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SUFFOLK COUNTY PLANNING

9:30 A.M.
October 17, 2007

725 Veterans Memorial Highway
Hauppauge, N.Y.



A P P E A R A N C E S

LARRY SWANSON, Chairperson

KARA HAHN

ZEB YOUNGMAN

RICHARD MARTIN

MARY ANN SPENCER

THOMAS GULBRANSEN

GLORIA RUSSO

JIM BAGG

MICHAEL KAUFMAN

VIVIAN VILORIA-FISHER

RICHARD MACHTAY

JOY SQUIRES

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THE CHAIRPERSON: Good morning. I'd like to call the meeting to order. Just so I don't forget. I'd like to remind everybody that our November CEQ meeting is scheduled for the day before Thanksgiving. When it was originally scheduled nobody objected to that.

I want to make sure that we are going to have a quorum. Or should we start looking for an alternative date?

If there are no objections, be forewarned because Thanksgiving is early. We will be having our meeting just before Thanksgiving. Did anybody check the minutes?

MR. MACHTAY: There were no minutes.

THE CHAIRPERSON: Correspondence, Jim? Anything that you want to call to our attention?

MR. BAGG: Yes. In your package is a couple of things that can be or that deal with individual projects.

There is a letter from Nicholas Gibbons concerning the chain of property and the response to the counseling concerns at the last meeting. And Nick will give an update

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or a presentation on that.

There is a letter from Brian Lynch in the Town of Brookhaven supporting the CR97 Nichols Road improvements.

There is a letter from the Town of Smithtown. Mr. Barnett is in support of acquisition of the Hallock Acres County Wetlands addition.

There is also a letter from the Commissioner of Health giving DPW and the County SEQRA the lead agency with respect to the 2008 VECTOR control plan.

And there is I guess preliminary, it's entitled Preliminary Findings on Dragon Flight Populations and Trees in Salt Marshes prepared by the National Resources Environmental Protection Department in the Town of East Hampton. It's in there for your information.

So when this Council reviews the various actions, those apply to those projects.

THE CHAIRPERSON: Thank you, Jim. Now moving onto the Historic Trust docket.

Before we begin, I would just like to

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call everyone's attention to the fact that I

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have a copy of a letter to Scott Posner who

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is the President of the Deepwells Farm

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Association. We are helping to run that

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facility.

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It's from Gordon Paul, Secretary, and

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also a lawyer. He is concerned that the

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custodian license agreement as signed has

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some significant flaws in it.

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And he is requesting that the County

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review his comments concerning those flaws

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and that amendments potentially be made to

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the agreement.

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So what I would like to do is to have

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this letter entered for the record. And,

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Jim, if you would pass it on to the

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appropriate people in the County to have it

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reviewed, I would appreciate it.

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I would also request that we get a

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report on how these differences are resolved.

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MR. BAGG: Fine.

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THE CHAIRPERSON: Okay.

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MR. MARTIN: Today we have a number of

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new properties that we are looking for your

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review and approval. I just want to give a little background on this list.

The Historic Trust Committee has been meeting for about three years and taking site visits to all these sites.

So they have been on site. They have been in most of the buildings and the properties and taken a close look at these.

And after the revision to the Historic Trust manual which I would like to read since it's a new wording so everyone is acquainted with it.

The wording was added to the Historic Trust manual to allow for what we call our new list or historic list of buildings which are not formally dedicated to the Historic Trust but just listed with the Historic Trust. That will be reviewed if there are any major changes or renovations to the buildings.

I'd like to read into the minutes so that everyone understands the criteria that we are listing these properties under.

On page 7 we are adding that the

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Historic Trust shall maintain a list of county owned properties consistent with the definitions of historic properties as described in the Historic Trust manual as recommended by the Suffolk County Historic Trust as having county, community or conjectural historical significance.

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This list is in addition to and separate from the properties that are dedicated to the Historic Trust.

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And before I guess we go into any comments on this list, are there any questions on this new list at this point?

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MR. KAUFMAN: Mr. Chairman?

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MR. KAUFMAN: Basically that language then is saying that the properties have certainly local significance, et cetera, but may not necessarily qualify for the Historic Trust.

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MR. MARTIN: Dedication.

MR. KAUFMAN: Dedication. Nonetheless they will still be looked at in a historic context and examined both by the CEQ and by

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our subcommittee.

MR. MARTIN: Yes. And any work that is done will be in keeping with the guidelines of the Historic Trust property, that those properties can come forward to the CEQ for possible dedication to the Historic Trust.

MR. KAUFMAN: In other words, we are putting an overlay of protection on these properties. Not as much as they were dedicated to the Historic Trust. But nonetheless they are within your purview?

MR. MARTIN: Exactly. And issues which I'm going to explain further. The Parks Department would have the option to come forward to the CEQ and even propose taking down buildings that are on this list. It doesn't preclude that.

But it would have to be reviewed by the CEQ. And to also make major changes. They would ask that.

