

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, 725 Veterans Memorial Highway, Smithtown, New York on Wednesday, April 20, 2005.

MEMBERS PRESENT:

Theresa Elkowitz, Chairperson
Larry Swanson, Vice-Chairperson
Thomas Cramer
Michael Kaufman
Adrienne Esposito
Lance Mallamo
John Finkenberg
Nancy Manfredonia (not present)
Legislator Jay H. Schneiderman, Second District

ALSO IN ATTENDANCE:

James Bagg, Chief Environmental Analyst/Department of Planning
Penny Kohler, Department of Planning
Richard Martin, Historic Services
Joy Squires, CAC of Huntington
Steve Brown, CAC of Brookhaven (not present)
Lauretta Fischer, Principal Planner
Charles Bender, PO's Office
Victor Keneiby, Sr. Civil Engineer
Kevin LaValle, Aide to Leg. Losquadro
Ben Wright, Chief Engineer
Nick Gibbons, Sr. Environmental Analyst, Parks Department
Christopher McVoy
Mark Cappellino, Cornell Cooperative Extension
Matt Sclafani, Cornell Cooperative Extension
Rick Brand, Newday
Ron Foley, Commissioner of Parks Department

MINUTES TAKEN AND TRANSCRIBED BY:

Diana Kraus - Court Stenographer

(THE MEETING COMMENCED AT 9:35 AM)

CHAIRPERSON ELKOWITZ:

Good morning. I'm going to call the meeting to order and welcome you to the April 20th meeting of the CEQ. We have minutes. Yes, we do. From our meeting of January 19th. Does anybody have any comments on the minutes?

MR. SWANSON:

I move that we accept them.

CHAIRPERSON ELKOWITZ:

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

MS. ESPOSITO:

Second.

MR. KAUFMAN:

I didn't read them.

CHAIRPERSON ELKOWITZ:

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

MR. KAUFMAN:

I'm going to abstain on that one.

CHAIRPERSON ELKOWITZ:

I have an abstention. Okay.

Ratification of staff recommendations for legislative resolutions laid on the table April 5th, 2005. Jim, is there anything you'd like to call to the Council's attention?

MR. BAGG:

No. It's pretty straight forward.

CHAIRPERSON ELKOWITZ:

Okay. Any questions for Mr. Bagg?

MR. KAUFMAN:

No. I did look through the packet a couple of minutes ago. And I just will note for the record number 1360, a Charter Law to streamline county government by abolishing the Airport Leasing Screening Committee. I just thought that was -- thought it was interesting to point out that it's on there. Aside from that, I'll make a motion that we accept staff recs.

CHAIRPERSON ELKOWITZ:

I have a motion. Do I have a second?

MR. SWANSON:

Second.

CHAIRPERSON ELKOWITZ:

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

Okay. Proposed rehabilitation of Shinnecock Canal Bulkhead, CP 5348 Town of Southampton.
Good morning.

MR. McVOY:

Good morning. Christopher McVoy, Suffolk County Department of Public Works.

CHAIRPERSON ELKOWITZ:

Welcome.

MR. McVOY:

This project is fairly straight forward. It's a concrete bulkhead on either side of the Shinnecock Canal. You can see on the aerial. The portion the bulkhead in your packet is different from the portion on the plan up here. But there were nine different sheets of bulkhead. So, I only brought a couple of with me. But basically it's just patching and repairing cracks on the concrete bulkhead.

CHAIRPERSON ELKOWITZ:

Okay.

MR. SWANSON:

So, you're not building further into the canal?

MR. McVOY:

No. We're just going to repair what's there.

CHAIRPERSON ELKOWITZ:

So, why isn't this a Type II action? I'm just going to get my regs because I'm going to look. I'm not sure. I'm not sure this isn't a Type II Action, in which case --

MR. KAUFMAN:

Just repair in kind.

CHAIRPERSON ELKOWITZ:

So, you're repairing and replace in kind. You're not expanding in anyway; right?

MR. McVOY:

No. There is a section -- there's a section on the northwest bulkhead section.

CHAIRPERSON ELKOWITZ:

Okay.

MR. McVOY:

Where there's a little red house close to the bulk -- close to the bulkhead. And the owner of that house has their own wooden bulkhead.

CHAIRPERSON ELKOWITZ:

Yes.

MR. McVOY:

And we have to re-do the connection between our bulkhead and the wooden bulkhead there.

MS. ESPOSITO:

It's still within the same footprint?

MR. McVOY:
Oh, definitely.

MR. KAUFMAN:

As I remember, we approved a project similar to this a couple of years ago. I think a little bit further to the south. Larry says that it may have been a parking lot. I don't remember for sure. But --

CHAIRPERSON ELKOWITZ:

Would you -- if I were to ask you about the scope of this project, is it replacement, rehabilitation or reconstruction of a structure or facility in kind on the same site?

MR. McVOY:
Yes.

CHAIRPERSON ELKOWITZ:

I think it's a Type II Action.

MR. KAUFMAN:

Yeah. I'll make a motion that it's a Type II Action.

CHAIRPERSON ELKOWITZ:

I have a motion. Do I have a second?

MR. SWANSON:

Second.

CHAIRPERSON ELKOWITZ:

I have a second by Mr. Swanson. All those in favor? Opposed? Abstentions? Carried. Thank you.

Proposed DPW Sanitation Division Garage, Yaphank, Town of Brookhaven. Hello, Mr. Wright.

MR. WRIGHT:

Good morning. The Division of Sanitation has some large mobile equipment that we use for hauling liquid sludge or some of the repairs and construction. And we've had at a lease for the past ten years in the Hauppauge area, which has expired. And we're looking for a new lease closer to Yaphank. But the cost of rental space has increased. And it's becoming more cost effective to build a building that would be owned by the County. So, we're looking to build a 20,000 square foot building adjacent to the sewage treatment plant in Yaphank.

I met with Tom Isles to look at the area to make sure that -- where we're locating this even though it's next to the sewage treatment plant, what the future plans are. And, I guess, it's kind of up in the air as far as what will be adjacent to this area. But we did have a plan attached to the Environmental Assessment Form that shows where the building will be located.

We probably have six to seven trucks a day that would be going in and out of that particular area located -- you know, mostly in the winter time we want to make sure they're housed when they're not being used. Otherwise we could locate some of the trucks at some of the remote treatment plants.

I did want to indicate that in the Environmental Assessment Form after meeting with Tom, we increased the size of the acreage for the sewage treatment plant site from what was indicated as 13.8 acres basically to 20 acres because of some of the area that wouldn't be used for any other purpose. So, I do have an aerial here that I'll hand out that shows the area that's really basically dedicated to the treatment plant and the garage.

CHAIRPERSON ELKOWITZ:

Okay. So, you're telling us that we should have Jim correct the file copy of the EAF that says total contiguous acreage now owned at the site; and increase it from 13.77 to 20?

MR. WRIGHT:

Yes. It doesn't really affect the garage location.

CHAIRPERSON ELKOWITZ:

Okay.

MR. KAUFMAN:

Basically you're increasing the reserved area for SGP and associated structures?

MR. WRIGHT:

Yes.

CHAIRPERSON ELKOWITZ:

Larry.

MR. SWANSON:

So, there are no set back requirements on this property?

MR. WRIGHT:

Not that we were made aware of. I think we have -- it was 12 or 15 feet from the property line to the building.

MR. KAUFMAN:

I'll note for the record that this is not dedicated to parks or anything like this. This is just general county owned land?

MR. WRIGHT:

Yes.

MR. KAUFMAN:

With no restrictions. We went over this when the County was undergoing its golf course EIS --

MR. WRIGHT:

Yes.

MR. KAUFMAN:

-- ten years ago with Commissioner Frank. So, there's no restrictions in there. I'll also note for the record that we've looked at the environmental issues in the past on different projects. And I don't believe that this is Pine Barrens; correct? Someone correct me if I'm wrong. And I don't believe that there are any historic sites in this particular area.

CHAIRPERSON ELKOWITZ:

Well, I think it may be in the Pine Barrens compatible growth area. That I think it may be.

MR. BAGG:

No.

MR. WRIGHT:

I don't believe it is.

CHAIRPERSON ELKOWITZ:

It's not in the compatible growth area?

MR. BAGG:

No, it's not. It's south of the Expressway. And it's not in the Pine Barrens.

CHAIRPERSON ELKOWITZ:

Fine. Well, that makes it real easy.

MR. KAUFMAN:

So, I'm correct.

MS. ESPOSITO:

So, does the area where it says "developed acreage at completion of the project", does that remain the same at 8.75?

MR. WRIGHT:

Yes. We're just -- I mean, in the future we may come back to you with some other issues with the sewage treatment plant site itself. But that will not change for the garage area.

CHAIRPERSON ELKOWITZ:

And there are no historic issues here, Jim, as far as for the classification of the action?

MR. BAGG:

No.

CHAIRPERSON ELKOWITZ:

Fine. Any other questions for Mr. Wright?

MR. KAUFMAN:

Yeah, just one. I'm looking at the aerial. And I'm looking at what appears to be mounds down to the lower right-hand of the picture. What are those mounds? Are those --

MR. WRIGHT:

That's just a compost facility.

MR. KAUFMAN:

That's Cornell's compost?

MR. WRIGHT:

No. I believe that's -- I forget the name that it is now. But Long Island Compost.

MS. ESPOSITO:

Yes. The community knows the name well.

MR. WRIGHT:

Yes.

CHAIRPERSON ELKOWITZ:

Any other questions for Mr. Wright? I'll entertain a motion for an unlisted action.

MR. KAUFMAN:

I'll make a motor unlisted neg dec.

CHAIRPERSON ELKOWITZ:

I have a motion. I have a second by Adrienne Esposito. All those in favor? Opposed? Abstentions? Carried. Thank you, Mr. Wright.

MR. WRIGHT:

Thank you.

CHAIRPERSON ELKOWITZ:

Proposed donation of land for open space preservation purposes in the Hedges Creek County Wetland area, Town of Brookhaven. Hi, Laretta.

MS. FISCHER:

This is a donation of property along the Hedges Creek area in East Patchogue of approximately point 14 acres. It's in an area of tidal wetlands and freshwater wetlands predominately that the County's been picking up through tax lien over many years. So, we were happy to accept this donation and present it to you as part of our park holdings in the area. Any questions? Do you have a question?

CHAIRPERSON ELKOWITZ:

Any questions?

MR. KAUFMAN:

Yeah. This is the Hedges Creek property?

CHAIRPERSON ELKOWITZ:

Yes.

MS. FISCHER:

Yes.

CHAIRPERSON ELKOWITZ:

Point 14 acre.

MR. KAUFMAN:

And I'm looking at the resolution; probably outside of our bounds. And it says the estate of _Vita Buffalo_ is the owner of two parcels of land located in Flanders, Town of Southampton.

MS. ESPOSITO:

That is a different one.

CHAIRPERSON ELKOWITZ:

Yeah, but it's the wrong resolution. It's the wrong resolution attached to the packet.

MR. KAUFMAN:

But that really shouldn't make much of an impact.

CHAIRPERSON ELKOWITZ:

Yeah, but what's interesting is that it's the wrong resolution but it's the same acreage.

MR. KAUFMAN:

Yeah. And the coding for the town is 0200.

CHAIRPERSON ELKOWITZ:

Somebody should fix the resolution.

MS. FISCHER:

Okay. Thank you. I didn't notice that.

CHAIRPERSON ELKOWITZ:

Even though it has nothing to do with what we're doing.

MR. KAUFMAN:

We like the donation. We just want to be careful.

MS. FISCHER:

We have some new staff.

CHAIRPERSON ELKOWITZ:

It happens to the best of us, Laretta.

MR. KAUFMAN:

This is a straight donation; correct? There's no TDR's or anything?

MS. FISCHER:

That's correct. It's not a TDR. It's just a straight donation.

MR. KAUFMAN:

Donations are unlisted.

MS. ESPOSITO:

I'll make a motion for unlisted action.

