

2 SUFFOLK COUNTY DEPT. OF PLANNING

3 COUNCIL OF ENVIRONMENTAL QUALITY

4

5 9:30 A.M.

6 August 15, 2007

7 H. Lee Dennison Building  
Veterans Memorial Highway  
8 Hauppauge, N.Y.

9

10 APPARENCES:

11 R. LAWRENCE SWANSON, Chairperson

12 RICHARD MARTIN

13 DANIEL PICHNEY

14 GLORIA G. RUSSO

15 JIM BAGG

16 MICHAEL KAUFMAN

17 VIVIAN VILORIA-FISHER

18 MARY ANN SPENCER

19 RICHARD MACHTAY

20 THOMAS C. GULBRANSEN

21 CHRISTINE DE SALVO

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ORIGINAL

PLANNING DEPT.  
SUFFOLK COUNTY  
NEW YORK

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3                   THE CHAIRPERSON: All right.

4                   Let's begin. I'd like to review the  
5                   minutes, and we have minutes from two  
6                   meetings; right?

7                   MR. BAGG: Right.

8                   THE CHAIRPERSON: One is June  
9                   20th. That was the one on the website,  
10                  and then we have one from July 18.  
11                  Anybody want to make any comments on the  
12                  June 20th one?

13                  MR. MARTIN: I've handed  
14                  Mr. Bagg some comments after reading all  
15                  212 pages. I would defer, however, to  
16                  anyone who has expertise in building  
17                  bulkheads. I do believe it's a "whale" or  
18                  a "whaler" not a "while," that Mr. Mathers  
19                  was talking about in building the  
20                  bulkhead.

21                  MR. KAUFMAN: You are correct,  
22                  it is called a whaler.

23                  MR. MARTIN: The minutes said  
24                  "while," W-H-I-L-E. Other than that, it's  
25                  just a series of really understandable

2                   mistakes that were in there. You know,  
3                   exchanges of words or a word that sounded  
4                   the same. A statement or two that were --  
5                   for instance: Page 74 line 20 and 21,  
6                   they talk about "the unincorporated,  
7                   unincorporated," should be the  
8                   "incorporated."

9                   Ms. Myles was talking about "the  
10                  Village of Northport, tropicana." I don't  
11                  know what that is all about -- on page 79  
12                  line 10, and other than -- Molenhoff was  
13                  misspelled a few times. And I think it's  
14                  the Pine Barrens "Core," not "court."

15                  MR. BAGG: Correct.

16                  MR. MARTIN: Or corps,  
17                  C-O-R-P-S.

18                  THE CHAIRPERSON: Yes.

19                  MR. MARTIN: On page 123 line 22  
20                  we talked about the "counter space" not  
21                  the "county space." The car rental is  
22                  okay and then there's just a few other  
23                  minor corrections. I would, with these  
24                  amendments, move the minutes for June 20th.

25                  THE CHAIRPERSON: Thank you.

2                   So, we have a motion.

3                   Let me, before we move on, I  
4                   neglected to say, in order to help our  
5                   stenographer, let's identify ourselves.  
6                   I'll probably be the first one to forget.

7                   My name is Swanson.

8                   So, we have a motion. Do we  
9                   have a second? Do we have a second?

10                  MS. RUSSO: I second.

11                  THE CHAIRPERSON: I have a  
12                  second. I have one other correction on  
13                  page -- I don't even know -- oh, page 2,  
14                  where I was talking about the words "Long  
15                  Island Sound concert." Those words should  
16                  actually be "Long Island Sound  
17                  Conference."

18                  So, we have a motion to second.  
19                  Does anybody else want to make any  
20                  additions or corrections?

21                  All in favor?

22                  (Aye.)

23                  THE CHAIRPERSON: Opposed?  
24                  (None.)

25                  THE CHAIRPERSON: Motion

2 carries.

6 MR. MARTIN: I think Mr. Bagg  
7 should be applauded for that.

10 Do we have a motion?

11 MR. MARTIN: I make a motion.

12 THE CHAIRPERSON: I have a  
13 motion and second --

14 MS. VILORIA-FISHER: I have just  
15 one nitpick on page 234, where we're  
16 talking about historic trust manual --  
17 third line down, and the paragraph that  
18 begins with Mr. Martin. It should read  
19 "Ms. Brown explained that the parks"  
20 instead of "he parks."

21 THE CHAIRPERSON: Any other  
22 additions, corrections?

23 THE CHAIRPERSON: All in favor?

24 (Unanimous aye.)

2                   THE CHAIRPERSON: Opposed?

3                   (None.)

4                   THE CHAIRPERSON: Motion

5                   carries.

6                   MR. KAUFMAN: I abstain.

7                   THE CHAIRPERSON: Abstention by

8                   Mr. Kaufman.

9                   All right. Any correspondence  
10                  you want to call to our attention, Jim?

11                  MR. BAGG: It's on your agenda,  
12                  basically. We received a letter from  
13                  Larry Penny in reference to proposed  
14                  acquisition Town of East Hampton. He's in  
15                  favor of the acquisition. It's in the  
16                  folder.

17                  THE CHAIRPERSON: Okay.

18                  I would just like to make a note  
19                  that I've asked Jim for our September  
20                  meeting to lead a half hour to an hour  
21                  discussion longer on the intricacies of  
22                  SEQRA. I think we have -- we have some new  
23                  members.

24                  It's always good for the older  
25                  members to get refreshed with what SEQRA

2 is about, and how we go about implementing  
3 it in this body. So, hopefully you'll be  
4 able to attend in later stages, the  
5 meetings, so we can learn a little bit more  
6 about the SEQRA process.

7 So, if you'll put that in the  
8 agenda next month, I'd appreciate it.

11 MR. MACHTAY: We have a few  
12 motions today that we --

13 THE CHAIRPERSON: Identify  
14 yourself.

15 MR. MACHTAY: Richard Machtay.  
16 We have a few motions that we'd like to  
17 bring forward today. I'm going to bring  
18 some background to them.

2                   MS. SPENCER: I would like to  
3                   make the Deep Wells Farm Historical  
4                   Society to act as the custodian of Deep  
5                   Wells Farm County Park.

6                   THE CHAIRPERSON: We have a  
7                   motion? A second?

8                   MR. KAUFMAN: I'll second that.

9                   MS. VILORIA-FISHER: I just have  
10                  a couple. As you know, we have the history  
11                  with friends and many activities that were  
12                  held there.

13                  What kind of plan is there with  
14                  this group and how active will they be and  
15                  what kind of financial stability do they  
16                  have?

17                  MS. SPENCER: They're just  
18                  forming, but it's actually -- Richard, you  
19                  should speak to it.

20                  MR. MARTIN: Their programs --  
21                  they're ready to -- is established.  
22                  They're just getting tax exempt status at  
23                  this point.

24                  MS. VILORIA-FISHER: Are they  
25                  running acoustic?

2                   MR. MARTIN: Yes.

3                   MS. VILORIA-FISHER: Which by  
4                   the way, they had some very good acts  
5                   there. They've been very successful.

6                   THE CHAIRPERSON: I went last  
7                   weekend, it was wonderful. I've heard  
8                   some very good things.

9                   MS. VILORIA-FISHER: I haven't  
10                  gone.

11                  THE CHAIRPERSON: You ought to  
12                  go.

13                  (Whereupon, a brief recess was  
14                  taken.)

15                  MS. VILORIA-FISHER: Okay, maybe  
16                  we can start now.

17                  MS. SPENCER: So, the focus was  
18                  a letter that was written to the CEQ and it was  
19                  on the table, and Gordon Hall was here, and  
20                  there was someone from the attorney's  
21                  office.

22                  So, what has happened since the  
23                  last CEQ meeting, after three years of  
24                  nothing, a draft contract appeared. I  
25                  mean this is real movement. What Jim --

2           Larry appointed a committee with Dan and I  
3           and Jim -- to pursue this with the County  
4           Attorney's office to get this -- to get a  
5           boilerplate contract in place that these  
6           groups -- that are coming forward, in  
7           fact, live with and Jim is still on that.

8                 This group now has a draft to  
9           look at. What's a little bit different is  
10           that this is a custodial arrangement. So,  
11           the contract is not straight forward. It  
12           isn't simple.

13                 MS. VILORIA-FISHER: So it would  
14           be different -- I guess it would differ  
15           from a contract-vendee kind of  
16           arrangement.

17                 MR. MARTIN: Yes, it differs  
18           from that, but this is similar to our  
19           existing contracts that we have.

20                 MS. VILORIA-FISHER: I meant  
21           concessionaire, not contracting.

22                 MR. MARTIN: Yes.

23                 MS. VILORIA-FISHER: A  
24           concessionaire's agreement or a licensee.

25                 MS. SPENCER: Right, right.

2                   MR. MARTIN: Well, there are  
3                   similarities, but it is changed a bit for  
4                   the Historical Society but I think that's  
5                   the point of the CEQ -- that maybe it  
6                   needs some additional changes.

7                   MS. VILORIA-FISHER: Does it  
8                   require revenue to the County the way a  
9                   licensee or a --

10                  MR. MARTIN: No.

11                  MS. VILORIA-FISHER: Okay.

12                  MR. MARTIN: No.

13                  MS. SPENCER: No, and you see  
14                  while it was Deepwells that came on the  
15                  table, there are other groups who are  
16                  trying to form for other properties who  
17                  are having the same contractual problem  
18                  with the County.

19                  MS. VILORIA-FISHER: What about  
20                  Audubon with the -- is their contract  
21                  completed?

22                  MR. MARTIN: No. We're  
23                  actually -- they had a simpler contract --  
24                  a stewardship agreement for the park.

25                  MS. VILORIA-FISHER: Right.

2                   MR. MARTIN: But now that  
3                   they're in the building on the site, we  
4                   need to do -- also, a custodial agreement.

5                   I'm going to be discussing that  
6                   today. We also need to do a motion on  
7                   that.

8                   MS. VILORIA-FISHER: Okay.

9                   MR. MARTIN: We are starting to  
10                  work on that contract now.

11                  MS. VILORIA-FISHER: That's been  
12                  a long time in the works.

13                  MR. MARTIN: Yes. Well, many of  
14                  these --

15                  MS. SPENCER: Well, yeah.

16                  MR. MARTIN: That's the  
17                  problem -- the time limits of this  
18                  contract.

19                  THE CHAIRPERSON: Mr. Kaufmann?

20                  MR. KAUFMAN: One quick  
21                  question, Richard. As I remember most of  
22                  these contracts -- and the way the County  
23                  does things -- certain financial  
24                  requirements of stability are required of  
25                  these particular groups -- they are

2                   supposed to have a certain amount of money  
3                   and --

4                   MR. MARTIN: Well, it's not a  
5                   definite requirement for a certain amount of  
6                   money. There's a requirement that the  
7                   County is able to supervise their fund  
8                   raisers and their accounts, but they're  
9                   not required to have a certain amount.

