12 AM)

{Denotes spelled phonetically}