CHAIRPERSON ELKOWITZ:

I have unlisted neg dec. I have a motion for unlisted neg dec. I have a second by Legislator Schneiderman. All those in favor? Opposed? Abstentions? Carried.

MS. FISCHER:

Thank you.

CHAIRPERSON ELKOWITZ:

Proposed donation of property, Suffolk County Parks within the Mastic/Shirley Conservation area, Town of Brookhaven.

MS. FISCHER:

This is a TDR donation that -- where two properties are to be transferred to the County in the Mastic/Shirley area. And it's going to a receiving -- two receiving parcels just north of that in the same hamlet in Brookhaven. It's about point 14 acres down near Narrow Bay in our conservation area where we've been assembling properties for acquisition. And it's low-lying tidal and freshwater wetland area.

CHAIRPERSON ELKOWITZ:

Point 18 acres, Laretta?

MS. FISCHER:

Point 14 acres.

CHAIRPERSON ELKOWITZ:

The EAF says point 18.

MS. FISCHER:

Let me just check. Point 18.

CHAIRPERSON ELKOWITZ:

Point 18. Okay.

MS. FISCHER:

Yeah.

CHAIRPERSON ELKOWITZ:

Any questions for Laretta? I'll entertain a motion.

MR. CRAMER:

Motion.

CHAIRPERSON ELKOWITZ:

Motion for unlisted neg dec.

MR. KAUFMAN:

Second.

CHAIRPERSON ELKOWITZ:

Motion by Mr. Cramer, second by Mr. Kaufman. All those in favor? Opposed? Abstentions? Carried.

MS. FISCHER:

Thank you.

CHAIRPERSON ELKOWITZ:

Proposed donation of property to Suffolk County Parks within the Patchogue River County Nature Preserve area, Town of Brookhaven.

MS. FISCHER:

This is a parcel that's being donated as part of a health credit TDR in the Patchogue River County Nature Preserve area. It's point one acres. The credit is going to a property in Village of Islandia approximately a half acre. And both municipalities, the Town of Brookhaven and the Village of Islandia have agreed to this transfer.

CHAIRPERSON ELKOWITZ:

Okay. Any questions for Laretta?

MR. KAUFMAN:

No. Motion. Unlisted.

MS. ESPOSITO:

I'm making a motion as the Patchogue resident.

CHAIRPERSON ELKOWITZ:

I have a motion by Ms. Esposito, a second by Mr. Kaufman. All those in favor? Opposed? Abstentions? Carried.

Item number 7, proposed donation of property to Suffolk County Parks within the South Setauket Woods Nature Preserve area, Town of Brookhaven.

MR. CRAMER:

Before we start I just want to note that I'm abstaining.

CHAIRPERSON ELKOWITZ:

Okay.

MR. KAUFMAN:

He's the youth planner on it.

CHAIRPERSON ELKOWITZ:

No. He represents the person making the donation. Go ahead.

MS. FISCHER:

This is another TDR health credit donation in the South Setauket Woods Nature Preserve area. It's approximately point one one acres. The transfers going over to an area -- a lot in, I believe, the Port Jeff/ Terryville area, same town.

CHAIRPERSON ELKOWITZ:

Okay. Any questions?

MR. KAUFMAN:

Well, with all due respect to Mr. Cramer, I will make a motion. This is an unlisted neg dec.

CHAIRPERSON ELKOWITZ:

I have a motion. Do I have a second?

MR. SWANSON:

Sure.

CHAIRPERSON ELKOWITZ:

I have a second by Mr. Swanson. All those in favor? Opposed? Abstentions? Carried. Well, actually you recused yourself; right?

MR. CRAMER:

Yes.

CHAIRPERSON ELKOWITZ:

Proposed donation of property to Suffolk County Parks located within the Warbler Woods County Park and the Beaverdam Creek Headwaters area, Town of Brookhaven.

MS. FISCHER:

This is a TDR donation that has two parcels that are going to two different county parks. One being Warbler Woods and the other the Beaverdam Headwaters area headwater creek area. And it's going to a parcel south of Middle County Road in the general vicinity. Two lots. Total point 37 acres.

CHAIRPERSON ELKOWITZ:

Any questions for Ms. Fischer?

LEG. SCHNEIDERMAN:

Motion.

CHAIRPERSON ELKOWITZ:

I have a motion by Legislator Schneiderman. Do I have a second?

MR. KAUFMAN:

Second.

CHAIRPERSON ELKOWITZ:

A second by Mr. Kaufman. All those in favor? Opposed? Mr. Cramer is recusing himself. Okay. Carried.

MS. FISCHER:

Thank you.

CHAIRPERSON ELKOWITZ:

You're welcome. Proposed acquisition of property by Suffolk County for park purposes in Hauppauge, Rawluk, Town of Smithtown. I have a letter from the Town of Smithtown, Conservation Board to Mr. Bagg.

"Dear Mr. Bagg: This Department is in receipt of your memorandum dated April 12, 2005. The Town of Smithtown Conservation Board would like to take this opportunity to express our support for the proposed acquisition of the above-referenced parcel by Suffolk County for park purposes. Thank you for the opportunity to comment." Ms. Fischer?

MS. FISCHER:

This is a 1.37 acre lot in Hauppauge called the Hauppauge Springs area. It was proposed for planning steps last year under the master list. It is now -- the owner is interested in acquiring the piece. And we are proposing to acquire it under the New Drinking Water Protection Program. It's an area of, I guess, freshwater wetland, low-lying boggy area, tributary to the Nissequogue River headwaters area.

LEG. SCHNEIDERMAN:

It's across the street where we sit right now.

MS. FISCHER:

Correct. It's a beautiful pond wetland area.

MR. KAUFMAN:

Lauretta, I'm looking at the acquisition map that you have provided. I have a color copy. And I see the proposed acquisition. I happen to know the property. But there's a dotted green -- there's a, I don't know, a rectangle with a flag pole attached to it, which is -- expresses dotted green lines.

MS. FISCHER:

Yeah.

MR. KAUFMAN:

What is that as opposed -- compared to the proposed acquisition? The proposed acquisition is --

MS. FISCHER:

Okay. The dotted green line parcel is also part of this acquisition. We just wanted to show you that this parcel -- actually this is off Brookside. It's not across the street, but it's all part of what we call Hauppauge Springs. So, the dotted green area is another proposed acquisition which we're hoping to acquire.

CHAIRPERSON ELKOWITZ:

But right now you're looking at just the heavy green which is -- and it's also identified on the tax map.

MS. FISCHER:

Correct. And we're only buying a portion of it. We're not taking the home portion of it.

MR. KAUFMAN:

Just for the record, I happen to know the property and I happen to know the area. And several County Legislators in the past and also in the present have expressed great interest in trying to

acquire it. I think it's a very worthwhile acquisition especially as it is part of the headwaters areas of the Nissequogue River.

MR. SWANSON:

What does it have to do with drinking water?

MS. FISCHER:

It's just an area -- if you look -- it doesn't have anything to do with drinking water quite honestly, but that's name of the program, which is much more expansive than the original Quarter Percent Program which was geared towards the Pine Barrens core area or SGPA's. The name just transposed over into the New Drinking Water Protection Program. But areas that protect tidal and freshwater wetlands, obviously, again groundwater areas, areas that we're concentrating any kind of acquisitions in, they've expanded the criteria to include wetland areas such as this.

CHAIRPERSON ELKOWITZ:

Lauretta, though, I have a question. On the aerial it shows a house on it.

MS. FISCHER:

Yes. And we're not taking the house.

CHAIRPERSON ELKOWITZ:

So, you're taking -- how could you not take the house?

MS. FISCHER:

We're cutting out this portion of it.

CHAIRPERSON ELKOWITZ:

But that's not what it shows on the aerial on the tax map.

MS. FISCHER:

I know. Because we can't further delineate the base easily.

CHAIRPERSON ELKOWITZ:

Okay. I have a really stupid question.

MS. FISCHER:

It says "part of" up here. But, we're sorry.

CHAIRPERSON ELKOWITZ:

How do you take it without a subdivision? How do you take it? Leave a person a piece of a house and not subdivide?

MS. FISCHER:

It will be subdivided.

CHAIRPERSON ELKOWITZ:

By the town? Legally subdivided? You're going to transfer by deed?

MS. FISCHER:

It'll be transferred by deed. It will be subdivided.

CHAIRPERSON ELKOWITZ:

Right. But --

MS. FISCHER:

But it be will be done when we close, I believe. I'm sorry to say that's not my area of expertise.

CHAIRPERSON ELKOWITZ:

I mean, that's not necessarily our thing. However, you have to have -- even the County is subject to County Health Department regulations. I understand the County takes the position that it doesn't need a town subdivision.

LEG. SCHNEIDERMAN:

Obviously it will have to be subdivided, you know. It'll be nice to see exactly -- when you give the acreage, how much -- where the County portion is. But really it's not for us to determine whether it's a good purchase or a good price; only --

MR. KAUFMAN:

It's a great price.

LEG. SCHNEIDERMAN:

-- whether it's an unlisted action or --

CHAIRPERSON ELKOWITZ:

And I agree with that but the way --

LEG. SCHNEIDERMAN:

And what our SEQRA determination is.

CHAIRPERSON ELKOWITZ:

The way the stuff is in the record, though, it looks as if you're buying -- if you look at these maps that are attached to this EAF that we're making a SEQRA determination on, it looks like you're buying the piece of property with the house on it.

LEG. SCHNEIDERMAN:

It does. That was going to be my question, too. But clearly in the record, the house is not included in this.

MS. FISCHER:

Actually, if I can just show you --

LEG. SCHNEIDERMAN:

After the County's action, will there be any subdividable potential on that house lot?

MS. FISCHER:

No.

LEG. SCHNEIDERMAN:

Okay.

MS. FISCHER:

The retained area around the house is 1.23 acres. And the area that we're acquiring is 1.37 acres in kind of an "L" shaped area around the house.

LEG. SCHNEIDERMAN:

And the lot under current zoning is subdividable?

MR. KAUFMAN:

Yes.

MS. FISCHER:

Yes.

LEG. SCHNEIDERMAN:

How many houses could go there?

MS. FISCHER:

Well, it's originally 2.6 acres. So, my understanding is that that could be divided into two lots.

LEG. SCHNEIDERMAN:

Two additional lots. So, three house all together with the current house?

MS. FISCHER:

No, I think two lots total.

LEG. SCHNEIDERMAN:

Oh, so it would be one additional lot?

MS. FISCHER:

One additional lot.

LEG. SCHNEIDERMAN:

One additional lot.

MR. CRAMER:

So, if they come in to subdivide it in the future, they're going to run into a problem with the Health Department because if this isn't done with the Health Department to split this thing off --

CHAIRPERSON ELKOWITZ:

Well, that's the point.

MS. FISCHER:

Right.

MR. BAGG:

They can't subdivide.

CHAIRPERSON ELKOWITZ:

No, but, Jim, you can't -- just a quickie lesson. You can't transfer by deed in New York State. That's not a legal subdivision under New York State law. The County takes the position, and I don't know if it's right or wrong, that when they take property, they don't have to subdivide. But they are subject to Suffolk County Health Department regulations. So, they are required to get Health Department subdivision or else the poor soul that's left with this lot, if he ever needs any approval for anything, the Health Department, as Mr. Cramer has said, is going to say, sorry, you don't have a legal lot in our eyes.

MR. CRAMER:

Then they might have to come back and include the County property in the future subdivision.

CHAIRPERSON ELKOWITZ:

Exactly.

MR. BAGG:

Yeah, but -- you're absolutely correct. But the Health Department's standard would be 20,000 square feet. This guy's getting an acre of 1.2 acres.

CHAIRPERSON ELKOWITZ:

Jim, but it doesn't matter. The issue is that if it's not done now, whenever these people want to do anything in the future like sell their house and somebody does a title search -- does a search, if you get an attorney that knows what they're doing, they're going to realize that it's not a legal lot. Now, the County may not care, but these people should care.

LEG. SCHNEIDERMAN:

I don't think there's any question that this lot has to be subdivided before the County can acquire it.

CHAIRPERSON ELKOWITZ:

But I don't know -- I don't know that you ever do that.