10                  The basic requirement for these  
11                  contracts is to open the buildings up to  
12                  the public. There's a minimum amount of  
13                  tours and time during the summer season  
14                  that's required of these groups, but other  
15                  than that -- they're just asked to, in  
16                  good faith, raise funds toward the  
17                  restoration and the upkeep of the  
18                  property, but the majority of the  
19                  maintenance is still the County's  
20                  responsibility.

21                  MS. VILORIA-FISHER: There was a  
22                  different kind of contract, for example,  
23                  when we had Greenways Active Parkland  
24                  contract with community groups, there was  
25                  that requirement of economic status.

2                   You know, if you remember, with  
3                   the wedge -- the Mount Sinai Heritage  
4                   Group had to show that they had "X" amount  
5                   of money, but because there was an  
6                   infrastructure development involved --

7                   MR. MARTIN: Right.

8                   MS. VILORIA-FISHER: (Continuing) --  
9                   they had to build fields, etcetera. So  
10                  they had to show that they were  
11                  economically prepared to do that.

12                  MR. KAUFMAN: I was also,  
13                  frankly, thinking about insurance and  
14                  things like that.

15                  MS. VILORIA-FISHER: Well,  
16                  insurance is a separate issue.

17                  MR. MARTIN: Well, they all have  
18                  to have insurance, there's no question on  
19                  that.

20                  So, yes, then you at least have  
21                  the financial stability to pay for the  
22                  annual insurance.

23                  MR. KAUFMAN: The other thing is  
24                  regarding Deepwells. There is a community  
25                  support in the area aside from the

2                   chamber, etcetera.

3                   So, the people who are part of  
4                   that particular group, have long standing  
5                   roots in the area, shall we say. And it's  
6                   my anticipation that there will be a lot  
7                   of community support for them.

8                   THE CHAIRPERSON: Mr. Machtay?

9                   MR. MACHTAY: As I recall, when  
10                  we were discussing this with Ms. Bellone  
11                  and people from the County Attorney's  
12                  office and others at the -- what was the  
13                  last meeting -- everybody was sort of  
14                  pointing in opposite directions, and one  
15                  of the things that came out of that  
16                  meeting was -- I think Jim or somebody --  
17                  was going to look into what the standard  
18                  operating procedure was, so that when you  
19                  come to loggerheads you could say "well  
20                  it's -- it's here in the process," or  
21                  "it's there in the process," and we really  
22                  don't know -- "well, it's in the County  
23                  Attorney's office." Well, I don't know --  
24                  maybe it's gone back and forth two or  
25                  three times.

2                   And I wonder if, Jim, you could  
3                   enlighten us? Have you figured out what  
4                   the process is? You and I discussed it  
5                   afterwards, after the meeting.

6                   MR. BAGG: Well, basically I  
7                   called up the County Attorney's office --  
8                   Dennis Brown, and he's going to forward me  
9                   what the boilerplate contract is, as well  
10                  as, if they'll release the default  
11                  contract.

12                  We're going to go over the  
13                  contract, and identify what are the issues  
14                  and the sticking points -- and then once  
15                  we do that -- and possibly how they might be  
16                  rectified.

17                  We're going to have a meeting  
18                  with the Parks Department and the County  
19                  Attorney's office. We're going to  
20                  identify the process and try to  
21                  streamline -- I think one of the problems  
22                  with the County Attorney's office -- I may  
23                  not be correct in the statement -- is that  
24                  when a contract comes in, it gets assigned  
25                  to a new attorney who probably doesn't

2 have the background with respect to  
3 historic services, and starts from scratch  
4 every time they turn around.

5 It may be good for the County  
6 Attorney's office to have one attorney, or  
7 couple of attorneys to be assigned to  
8 these types of contracts that understands  
9 the background, and then we can get the  
10 Parks Department to outline the process --  
11 so that we can come up with  
12 recommendations back to CEQ -- how to  
13 expedite the process.

14 From what I understand, at this  
15 point in time, a lot of these contracts --  
16 there are issues with them, because the  
17 boilerplate that has been submitted in  
18 the past, has certain requirements that  
19 the Historic Societies feel they can't  
20 live with for one thing or another. And  
21 we have to find out what those issues are.

22 We have to find out really what  
23 the boilerplate contract is and then what  
24 the process is and then make the  
25 recommendations to expedite and we're not

2                   at that point. I have to receive these  
3 contracts and then we have to go through  
4 them to really find out what the key  
5 issues are, and the stick points and then  
6 we'll hold a meeting with the Parks and  
7 the County Attorney's office.

8                   MR. PICHNEY: I would also add  
9 that if we had an attorney assigned to us,  
10 that attorney should be sympathetic  
11 towards historic preservation. I think  
12 that's quite critical.

13                  They would be less likely then  
14 to put that contract on the bottom of the  
15 pile when they're going through their pile  
16 of work.

17                  MR. BAGG: I think that's  
18 important. I think once we understand the  
19 process and maybe we can come into  
20 agreement with what that process is, then  
21 basically CEQ can know what step it's in  
22 and the County Attorney's office will  
23 understand that people are looking at the  
24 process and want some type of action  
25 given. All those contracts -- that they

2 just don't come in and sit at the bottom  
3 of the pile for years.

4 THE CHAIRPERSON: Mary Ann?

5 MS. SPENCER: Yes.

6 THE CHAIRPERSON: Just for  
7 clarification --

8 MS. SPENCER: Yes.

9 THE CHAIRPERSON: From my  
10 understanding, now -- is there movement in  
11 the Deepwells Contract, but it is not yet  
12 finalized?

13 MS. SPENCER: That is correct.

14 THE CHAIRPERSON: And Gordon is  
15 aware of the progress?

16 MS. SPENCER: Yes. He has a  
17 37-page document that's stamped "final  
18 draft," that was delivered to him last  
19 week, and he's working on it.

20 He's also going to forward all  
21 of his comments to Jim and Richard and to  
22 me, so that we can bring them into this  
23 boilerplate exploration.

24 THE CHAIRPERSON: Okay. Vivian,  
25 just for your clarification, you should

2 know that Mr. Hall wrote an e-mail to the  
3 CEQ -- probably two months ago, now,  
4 stating that he was concerned about the  
5 lack of progress and the procedure and the  
6 potential harm it was doing to his  
7 organization. So, that's why this all  
8 came to the table.

9 MS. VILORIA-FISHER: If I may,  
10 you're not asking us to vote on anything  
11 today, are you?

12 MR. MARTIN: Yes.

13 MS. VILORIA-FISHER: Why don't  
14 we vote -- this is what's confusing me.  
15 If we don't have a contract yet, then what  
16 are we voting --

17 MR. MARTIN: Part of the  
18 contract.

19 MS. SPENCER: One of the  
20 stipulations of this contract is that we  
21 recommend to the legislature that this --  
22 that this group be considered for  
23 custodianship because evident -- legally  
24 the legislature must pass on each of these  
25 groups.

2                           THE CHAIRPERSON: When you say  
3                           this "group," you're talking about Gordon  
4                           Hall's group?

5                           MS. SPENCER: That's right.  
6                           That's how my motion was to approve the  
7                           Deepwells Farm Historical Society -- to  
8                           act as the custodian of Deepwells Farm  
9                           County Park. There will be other motions  
10                          to that effect, so, hopefully, some of these  
11                          other contracts come forth.

12                          In the draft that Gordon  
13                          received, that was one of the first  
14                          stipulations and Richard has also seen  
15                          that final draft, and that's why we're  
16                          putting it today. What we're trying to do  
17                          is deal with that part of the proposed  
18                          contract.

19                          THE CHAIRPERSON: So, we have a  
20                          motion on the table. Do we have a second?

21                          MR. KAUFMAN: Second.

22                          MR. BAGG: Mr. Kaufman seconds  
23                          that.

24                          THE CHAIRPERSON: Okay, Mr.  
25                          Kaufman already did. Do we have any

2 further discussion?

3                   MR. MARTIN: I would just like  
4 to -- with a clarification. Within the  
5 Suffolk County's Historic Trust manual it  
6 stipulates that the Historic Trust is to  
7 approve the organizations that are to be  
8 the custodians of these historic sites.  
9 So, it is our role --

10                  MS. VILORIA-FISHER: Before they  
11 move on to sign a contract?

12                  MR. MARTIN: Yes. We need --  
13 the County Attorney has asked us for a  
14 formal resolution so they can proceed with  
15 the signing of the contract. That is part  
16 of the procedure.

17                  THE CHAIRPERSON: For further  
18 point of clarification, it is the  
19 recommendation of the subcommittee that  
20 was appointed last month, that we go ahead  
21 with this? You have seen the contract,  
22 Jim has seen the contract, and you're --

23                  MR. PICHNEY: No.

24                  MS. SPENCER: No. The  
25 subcommittee has not seen it.

2                   MR. MARTIN: This is just to  
3                   approve the organization -- to be on the  
4                   site -- to run that site for us. It's not  
5                   approving the contract.

6                   THE CHAIRPERSON: Right, I  
7                   understand that. But on what basis are we  
8                   making the determination that they are the  
9                   appropriate organization to run it?

10                  MS. SPENCER: I'm making it as a  
11                  member of CEQ.

12                  MR. MARTIN: I can give a little  
13                  more background on staff. This group  
14                  approached us -- like I said -- three  
15                  years ago. They consist of a lot of the  
16                  volunteers that ran the house for us when  
17                  it was run by the French Long Island  
18                  Heritage. They wanted to continue that  
19                  tradition and the programs that we have  
20                  there.

21                  Also members of the Saint James  
22                  Chamber of Commerce have come forward and  
23                  joined these people, and again they would  
24                  like to open this up to the community.  
25                  They have been doing this for three years

2                   under a permit basis. They have been  
3                   given a permit for a day when we have the  
4                   acoustic events. They are given a permit  
5                   for that day, but they do not have the  
6                   right to set up an office there, or do the  
7                   fundraising for the site until they have  
8                   a contract in place.

9                   So, it's really hindering them  
10                  in moving forward and occupying the site  
11                  on a full-time basis. We are working well  
12                  with them. They are ambitious, they have  
13                  a lot of ideas that they would like to do  
14                  with that site, and I appreciate the  
15                  historic integrity of that site.

16                  THE CHAIRPERSON: So, we have  
17                  the blessing of the Parks Department?

18                  MR. MARTIN: Yes.

19                  THE CHAIRPERSON: Tom?

20                  MR. GULBRANSEN: My question was  
21                  similar to yours. Does the manual provide  
22                  for the parameters that we've used to  
23                  judge the appropriateness of a custodian?  
24                  But you asked that question already.

25                  I guess my next question

2                   becomes: Do we define clearly the  
3                   leadership that they can provide as  
4                   custodians? If they're ambitious, that's  
5                   fine -- and they've had years to do this  
6                   contract thing and that's been kind of  
7                   bumpy. Where can they go, and how do we  
8                   make sure that they sort of check with us,  
9                   or check with somebody -- to have a  
10                  custodian role that complies with the  
11                  vision?