LEG. SCHNEIDERMAN:

I believe we do.

MS. FISCHER:

Honestly, I'd have to get back to you. It's not my area.

LEG. SCHNEIDERMAN:

I don't know. I mean I'm more accustomed to the town -- when I was Supervisor, we often did this.

CHAIRPERSON ELKOWITZ:

Yeah, you did.

LEG. SCHNEIDERMAN:

And we subdivided. We'd go through the whole site plan, subdivision --

CHAIRPERSON ELKOWITZ:

I don't know that they do it here.

LEG. SCHNEIDERMAN:

I'm not sure the County does either. I would assume they do.

MS. FISCHER:

Yeah, I can't say.

LEG. SCHNEIDERMAN:

On this area, just to familiarize myself because I've seen several properties come up under this Hauppauge Springs title, these are all the headwaters of the Nissequogue River and --

MR. KAUFMAN:

Yes.

MS. FISCHER:

Yeah. This area -- if you look at historical aerials, you can see how this whole area was the watershed and headwaters to the Nissequogue River over at Blydenburgh Park. So, there are connections --

MR. KAUFMAN:

A braided stream area.

LEG. SCHNEIDERMAN:

Which is in the area -- this building is located in the vicinity of some of those tributaries to the Nissequogue River?

MS. FISCHER:

Yes. Exactly.

MR. KAUFMAN:

If you know where John Kennedy's office is, it's right across the street from it.

MS. FISCHER:

The wetlands across the street are part of that. If you go east and west, there are these low-lying, boggy wetland areas that are contributory to the headwaters of Nissiquogue River. So, they all kind of connect into this, what we call Hauppauge Springs area.

LEG. SCHNEIDERMAN:

Is there a plan? An open space or acquisition plan that kind of delineates all of these parcels that are contributing to the Nissiquogue sites for potential acquisition?

MS. FISCHER:

Well, actually they're in the master plan, the two areas that we're concentrating on. So that can give you a --

LEG. SCHNEIDERMAN:

So, there is a master plan for the protection of the water quality in Nissiquogue River?

MS. FISCHER:

Correct.

LEG. SCHNEIDERMAN:

Yes. Okay.

CHAIRPERSON ELKOWITZ:

Lauretta, do me a favor. Just make a copy of that page when you get back to the office and give it to Jim to put in the record so it shows at least some delineation of what we're actually buying and what we're not buying if you don't mind.

MS. FISCHER:

No problem.

CHAIRPERSON ELKOWITZ:

And Jim brought up an interesting point. This is in a 20,000 square foot Health Department zone. So, from the Health Department perspective, the property that remains would be subdividable. I don't know if you know what it's zoned in the Town of Smithtown. Do you know what the Town of Smithtown's zoning is on this property? Because I don't want Legislator Schneiderman to walk away with the wrong impression.

MS. FISCHER:

Well, I can verify that. I don't have it written down with me.

CHAIRPERSON ELKOWITZ:

All right. So, assuming if the property is zoned anything less than one acre in the Town of Smithtown, there's a potential that what remains is subdividable in answer to Legislator Schneiderman's question. If it's zoned one acre or greater, there would not be potential for further subdivision. But that's something -- I don't know that it relates to anything we're doing here, but Legislator Schneiderman might want that answer.

LEG. SCHNEIDERMAN:

Certainly if the lot wasn't subdividable now, it would certainly affect the price because you'd be buying undevelopable land.

CHAIRPERSON ELKOWITZ:

Right.

LEG. SCHNEIDERMAN:

I think, you know, for the record we were able to ascertain that there is potential for further development here. The extent of that further development will help determine what the ultimate price for such an acquisition will be.

CHAIRPERSON ELKOWITZ:

Absolutely. Do I have a motion?

MR. KAUFMAN:

I'll make a motion unlisted neg dec.

CHAIRPERSON ELKOWITZ:

I have a motion. Do I have a second?

MS. ESPOSITO:

Second.

CHAIRPERSON ELKOWITZ:

Second by Ms. Esposito. All those in favor? Opposed? Abstentions? Carried.

Item ten, proposed acquisition of property by Suffolk County for park purposes Pipes Cove, Rendel, Hamlet of Greenport, Town of Southold.

MS. FISCHER:

This is in Pipes Cove. And it's a 3.7 acre lot in an area that are acquiring other parcels in. This area is very wet and boggy. We've just acquired, I think, approximately two years ago the area north called _Arashamomick_ wetlands to the north-west of this parcel. We are trying to amass all the parcels in green that you see. And this is one of those parcels in a line of recommendations that we made under planning steps resolution in the master list. This is on Peconic Bay. And it's a first of a number of lots that we're trying to amass in that area.

It's got tidal, freshwater wetlands nearby. This is somewhat a little bit upland. It has some upland, but it's all very low-lying, boggy topography. Do you have any questions?

MR. SWANSON:

This property is under current conditions not developable?

MS. FISCHER:

I don't know that.

CHAIRPERSON ELKOWITZ:

Well, if actually looks like it has mosquito ditching on it.

MS. ESPOSITO:

I'll hold my tongue.

CHAIRPERSON ELKOWITZ:

But it does.

MR. KAUFMAN:

Wait. This property has actually been ditched?

CHAIRPERSON ELKOWITZ:

Well, it certainly looks that way.

MR. CRAMER:

It looks that way.

MS. ESPOSITO:

Why do we sound so surprised about that?

CHAIRPERSON ELKOWITZ:

No, but I mean I'm just curious. Are we buying a piece of property that nobody could ever develop anyway?

MS. FISCHER:

Quite honestly, we really don't look at it that way because a lot of times what individuals will do is just push the limit as far as they can to build somewhere on that property in some capacity. And so, you know, it's a judgement call. But we really don't feel that -- and we want to protect the wetlands. We don't want to see either nearby or any kind of development in this area. It's obviously a sensitive area as part of the Peconic Bay. And our feeling from the day I started working here was that regardless of the fact of whether a property is developed or not, if it's environmentally sensitive and it's important to the health and vegetation improvements to the -- the habitat of the area, then, we want to retain it. We want to acquire it and we want to protect it. So, that is basically our --

MR. CRAMER:

I would imagine the price would also reflect that it's --

MS. FISCHER:

12,000 an acre.

MR. KAUFMAN:

I'd buy it for that.

MR. CRAMER:

That it's undevelopable.

LEG. SCHNEIDERMAN:

What would you do with it?

MR. KAUFMAN:

I like wetlands; what can I say? Watch it, Adrienne. I'll bring Dominick in.

CHAIRPERSON ELKOWITZ:

Legislator Schneiderman, you had something to say? Well, Legislator Schneiderman had something to say.

LEG. SCHNEIDERMAN:

Sometimes it really boils down to management. Which party is best qualified to steward this property? In this case, you know, the County, I believe, is better qualified than the private sector to make sure that it is maintained in a pristine condition. So, there's some rationale behind even the County acquiring properties that aren't developable.

CHAIRPERSON ELKOWITZ:

Okay. You have a motion, Mr. Cramer?

MR. CRAMER:
Unlisted neg dec.

CHAIRPERSON ELKOWITZ:
Unlisted neg dec. Do I have a second? I have a second by Ms. Esposito. All those in favor? Opposed? Abstentions? Carried.

Proposed acquisition of property known as Third Creek Woods by Suffolk County for park purposes.

MS. ESPOSITO:
Now, Lauretta, this has to have wetlands in order to keep the theme going today.

MS. FISCHER:
Yes. This is a property in Town of Shelter Island, Village of Deering Harbor. We've acquired a number of pieces in this area. And this is, again, another part of the puzzle that we recommended to be acquired under the master list last year. I don't know what kind of information you have available.

CHAIRPERSON ELKOWITZ:
We have an aerial.

MS. FISCHER:
Okay.

CHAIRPERSON ELKOWITZ:
We have a tax map.

MR. KAUFMAN:
Haven't we dealt with grandma partners in the past?

MS. FISCHER:
Yes. They actually have owned a couple pieces that we've acquired in the past. And we're actually adding to our holdings here.

MR. KAUFMAN:
I'm looking at --

MS. FISCHER:
It's one of the last pieces in this area that are undeveloped.

MR. KAUFMAN:
I'm looking at the resolution. And it says it's a priority ranking of 49. Does that mean 49 points?

LEG. SCHNEIDERMAN:
That's good.

MS. FISCHER:
Actually, I didn't write this resolution. It's a Legislator Caracciolo resolution. It's a budgetary number, I believe.

LEG. SCHNEIDERMAN:
Those rankings used to come out of the Planning Department. That's based on a score card.

MS. FISCHER:

No, this is not our ranking.

LEG. SCHNEIDERMAN:

It's not?

MS. FISCHER:

No.

LEG. SCHNEIDERMAN:

Then what does that number mean?

MS. FISCHER:

I have no idea. That's why I said, I did not write this resolution.

LEG. SCHNEIDERMAN:

You should have given it a 100.

CHAIRPERSON ELKOWITZ:

Who would know? Right? I'll entertain a motion.

LEG. SCHNEIDERMAN:

I'll make a motion.

CHAIRPERSON ELKOWITZ:

Legislator Schneiderman, second by Mr. Cramer. All those in favor? Opposed? Abstentions? Carried. Thanks, Laretta. If you just remember to give Jim that one map for that Smithtown property.

MS. FISCHER:

I definitely will. I'll look into it as well. Let you know.

CHAIRPERSON ELKOWITZ:

Terrific. Okay. I guess we'll go into proposed Suffolk County annual Storm Water Management Property, Suffolk County.

MR. KAUFMAN:

Swamp.

CHAIRPERSON ELKOWITZ:

Yes.

MR. HASBROUCK:

Good morning. My name is Emerson Hasbrouck. I'm with Cornell Cooperative Extension of Suffolk County. You should have a copy of the Storm Water Management Annual Report in your packet.

CHAIRPERSON ELKOWITZ:

Yes, we do.

MR. HASBROUCK:

Okay. This is what's called Phase II Storm Water Management Program that's been put into effect by Environmental Protection Agency as part of the Clean Water Act.

The program was promulgated by the EPA in New York State. New York State Department of

Environmental Conservation took responsibility for the Phase II Programs throughout the state for all municipalities or all municipalities greater than a threshold level of population. The DEC implements this program through a SPEDY'S permit. Each municipality that's covered under the Phase II Program has to get a SPEDY'S permit for their Storm Water Management Program. As part of that SPEDY'S permit, there has to be an annual report detailing what's been done relative to the storm water management or for the Storm Water Management Program during the previous year.

For Suffolk County, Suffolk County Department of Public Works has been charged with carrying out the Phase II Program. Suffolk County DPW has contracted with Cornell Cooperative extension to assist them in carrying out all the terms of the SPEDY'S permit and implementing all the elements of the Phase II Program.

Very briefly, the Phase II Storm Water Management Plan requires six elements. One is public education and outreach. The other is public participation. The third is elicit discharge, detection and elimination. The fourth is construction site run-off control. The fifth component is post construction run-off control. And the sixth element is pollution prevention and good housekeeping.

The reason for us being here today is to help satisfy the requirements of item two of that plan, public participation to provide an opportunity for public comment and input to the annual report as required through the SPEDY'S permit. So, that's our intent for being here today.

Basically, we've been helping the County make significant strides in what it has to do for its Phase II Program. We've hired a storm water educator, Mark Cappellino back here. Our main contact with Suffolk County DPW is Victor _Canivi_. Mark has started to develop a whole range of educational programs for school districts, citizen groups, business groups and so forth. We're in the process of hiring a storm water specialist. And that storm water specialist is going to work with DPW on mainly items four, five and six of the Storm water Management Plan.

So, that's basically what we're here for today. If you'd like, we can run through the report and review it. But basically we've met the requirements that we outlined in the Notice of Intent for our SPEDY'S Permit for this program except for items under -- some of the items under construction site, run-off control and more items under post construction run-off control and pollution prevention and good housekeeping. Although those are items that we identified in the plan to implement in the later years. We had a slow start in getting this program started basically in terms of contract issues between Suffolk County and Cornell Cooperative Extension.