12                  MR. MARTIN: That's all covered  
13                  in the contract. They are to cover all  
14                  the guidelines under the Historic Trust  
15                  manual and, of course, the commissioner  
16                  has to approve any of the programs or the  
17                  work that they do there. So, they're not  
18                  given a -- they have to get approvals for  
19                  everything they do there.

20                  MR. GULBRANSEN: Understood,  
21                  thank you.

22                  MR. BAGG: Richard, how long  
23                  does the contract run for?

24                  MR. MARTIN: It's a five-year  
25                  contract. I think three renewables, after

2                   that two -- I'm sorry, five-year options.

3                   THE CHAIRPERSON: Richard, just  
4                   for the protection of the CEQ, in the  
5                   future, I think it would be helpful if we  
6                   could get a letter from the Parks  
7                   Department saying that you are -- Parks  
8                   Department is supportive of such-and-such  
9                   a group, overseeing such-and-such a  
10                  property.

11                  MS. SPENCER: We can also bring  
12                  it through the committee, Larry -- you  
13                  know. This is all just sort of --

14                  MR. MARTIN: We can definitely  
15                  do the letter. So everyone understands,  
16                  this is at the request of the Parks  
17                  Commissioner that we're bringing this  
18                  forward.

19                  THE CHAIRPERSON: Mike?

20                  MR. KAUFMAN: No.

21                  MS. SPENCER: The other thing  
22                  that is really crucial on all of this is  
23                  that here's a group that's been working at  
24                  this for three years. They have a long  
25                  history with this property and they want

2 to do -- they would like to bring in  
3 artifacts and start a museum. As Michael  
4 pointed out, this is really a longstanding  
5 group. They can't get a 501C3 without a  
6 contract.

7 MS. VILORIA-FISHER: They can't?

8 MS. SPENCER: No, and they can't  
9 apply for grants without 501C3. I mean  
10 this really becomes a catch-22 for them,  
11 but I think we're back to procedures again  
12 and, Richard, you and I should make sure  
13 that we follow procedures in the future  
14 when we come forward and ask that someone  
15 be appointed custodian -- that it have a  
16 letter from Parks and it has been through  
17 the trust. Okay?

18 MR. BAGG: Also the letter  
19 should state the supporting reasons as to  
20 why they need the criteria or good --  
21 would be good custodian.

22 MS. SPENCER: Okay.

23 THE CHAIRPERSON: We have a  
24 motion on the table. It's been seconded.

25 THE CHAIRPERSON: All in favor?

2                             (Unanimous aye.)

3                             THE CHAIRPERSON: Opposed?

4                             (None.)

5                             THE CHAIRPERSON: The motion  
6                             carries unanimously.

7                             All right, our next --

8                             MR. MARTIN: The next thing I'd  
9                             like to bring forward, our Historic Trust  
10                           Committee has requested that we start  
11                           bringing forward for final dedication the  
12                           historic sites that have gone through the  
13                           committee, but not have come forward to  
14                           the Historic Trust. So, we're going to  
15                           plan to do that to bring one forward every  
16                           meeting.

17                           The information will be sent in  
18                           earlier next time to be on the agenda in  
19                           your packet, but today I thought we could  
20                           take a look at the Brookside County Park --  
21                           pretty straight forward.

22                           We met there, actually, in the  
23                           year 2000 when the County purchased the  
24                           property, and I can just go through the  
25                           fact sheets here and explain the site to

2                 you. First, I'll just give a broad  
3                 background to the Park. The property is  
4                 six acres on Brook Street on the border  
5                 between Sayville and West Sayville, and  
6                 it's a six-acre parcel that was part of  
7                 the original 88 acre Isaac Green Estate  
8                 and he was the architect from Sayville.

9                         He built a lot of the summer  
10                 estates along the south shore of Long  
11                 Island and, actually, throughout Long  
12                 Island. He was the architect for Meadow  
13                 Croft, the Roosevelt Estate in Sayville,  
14                 and is already dedicated to the Suffolk  
15                 County Historic Trust.

16                         Also did the major additions to  
17                 Sagtikos Manor in West Bay Shore, which  
18                 again, is a County Historic site now.  
19                         Also built the Hart Estate which is the  
20                 headquarters of the Suffolk County Parks  
21                 Department. So, this is actually the  
22                 fourth property of his work, but the  
23                 County now owns it's historic program.

24                         The work of Isaac Green, as a  
25                 body of work, has been approved by the New

2                   York State Office of Historic Preservation  
3                   as being eligible to the National  
4                   Register. Each site would have to be  
5                   reviewed separately and brought forward,  
6                   but his work as a body of work -- as a  
7                   group of architectural work, has been  
8                   declared eligible to the National  
9                   Register. They have not visited the site  
10                  yet, that still remains to be done. Take  
11                  a serious look at this one to be  
12                  classified to be eligible to the national  
13                  register center.

14                  The next page with the map, you  
15                  can see on Brook Street and you'll see  
16                  "I.H. Green." There are two bodies of  
17                  water -- two ponds there. Essentially the  
18                  parkland that's within those two ponds, a  
19                  bit north, and these ponds were manmade  
20                  and the creeks that connect it were  
21                  dredged and manmade. The main house is on  
22                  the left side of the map. That building  
23                  is no longer standing. That is now a  
24                  residential -- a subdivision. In the  
25                  center you see a small building -- the

2                   gatehouse -- that remains standing, and  
3                   that's part of the dedication here and  
4                   that is also proposed to be the  
5                   headquarters of the Great South Bay  
6                   Audubon Society.

7                   To the next page is a site map.  
8                   This is the taking-map of the property  
9                   surveyed in 1999. Again, you can see the  
10                  center -- the gatehouse behind it -- an  
11                  early 1897 shed. There's an entrance  
12                  bridge at the bottom of the map that goes  
13                  over the creeks that were designed by  
14                  Isaac Green, and also a larger bridge on  
15                  the left side. It looks like it's a bit  
16                  cut off here over the west pond, and these  
17                  were two concrete bridges with stucco  
18                  finish that were designed by Isaac Green  
19                  as part of his landscape design here.

20                  And basically what we're looking  
21                  at is a 19th century estate water-park  
22                  that was laid out by the architect and  
23                  similar in design to Meadow Croft --  
24                  another water-park estate that was  
25                  designed by Isaac Green.

2                   This approach to the estates on  
3                   the south shore of Long Island was very  
4                   popular. Of course, we didn't have PC at  
5                   that time so they were allowed to dredge  
6                   these wetlands -- create islands -- create  
7                   streams.

8                   MS. VILORIA-FISHER: Don't say  
9                   ponds here.

10                  MR. MARTIN: Don't say ponds?

11                  MS. VILORIA-FISHER: Manmade  
12                  ponds.

13                  MR. MARTIN: Okay.

14                  MS. VILORIA-FISHER: I'm  
15                  kidding.

16                  MR. MARTIN: Now, of course,  
17                  this is obviously considered a wetland.  
18                  So, we are under all the DEC guidelines for  
19                  anything we do here, but historically they  
20                  weren't.

21                  On the next page you'll see an  
22                  early view of the gatehouse. I presume  
23                  that's one of his children or relatives  
24                  you see hanging off the tree.

25                  MS. VILORIA-FISHER: Defying

2 gravity, I may say.

3 MR. MARTIN: The picture below  
4 is the gatehouse as it looks today. The  
5 Audubon Society is very interested in  
6 working with the Parks Department to  
7 restore the structure. It basically  
8 retains it's original exterior  
9 configuration.

10 The big change has been the  
11 enclosure of the front porch, which we do  
12 have capital funds in place now to restore  
13 that porch and bring it back to the early  
14 shingles style that it had, which you'll  
15 see in the next page. So we plan to  
16 restore the gatehouse to that original  
17 look, and we are starting to do so. We  
18 replaced the wood roof on the building,  
19 and we do have funds to restore the front  
20 porch.

21 The next two pages is a sign  
22 there that was put up by the Audubon  
23 Society. Historic photographs of the dams  
24 on site that Isaac Green installed to  
25 create the ponds. The next page shows --

2                   THE CHAIRPERSON: Richard, if I  
3 may interrupt?

4                   MR. MARTIN: Yes.

5                   THE CHAIRPERSON: This is one of  
6 the dams that we talked about some time  
7 ago that was deteriorating and what needed  
8 to be done to preserve it?

9                   MR. MARTIN: Well, it's not that  
10 it's deteriorating -- it's not capable of  
11 taking care of all the runoff when we have  
12 extreme storm runoff at this site. So,  
13 there's a plan -- a capital plan now, to  
14 do an additional spillway to the east of  
15 this dam here. This is East Pond Dam, and  
16 there is a capital project we're working  
17 with DEC for approval to do an additional  
18 spillway next to this to accommodate the  
19 storm runoff. The dam itself will remain  
20 in place and in -- intact.

21                  THE CHAIRPERSON: And  
22 functional?

23                  MR. MARTIN: And functional.

24                  There's a private property to the east of  
25 this pond that the waters overflow onto

2           their property during storms that we're  
3           trying to alleviate. There's complaints  
4           from the residents.

5                 The next page, again, is a sign  
6           that's up at the park. The photograph on  
7           this sign shows the main residence was a  
8           Tudor revival style that was on the west  
9           bank of the west pond, and that's no  
10           longer standing. That property burnt down  
11           in 1970.

12               This side of the pond is  
13           actually owned by the Town of Islip as  
14           part of the Greenbelt -- in a sense along  
15           this Green's Creek head waters of the  
16           Green's Creek in West Sayville. So, the  
17           town and the county have been buying  
18           parcels along Green's Creek to protect the  
19           waterways.

20               And the last page shows the West  
21           Pond. This is the larger of the two. The  
22           top is a vintage view from about 1915,  
23           showing the decorative concrete bridge on  
24           top and the dam down below -- which is  
25           still in place.

2                   And basically the County  
3                   property line runs through the middle of  
4                   the dam and the middle of the bridge. We  
5                   are looking to dedicate those structures  
6                   to the County Historic Trust, and below is  
7                   the current view of the concrete bridge at  
8                   that location.

9                   The importance of the site is  
10                  showing the landscape design, and the  
11                  location of a prominent Long Island  
12                  architect who is becoming more important  
13                  to the sense of showing the summer  
14                  architecture that was built on Long  
15                  Island, especially the shingle style.

16                  Out east he did a lot of the  
17                  early homes in East Hampton in the shingle  
18                  style, including the Maidstone -- the  
19                  country club that was built there -- and  
20                  so its influence on the architecture and  
21                  the design on Long Island is great. And  
22                  also especially the landscape design that  
23                  we see on our south shore estates.

24                  This is a great tool to educate  
25                  the public as to his work, and also the

2                   Audubon Society is presently giving tours  
3                   of the nature trails through this  
4                   property. So, it's a great benefit to the  
5                   community to have this park in place, and  
6                   we'd like to have the protection of the  
7                   Historic Trust on this parcel.

8                   THE CHAIRPERSON: Thank you.

9                   MR. MACHTAY: I want to -- just  
10                  get a little nitpicky here.

11                  MR. MARTIN: Sure.

12                  MR. MACHTAY: I know Mr. Mallamo  
13                  made the motion and I know Ms.  
14                  Manfredonia seconded the motion. I know  
15                  ten people voted on it, but I don't know  
16                  who they are. The resolution should  
17                  probably list everybody that was present.

18                  MR. MARTIN: Okay.

19                  MR. MACHTAY: Just to keep us  
20                  informed.

21                  MR. MARTIN: I can make that  
22                  correction and submit it again.

23                  MR. MACHTAY: No, I'll take it  
24                  the way it is, and I'll even make a motion  
25                  to approve it. In the future, it should

2 list who's who.

3 MR. MARTIN: Okay.

4 THE CHAIRPERSON: So, a motion  
5 has been made to include this property in  
6 the Historic Trust?

7 MR. MARTIN: Well, I think -- by  
8 the committee: The committee has made a  
9 motion and approved it, and now it's  
10 coming forward to the Historic Trust.

11 MR. BAGG: Someone has to make a  
12 motion here.

13 THE CHAIRPERSON: Didn't he just  
14 do that?

15 MR. MARTIN: I think I just did.

16 MS. SPENCER: May I -- this  
17 motion according to the manual has to  
18 include -- put it in a category, and so  
19 forth. May I just read this into the --

20 MR. MARTIN: You certainly may.

21 MS. SPENCER: All right.

22 THE CHAIRPERSON: Let's second  
23 it and then amend the motion.

24 MS. SPENCER: Okay.

25 THE CHAIRPERSON: Do we have a

2 second?

3 MS. RUSSO: I second.

4 THE CHAIRPERSON: Ms. Russo  
5 seconded it. Now, you wish to amend the  
6 motion?

7 MS. SPENCER: Yes. That the  
8 Brookside County Park be dedicated under  
9 the following preservation categories:

10 Number one: Architectural, and that it  
11 include the following buildings and or  
12 structures:

13 A. c. 1897 Gatehouse.

14 B. c. 1897 shed

15 C. c. 1897 entrance bridge

16 D. c. 1897 pond bridge

17 E. c. 1897 east pond dam, and

18 F. c. 1897 west pond dam.

19 That's the first condition. The second  
20 category would be "T" in parentheses -- capital "T"  
21 which is: The Preservation of Trees and Shrubs. The  
22 third in parenthesis, capital "T", capital "N" is:  
23 Terrain, and the fourth is capital "E", or exceptional.

24 MS. VILORIA-FISHER: Wait a  
25 minute, the fourth was not --

2                   MS. SPENCER: I'm making a  
3                   correction.

4                   MS. VILORIA-FISHER: Oh, I see.

5                   MS. SPENCER: In addition -- so  
6                   those are the Preservation Categories.  
7                   There is "Functional use category," and  
8                   the initial recommendation of the Historic  
9                   Trust committee is for museum or cultural  
10                  organizational use. Under the manual, you  
11                  have "preservation," but also use  
12                  categories.

13                  THE CHAIRPERSON: Everybody okay  
14                  with that amendment?

15                  MR. GULBRANSEN: Can I raise a  
16                  question at this time to Richard's earlier  
17                  point?

18                  THE CHAIRPERSON: Yes.

19                  MR. GULBRANSEN: You mentioned  
20                  that the neighbors had been complaining  
21                  that runoff or flooding was occurring.

22                  MR. MARTIN: Yes.

23                  MR. GULBRANSEN: Could you  
24                  connect that concern with the terrain and  
25                  preservation that will occur? Is there

2 something that the county is now  
3 understanding how to take care -- to  
4 mediate that problem, or are we becoming  
5 the owners of that problem? How does the  
6 runoff situation relate to what we're  
7 taking?

8 MR. MARTIN: We are trying to  
9 accommodate the concerns of the residents,  
10 and we have a DEC review on this for the  
11 design to put in additional spillway to  
12 the west of the existing East Pond Dam,  
13 and that would just be used for overflow  
14 for storm runoff.

15 MR. GULBRANSEN: So, we're going  
16 to redirect?

17 MR. MARTIN: Well, the existing  
18 dam will still function, but because we're  
19 viewing it as a historic property we don't  
20 want to rebuild that. We rather just add  
21 a smaller run-off next to it, and that  
22 should alleviate the problems that we're  
23 having with the resident to the east of  
24 the pond.

25 MR. GULBRANSEN: Okay. Thank

2                   you.

3                   THE CHAIRPERSON: Just to follow  
4                   up on that. I think, Tom, sort of asked  
5                   the question does this involve any  
6                   liability issue that puts the County or  
7                   the Historic Trust at further risk than it  
8                   already is?

9                   MR. GULBRANSEN: Or opportunity?

10                  There are things called bioengineering  
11                  systems, where you actually put certain  
12                  kinds of plantings in and they're a great  
13                  thing. They absorb nutrients, and they  
14                  help the runoff that we have to struggle  
15                  with in a lot of places.

16                  MR. KAUFMAN: They may not be  
17                  appropriate in a historic sense for this  
18                  particular park. For example, there's A  
19                  tree from Australia which sucks up water  
20                  quite nicely and they use it for flood  
21                  control in many places. I forget the name  
22                  of it -- I want to say "Acacias," but I will  
23                  not swear that that's the proper  
24                  name.

25                  MR. PICHNEY: Is that the one

2                   they have in Florida, the "Maleleuca?"

3                   MR. KAUFMAN: No, different  
4                   tree.

5                   MR. PICHNEY: Different tree.

6                   MR. KAUFMAN: That's often used,  
7                   but that is not historically compatible  
8                   with what we have here. It's not native  
9                   and things like that. These particular  
10                  properties have a certain ambience to them  
11                  in terms of the water park aspect of it.

12                  MR. GULBRANSEN: So, that's off  
13                  the table with regard to how this  
14                  property --

15                  MR. MARTIN: I don't know what  
16                  DEC approves. I know they've been on site  
17                  and reviewed this in detail, and this is  
18                  their recommendation.

19                  MR. BAGG: Basically, what's  
20                  before the CEQ today is the recommendation  
21                  for dedication to the Historic Trust. I  
22                  believe the entire site plus the  
23                  structures as dually noted in here.

24                  The site currently has a runoff  
25                  problem which is being looked into and

2 some type of recommendation to handle that  
3 back before the CEQ, I assume and if the  
4 property is dedicated to the Historic  
5 Trust, then I assume the council will have  
6 to review the proposed runoff mitigation  
7 project, and its impact on the historic  
8 integrity of the site.

9 MR. GULBRANSEN: Thank you.

10 MS. VILORIA-FISHER: I thought  
11 we did look at this.

12 MR. MARTIN: I think we did.

13 MS. VILORIA-FISHER: I believe I  
14 remember looking at this, because we  
15 already do own the property and we have  
16 looked at this a number of months ago  
17 because of the problem with the mitigation  
18 of overflowing into the neighbor's  
19 property. We looked at it a while ago.

20 MR. KAUFMAN: In other words,  
21 we're not buying into a situation. We  
22 already own the property as a county. So,  
23 this is just a dedication aspect of it.  
24 If this was a purchase of the property,  
25 that issue might come up, but this is a

2                   separate situation.

3                   THE CHAIRPERSON: Okay. Is the  
4                   mitigation done in the context of the  
5                   historic site?

6                   MR. MARTIN: Yes, and it was  
7                   reviewed that way. I mean -- it was known  
8                   when it came to the committee that the  
9                   Historic Committee had reviewed it for  
10                  historic status. That was part of the  
11                  review.

12                  THE CHAIRPERSON: Okay. Any  
13                  other comments? Call a motion as amended.

14                  THE CHAIRPERSON: All in favor?  
15                  (Aye.)

16                  THE CHAIRPERSON: Opposed?  
17                  (None.)

18                  THE CHAIRPERSON: Motion  
19                  carries, unanimously.

20

21                  THE CHAIRPERSON: Anything else?

22                  MR. MACHTAY: Does designating  
23                  this to the Historic Trust, in any way,  
24                  affect any mitigation that might come  
25                  about later on? For instance, if the DEC

2                   comes in and says put a sluiceway in --  
3                   diverting the water to go over here as a  
4                   site that's on a Historic Trust -- maybe  
5                   we don't want to see that.

6                   MS. SPENCER: By dedicating it  
7                   to the Historic Trust -- we are the  
8                   Historic Trust, the CEQ is the Historic  
9                   Trust. Once a property is dedicated, then  
10                  that means that any changes will come  
11                  through Richard's office, the Trust  
12                  Committee and the CEQ for review.

13                  MR. MACHTAY: Did not somehow  
14                  inhibit or effect what the outcome --

15                  MR. MARTIN: I think to respond  
16                  to that -- just the design of it. If  
17                  there was a problem there I think we try  
18                  to accommodate it but just how it was  
19                  designed and the materials used we would  
20                  have a voice on it and that would be our  
21                  number one concern.

22                  THE CHAIRPERSON: It's my  
23                  understanding what Vivian Viloria-Fisher  
24                  recalls, and what Richard recalls is that  
25                  we actually did that before it came before

2 us sometime ago.

3 MR. MARTIN: So, it usually  
4 prohibits this kind of work or taking care  
5 of problems at the site, but just the  
6 design of it we would have an input on the  
7 design.

8 MR. KAUFMAN: To put it another  
9 way, Richard. Any projects or  
10 mitigation -- as you were saying -- that  
11 come up would have to have a certain --  
12 reviewed under the Historic Trust manual  
13 procedures as Mary Ann was saying, and  
14 there would have to be a consideration of  
15 retention of the historic -- again,  
16 ambience -- or the historic aspects over  
17 here as part of any decision we would be  
18 making.

19 In other words, we would have to  
20 review it from the historic perspective.  
21 We also have to review it from the  
22 environmental perspective. Sometimes we  
23 can accommodate both of those. Most of  
24 the time we've even been able to. I'm not  
25 going to say it always happens that we are

2                 able to accommodate, but those interests  
3                 are supposed to be part of the discussion.  
4                 It will not necessarily limit us.

5                         Say DEC wants to put in some  
6                 bypass systems or something like that --  
7                 as you were saying. We, obviously, have  
8                 to do work with DEC -- they have their  
9                 regulatory authority. We can make,  
10                 obviously our concerns known to them and  
11                 try to impact the process that way.

12                 We would basically have to look  
13                 at it from the historical perspective.  
14                 That shifts things a little bit.

15                 MR. MACHTAY: A designated  
16                 site -- historically a designated site.  
17                 It rises to a certain level, certain  
18                 threshold in secret, okay -- and that puts  
19                 another burden on trying to mitigate.

20                 THE CHAIRPERSON: Anything else,  
21                 Richard?

22                 MR. MARTIN: Just on this  
23                 property -- I was looking to bring forward  
24                 the motion to approve the Great South Bay  
25                 Audubon Society, but if you would like to

2           wait until you get the letter and  
3           supporting information that would be fine.  
4           We're just starting the process now --

5                         MS. VILORIA-FISHER: On the  
6                         Scully House?

7                         MR. MARTIN: On the Brookside  
8                         House. So, that would be a problem. I  
9                         can come back next month with that  
10                        supporting information for you.