So, if you have any questions, what we've done for the last year, if you have any questions or comments of the annual report, I'd be happy to answer those for you today. The public comment period on the annual report is open through April 30th, 2005. Comments or questions can be sent to my attention at Cornell Cooperative Extension, 423 Griffing Avenue, Riverhead, New York 11901.

CHAIRPERSON ELKOWITZ:

Larry.

MR. SWANSON:

Emerson, do you have any idea what percentage of the storm water you hope to catch in this program?

MR. HASBROUCK:

Well, I do not have an answer for that, no. But what we're involved in is the Storm Water Management Plan for Suffolk County, which means Suffolk County roads and Suffolk County facilities. The towns have to implement a similar program as do incorporated villages if they're over a certain threshold of population or if they're surrounded by communities that have that

threshold of population. So, in terms of the overall run-off issues throughout the entire County, I don't have an answer for you.

MR. SWANSON:

I think it would be nice to know that.

MR. HASBROUCK:

Okay.

MR. SWANSON:

Our bays and estuaries, in fact, depend on freshwater. And if this program is truly successful and say catches 25% to 50% of the freshwater that historically has drained into those bays and estuaries, not seeped through groundwater, we're going to change the ecological functioning of every one of those river bodies. And I haven't heard anybody express any concern of altering salt balances in bays and estuaries as a consequence of trying to capture this water and divert it to groundwater or elsewhere. So, I would just be curious to know what the vision is to capture this. Suddenly groundwater for storm water has become a very evil thing. And, in fact, it's a very important element of our ecological functions -- functioning of these bays.

MR. HASBROUCK:

Yes, you're absolutely right. It is -- freshwater input is an important component to the ecology of these systems. What the program is trying to address, though, I think, is how we disrupted the natural flow, if you will, over the past hundred years or so through construction of roads and parking lots and other facilities where the past practice has been to just get that water to the closest surface water area as quickly and easy as possible to get it off the road, to get it off the parking lot, to get it off the driveway. So, we've somewhat disrupted the natural order of things by having a greater amount of surface flow going into some of these systems.

A lot of the goal is to infiltrate that water. And here on Long Island, you know, if we infiltrate it, it ends up back in the bay. It just takes a little bit longer and is generally cleaner. So, the overall program, you know, it's certainly going to reduce the amount of freshwater that immediately goes into surface water systems. The total balance, though, I don't know if that's disrupted or not, but we're also under -- we, meaning communities are also under a mandate by the EPA through New York DEC to accomplish these six items. But your comments are well taken.

MR. SWANSON:

Yeah, I understand that, but I'm just curious as to what the overall -- because I haven't heard anybody from EPA come down and say what they really hope to achieve.

MR. KAUFMAN:

Under this program, is there anyway to account for what Larry's is bringing up? For example, I know -- I'm involved in some storm water projects in Nissequogue and Head of the Harbor and Stony Brook Harbor. And it has been one of our concerns that we are choking off the overland flows and it may have an impact upon ponds, you know, whether fresh ponds or whatever. Is there any way to account for this or deal with this kind of a situation under these guidelines that we're setting up?

MR. HASBROUCK:

Well, it will be included in our annual report to the DEC because you and Mr. Swanson have raised those issues. So, it will be included there. What the DEC chooses to do with that information, I don't know.

MR. KAUFMAN:

Is there any way to incorporate those kinds of concerns into County activities in the future to at least allow them to be looked at? Examined?

CHAIRPERSON ELKOWITZ:

Well, no you can't have the County doing things that would take it away from compliance with the Phase II storm water regulations. And I also don't think it's fair that the County has to undertake this kind of a study in a microcosm because it really is not their charge. I would assume they don't have a budget for it. I mean, this is something that was a federal mandate. And if we want to change a federal mandate, we know how to do that. But to have the County take on this burden, I think, is far beyond.

MR. KAUFMAN:

I think my question was is there an ability. You know, I'm looking a little bit beyond this.

CHAIRPERSON ELKOWITZ:

Well, I think with the right time, money and dedication of resources, there's an ability to do anything. The question is, is that a burden that the County should take on? And what would the end result of the burden be?

MS. ESPOSITO:

And the key question is also time because you'd have to look at this kind of a proposal over time --

CHAIRPERSON ELKOWITZ:

Absolutely.

MS. ESPOSITO:

-- because if you're not -- you may be, as Emerson pointed out, diverting it today, but then it's entering the estuary systems through groundwater as opposed to surface water. And so the overall balance would really need to be looked at over a long period of time. It's a very difficult --

CHAIRPERSON ELKOWITZ:

Well, quite frankly, under NEPA, the USCPA should have looked at it before it promulgated the regulations. Now, I'm not a betting woman, but I'd venture to say if I went to the EIS, assuming there was one, I wouldn't find it. But that actually --

MR. HASBROUCK:

I haven't looked so I can't answer that.

MS. ESPOSITO:

Good answer.

CHAIRPERSON ELKOWITZ:

But that actually was the appropriate place to do it. Yes, Jim.

MR. BAGG:

Terry, also, you know, individual projects do undergo SEQRA review and come before the CEQ. So, at that particular time, you could look at that in terms of are you preventing that input, you know, or is it simply adding a filtering system or what not.

CHAIRPERSON ELKOWITZ:

Yeah, but, Jim, the reality of it is, because we all know what I do for a living and I bring hundreds and hundreds of projects that have to comply with Phase II. And as the County has represented, you're required to comply with Phase II. So, if I'm required to comply with Phase II and I'm diverting -- I don't care if it's 10%, 20%, 70%, 80% and it's having an effect, why should the County or anybody else who's complying with the law have to deal with the effect that the

compliance is having?

MR. BAGG:

I'm not saying they have to deal with it. I'm just saying you could review it and ask that question at that particular point in time.

CHAIRPERSON ELKOWITZ:

It goes back to my answer to Mike. You have these guys, have to do this analysis to try to figure out how much it's diverting and what effect it's going to have. And when we get the information, what benefit does it have and what does anybody do with it? So, why does the County have to spend the time and the money to do it? If we can't change the project, we have to comply with the law. I just -- I don't understand the purpose of the exercise if we can't do anything about it. It just becomes an exercise for an exercise.

MR. CRAMER:

I feel also if he's making the offer to bring it back to the state, bringing in the report --

CHAIRPERSON ELKOWITZ:

That's what we're supposed to do. That's what he's required to do under the public participation component as I understand it.

MR. HASBROUCK:

Yes.

CHAIRPERSON ELKOWITZ:

Okay. Any other questions? Thank you very much for your time.

MR. HASBROUCK:

Okay. Thank you.

MR. SWANSON:

Thank you, Emerson.

CHAIRPERSON ELKOWITZ:

I'm going to go a little bit out of order because I saw Commissioner Foley come in. So, I'm going to go with Historic Services first. And since the other application is a parks application anyway, I think it's appropriate. So, Commissioner Foley. Thank you for coming.

COMMISSIONER FOLEY:

My pleasure to be here. I don't mean to disrupt your agenda --

CHAIRPERSON ELKOWITZ:

You're not disrupting. Actually you're disrupting your own staff so it's okay.

COMMISSIONER FOLEY:

I know. I just apologized to them. I'm here primarily because I heard you had questions and concerns about historic properties and I'd like to answer those in any way I can.

CHAIRPERSON ELKOWITZ:

As opposed to making this an inquiry, I think I'm just going to kind of in general state what the issues has been. The issue has been, and this actually pre-dated me and I've been here for an awfully long time, is that before there was an outside party that managed historic properties, there was a concern regarding their maintenance and the responsiveness to things that would happen at a historic property. And we also read in the paper, some people have personal knowledge, people have different opinions to whether or not what the County did was the appropriate thing to do. But we're not here to discuss that because none of us here with the

exception of Legislator Schneiderman are policy makers. And we don't make decisions here. However, we do sit as the Suffolk County Historic Trust.

So, to that extent it is our charge to ensure that historic buildings are appropriately maintained. And there has been some discussion and some reporting of incidents that maybe the responsiveness is not as good and the maintenance is not as good as it was when we had a third party maintain it. I don't and I will not permit this to become an inquisition. It's not my purpose. It's not what we do. And I don't think it furthers anybody's objective.

So, what I'd like to do is, if you would be willing, is to just give us a little synopsis of what your management proposal is, how you're responding to issues. And I would prefer not to get into what was the basis of the decision to take it away from the third party because it's already been done. And quite frankly, I couldn't care less about it. I think from the perspective as the Chairman of the Historic Trust, at least, I just want to try to ensure that County buildings are maintained. And that we're not adding more buildings and we don't have enough staff or whatever the situation is.

COMMISSIONER FOLEY:

Well, whatever I say will be from my point of view on this. And certainly if members of the Council have different points of view, I'd like to hear that and be able to comment on those. So, I don't mind some questions or challenges to what I'm saying. But we, as you know, terminated the contract with The Friends for Long Island Heritage. And in the process of doing so, the County Executive increased our park maintenance staff by about six people to maintain and respond to the needs of these properties as they were pointed out both by residents in the rental units and by Richard Martin, who's the Director of Historic Services.

It's tough to compare our response or capabilities to The Friends. It's a different entity. We went through an adjustment period because when you staff up, you end up promoting a lot of people inhouse. That's just the way the rules work. And you don't get any additional people. We have since and are in the midst of getting up to the staffing level that was intended when we went through this takeover. My impression is that we are responding better to the compliance or the notifications from the people living in these residential units than was done in the past.

My impression also is that there was basically an annual restoration project when The Friends were there. I think we're addressing things in a broader way than that; not one annual protect but several larger than maintenance type projects. And I think if you bear with us through this period of adjustment, I think we will be better at taking care of these places.

One area that could be criticized is that there are a number of vacant units at this time that we have not filled successfully. That's a product of us trying to comply with the laws of Suffolk County as they're on the books now. And the law said we must go out and appraise all the units for market value rental rates. We imposed upon the Real Estate Department to do that. And they've completed their process. We now have this stack of appraisals that we've got to wend our way through.

And then the law also says that any time we want to fill one of these vacant rental properties, we have to bring that recommendation to the Legislature. They have to approve the resident and the rental rate and the whole thing. So, we're working through the process to get ready to bring the first series of recommendations for filling some of these vacant places to the Legislature. We've not gotten there yet. It's a daunting task.

I've also heard concerns expressed that we will over price these rental properties and fail to recognize the value of having them occupied. As I see it right now, we're going to recommend to the Legislature some series of discounts from whatever this market rate rental has been established at and recognize the value of having someone take care of a historic property, recognize the value of having a police officer in a park -- resident in the park and the security

that provides both to the historic property and the park as a whole. And whatever we do in this first round of recommendations, we're going to have to live with from that point on. So, we want to make sure we get this right. To us, it's better to get it right than it is to rush in and fill these places.

Some will say one of the benefits of having a third party entity run these properties was that they could immediately get a resident into a vacant property. They could only do that if they ignored the law. Because it was equally binding on them as it is on us. The law affects the properties; not who's running them.

So, those are the criticisms I've heard. In fact, when we hired people, we hired one of the people that was employed by The Friends recognized as the person who led their maintenance efforts and did a very good job and is doing a very good job for us. So, we're doing, I think, a fair job in this transition time. We're not completely where we want to be, but we'll get there. And you have my commitment that these properties are going to be as well maintained as they can be. I recognize the importance of historic preservation. And I'm dedicated to taking care of them.

MR. KAUFMAN:

Commissioner, before I say anything, I do need to inform the Council and also the public as to one thing. I've been a member of the Historic Trust for a number of years. I think since 1992. Possibly 1993. I don't remember the exact year. I also was a board member of The Friends for Long Island Heritage. I joined The Friends' board upon the -- I was basically asked by the former Parks Commissioner to join to aid Suffolk County and to provide a Suffolk County perspective. I've since resigned from the board of The Friends. I have not resigned obviously from here. So, I just wanted to make that clear.