11                        THE CHAIRPERSON: I think that  
12                        would be best. Jim, you had a comment?

13                        MR. BAGG: Yes. Just to give  
14                        the Council a little background. The  
15                        Historic Trust Committee is a committee of  
16                        the CEQ, all right. So the people  
17                        understand that. And I would like to ask,  
18                        Richard, to please prepare a list of the  
19                        current members on the committee and their  
20                        backgrounds so we can send it to all the  
21                        council members who know who these  
22                        individuals are.

23                        In addition, anybody in the CEQ  
24                        can make recommendations for new members  
25                        for the Historic Trust Committee. So,

2 just so you know.

3 MR. MARTIN: I just would like  
4 to announce that September 11 is our next  
5 Historic Trust Committee meeting. This  
6 will take place at the Suffolk Lodge at  
7 the Southaven County Park, and that's to  
8 be at 9:30 at that location.

9 At the last meeting, Larry, you  
10 mentioned that you'd like to see a CEQ  
11 meeting at one of our historic sites as we  
12 did years ago. I just would like to  
13 recommend at this point that we maybe look  
14 to meet at the Scully Estate. There's  
15 work going on there now to create the  
16 County Environmental Center and also it's  
17 a LEED project.

18 So, I think it would be  
19 interesting and educational for all of us  
20 to take a tour of that site. I could have  
21 the architects give us a tour and Enrico  
22 Nardone from Seatuck that is planning to  
23 do the programs there -- that also chose  
24 to do the programs there.

25 THE CHAIRPERSON: Are you

2                   recommending this for September?

3                   MR. MARTIN: I'm leaving that to  
4                   the CEQ. I'm just recommending that site.

5                   THE CHAIRPERSON: I think that  
6                   would be a good idea. My only concern is  
7                   that we have a requirement that we have a  
8                   stenographer at the meetings, but if we  
9                   hold a meeting at a remote location can we  
10                  waive that?

11                  MS. VILORIA-FISHER: I don't  
12                  know, you have to ask counsel.

13                  THE CHAIRPERSON: Jim, could you  
14                  check up on that? Because I think it's as  
15                  important to have us understand what these  
16                  properties are as it is to have verbatim  
17                  minutes. That's my personal point of  
18                  view.

19                  MS. VILORIA-FISHER: Every now  
20                  and then committees of the legislature are  
21                  held at remote locations, and I believe a  
22                  stenographer just comes to the location.

23                  THE CHAIRPERSON: Okay.

24                  MR. MARTIN: We do have a key to  
25                  the site, so we have time to decide.

2                   THE CHAIRPERSON: I remember one  
3                   of our meetings at Deepwells, when we wore  
4                   gloves.

5                   MR. KAUFMAN: One quick  
6                   question -- I may have missed something  
7                   just here. Didn't we have a motion on the  
8                   floor dedicating the county park to the  
9                   Historic Trust? We had a first and we had  
10                  a motion --

11                  MR. BAGG: We voted on it,  
12                  unanimously.

13                  MS. VILORIA-FISHER: Yes, we  
14                  voted on it.

15                  MR. KAUFMAN: Never mind.

16                  MS. VILORIA-FISHER: I just  
17                  wanted to clarify something. Because  
18                  there are new members, and Richard  
19                  mentioned "LEED" and that's Leadership  
20                  Environmental and Energy Design. I always  
21                  get the acronym wrong, but it is LEED.

22                  I sponsored legislation that  
23                  county buildings -- new buildings or  
24                  renovations that exceed over a million  
25                  dollars have to be done according to

2 LEED's criteria. So, that's what Richard  
3 was referring to.

4 THE CHAIRPERSON: Are you --

5 MR. MARTIN: That's all I have.

6 Mary, do you have anything else?

7 MS. SPENCER: That's it.

8 THE CHAIRPERSON: I just want to  
9 remind everybody that this is a public  
10 meeting, and if you have any comments, that  
11 you're certainly free to make them. We  
12 usually have the public make the comments  
13 as we move through the agenda rather than  
14 to have them all at the end or any -- or  
15 at the beginning or anything else. So,  
16 feel free to raise your hand and  
17 participate.

18 MR. BRADY: Is it possible for  
19 me to get a copy of that site on Brook  
20 Street?

21 MR. KAUFMAN: Yes.

22 MR. BRADY: I have a personal  
23 interest -- live over there and I grew up  
24 in that area, and I spent a lot of time in  
25 that pond area as a child -- so I'm just

2                   interested in it.

3                   THE CHAIRPERSON: Recommended  
4                   Type II Actions. Jim, what do you have?

5                   MR. BAGG: We're expecting a  
6                   packet -- laid on the table on August 7,  
7                   2007 which is before you the list of all  
8                   the resolutions. I've gone through them,  
9                   and basically everything in the packet is  
10                  Type II Actions or SEQRA has been  
11                  completed. It was in the process of being  
12                  completed on them so there's really  
13                  nothing to point out of interest in the  
14                  packet.

15                  THE CHAIRPERSON: Do we have a  
16                  motion?

17                  MR. KAUFMAN: I will make a  
18                  motion to accept staff recommendations.

19                  MR. MARTIN: I second that.

20                  MS. RUSSO: I second that  
21                  motion.

22                  THE CHAIRPERSON: Seconded by  
23                  Ms. Russo. Any comments, questions?

24                  THE CHAIRPERSON: All in favor  
25                  of the motion?

2 (Unanimous Aye.)

3 THE CHAIRPERSON: Opposed?

4 (None.)

10 MR. BRADY: I have a --

11 THE CHAIRPERSON: Please  
12 identify yourself for the record.

13 MR. BRADY: Bill Brady, Suffolk  
14 County DPW.

I have a couple of aerial photographs of the two sites that are in question. The plan is to replace existing equipment at those two sites. Each place has two pumps for lifting wastewater to the treatment facility, and our plan is to replace both pumps at both locations and the controls for that. They're just old and they're in need of replacement -- pretty standard.

25 THE CHAIRPERSON: Anybody have

2                   any questions?

3                   MR. KAUFMAN: I'll make a  
4                   motion, Type II Action.

5                   THE CHAIRPERSON: A motion; you  
6                   second?

7                   MS. RUSSO: I second that.

8                   THE CHAIRPERSON: All in favor?  
9                   (Aye.)

10                  THE CHAIRPERSON: Opposed?  
11                  (None.)

12                  THE CHAIRPERSON: Motion  
13                  carries.

14                  Sewer District number 11, Pump  
15                  Station number one, Renovation and  
16                  Upgrade.

17                  MR. BRADY: Same situation.  
18                  That place we're putting a building in  
19                  also. The pumps will be a slightly  
20                  different design. The lift for those  
21                  pumps is such that we're able to use them,  
22                  and then we'll put pumps inside of the  
23                  building. The site is the largest so we  
24                  have room for a building. So, that's why  
25                  we elected to put a structure up so the

2 pumping equipment will be located in the  
3 building.

4 THE CHAIRPERSON: So the  
5 building, in fact, is new -- it's not  
6 replacement?

7 MR. BRADY: That's correct.

8 THE CHAIRPERSON: But the  
9 building is only 225 square feet?

10 MR. BRADY: Yes, it's relatively  
11 small.

12 MR. MACHTAY: Type II.

13 THE CHAIRPERSON: We have a  
14 motion by Mr. Machtay. We have a second  
15 by Legislator Viloria-Fisher.

16 THE CHAIRPERSON: All in favor?

17 (Aye.)

18 THE CHAIRPERSON: Opposed?

19 (None.)

20 THE CHAIRPERSON: Motion  
21 carries.

22 Improvements to County Road 83,  
23 Patchogue-Mt. Sinai Road.

24 MR. MACKEY: My name is Russ  
25 Mackey, M-A-C-K-E-Y. Engineer with the

2                   Suffolk County DPW.

3                   This is just overall area of the  
4                   area in question. Basically, what we're  
5                   doing for this project is we're  
6                   resurfacing County Road 83 from the LIE to  
7                   New York State 25, Middle Country Road.

8                   Basically, we're also going to  
9                   be doing some spot fill -- depth pavement  
10                  repairs in areas where the pavement is --  
11                  existing pavement has failed. We're also  
12                  adding a left-turn lane from the  
13                  southbound 83 going eastbound onto Route  
14                  25.

15                  Basically, just to increase  
16                  safety in the area, because right now the  
17                  Q-length goes from the turn-lane into the  
18                  travel-through lane, and there have been  
19                  accidents caused by that. There's also  
20                  going to be some minor drainage  
21                  modifications along the way. Probably  
22                  just putting a leaching basin to alleviate  
23                  spot drainage flooding.

24                  All work will be done within the  
25                  existing right-of-way, and the addition of

2                   the left-turn lane -- I believe, is less  
3                   than 3500 square feet.

4                   THE CHAIRPERSON: That was one  
5                   of my questions. On your form -- in the  
6                   Environmental Assessment form, you say  
7                   that "the amount of land affected is 37  
8                   and-a-half acres," and your cover letter  
9                   it says, "it will not exceed 4000 square  
10                  feet." So, which is it?

11                  MR. MACKEY: The acreage I  
12                  believe, is the resurfacing area from the  
13                  lanes, but the new addition -- left-turn  
14                  lane is the approximate 3500 square feet.

15                  MR. MACHTAY: So you're taking  
16                  it from the median --

17                  MR. MACKEY: Yes.

18                  MR. MACHTAY: (Continuing) -- in  
19                  the middle to make the left-turn lane?

20                  MR. MACKEY: Yes.

21                  MR. MACHTAY: Jim, would that be  
22                  considered --

23                  MR. BAGG: I think if we look at  
24                  the list --

25                  MR. MACHTAY: (Continuing) --

2 adding new lanes?

3 MR. BAGG: Well --

4 MS. VILORIA-FISHER: They're  
5 travel lanes. They said travel lanes?

6 MR. BAGG: Repaving of an  
7 existing highway -- not long -- in addition  
8 to a travel lane is considered Type II.

9 It says here, "construction or expansion  
10 of a primary or excess rate of  
11 non-residential structure facility  
12 involving less than 4000 square feet."

13 And then also "traffic -- installation of  
14 traffic control devices on existing  
15 streets are also considered Type II."

16 So, one of those two things -- I  
17 think this qualifies for Type II actions,  
18 because technically the left-hand turn  
19 lane could be considered a traffic control  
20 device.

21 MR. MACHTAY: And also, it's  
22 pertinent, too.

23 MR. BAGG: Yes, and it's less  
24 than 4000 square feet.

25 THE CHAIRPERSON: Can you locate

2                   where your leaching facilities are going  
3                   to be?

4                   MR. MACKEY: Right now, it's in  
5                   the beginning phase. There's going to be  
6                   isolated areas where there's probably  
7                   isolated things, but approximately -- if I  
8                   had to assume here (indicating) it  
9                   probably would be maybe -- somewhere in  
10                  the median as far as -- because the slope  
11                  of the road is angled toward the median as  
12                  it is right now.

13                  THE CHAIRPERSON: Leaching pools  
14                  will not be damaging wetland areas?

15                  MR. MACKEY: There are no  
16                  wetland areas located in this area here.

17                  THE CHAIRPERSON: Legislator  
18                  Viloria-Fisher?

19                  MS. VILORIA-FISHER: I was  
20                  making a motion of Type II Action.

21                  THE CHAIRPERSON: We have a  
22                  motion.

23                  MR. MACHTAY: I'll second that.

24                  THE CHAIRPERSON: We have a  
25                  second by Mr. Machtay. Any further

2 discussion?

3 MR. GULBRANSEN: In the  
4 construction process in paving, is there  
5 anything that's more careful or necessary  
6 to request with regard to protections in  
7 the road? It's an honest question. I  
8 actually have no idea.

9 MS. RUSSO: It's construction,  
10 basically. They got to do stormwater  
11 protections more than one acre.

12 MR. GULBRANSEN: That's just  
13 always --

14 MS. RUSSO: Five acres based on  
15 stormwater protection with construction  
16 activities.

17 MR. MACKEY: With this kind  
18 of -- with mostly the overlay areas they  
19 do take -- it's written in the contract  
20 plans that they protect the existing  
21 leaching basins and drainage structures so  
22 that no asphalt or any of the other  
23 chemicals -- not chemicals, or materials  
24 that they use get into the leaching areas.

25 As far the construction areas

2                   there's -- they have to do basically --  
3                   you know protect the runoffs so that again  
4                   none of the soil disturbed goes into  
5                   these -- runs off the site.

6                   MR. GULBRANSEN: Thank you.

7                   THE CHAIRPERSON: Thank you.

8                   We have a motion. We have a  
9                   second.

10                  THE CHAIRPERSON: All in favor?

11                  (Aye.)

12                  THE CHAIRPERSON: Opposed?

13                  (None.)

14                  THE CHAIRPERSON: Motion  
15                  carries. Thank you very much.

16                  Proposed Acquisition of Land for  
17                  Open Space. Please identify yourself for  
18                  the --

19                  MS. FISCHER: Lauretta Fischer,  
20                  Principal Environmental Analyst for the  
21                  Suffolk County Planning Board.

22                  The first acquisition before you  
23                  today is the Carlls River County Park  
24                  Addition -- Red Enterprises is the owner.  
25                  This is a small, approximately one-tenth

2                   of an acre parcel in the watershed of  
3                   Carlls River that we've been trying to  
4                   obtain a numerous -- parcels within. It's  
5                   a low-lying wetland area. This is just  
6                   north -- this property is north of the  
7                   tributary to Carlls River in Babylon --  
8                   the Wyandanch hamlet area.

9                   All properties within -- all  
10                  vacant properties within this area have  
11                  been highlighted to be acquired. In the  
12                  green are those properties that we already  
13                  own. So we're continuing to amass our  
14                  holdings to protect this watershed.

15                  MR. MACHTAY: You seem to be a  
16                  little bit more fortunate than myself,  
17                  that they got the aerials and I don't.

18                  MS. FISCHER: Oh, I thought I  
19                  gave you one (handing) .

20                  MR. MACHTAY: I believe you.

21                  THE CHAIRPERSON: Lauretta, I  
22                  had a question that -- probably not  
23                  really. It looks like the DEC freshwater  
24                  wetlands line boundary goes through a  
25                  lake. How can that be?

2                   MS. FISCHER: Yes. Actually,  
3                   because of the fact that New York State  
4                   DEC wetland maps are mapped at one inch  
5                   equals a thousand feet, the accuracy of  
6                   those lines is very questionable when you  
7                   get down to a parcel specific level.

8                   So, we do our best to  
9                   approximate where those lines are,  
10                  obviously, New York State DEC -- their  
11                  final evaluation of any wetland boundary  
12                  is going out in the field and verifying  
13                  it, but we're trying to give you just as  
14                  best information as we can from a graphic  
15                  point of view. You have to understand  
16                  that that's -- you know, the best we can  
17                  provide for you with what we get from here  
18                  New York State DEC.

19                  THE CHAIRPERSON: I thought Mike  
20                  Kaufman mapped this.

21                  MR. BAGG: Larry, if I might  
22                  point out -- a GIS system is a computer  
23                  based system, and they are given  
24                  coordinates.

25                  THE CHAIRPERSON: Okay.

2                           MR. BAGG: Each layer is mapped  
3                           out separately, and then try to be brought  
4                           into the GIS coordinate system and  
5                           overlay. So, some -- the aerials, the tax  
6                           parcels to some extent are fairly  
7                           accurate, but when you bring in another  
8                           layer such as the DEC Wetlands, they don't  
9                           overlay exactly the way they're supposed  
10                          to in the existing maps.

11                         So, you see to some extent  
12                         wetland boundaries where you would  
13                         determine -- would not find them.

14                         THE CHAIRPERSON: Okay. So, we  
15                         have a motion?

16                         MR. KAUFMAN: I'll make a  
17                         motion.

18                         THE CHAIRPERSON: We have a  
19                         motion by Mr. Kauffman.

20                         MS. RUSSO: Second.

21                         MR. MACHTAY: Second.

22                         THE CHAIRPERSON: Second by Mr.  
23                         Machtay. Any further discussion?

24                         THE CHAIRPERSON: All in favor?  
25                         (Aye.)

2                           THE CHAIRPERSON: Opposed?

3                           (None.)

4                           THE CHAIRPERSON: Motion

5                           carries.

6                           MS. FISCHER: Thank you.

7                           The next proposed acquisition is  
8                           another Carlls River County Park Addition.

9                           The Swiss Asset Recovery Service LTD  
10                          Property. Again, same area, same issues.

11                         This is another master list due  
12                         property that we've identified -- two of  
13                         them, actually -- that we've identified  
14                         just north of the one that you've just  
15                         previously approved.

16                         THE CHAIRPERSON: Okay.

17                         MS. VILORIA-FISHER: Same  
18                         motion.

19                         THE CHAIRPERSON: Same motion by  
20                         legislator Viloria-Fisher. A second by  
21                         Mr. Machtay.

22                         THE CHAIRPERSON: All in favor?  
23                         (Unanimous Aye.)

24                         THE CHAIRPERSON: Motion  
25                         carries, unanimously.

2 MS. FISCHER: Thank you.

3 The third one is the Beaverdam  
4 Creek County Wetlands Addition, the Rose  
5 Giambalvo property. This involves overlay  
6 parcels on top of other parcels that are  
7 owned by -- I mean, overlay parcels on top  
8 of County owned parcels.

9 So, we're trying to kind of  
10 clean this area up with regard to  
11 ownership, and we're acquiring these --  
12 they have been determined as having  
13 superior interest in the property over our  
14 interest. So, our interest came secondary  
15 to the Giambalvo's interest, therefore,  
16 we're acquiring their interest in this  
17 overlay area.

18 THE CHAIRPERSON: Lauretta?

19 MS. FISCHER: Does that make  
20 sense?

21 MR. GULBRANSEN: No.

22 MS. FISCHER: Or did I confuse  
23 you all?

24 MS. RUSSO: I don't understand.

25 MS. VILORIA-FISHER: Just

2 explain "overlay."

3 MS. FISCHER: An overlay  
4 district is an area where there's  
5 competing ownership issues with  
6 properties. In other words, there are two  
7 people, or two interests, that are  
8 competing with the same property or a near  
9 or similar property. There's some overlay  
10 either directly -- parcel-for-parcel or  
11 one parcel can be a part of one parcel and  
12 part of another parcel.

13 It gets very confusing as to  
14 ownership. What ultimately decides who  
15 has superior ownership is a court  
16 decision. Wherein, the individual who has  
17 the best title to the property, is  
18 determined to have superior interest.

19 MS. VILORIA-FISHER: Is this tax  
20 default -- involved in this?

21 MS. FISCHER: Yes. In this we  
22 took some tax default on our portion. We  
23 were -- did not have clear title and,  
24 therefore, the individual who is also  
25 saying they own it were given superior

2           interests, and they are being given the  
3           right to say that they own the property.

4           So, legally they own the  
5           property and we are absolving our interest  
6           in it and we will then be merging these  
7           parcels together creating one, and we will  
8           no longer have these overlay issues that  
9           has been determined.

10          MR. KAUFMAN: Just to let  
11         everyone know, this is not an unusual  
12         problem in undeveloped areas. This  
13         actually happened quite a lot in the  
14         1800s. You often had badly drawn deeds  
15         and when people started to draw deeds  
16         better, they would find these kinds of  
17         problems.

18          It used to be deeds were drawn  
19         "go to this tree, go to that tree." If  
20         the tree fell down, nobody knew where it  
21         was, and they just started putting the  
22         lines on maps and things like that. You  
23         also had maps -- subdivision maps which  
24         often would overlap with each other.

25          You also, frankly, had people

2           sometimes squatting on claims, and trying  
3           to acquire property that they had no  
4           ownership rights to and you would end up  
5           with problems with titles. So, in  
6           undeveloped areas like this you will see  
7           this. Especially, in the central areas of  
8           Long Island.

9                 You used to see this in parts of  
10           Smithtown and Babylon. That was again in  
11           the 1800s. So, it's not unusual to have  
12           these kind of things pop up and have  
13           these, as I call them "dancing deeds" --  
14           Where you're not sure who has first  
15           position; who has second position, and  
16           essentially need to tear everything apart  
17           and possibly sometimes have a court action  
18           or a RPAPL15 Action to acquire title.  
19           It's not unusual, it happens Upstate,  
20           also.

21                 THE CHAIRPERSON: Jim, you had a  
22           comment?

23                 MR. BAGG: I was just going to  
24           say that these overlay -- what they're  
25           called tax default overlays are in the

2                   past -- you know, the deeds were confusing,  
3                   and then they plotted the tax maps and  
4                   they found out they overlaid each other  
5                   conflicting with each other. So,  
6                   therefore, the true owner is in question.

7                   THE CHAIRPERSON: Lauretta, on  
8                   the map -- the dark purple "pending  
9                   actions," those are the ones that we voted  
10                  last month or the month before?

11                  MS. FISCHER: Yes, exactly.

12                  THE CHAIRPERSON: Very good. Do  
13                  we --

14                  MR. GULBRANSEN: I have a  
15                  two-part question. The yellow areas shown  
16                  here are tax map basin. Am I interpreting  
17                  them properly to be essentially -- these  
18                  are virtual roads, with virtual  
19                  developable plots; is what they are?

20                  MS. FISCHER: Actually it's two  
21                  maps in one, and you've got -- what we  
22                  tried to do in this aerial is to merge the  
23                  two maps onto an aerial. Quite honestly,  
24                  you're seeing two maps. One overlay map  
25                  over the base map over an aerial. So,

2 calling it virtual, I don't know what --

3 MS. VILORIA-FISHER: Are they  
4 paper streets, maybe?

5 MS. FISCHER: They are paper  
6 streets, obviously, but they do exist on  
7 one map, but you have another map that  
8 overlays that map and, therefore, there's a  
9 question of title.