I do have a couple of questions though for you. And in no way, sense or form am I trying to be confrontational or anything like that. I'm just trying to get an idea of where we're at. At the Historic Trust, I've always been very, very sensitive to the historic buildings. I was born in a history building. I've lived in one for many, many years. And I know how tough they are to maintain and, you know, the upkeep, etcetera. Are there any plans or are you in the process of developing any plans for some sort of an annual maintenance schedule for not just the landmark units but also, for example, Deepwells, Coindre Hall, the places that are not necessarily occupied by people? Are there any ideas that you have for how that will be accomplished?

COMMISSIONER FOLEY:

We haven't gotten to the point yet. And we're trying to catch up with all the things that needed to be done immediately. That's been our reaction. It's been our posture since we took over. I'm trying to find all the problems we can find. We've asked all the residents/occupants of these places to give us lists of problems. The lists are exhaustive. So, we're trying to respond to that; catch up with that. And then we will develop some kind of maintenance planning to deal with these. I'll tell you that the maintenance unit in Parks has the most organized system of work orders and response to maintenance needs that I've ever seen in any parks system. And a set of priorities that go with that system. It's pretty impressive. And I think they do a good job.

Now, we've also talked about, and I did this when I was at State Parks, bringing in a team from the National Park Service that's expert in maintenance and restoration of historic properties. And you bring them in almost as a contractor to work on a specific project. But while they're there, you put your maintenance people with them. They teach them the techniques of historic preservation maintenance. And when you're all done, you've not only completed a project for which you've paid the National Park Service as a contractor, but you've got a fully informed, educated maintenance force.

MR. KAUFMAN:

Almost a free training seminar if you will.

COMMISSIONER FOLEY:

Essentially, yes.

MR. KAUFMAN:

Are you going to try, though, in the future to come up with some sort of a plan or schedule within those constraints? The reason I bring it up is, historic buildings are expensive to maintain. Everyone knows that. I know in the past that the County has in many ways given over maintenance to The Friends. So, when I joined The Friends board, I became sensitized to the concept of an annual maintenance schedule. Again, also having lived in historic buildings, I know if you don't catch something nearly immediately, you're going to have problems because it just multiplies very, very quickly as opposed to a new building. Are you going to try to drive that way at all? If nothing else, it's a base line or a benchmark to measure against.

COMMISSIONER FOLEY:

I can't answer that definitively. You know, everything's on the table. Again, we're in catch up mode. We're trying to get everything into shape and then we'll figure out where we want to go. But we'll certainly take that as a recommendation to factor into whatever we do.

MR. KAUFMAN:

If nothing else, it helps both the Historic Trust Advisory Committee and this committee to have an idea of what we're looking at to know what we're going to be doing in the future. For example, Rich Martin has always been very, very good as Director of Historic Services. And before that Lance, in terms of letting us know -- giving us an idea, if you will, on which buildings needed repairs, where he was going to be moving for grant monies and things like that. But I'm not sure that it was a wholly organized process given that they had myriad responsibilities and things like that. I just think it would be helpful for us -- and again I'm just suggesting this -- I'm not in any way, shape or form demanding. I just think it will be a helpful bench mark or helpful tool for everyone.

COMMISSIONER FOLEY:

I just -- not to interrupt you, but if that proves to be a useful tool for us and a better way to inform you, we'll incorporate that in the program. We also have now a person who's 50% dedicated to seeking and applying for and managing grants. And we're hoping for some very good news shortly on an application we submitted for the Sagtikos Manor. Not that I know what's going to come out of that, but we are dedicated to getting as much non-county money invested in these place as we can.

LEG. SCHNEIDERMAN:

I'm not going to get into The Friends issue. I respect your judgement there, Commissioner. First of all, thank you for coming down this morning to address our concerns. Some of this arose from the last meeting when we discussed something that had happened to, I guess, a school house building that the County owns in, I guess, Smithtown or St. James. Elwood. Thank you. When some pipes had burst and they had caused some damage. And it got us to wonder about whether we had the adequate oversight to some of these historic buildings. The County has taken on a lot of historic buildings. And my only reservation I brought up when you first informed me of the decision on The Friends is whether your attention might be diverted now, you know, to -- I think I used the example of ordering licorice root for the St. James General Store. And I felt as a new Commissioner, you know, there were very important matters at hand. And I wanted to make sure that your attention went to the right places. I had brought up the Third House facility in Montauk because of what I saw as a lack of continual maintenance on that property. It exposed -- the roof was allowed to reach a point where the water was directly entering the building. And rotting out the very old lumber and destroying the structural integrity of a very important building, I felt. And I know you've been moving toward that. And maybe you'll be able to update us on that.

But my general comment really comes back to this idea of an inventory. I'd like a list of all of our historic buildings. And then I'd like us to go out and find a structural engineering firm to assess all of them. And maybe from the historic's perspective as well prioritize and not play this game of just addressing what breaks, but actually having a maintenance schedule for all these buildings so we're taking care of things before the major problems occur. And I don't think that will be hard. I think it'll be money well spent if we do that. You and I have talked about doing that. Maybe you've already moved forward to doing that. But I think it's an absolutely necessary step that we have the list, we know which is the most important buildings. And we have a maintenance schedule for taking care of those buildings.

COMMISSIONER FOLEY:

As you know, I agree with you on that. We need the inventory. We need the analysis. We need some priority set on what's most important. The Third House situation continues to be frustrating. It's an example of how difficult historic properties are. The Department hired an architect to first develop, I think, a historic structures report. And then it expanded into well, design the repairs and the restoration for this place. Whether or not he was capable of doing that expanded job is somewhat in question. And everything someone does like that has to meet DPW standards for creating biddable documents. And that's where the clash has now evolved.

LEG. SCHNEIDERMAN:

Have we not gone out to bid on that property?

COMMISSIONER FOLEY:

We have not gone out to bid because we still don't have --

LEG. SCHNEIDERMAN:

That's news to me because we had talked about a schedule. And I was expecting construction to begin this summer. Is that not the case anymore?

COMMISSIONER FOLEY:

That is not the case.

LEG. SCHNEIDERMAN:

Because every time it rains, we're going to see more damage to that building.

COMMISSIONER FOLEY:

And that's the example of whether you want to call it deferred maintenance or neglect, it gets more and more expensive.

LEG. SCHNEIDERMAN:

And this is a building that could be an income generator for the County. So, we're also losing potential revenue. We have the building closed. The Shakespeare Festival is not going to happen this summer. It was cancelled.

COMMISSIONER FOLEY:

It is going to happen this summer.

LEG. SCHNEIDERMAN:

Oh, it is? Okay.

COMMISSIONER FOLEY:

Because we now know the construction's not going to happen, we let the Shakespeare go ahead.

LEG. SCHNEIDERMAN:

Okay.

COMMISSIONER FOLEY:

But it's a systems problem. You know, we got this architect who's going down the road doing what he thinks is right. And then you crash into the DPW requirements and they don't match. And you've got to keep going back and starting over and recreating things. And that's been very frustrating. I hope this is the last construction season we'll lose on that because it is in very dire straits. But I think it's also an example of --

LEG. SCHNEIDERMAN:

There's got to be a way to cut through this bureaucracy and get that construction started.

CHAIRPERSON ELKOWITZ:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'm sorry. I don't mean to interrupt. But, you know, you are the Commissioner of the Department. And we're seeing an important historic building be destroyed.

CHAIRPERSON ELKOWITZ:

Legislator Schneiderman, though, I have a suggestion. I'm hearing the Commissioner say DPW requirements. I'm not hearing the Commissioner saying New York State Building Code. So, if the DPW is imposing requirements that are County requirements that are not requirements of the New York State Building Code, I would respectfully suggest that the administration, the Legislature and the County Executive's office, could resolve that. If they're New York State Building Code issues, then, the first question I have is why do we have an architect that's designing things not pursuant to New York State Building Code? That's question one.

LEG. SCHNEIDERMAN:

Sure.

CHAIRPERSON ELKOWITZ:

Because you really can't send out bid documents that don't comply with code. Nobody would build it that has a brain. They just wouldn't. You wouldn't take on the liability. But if it's a DPW problem, and I don't know that it is, that's something that you guys could fix.

LEG. SCHNEIDERMAN:

It's all getting very frustrating. Even from my perspective, where, you know, I worked hard to get the money in place for this construction in this year's capital budget. Now, I'm hearing that this may go into next year. Now, I've got to change the whole funding for it.

CHAIRPERSON ELKOWITZ:

I know. But I'm just trying to find a solution.

COMMISSIONER FOLEY:

Let me clarify where the disparity is here. It's not so much code based disagreements. It's an architect creating something that would be biddable as a private sector contract. And then trying to turn that into a set of specs that suit Suffolk County biddable document requirements.

CHAIRPERSON ELKOWITZ:

But I think that that may be something that the administration, whether it be the County Exec's Office or the Legislature, could resolve.

COMMISSIONER FOLEY:

It's actually -- what resolves it is starting it correctly. We've got to deal with -- we've got to get DPW into the mix very, very early on so everyone knows what the ballgame looks like what and what the picture has to be in the end. This one did not start out that way.

LEG. SCHNEIDERMAN:

Commissioner, this has been a project that's been on the books for maybe ten years now. There's a systemic problem here. We cannot lose these buildings. It can't take ten years to put a roof on a building like this. It just can't.

COMMISSIONER FOLEY:

Well, this project's much more than putting a roof on it. And that's part of the problem.

LEG. SCHNEIDERMAN:

Now it's extensive interior.

COMMISSIONER FOLEY:

It has grown into --

LEG. SCHNEIDERMAN:

If ten years ago they just simply fixed the roof --

COMMISSIONER FOLEY:

Right.

LEG. SCHNEIDERMAN:

-- maybe it would not be so extensive. I think what this is showing is an example we have a systemic problem in terms of taking care of these buildings. And I'll go back to -- you know, we can talk about Third House separately. And I'll be happy to have a meeting with you. And maybe I can help assist you in getting through some of these hurdles. Getting over some of these hurdles. But I think we really must move forward and get that schedule and figure out where these roadblocks are and a system by which we can move forward more quickly or expeditiously on maintaining these buildings.

CHAIRPERSON ELKOWITZ:

Would the DPW requirements exist if you had a third party managing the building? I don't know the answer to the question.

COMMISSIONER FOLEY:

Yes, they would. It's a County building.

CHAIRPERSON ELKOWITZ:

You still would have to do -- it would have to be a County spec?

COMMISSIONER FOLEY:

I believe it would. I think that's the right way to do it. There are all these -- all these requirements are developed, again, with Suffolk County laws on how we bid and do things. Could somebody like The Friends go out and bid a project independent of us? Yes. But at some point DPW is going to have to come in and say this work needs County standards. And you're going to have this disparity of details at some point.

CHAIRPERSON ELKOWITZ:

No, but now I'm confused because -- that was the first question I asked. Are DPW standards different -- forget about bid documents because the answer you gave me was bid documents. Are DPW standards different than New York State Building Code?

COMMISSIONER FOLEY:

I don't believe so but I'm not competent to answer the question.

CHAIRPERSON ELKOWITZ:

But then we're getting back to --

LEG. SCHNEIDERMAN:

Where is this problem here?

CHAIRPERSON ELKOWITZ:

But what I heard was that the problem was bid documents. And I do know from experience that County bid requirements, especially DPW, are much more stringent than other bid requirements that you would see. I don't have a comment as to whether they're good or bad because I don't really know.

LEG. SCHNEIDERMAN:

In this case the architectural prepared the bid documents or DPW prepared it?

COMMISSIONER FOLEY:

The architectural firm.

LEG. SCHNEIDERMAN:

And DPW -- Charlie Bartha said they didn't meet his standards?

COMMISSIONER FOLEY:

Essentially, yes. This has been back and forth several times.

LEG. SCHNEIDERMAN:

Okay. And they just can't be modified?

COMMISSIONER FOLEY:

That's what everyone is attempting to do.