10 MR. KAUFMAN: But Tom's question  
11 was I think more directly oriented towards  
12 what do these yellow things show?

13 MS. FISCHER: They are one  
14 map --

15 MR. KAUFMAN: Yes, I  
16 understand --

17 MS. FISCHER: One base map and  
18 then the overlay is the red and purple.

19 MR. KAUFMAN: To answer Tom's  
20 question, the way I think he's trying to  
21 ask you: These are paper streets and old  
22 paper developments on an old tax map  
23 concept -- someplace on there. So, you  
24 are seeing paper streets -- the little  
25 narrow things. So, my second question is:

2           If we were seeking to protect from  
3         development an area or if we have a master  
4         plan that really wants to take care of  
5         headmans or headwaters -- trying to  
6         surround with this little parcels that we  
7         purchased or we could conceivably find  
8         some way to obtain the rights or change  
9         the rights --

10           MR. KAUFMAN: That's one way of  
11         doing it.

12           MR. GULBRANSEN: Let me just  
13         finish asking the question.

14           If we were to do that, someone  
15         would object and say "you've devalued the  
16         parcel that I own, now I can't develop  
17         it," and they would take us to court or  
18         something to that effect.

19           My real question is the reverse  
20         of that: If we are purchasing  
21         properties -- in some cases surrounding  
22         existing homes with now undevelopable  
23         land -- they become wonderful homes  
24         surrounded by a park -- the opposite of  
25         taking. We are now adding value to their

2 parcels.

3 Is there any consideration  
4 about -- is there anything in the  
5 evaluation process?

6 MS. VILORIA-FISHER: Can I just  
7 answer that, because that's been a source  
8 of debate.

9 MR. GULBRANSEN: Thank you.

10 MS. VILORIA-FISHER: We have  
11 gone back and forth on that which is as  
12 you acquire land, are you creating a  
13 market which adds value to property  
14 because of simple supply and demand and --  
15 sometimes creating parkland around  
16 existing properties -- and that's been a  
17 great debate in the legislature for the  
18 last couple of months as we're talking  
19 about the extension of the quarter  
20 percent -- Water Program and the Open  
21 Space Program.

22 And to tell you the truth, we've  
23 had economists come before us. In fact,  
24 Pearl Camer was speaking yesterday at one  
25 of our committees regarding this, and so

2 has Marty Canter. There doesn't seem to  
3 be a consensus on this, because we have  
4 such a robust land acquisition program --  
5 not just our county -- governmental  
6 acquisition program, but our housing  
7 market is so robust that what the County  
8 is in fact adding to that really  
9 constitutes a small percentage.

10 So, the impact on the entire  
11 market really doesn't rise to the level of  
12 saying "As we continue with our Open Space  
13 Program, we're creating a housing market  
14 that's counter to affordable housing and  
15 affordability and artificially raises the  
16 value."

17 But that is a question that  
18 we've been struggling with in the  
19 legislature, and it's been a subject of  
20 discussion.

21 MR. GULBRANSEN: Thank you.

22 MR. KAUFMAN: One other point  
23 you should know is a lot of these paper  
24 lots cannot be developed under the present  
25 zoning. This is in Brookhaven they

2 have -- if I'm not mistaken -- they have  
3 rezoned part of this area. You don't see  
4 that on here. So, you may have some  
5 sort of vested right under the tax map.

6 The town will often prevent you  
7 from doing things. So, what you see with  
8 these little yellows doesn't really mean  
9 that we're stopping development -- that  
10 we're promoting development, etcetera.  
11 You just have to look at the entire  
12 collection of laws, and what you're  
13 allowed to do in the area.

14 For example, Stony Brook is a ton  
15 of little tenth-of-an-acre properties, yet  
16 the zoning will not allow most of those  
17 properties to be developed. So, people  
18 have Fifth Amendment issues and things  
19 like that, but no development is allowed  
20 in that area.

21 MR. BAGG: If I might point out  
22 the issue before CEQ today is: What is  
23 the environmental impact if you purchase  
24 this property -- if you leave it open  
25 space?

2                   MR. KAUFMAN: Council does not  
3                   consider value -- does not consider  
4                   associated economic impacts -- considering  
5                   what is the environmental impact about  
6                   placing a piece of property in parks if  
7                   the County acquires it.

8                   MS. FISCHER: If I can just add  
9                   one more thing, and it did not show up on  
10                  this map -- is that about 90 percent of  
11                  this area is owned by the County at the  
12                  present time.

13                  So, we are -- you know, this  
14                  area is not developed to any great degree  
15                  and we've ear-marked this for years. This  
16                  is on our Green Ways Open Space list  
17                  about -- maybe five, seven years ago, and  
18                  we've been trying to consolidate our  
19                  holdings in this area.

20                  Holdings that are in this area  
21                  are owned by the Post-Morrow Foundation.  
22                  So, there's very little left here that is  
23                  privately owned.

24                  MS. SPENCER: There was a  
25                  question that in some of these yellow

2           lines that those were --

3                         MS. VILORIA-FISHER: Paper

4                         streets.

5                         MS. SPENCER: (Continuing) --

6           paper streets. As we look -- the area in  
7           red and purple, it looks to me like there  
8           are two horizontal paper streets being  
9           preserved.

10                  MR. KAUFMAN: That's not  
11                   unusual.

12                  MS. FISCHER: Again, the same  
13                   issue. Two maps going --

14                  MS. SPENCER: Is that true?

15                  MS. FISCHER: Yes.

16                  MS. SPENCER: Those are  
17                   deliberately to be paper streets? That's  
18                   why there are so --

19                  MS. FISCHER: It's just  
20                   conflicting maps, and obviously --

21                  MS. SPENCER: But do you  
22                   understand my question, that it does  
23                   appear to the naive eye that you're trying  
24                   to preserve some kind of a paper street  
25                   between --

2 MS. FISCHER: Yes, yes.

3 MS. SPENCER: Okay. Okay.

4 THE CHAIRPERSON: We have a

5 motion? We have a motion by Mr. Machtay.

6 MR. BAGG: Second.

7 MR. KAUFMAN: Second.

8 THE CHAIRPERSON: Second by

9 Mr. Kaufman. All in favor?

10 (Aye.)

11 THE CHAIRPERSON: Opposed?

12 (None.)

13 THE CHAIRPERSON: Motion

14 carries.

15 MR. BAGG: I believe the motion

16 is unlisted action, negative declaration.

17 MS. FISCHER: Next proposed

18 acquisition is Mastic/Shirley Conservation

19 Area Addition, the Dittmer property.

20 Again, this is an area that we're trying

21 to amass our holdings.

22 MR. KAUFMAN: Motion unlisted in

23 that.

24 MS. SPENCER: Second.

25 THE CHAIRPERSON: All in favor?

2 (Aye.)

3 THE CHAIRPERSON: Opposed?

4 (None.)

5 MR. BAGG: Who was the second on  
6 that?

7 MS. SPENCER: I was.

8 MR. BAGG: Okay.

9 MS. FISCHER: Thank you.

10 The next proposed acquisition is  
11 the Montauk Downs State Park Acquisition.  
12 The Edna Capurso Property. This one is  
13 the last lot in our proposed acquisition  
14 area in red. This is a very under-laying  
15 low-lying, wet, marsh Montauk Downs  
16 property and just north of the Montauk  
17 Downs State Park Golf Course. It's an area  
18 that is environmentally very sensitive,  
19 and this is our last piece of the puzzle  
20 that we wanted to acquire in this.

21 MR. KAUFMAN: I'll make a motion  
22 unlisted --

23 MR. MACHTAY: Second.

24 THE CHAIRPERSON: That was  
25 second by Mr. Machtay.

2                   How close is this to the county  
3                   park out there?

4                   MS. FISCHER: Which county park?  
5                   THE CHAIRPERSON: The Roosevelt  
6                   County Park.

7                   MS. FISCHER: The Roosevelt is  
8                   on the other side of Lake Montauk.

9                   THE CHAIRPERSON: All right,  
10                  thank you.

11                  MS. FISCHER: If you look at the  
12                  detail -- area of detail, you can see that  
13                  the Montauk -- other holdings are on the  
14                  other side of the lake.

15                  MR. GULBRANSEN: This is --

16                  THE CHAIRPERSON: Thank you. I  
17                  have a motion and second. All in favor?  
18                  (Unanimous Aye.)

19                  THE CHAIRPERSON: Opposed?  
20                  (None.)

21                  THE CHAIRPERSON: Motion is  
22                  unanimous.

23                  MR. GULBRANSEN: That depiction  
24                  of wetlands -- that's a pretty tough one  
25                  to accept as is.

2                   MS. FISCHER: That's another  
3                   tough one, yes.

4                   MR. KAUFMAN: Tom, the lesson I  
5                   have learned from these maps, etcetera  
6                   unless you learn the tax map  
7                   designation -- a tax map designation is  
8                   not necessarily contiguous with the  
9                   property line. The County is trying to  
10                  guess and sometimes they don't always pick  
11                  up things. It's, a general  
12                  representation.

13                  MS. FISCHER: Quite honestly,  
14                  it's not rectified. So, therefore, we're  
15                  doing our best guess of putting that on an  
16                  aerial or a tax map --

17                  MR. GULBRANSEN: I'm in the  
18                  environmental business that does a whole  
19                  lot of jazz -- there are just times when  
20                  you have to check, and I wouldn't put on  
21                  the record a depiction of title wetlands  
22                  like that last one --

23                  MR. KAUFMAN: This is  
24                  Government.

25                  MR. GULBRANSEN: Sometimes it's

2                   worth it to peel that out to say, "it's  
3                   just a sensitive area," as you said.

4                   "That's enough -- it's a sensitive area."

5                   MS. VILORIA-FISHER: Tom, can  
6                   you just explain what you said.

7                   MS. FISCHER: We do try to do  
8                   that, everyone always wants a little more.

9                   MR. GULBRANSEN: The blue  
10                  delineations overlay from the state, which  
11                  is a different source.

12                  MS. VILORIA-FISHER: But which  
13                  part of it defies by --

14                  MR. GULBRANSEN: Take a look at  
15                  the blue circles. Particularly the one  
16                  that circles the home and the driveway.

17                  MS. VILORIA-FISHER: The home,  
18                  yes.

19                  MR. GULBRANSEN: That's  
20                  certainly a tough one to call fresh water  
21                  wetlands -- and the rest of the lines. It  
22                  raises more question than it's worth is my  
23                  point. Sometimes it's better not to have  
24                  a feature -- if it compounds the issue and  
25                  doesn't add to the statement.

2                   MS. VILORIA-FISHER: The reason  
3                   I was asking you to explain that -- and  
4                   Lauretta knows that I brought this up  
5                   Monday at the Environment Committee -- is  
6                   that sometimes we're actually buying  
7                   property that is DEC Wetland, and we're  
8                   also seeing property that is actually DEC  
9                   Wetland where homes have been built right  
10                  in the middle of them.