LEG. SCHNEIDERMAN:

Okay. I'm going to request a meeting with yourself and Mr. Bartha ASAP to resolve this so we can see this construction begin this year. But, you know, let's go back and talk -- speak more globally. And, you know, I think certainly this reveals a problem. This example. And --

CHAIRPERSON ELKOWITZ:

I have a couple of questions. And understand that I personally have no relationship with The Friends at all. I don't know if they're good, bad or indifferent. I don't if the County is better, not better. I just am hearing -- constantly hearing concerns. And that's the only reason I have these questions. But the first question I have is you said something about the County law and the market rate and all of that. There's nothing in the law -- and I understand that you're going to propose discounts to the rent -- the County law doesn't preclude renting these for less than market rate, does it?

COMMISSIONER FOLEY:

I don't think it does.

CHAIRPERSON ELKOWITZ:

Okay. Because if -- that's something that somebody's got to fix. Because if it does --

LEG. SCHNEIDERMAN:

Are you talking about the housing for the staff?

CHAIRPERSON ELKOWITZ:

I'm talking about the housing because I'm hearing -- and I'm not --

LEG. SCHNEIDERMAN:

It should be discounted, frankly, because you're forcing that worker to stay at his place of work and be on call 24 hours a day.

CHAIRPERSON ELKOWITZ:

Exactly.

LEG. SCHNEIDERMAN:

And these are not necessarily desirable places to live.

CHAIRPERSON ELKOWITZ:

I know that, Legislator Schneiderman. But I've also over the -- however many years I've sat in this Chair seen a lot of legislation that has been meant to fix the problem and creates the problem that's greater than the problem that it fixed.

LEG. SCHNEIDERMAN:

Absolutely.

CHAIRPERSON ELKOWITZ:

So, what we now have, and I have a lot of sympathy for Parks Department, we now have a situation where they have to have appraisals from the County Department of Real Estate. And we all know what that system's like. And we all know what they're competing with. Everybody's harping for acquisitions and appraisals. So, they have to go through this dance. Then they get all these appraisals that they have to look at. Then they have to sit there and try to justify every discount to get a rent that they think that they can get. That's creating a situation that's absurd in my opinion. So, I mean, I agree with -- I hear your side-bar and I agree with you. But it's absurd to make them go through this dance to maybe not be able to rent it because we're going to get into a discussion whether it should be \$2 or \$2,000. But that's something that only the Legislature can fix. That's not something the Commissioner can fix.

LEG. SCHNEIDERMAN:

My side-bar had to do with IRS tax law declaring rent. If somebody provides you with housing as part of your job, it can be construed as compensation.

COMMISSIONER FOLEY:

That's right.

LEG. SCHNEIDERMAN:

You know, typically these types of things are discounted. So, I feel your hands will be tied if you have to -- if it's evaluated just a, you know, house in a neighborhood. It's not a house in a neighborhood. It's --

CHAIRPERSON ELKOWITZ:

But I can't imagine that the appraisers appraised it as anything different.

COMMISSIONER FOLEY:

Well, again, we'd have to look through one of the appraisals. And they lists all their considerations. In some cases they do have those considerations and how they're valued. Sometimes a house in a neighborhood is less desirable than a house on this grand open estate or next to the golf course.

MR. KAUFMAN:

As a real estate attorney, I can also say with a fair degree of certainty, many of these structures,

for example, we're talking about landmark programs and things like that, to the extent that you're giving -- that the County is renting something out at a less than lease hold value, the appraisals may not be comparable. You're not getting a full lease hold. You're getting a license revokable on 30 days. You're not getting full possession of the property. You can't do certain improvements to it. There's many discounts that would apply to something like this. Hopefully those appraisers have taken notice of that.

CHAIRPERSON ELKOWITZ:

But the problem is -- whether they did or didn't, he has to go back to the Legislature.

MR. KAUFMAN:

I understand.

CHAIRPERSON ELKOWITZ:

To the people that normally sit here. And they are political bodies. They're not people that set rents for a living. So, there's an inherent problem with the process. You know, they're 18 wonderful people. But they're elected officials.

MR. KAUFMAN:

Seventeen.

CHAIRPERSON ELKOWITZ:

I'm being kind.

LEG. SCHNEIDERMAN:

Thanks. You don't live with them.

MR. MALLAMO:

Let me jump in here. I've been quiet listening to other people. And I know Nancy Manfredonia, who's not here today, had a lot to say previously. But we have -- let me just fill the Historic Trust on what the committee has been doing. We've been meeting a lot more frequently to address this issue. We met with the Commissioner back when the decision to cancel The Friends contract was made. He was very gracious to sit down with us and give us his plan for what was going to happen. And we agreed at that time that we would increase our efforts to get a handle on what the problem is by having more frequent meetings and identifying exactly which buildings were historic to answer your question, Legislator Schneiderman. We have a list, but in some cases the final determination hasn't been made. Is this really historic or isn't it? So, we really had to go out and visit these sites; that we're still doing.

LEG. SCHNEIDERMAN:

There's people who do that for a living; who we can hire to tell us which ones or historic and prioritize these buildings. Some very good people out there.

MR. MALLAMO:

Well, I think, you know, we have a committee that's charged with making that recommendation. They're willing to do it. They're unpaid --

LEG. SCHNEIDERMAN:

I'm not suggesting --

MR. MALLAMO:

-- so we're taking advantage of it.

LEG. SCHNEIDERMAN:

-- we use volunteers. I'm saying that we put some money in place to conduct the historic analysis and conduct the structural engineering analysis. And I don't think we can wait frankly.

MR. MALLAMO:

Clearly this project is going to need money. And I think the way it's going to go, it's going to need an enormous amount of money. You know, I was responsible 25 years ago for bringing The Friends to Suffolk County. And at that time if they had not come in, we wouldn't be talking about half these buildings because they probably wouldn't have made it. When I started with the County, I was a staff, one person. And there wasn't a dime to do anything about this problem. So, we've come a long way. But, we've taken on a huge responsibility here. And the issue with the rentals and the appraisals in particular is a matter of great concern to the committee. Because as Mike said, they did recognize -- you know, it's fine to say, oh, a house in Suffolk County rents for this amount, this is what these people should be paying. But they don't get use of the yard, they don't get to change the building the way you would if you had -- you know, if you were renting it. You're not getting a lease agreement. You are expected to be on call. You're expected if you see something damaged nearby, you have to call the police and provide some incidental security. And in some cases the tenants were actually performing work at the park. Restoration work or whatever. So, that all has to go into consideration. And we're not sure whether that's been done in this appraisal process. But, we don't know the answer to that yet; we're getting to that point.

We have been visiting a number of historic sites. We had a meeting a few weeks ago with another one. And I'll you, I've been surprised at buildings that even when I worked in the Parks Department that I hadn't gone in because, and I'll be honest with you, when you're talking several hundred buildings, and the staff we had, you don't have the time. Sometimes you just drive by. You don't go in them in depth. And we've added a few that I think -- I didn't expect were going to be historic. We had that barn out in Manorville, which clearly is an 18th century barn. It looks like it's an early 1900's barn. So, I think we're going to be adding. Not taking buildings away from this list. So, this problem is going to get bigger and bigger and bigger.

LEG. SCHNEIDERMAN:

We just took on the Scully building. That's got to be very expensive to maintain.

MR. MALLAMO:

So, at some point -- I think the Commissioner's doing the best he can. He's told us that. You know, I'll be very frank with my concerns here today. I know that he's adding staff. That staff, the Parks Department probably needed anyway and may have actually had in the budget anyway. These buildings need a dedicated --

LEG. SCHNEIDERMAN:

Doesn't sound like it's nearly enough staff. Six people is not --

MR. MALLAMO:

Clearly.

CHAIRPERSON ELKOWITZ:

It's not six people dedicated to historic properties, though, is it?

COMMISSIONER FOLEY:

Well, there's actually more people than that available for historic maintenance. It's six new people which allows us to pay more attention to historic properties. But there's no narrow dedication. That's correct.

LEG. SCHNEIDERMAN:

Some of this clearly has to be outsourced. Maybe not all the management outsourced, but at least this structural engineering portions of it, the maintenance schedules. And, you know, maybe the Parks Department does have the people to do some of this restoration work. But develop those schedules and to do the analysis, I think, we need to outsource it.

CHAIRPERSON ELKOWITZ:

And there has to have been an impact on the budget because my understanding of the program was when we had a third party, the money stayed in the historic properties. Now the money goes into the General Fund. So, you know --

LEG. SCHNEIDERMAN:

A dedicated fund would be terrific.

MR. MALLAMO:

Right. Right.

COMMISSIONER FOLEY:

But in fairness, though, when we made the transfer, the appropriation equaled the revenue coming in. So, it's pretty close to being dedicated to these properties. The new appropriation when we canceled the contract equaled the revenue that we anticipated.

MR. KAUFMAN:

Is there anyway to push to try and dedicate more of the individual staff hours towards these kinds of projects? I mean, we're talking about dedicated employees and things like that. But at the same time we're hearing that they're sometimes working on other jobs. Is there any utility to try and do that?

COMMISSIONER FOLEY:

We don't have a means to -- other than an informal decree from me dedicate X employee to X specific job. We've got a broad array of responsibilities. We've got to deal with all of them. And we have to make sure we're treating them with the right priorities. This is April going into May. We're making sure that the active parks are up and functioning, that the drinking fountains and the toilets work. That's what we have to pay attention to. That does not mean we're not responding to the needs of these rental properties as they come to us. We are doing that. But we'll spend more time on larger maintenance projects on these properties in the fall and in the winter.

MR. MALLAMO:

I think there's an undue emphasis, though, on the rental aspect of this whole program. Because there are many buildings that were put in the rental program. And the way the process works -- I hope most people know this but for those of you who don't, when buildings are put in the Historic Trust by the Legislature, the designation of use is transferred to the Historic Trust. That's this body. We designate the use of the building. And in the past many buildings were put in the rental program because we felt there was a revenue stream to support the maintenance of the building.

Admittedly, when a building is in a rental program, there's inherent wear and tear on the building that a museum use wouldn't have. Museum use is open to the public a few hours a day. Maybe on a weekend only. And the rest of the week it just sits there locked up. Somebody's living in the building. They are walking on the floors every day. They're opening and shutting the doors and windows. There's potential for breakage and damage to the building fabric.

So, I think my warning is that if we don't do this plan right as things go on, if the Historic Trust doesn't feel these buildings are getting the attention that they need, they may be withdrawn from the rental program. And I wonder, you know, when this was first looked at, the rental program was looked at as more of a cash cow. But that could go. And all we're going to have is the responsibility to maintain the buildings because the real -- the policy here is these buildings are owned by the people of Suffolk County for preservation purposes.

MR. KAUFMAN:

You know, Lance, I agree with you a hundred percent. One of my concerns I would expand upon beyond just the rentals, because again we keep on focusing upon them. I'm looking at Coindre Hall, I'm looking at Deepwells, which right now essentially has no programs going on. I'm looking at the one -- I think it's Sayville. The one that we just bought. Meadowcroft is one of them. Sagtikos Manor. That's the word I was looking for. Couldn't remember it. Having a senior moment. Those are the kinds of properties we're not going to have people living inside them. Okay? But they also are the -- they have to have maintenance schedules. They have to be basically preserved there. Very, very large capital investments being made by the County in there. And that's the kind of thing that we also have to look at to make sure that they're not going to be basically falling down around everyone's ears. I know what happened, for example, with the property in my community, Deepwells, where there was an enormous amount to buy it, an enormous amount to get it up and going. And it's eventually going to be coming into a maintenance cycle where it's going to start needing more and more repairs. And we just have to try and plan for that. And I understand, again, that with The Friends out, you're having to take up the slack, etcetera. But this is something that you should start trying to look at when you get a -- little bit of free time.

CHAIRPERSON ELKOWITZ:

I think that the Commissioner understands the problems. I think that we understand as well the Commissioner's problems. I mean he has a structure that has been imposed upon him. He didn't create this structure. And he has to try and function within it. So, I think to some extent that the structure has to recognize that it has to be modified to make this all work. And I think all we can ask the Commissioner to do is the best he can do with what he has. So, unless anybody has any additional questions --

MR. MALLAMO:

And to look at the Historic Trust as a resource and an ally and not -- I don't like to see the Commissioner put in a position where --

CHAIRPERSON ELKOWITZ:

Which is why I opened --

MR. MALLAMO:

Because we're not. We're all here to work together. And I hope we can be a great help to you and to the Parks Committee.