11                  And my question is: We're using  
12                  taxpayer money to protect land that should  
13                  be protected by the designation of being  
14                  wetland and because of constitutional  
15                  property rights -- the taking of the  
16                  property and the compensation of the owner  
17                  puts the Town in the position -- I think  
18                  of allowing the development in DEC -- you  
19                  know it's very confusing.

20                  MS. FISCHER: It's very  
21                  difficult.

22                  MS. VILORIA-FISHER: I don't  
23                  necessarily believe that the demarcation  
24                  of that wetland is incorrect. I just  
25                  believe that the allowing of development

2           in a wetland is the problem, and I'm not  
3           certain which is which in this.

4                   So, that's been a real  
5           frustration -- as I said in ETRB, the  
6           Environmental Trust Review -- where we're  
7           not looking at the environmental issue,  
8           we're looking more at the economic  
9           appraisal issue and I'm saying, "but why  
10          are we buying wetland where we should be  
11          allowing to build?" Unfortunately, it  
12          happens.

13                   THE CHAIRPERSON: I think you  
14          both have good points, and probably what  
15          you ought to do is try do a better job of  
16          properly doing the overlays. If you --  
17          the legislature --

18                   MS. VILORIA-FISHER: I'm not  
19          criticizing the job. I think it's a great  
20          job.

21                   MR. KAUFMAN: But look at this,  
22          okay --

23                   MS. VILORIA-FISHER: But I'm  
24          talking about the map that we're looking  
25          at. I really think they do a great job.

2 I think sometimes -- the question that  
3 Tom raised is more the question of policy  
4 that has allowed the building -- you know,  
5 you have DEC wetlands marked out, and yet  
6 development is allowed.

7 MR. KAUFMAN: There's a further  
8 point, if I might -- one of the problems  
9 has been in -- government around here is  
10 frequently -- government is not aware of  
11 the resources that are out there.

12 There are DEC maps and you have  
13 to go to one source and you have to go to  
14 another source to find the Federal maps  
15 and you have to go to a local village to  
16 find a setback map, etcetera.

17 Part of this overlay has been an  
18 effort by County planning to basically  
19 build a GIS system, a Geographic  
20 Information System. It's all the rage of  
21 the towns, it's all the rage of the  
22 county -- to try to and put all this  
23 information together in a layered way so  
24 that people could see what they're looking  
25 at in one source.

2                   As a real estate attorney, I  
3                   know -- I know what I have to do to find  
4                   these things out prior to the GIS  
5                   systems -- but I haven't had to go to six  
6                   or seven systems -- and frequently  
7                   Government -- you ask them, they wouldn't  
8                   necessarily know.

9                   I'm a local village official in  
10                  my home village, and I can tell you most  
11                  of my people do not know where the DEC  
12                  Wetlands are. If we had a GIS system  
13                  layered like this, we can identify things  
14                  a lot more quickly. Even if there are  
15                  some errors built-in -- because a lot of  
16                  the stuff is not a hundred percent  
17                  accurate you're going to see that in the  
18                  next map.

19                  We look at Flanders, they have a  
20                  lake partly outside of a wetland. It's  
21                  still a very, very good resource to have  
22                  for people who are trying to make a quick  
23                  decision.

24                  MR. GULBRANSEN: What we do  
25                  sometimes in industry -- I don't mean to

2               delay --

3               MR. KAUFMAN: I know, I have the  
4               same problem.

5               MR. GULBRANSEN: A line is  
6               drawn with a real tight font size.

7               Sometimes it's better to call it a zone --  
8               to make it sort of a grayish area.

9               MR. KAUFMAN: It's like dealing  
10              with a -- you have to know that it's a  
11              little bit off.

12              MR. GULBRANSEN: Plus or minus a  
13              lot and that's okay. Plus or minus a lot  
14              is fine, as long as you remember that. In  
15              that case, that's what we have here --  
16              it's just some place in that area.

17              MR. BAGG: I think it has to be  
18              pointed out, too, that the DEC Wetlands maps  
19              are not necessarily that accurate, and in  
20              order for you to really find out where the  
21              wetlands are or are not present, you have  
22              to combine it with a topographic map --  
23              you have to combine with a soil. Soils  
24              are more accurate than the DEC wetlands  
25              map.

2 DEC has put a lot of effort into  
3 surveying title wetlands and putting them  
4 on a map, but they have not done a whole  
5 lot of work with respect to the fresh  
6 water wetlands. Those maps were really  
7 done fairly quickly, inaccurately --

8 MS. FISCHER: At a scale that  
9 was very difficult --

10 MR. BAGG: (Continuing) -- based  
11 on account information to begin with that  
12 have never been updated --

13 MS. FISCHER: (Continuing) -- on  
14 a topographical map -- two thousand feet.

15 MR. BAGG: (Continuing) -- they  
16 are on USGS quadrangles with your 1G  
17 equals two thousand feet.

18 MS. FISCHER: And they were  
19 trying to transpose that onto a map that  
20 equals two hundred feet. You're going to  
21 get inaccuracies -- that's why the caveat  
22 with New York State DEC Wetlands is based  
23 on field verification, and that's what I  
24 had indicated in the beginning of the  
25 discussion. This information is just --

2                   you know, information available, but it is  
3                   not verified and it would have to be  
4                   verified in the field.

5                   We don't have the time or the  
6                   staffing time to go out and actually  
7                   physically verify all of this information.  
8                   It's just for your information. It's a  
9                   very general, very difficult line that's  
10                  put on -- two different types of scales  
11                  and it's just for your information. We're  
12                  not reporting that this is, or is not, a  
13                  wetland specific to DEC information and  
14                  verification.

15                  THE CHAIRPERSON: Let's move  
16                  ahead, Lauretta.

17                  MS. FISCHER: Okay. The next --  
18                  MR. BAGG: We didn't do a motion  
19                  on this.

20                  MS. FISCHER: Did you? Yes.

21                  MS. VILORIA-FISHER: On Montauk  
22                  Downs?

23                  MR. GULBRANSEN: On Montauk --  
24                  completed. I think I held my comment  
25                  until after.

2 MS. FISCHER: Yes.

3 MR. GULBRANSEN: It was not a  
4 question, it was a comment.

5 MS. FISCHER: Yes, I think it  
6 was after.

7 The next one is the donation of  
8 land in the Flanders County Nature  
9 Preserve area. As you can see we're  
10 continuing to pick up parcels in this  
11 area -- old file map area as best we  
12 can -- either through donation,  
13 acquisition. The portion of this property  
14 is actually in the core, Pine Barrens Core  
15 area on the southern portion of it, and a  
16 portion is a compatible growth area.

17 We've acquired a number of large  
18 lots here and we're continuing to acquire  
19 this wetland area here, there and  
20 everywhere. The whole topography of this  
21 area is interspersed with wetland ponds  
22 and its underlaying topography. So,  
23 you've got a whole host of issues from a  
24 development point of you view, and we've  
25 been trying to acquire all the remaining

2 open vacant land in this area. So, this  
3 is a nice way for us to get a third of an  
4 acre and two parcels -- and four parcels  
5 actually.

6 THE CHAIRPERSON: We have a  
7 motion? Motion by Legislator  
8 Viloria-Fisher.

9 MR. MACHTAY: Second.

10 THE CHAIRPERSON: Second by Mr.  
11 Machtay.

12 THE CHAIRPERSON: All in favor?  
13 (Aye.)

14 THE CHAIRPERSON: Motion carries  
15 unanimously.

16 MS. FISCHER: Thank you.

17 And the final one is a donation  
18 of property as part of a Suffolk County  
19 Department of Health Services Board of  
20 review TDR. And the property that we are  
21 looking to have donated to us is in our  
22 Mastic/Shirley conservation area and,  
23 obviously, is in line with what our  
24 efforts are to acquire those parcels in  
25 that area.

2                           MR. KAUFMAN: Motion unlisted  
3                           make that.

4                           THE CHAIRPERSON: Motion by  
5                           Mr. Kaufman.

6                           MS. RUSSO: Second.

7                           MS. VILORIA-FISHER: I have a  
8                           question for Jim.

9                           THE CHAIRPERSON: Just second by  
10                          Ms. Russo. Go ahead.

11                          MS. VILORIA-FISHER: Jim, we  
12                          don't need to consider here where we're  
13                          sending or where they're receiving this?

14                          MR. BAGG: The Department of  
15                          Health Services -- when they review a  
16                          variance and an application in an area --  
17                          suppose -- an example, somebody wants to  
18                          expand a restaurant on their property.  
19                          So, therefore, a mitigation measure --  
20                          they require that the applicant go out and  
21                          purchase a piece of property -- donate it  
22                          to the county, and transfer that  
23                          development right to the project area for  
24                          expansion.

25                          However, the Health Department

2 reviews that from a SEQRA point of view,  
3 and they issue their own Neg. Declaration  
4 based on their variance or sanitary  
5 system. So, that has been previously  
6 done. What is before the CEQ now is the  
7 donation of this property to the County to  
8 remain in this --

9 MS. VILORIA-FISHER: So, we  
10 don't have to look at density increase?

11 MR. BAGG: No. Everything is  
12 conforming -- zoning and the town also  
13 looks at it.

14 MS. VILORIA-FISHER: Thank you.

15 THE CHAIRPERSON: We have a  
16 motion? And a second.

17 THE CHAIRPERSON: All in favor?  
18 (Aye.)

19 THE CHAIRPERSON: Opposed?  
20 (None.)

21 THE CHAIRPERSON: Motion  
22 carries. Thank you, Lauretta.

23 Is there any other business?  
24 Nobody from the CAC here today?

25 So, we're through the agenda.

2           We have a motion to adjourn?

3           MR. MACHTAY: Motion to adjourn.

4           THE CHAIRPERSON: We have a  
5           motion from Mr. Machtay. Second?

6           MS. RUSSO: Second.

7           THE CHAIRPERSON: Second by  
8           Mr. Russo. All in favor?

9           (Unanimous Aye.)

10           (Whereupon, the meeting was concluded at 11:07  
11           a.m.)

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3 RE : Suffolk County Department of Planning

4 Council on Environmental Quality

5 AT: H. Lee Dennison Building  
6 Veterans Memorial Highway  
Hauppauge, NY

7 ON: August 15, 2007

## 8 C E R T I F I C A T E

9 I, Samaria Maldonado, a Shorthand Reporter and  
10 notary public within and for the State of New York, do  
11 hereby certify;12 That I reported the proceedings in the  
13 within-entitled matter, and that the within transcript  
14 is a true and accurate record of such proceedings.15 I further certify that I am not related by blood  
16 or marriage to any of the parties; and that I am in no  
17 way interested in the outcome of this matter.18 IN WITNESS WHEREOF, I have hereunto set my hand  
19 this 15th day of August, 200720 

21 Samaria Maldonado

22

23

24

25