MR. KAUFMAN:

I have one final comment on that. And I wrote this down so it's not just following up on Lance's. Is there anything we can do as a Historic Trust to help you out?

COMMISSIONER FOLEY:

Well, I believe there is. Rather than seeming that we're at odds because I don't believe we are --

MR. KAUFMAN:

We're not.

COMMISSIONER FOLEY:

I think we're sharing a priority here that's important. And I think it's important not just in terms of historic preservation but tourism and the economic health in the County. But I would ask the Trust to advise us when you hear of problems, let us have a chance to either respond to it if it's a real problem or, you know, discount it if it's not real. And that can go through Richard or me or -- you know where I am. Call me. Send me a -- we have e-mail.

CHAIRPERSON ELKOWITZ:

I have to tell you, Richard has been a wonderful resource for us.

COMMISSIONER FOLEY:

He is.

CHAIRPERSON ELKOWITZ:

And, you know, I think regularly at our monthly meetings, you know, Richard is a line item. He's an agenda item. And these are the kinds of things that we go over. So --

COMMISSIONER FOLEY:

And I fear a little bit and I would acknowledge maybe being incorrect here, but maybe we don't talk about the progress we're making enough. The Brookside House has a new roof on it, you know, as a result of a partnership between a local Audubon group and us. And one buys the materials and the other gets the work done. And those kinds of things are happening in a number of different places. Maybe we just don't talk enough about that.

MR. KAUFMAN:

Rich keeps us pretty much up-to-date on everything. Everything from bond applications and what current status of projects are, etcetera. He's pretty good about communication.

COMMISSIONER FOLEY:

I'm sure he is. I'm confident that that's true. But when you have concerns, please communicate them to us in some fashion whether it's through Richard or me or whoever. And we'll respond to them somehow.

MR. KAUFMAN:

Beyond concerns, is there anything else that we can do as a body?

COMMISSIONER FOLEY:

Well, I think you probably have an implied advocacy role. And I would say be advocates for these places because other than in some cases with the local groups, there are not strong advocates for them. So, educate people. Make sure they know the importance of historic preservation in Suffolk County.

LEG. SCHNEIDERMAN:

I would just say that goes both ways, too. Please keep, you know, particularly myself as Chairman of the Parks Committee informed. Today I learned about Third House not moving forward on the date that it was supposed to and the Shakespeare Festival being scheduled when the last we talked it wasn't going to be scheduled. And in the past, you actually have been pretty good in communicating with me. But on these two events, you have not. So, I just want to make sure that you restore that line of communication. Before you talked about the Legislature being potentially an obstacle or at least another step in the process, and I certainly, you know, in my experience have not seen the Legislature blocking any of the things in the Parks Department and these things moving forth in a timely fashion. So, yes, it is a step, but please work with me. And, you know, I certainly will work with my colleagues to make sure these that things aren't held up at all.

COMMISSIONER FOLEY:

Let me clarify something. I didn't intend to say that the Legislature is an obstacle. I intended to say the Legislature adopts the laws. And we're going to follow them. Whatever that says, that's what we're going to do.

LEG. SCHNEIDERMAN:

I understand that. But it's part of the process. I understand that.

COMMISSIONER FOLEY:

If the process is cumbersome, so be it. I assume there was an intelligent reason for it to be that way. And that's what we're going to do.

CHAIRPERSON ELKOWITZ:

Thank you very much for coming, Commissioner.

COMMISSIONER FOLEY:

Okay. Thank you.

CHAIRPERSON ELKOWITZ:

I also have another appointment so I'm going to turn the meeting over to Larry for the last few items.

LEG. SCHNEIDERMAN:

Commissioner, will you be staying for the discussion on the GATR site?

COMMISSIONER FOLEY:

Yes.

LEG. SCHNEIDERMAN:

Okay.

VICE-CHAIRMAN SWANSON:

Which is what we're going to begin to talk about now. So, we'll move forward.

MR. GIBBONS:

Nick Gibbons, Parks Department. We just passed out this morning -- I apologize for the tardiness of it. It is a package that includes the four different locations for which we have considered the location of the proposed adaptive reuse of the GATR facility. I'll just bring those to you.

Location number one is a pasture immediately north of Third House and the surrounding cabins. It was dismissed early on as too great an impact to the historic integrity of the site.

Location two is Big Reed Pond Nature Trails off parking lot. This is an existing cleared area, which shows up better. You have the overall aerial showing all four locations and how they are relative to each other. The following pages is each individual site location. Location two is a previously cleared area and disturbed site which was eliminated in that the local trail groups were opposed to construction in that area.

Location three is our outer beach access and beach. And that location was -- we had concerns concerning further development with respect to that section of the park. And our fourth and final location to consider, which is why we are here this morning, is the proposed GATR installation which is somewhere between Third house and the outer beach access. It has existing paved accessibility for which we would have -- we don't own that access. It's privately held -- for which we have an easement. And the GATR facility, which is this area clearly shows a -- I don't recall the acreage, but I do have that information. You'll see two buildings -- two existing buildings, a series of lines within that behind -- those are telephone poles that show up on the aerial. It's five acres. So, I need to get a sense from CEQ as to whether or not this is a worthwhile location. We would like to incorporate your concerns into our proposal to the consultant. And at that point the consultant would develop a more formal plan which we'll bring back to the CEQ for a formal review.

LEG. SCHNEIDERMAN:

Are you proposing at the GATR site -- it's actually a site I'm quite familiar with. And there are two buildings there. You know, one that houses some old electrical generators.

MR. MARTIN:

Yes. The pictures I passed out are the two buildings.

LEG. SCHNEIDERMAN:

Okay. And the other's a larger building that's currently being used for storage. Are you proposing using both of these buildings? Or just one of them?

MR. GIBBONS:

Both.

LEG. SCHNEIDERMAN:

And for converting it into a maintenance barn?

MR. GIBBONS:

Office space, typical maintenance. Office space, kitchen area, meeting room and then additional vehicle maintenance equipment, maintenance area and storage.

LEG. SCHNEIDERMAN:

You'd rehabilitate both of those buildings. I guess probably structurally they're fine, but you'd have to remove those generators and --

MR. GIBBONS:

Yes. There are four concerns that are pretty typical for a project such as this. One is the contaminant oils that might be associated with them. The second is underground storage. We know of at least one. The site may have more than one. A third would be lead paint. Certainly we know the condition of the building there. There is no question we have lead issues. To that end we would direct the consultant to come back to us and identify the extent of those problems if at all. And those would be addressed in --

LEG. SCHNEIDERMAN:

Two other issues regarding that site. One, is there some plans for some emergency communications for the Montauk Fire Department as part of their emergency response communications? They have asked to put up some kind of tower at that site. And I know they've been working with the Park Commissioner. Would this interfere with the electronics in terms of storing the electronics that need to be kept indoors and, you know, or any other impacts to the potential -- using this site for that emergency communication?

COMMISSIONER FOLEY:

We think we can deal with that. We can accommodate whatever that is one place or the other, one of the two buildings. We have requested the Town give us specifications for what they want to do and we're awaiting those. So, it's not possible to answer the question completely, but we believe we can accommodate their needs somehow.

LEG. SCHNEIDERMAN:

The last question is more complicated, one that you're probably not aware of. But I've been working up a proposal with University of Stony Brook Astronomy Department to create an observatory in and around this location. They have a telescope that's been sitting looking for a place. And I've been looking toward putting together a capital project to construct a dome. And it could be -- it could be up at GATR. It could be behind Third House. There was an old plan years ago for a nature center at Third House and with the recognition that this would a place that could be used for star gazing in conjunction with the university or with the high schools and other schools in the area. Very strong dark skys in this area. So, lighting obviously becomes a consideration because it could affect astronomical observations if you're converting this building and now you suddenly have to put flood lights and things like that. But also one of those buildings might about suitable for that type of use, the smaller building maybe could be

converted into an observatory.

We also are looking at the site that you ruled out kind of -- you know, it's relatively a small building, but it would be -- that location one, somewhere in that vicinity, to put an observatory maybe closer to the cabins where there are restroom facilities. That's not an approved project yet, but I am working up the numbers and working with some engineers and some professors at the university in putting this together. So, I'm hoping that this maintenance facility idea would not interfere with the potential to set up an astronomical observatory in the area.

COMMISSIONER FOLEY:

In terms of additional light at night, I doubt that it would. I don't think we need a whole lot of light there. And if we had it, it would only be on when we were operating there. But I would caution that the history, as I understand it, of proposed uses for this GATR site is anything that hinted at increasing public traffic up to that location created a huge local uproar. And the only reason this idea seems to be palatable is it does not have public access; it's really just for department operations. So, we're going to have to be careful. I mean it's a terrific idea. And it would be good to have it out there. But I think we need to be careful how we progress it.

LEG. SCHNEIDERMAN:

I actually prefer a site closer to the cabins frankly because, you know, we've talked about using the cabins -- there's about 12 cabins there for overnight accommodations for people who are engaged in environmental studies related to, you know, Third House and the surrounding areas. And, you know, groups that are coming out to learn about the environment could also do some star gazing at night. So, it makes a lot of sense if it's closer to Third House. We'll have to look at that. I'll have to look at what your concerns over location one were because that potentially could be a good site to put, you know, a small observatory dome in and around that location.

So, then the only consideration I would have about GATR would be illumination and how that might affect the ability to perform those observations at the site.

COMMISSIONER FOLEY:

We'll keep that in mind as we go through the process.

MR. KAUFMAN:

Nick, my memory is not all that good right now for we're were burning in that area, on the sketch map that has the site numbers, where do the burns out there take place? Towards the pond as I remember?

MR. GIBBONS:

Did you look at the area that is -- the area that shows all four locations? Just to the east of that number four is a dirt road.

MR. KAUFMAN:

Yes.

MR. GIBBONS:

And that is the beginning of the burn management area.

MR. KAUFMAN:

And then it swings off a little bit to the north?

MR. GIBBONS:

Mostly to the north east towards outer pond. You can actually see the change of vegetation. It shows quite a bit of land in that area.

MR. KAUFMAN:

Okay.

LEG. SCHNEIDERMAN:

Commissioner, several years ago there was a proposal to put a building -- I don't know how far it went, but on an area where once -- there once stood a building as you pulled in the driveway and immediately on the right. I'm not sure if you're familiar with that location. Was that site considered or not considered? Would that be a potential site for maybe the type of use that I'm talking about?

COMMISSIONER FOLEY:

I think we have to be careful about the visual impact around Third House. We're saying it's historically significant. I think the view you see coming into the property ought to respect that.

LEG. SCHNEIDERMAN:

Okay.

COMMISSIONER FOLEY:

And in my mind anything there around the entrance would be an invasion of that visual impact.

LEG. SCHNEIDERMAN:

Okay.

COMMISSIONER FOLEY:

But, again, I'm shooting from the hip here.

LEG. SCHNEIDERMAN:

Sure.

COMMISSIONER FOLEY:

Another way to do it. We can consider that.

MR. MALLAMO:

Legislator Schneiderman, I think you're talking there was a historic barn.

LEG. SCHNEIDERMAN:

There was.

MR. MALLAMO:

On the right.

COMMISSIONER FOLEY:

Oh, was there?

MR. MALLAMO:

Yes. And if you built it to look like the historic barn and used it as a barn, I think, that would be quite appropriate.

LEG. SCHNEIDERMAN:

It's possible. Yeah, I'm not suggesting that's the best site. I'm really only wondering if it had been considered. You considered four sites.

COMMISSIONER FOLEY:

I don't think that specific location was considered for the maintenance site.

MR. MALLAMO:

Can I just say, I would support your thoughts on lighting and the observatory. When I worked in the Parks Department, I prepared the comprehensive plan for Montauk, which Richard brought today. I had completely forgotten --

MR. MARTIN:

I'd like to read into the minutes. It'll provide some more information on the site.

MR. MALLAMO:

I could explain my thoughts at the time and what we were thinking. Go ahead.

MR. MARTIN:

Okay. "It's also known as Prospect Hill or the GATR site. And it lies in the park's western boundary. It's a location that provides a wide view of Montauk including the lighthouse and all of Montauk County Park. The GATR, which stands for ground, air, transmit receive site, which is located atop Prospect Hill was constructed in the 1950's by the Air Force. And is considered another significant structure within the park. This five acre facility includes two relatively large vacant buildings. The smaller building is 2,432 square feet and contains three diesel powered generators. The larger structure is 3,630 square feet and was used as a radar headquarters and barracks. Both are in structurally sound condition but are deteriorating. The buildings are surrounded by an open grassy hill top in a network of tall, wooden communication poles. The site is accessible by a paved residential road along which the County maintains the utility and access easement or via park trails. The road terminates at a paved ten car parking lot. The entire area is secured by a six foot high chain link fence and gate. Both buildings present opportunities to be rehabilitated for alternative uses; however the most important and significant feature is a panoramic view."

LEG. SCHNEIDERMAN:

The view is extraordinary.

MR. MALLAMO:

My thoughts at that time when we prepared that, because clearly when you look at those photographs, what I see really is an eyesore. They're not attractive buildings at all. They really take away from the view. But I think they have potential to serve the park in some way. This isn't exactly the way I thought, but I'm not opposed to looking at a maintenance building up there. What I had envisioned was more like a visitor center, where people could come, take advantage of the view and clearly understand the Native American heritage of that site because I think you do see Squaw Hill from that. You get the whole picture of what that ground area was used for both in the prehistoric and the historic period.

I also agree that the dark sky and the potential for an observatory there is really tremendous. But I understand the public access issues with the neighborhood. What I would suggest, though, is somewhat of a compromise. And the thing I'm not mentioning either is that even though the buildings are ugly, they're now 50 years old. They're probably eligible for the National Register of Historic Places in a thematic district related to the Defense of the United States for the Montauk peninsula. There are other buildings like the Linley House --

MR. MARTIN:

Right. It's possible. But we don't have a determination.

MR. MALLAMO:

No. But I think that's possible. So, you even get some grant money to do that. What you're here for today is to get a conceptual approval whether you should proceed or how you should proceed? Is that my understanding?

MR. GIBBONS:

We could go back and think more about another location. But if there isn't --

MR. MALLAMO:

Well, I'll state I don't have an objection. But the issues that I would be concerned about would be lighting. And that's really important. Because I know once this building's done, the park's electrician's going to come in and put two halogen spotlights coming out. And I think you need low level down lighting so that there is no light penetration for the sky there.

MR. KAUFMAN:

But, Lance, what about an off switch? Basically being able to turn it off at certain periods of time.

MR. MALLAMO:

Or one that turns itself off.

MR. KAUFMAN:

Timer, whatever.

LEG. SCHNEIDERMAN:

Off switch and, you know, full cut off fixtures.

MR. MALLAMO:

You may want to look at because you can keep the structure as is, but a coat of paint in a softer color might disguise it more on that hill side. Those poles, I think, have to go. But I'm going to ask you, if you could look at a way to use the roof of that building in some public way; either for a day time observation post. People would love to see the view from up there. And if you haven't seen it, it's the most breathtaking on Long Island. And you know my personal feeling is because it affects a few neighbors, the people of Suffolk County should have the opportunity a few times a year to enjoy that view. And the possibility for a nighttime observatory telescope, I know the Vanderbilt Museum would love to be involved in that if we could in some way.

LEG. SCHNEIDERMAN:

It could actually be atop on the roof.

MR. MALLAMO:

On the roof. You know, put a railing around that roof. You make it double edge. Doesn't mean it has to be open everyday. It could be open a few days.

LEG. SCHNEIDERMAN:

Yeah, it would be very limited traffic.

MR. MALLAMO:

Right. Right. But I think it's a spectacular site. It would have been very easy for me ten years ago to say they should be bulldozed and this to put back. But I think we saw the potential in those buildings then. Clearly the maintenance shop should be out at Third House because I think that's a threat to the building -- housing equipment in that building. It's a fire hazard.

LEG. SCHNEIDERMAN:

You do have an issue if most of the equipment is being schlepped over to Third House all the time. And you've got to get it there. I'm not sure what road system you're using, whether you're using that access easement and driving alone. But there's a certain amount of time wasted going back and forth. That's one of the reasons I had asked whether a site closer to Third House -- if most of the equipment is being used at Third House, it might make sense to have it in the proximity.

MR. MALLAMO:

You may even look at two. Have like a sub-building, you know, if we got that barn because I think that barn should be rebuilt just for the scenic --

LEG. SCHNEIDERMAN:

Well, if it was done in a historically appropriate manner, yes.

VICE-CHAIRMAN SWANSON:

Do you want to make a motion?

MR. MALLAMO:

Yes. Well, do we need a motion? I don't know if we need a motion.

MR. KAUFMAN:

No. A Sense resolution.

MR. MALLAMO:

Because we're not reviewing the project, but I think you get a sense of --

LEG. SCHNEIDERMAN:

Our concerns, anyway.

MR. MALLAMO:

The concerns or --

MR. KAUFMAN:

Four is doable if you put some electric switches in there and a few other items.

MR. MALLAMO:

I'm thrilled to see anything happen up there. It's such an eyesore. And if it doesn't go forward, is there any reason we can't get those poles down? I thought they were supposed to come down like ten years ago.

LEG. SCHNEIDERMAN:

There may be a reason why we don't take them down for historic purposes.

COMMISSIONER FOLEY:

It's a landmark, as I understand it, for boats coming into the harbor there. They look for those poles when they're out on the ocean. And that's how they find their way in.

LEG. SCHNEIDERMAN:

The same rationale that the radar dish isn't coming down.

MR. KAUFMAN:

But if we put a communications tower up there, that'll serve as a land mark also.

MR. MALLAMO:

Well, maybe the communications tower can go on the poles.

COMMISSIONER FOLEY:

We're not looking for a huge communications tower, by the way.

MR. KAUFMAN:

Well, knowing a little bit about cell tower technology, etcetera, I don't think the poles would work too well but --

VICE-CHAIRMAN SWANSON:

Okay, so, you got a sense of what we're interested in. And I think we ought to move forward. Thank you. Good to see you, Commissioner.

COMMISSIONER FOLEY:

You, too.

VICE-CHAIRMAN SWANSON:

Rich.

MR. MARTIN:

Just a recap on our Historic Trust Committee meeting that we had April 5th. That was out at the Suffolk County Police Museum site at the Yaphank Garage in Yaphank. And we toured two residences from the exterior within Southaven County Park and also three residences at Robinson Duck Farm in Southaven. And also toured the old Presbyterian Church site, which is at the -- right on Montauk Highway at the Robinson Duck Farm property.

The next meeting is planned for May 11th. And that's to be at the Scully Estate. We need to review that for a possible dedication to the Suffolk County Historic Trust. And also take a look at the proposed use plans for the Suffolk County Environmental Center.

And otherwise, just on the calendar, note there's a program that's going to be run at the Blydenburg County Park May 7th. And this is part of the Arts Wave Program sponsored by the Suffolk County Office of Cultural Affairs. And the Long Island Greenbelt Trail and the Suffolk County Archeological Association are participating in that and providing activities during the day at that site.

VICE-CHAIRMAN SWANSON:

Any questions?

MR. KAUFMAN:

No.

VICE-CHAIRMAN SWANSON:

Thank you very much, Rich. I appreciate it.

MR. KAUFMAN:

I have one thing to continue on Historic Services when you finish.

VICE-CHAIRMAN SWANSON:

We're finished.

MR. KAUFMAN:

May I have the floor, then, Mr. Chairman?

VICE-CHAIRMAN SWANSON:

Is it brief?

MR. KAUFMAN:

Yes. This is something I was asked by a person in the Town of Smithtown to bring this up because apparently no one new about it. A couple of years ago, the Town of Smithtown came up with a historic property exemption for real estate property taxes. I testified in favor of it. Basically it was a phase in of tax assessments or reassessments, if you will, over a ten year period. Basically there was a ten year phase in for any increase taxes due to any improvements to historic structures. It was a little bit of a -- I don't know -- a helping hand being extended by the Town of Smithtown for anyone who would try and rebuild a historic structure that they owned. It hasn't been used too much in the Town of Smithtown. No one has been really aware

of it.

And I was looking through the legislation. And apparently there could be such an exemption for alternation or rehabilitation of historic real property at County level, also. And seeing as we do have a County Legislator over here who happens to be the Chairman of the Parks Committee, it's something that I think would be a good idea. It's not a tax loser in any way, shape or form. It's essentially set up as a tax phase in. Basically any time you rebuild a historic structure in order to preserve it, possibly expand it, whatever, you are subject sometimes to reassessment. And as such this bill the way it's set up right now has a ten year phase in for those increased assessments. And I think it would be a good idea if it was done at County level also.

LEG. SCHNEIDERMAN:

I think it's an excellent idea. The County portion of your tax bill is usually pretty small so it might not amount to much.

MR. KAUFMAN:

It would amount to something.

LEG. SCHNEIDERMAN:

But it would at least -- yeah, it would some effect and certainly symbolically it would be certainly promoting the restoration of these buildings. Does it have to be a building that is on the National Register?

MR. KAUFMAN:

It's National Register or National Register eligible. There's a couple other -- there's -- has to be designated as a landmark or property which contributes to the character of a locally created historic district. Has to be made for purposes of historic preservation. Has to satisfy certain local guidelines and review standards in certain preservation laws that the Town of Smithtown, for example, has come up with.

LEG. SCHNEIDERMAN:

If you'll give me a copy of that, I will --

MR. KAUFMAN:

I think it's a good idea. I actually ran some numbers on it. While I don't believe it necessarily impacts school taxes which make up 80% of the tax bill, between your town taxes and the county taxes, it's about 20% generally of your tax bill. And if you can get an exemption on that, that's significant money, especially given the fact that it's so expensive now days to restore historic buildings. And then your reassessment kicks in. As a real estate attorney, I know the numbers and how they work. This would be something significant for people. And, again, it's not a tax loser. It's just -- you know, it'll help the County out eventually.

VICE-CHAIRMAN SWANSON:

Thank you. CAC concerns?

MS. SQUIRE:

None.

VICE-CHAIRMAN SWANSON:

None. Okay. Do we have a motion to adjourn?

MR. KAUFMAN:

No. One other thing. One other thing, Mr. Chairman. You weren't here last meeting. And I just want to put this one on the record. I was a little bit upset about it. This regards the transfer development rights of purchases of land by Suffolk County. At the last meeting the Town of Smithtown asked me -- Town of Smithtown Environmental Department asked me to present a

letter from them regarding that subject. And if the letter was not received in time, to raise certain questions at the CEQ meeting regarding TDR's and lands buys. I agreed if they couldn't get it here in time. As it happened, the letter was sent on time but it was not received at this meeting. And I did give the letter to Jim Bagg after the meeting.

The concerns of the Town of Smithtown generally were answered at the last meeting. None the less they did ask me to raise it. And there was an issue here over the presentation of those views and whether I could actually present them. I'm just letting the Council know that the Town of Smithtown letter did come. I was properly authorized to present it to CEQ. And the questions I attempted to raise on their behalf were reflected in that letter. And I just wish I'd been able to continue on it a little bit to raise those concerns. Again, I was asked by the Town to do that. And as it happened, I was not able to. So, I just want to put that on the record.

VICE-CHAIRMAN SWANSON:

Thank you. Anything else? Do I have a motion to adjourn?

MR. MALLAMO:

Motion to adjourn.

MR. KAUFMAN:

Second.

VICE-CHAIRMAN SWANSON:

Second by Mr. Kaufman. All in favor? Opposed? Motion carries. We're adjourned.

**(THE MEETING CONCLUDED AT 10:25 AM)
_ DENOTES SPELLED PHONETICALLY_**