Whereas if it's dedicated to the Historic Trust, it's a formal landmark of the County and those buildings should not be taken down. It's really requiring the County

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to restore those buildings.

MR. KAUFMAN: Thank you.

THE CHAIRPERSON: So these buildings could be torn down?

MR. MARTIN: Yes. I'm just bringing it up because I have an issue actually with this current list which I will explain now.

The buildings that we have listed that are before you today, I will say that all of them are occupied except for the Commerdinger house and the Robinson Duck Farm house number three.

The Commerdinger house does have community interest. They are an organization that is lobbying to go into that building.

And we do have an engineer taking a serious look at that and the costs involved.

Again we will have to revisit that once we understand what the costs are involved to allow public assembly to that building since it was formerly a residence.

It has to be changed now to public assembly. So we don't know at this point what the costs are.

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Now Robinson Duck Farm is the third home number three. It was viewed as a residence. It's just been vacated.

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It was declared by the Parks Department Maintenance Division to have extreme problems and they are concerned with the cost that it would take for the Parks Department to restore this building.

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THE CHAIRPERSON: Which house was this?

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MR. MARTIN: This is the third house which is in your packet, the last house pictured. We have a photograph there and a site map.

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It's actually the largest house on that site. It's a full two story house.

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So this may be open for discussion here. It's in keeping with the other two houses on the site.

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The Committee saw it as a group that it was important to keep the three together. And that's why they did not opt to take that one off.

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And it's not beyond our usual restoration efforts. It's just that the

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Department is telling me that they just don't think they would have the funds to go ahead and maintain this building at this time.

And I have explained to them this new list. That if it does get added to this list that they would have to come forward to the CEQ with the proposal and explain exactly why they feel that they couldn't restore this building.

And we could also open it up for other options besides residents, the possibility of public use in that park facility.

THE CHAIRPERSON: Thank you.

MR. MARTIN: So at this point I would like to just open the discussion to any questions on these properties that we are looking to bring forward.

Like I said, the Committee has reviewed the business on site here and they feel that these all contribute to the historic context of those parks that they are within.

THE CHAIRPERSON: Any comments?

(None.)

THE CHAIRPERSON: Is there a motion?

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MR. MACHTAY: Mr. Chairman, may we have
3 a motion to propose all of them for
4 designation in one motion? I make that
5 motion.

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THE CHAIRPERSON: A motion has been
7 made. Second?

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MR. KAUFMAN: Yes.

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THE CHAIRPERSON: Any discussion?

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MS. SPENCER: Yes. I think that it's
11 important to maintain the distinction between
12 dedication and this new list. So I would ask
13 that the motion not include the word
14 "dedication".

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MR. KAUFMAN: What word would you like
16 to use?

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MS. SPENCER: Listing.

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MR. MACHTAY: I amend that motion to
19 list all these sites in one resolution.

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MS. SPENCER: Thank you.

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THE CHAIRPERSON: Do you have any
22 objection to that modification?

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MR. KAUFMAN: None whatsoever,
24 Mr. Chairman.

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THE CHAIRPERSON: Is there any other

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discussion?

(None.)

THE CHAIRPERSON: All in favor?

(Unanimous aye.)

THE CHAIRPERSON: Opposed?

(None.)

THE CHAIRPERSON: Abstentions?

(None.)

THE CHAIRPERSON: Motion carried.

MR. KAUFMAN: Thank you.

MR. MARTIN: I would just like to add to my report today that we have a number of vacancies in our housing program. And this is after the Parks Department has canvassed all County employees to see if there was an interest there.

And we are especially realizing in the western Suffolk properties, these are in the Huntington area, that we have been having problems finding any interest at all because of the rent structure for those properties.

So next month I will bring in the packet of the rentals and the sites that are vacant.

But I just want to bring to everyone's

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attention that the Parks Department is having problems filling these vacant buildings.

THE CHAIRPERSON: In that regard are you reviewing the structures of the rental agreement?

MR. MARTIN: The Parks Department is working under the resolution that was passed by the legislature that required us to rent these buildings at market rate.

So if there is to be any change, it seems to be opened up for discussion. The Parks doesn't have it right now.

THE CHAIRPERSON: So I guess my question is, is there a dialogue going on between the Parks Department and the legislature that says that this might be a non-workable solution?

MR. MARTIN: I think I'm starting that dialogue right now.

MS. VILORIA-FISHER: Mr. Chairman, if I may. I have had conversations about that with former Commissioner Pauley regarding the fair market value and the fact that when you have County employees who are

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renting these houses you have the eyes on the property. And so that they are providing a value.

However, he said that, he seemed to want to enter into that dialogue because there are a lot of obstacles.

For example, he said that there would be a problem with it being seen, he didn't even use the term "perk" but I'm going to use the term "perk". As a perk for a person working for the County to get a below market value rental.

And how would that person be chosen?
Would there be a lottery in the County?
Would that be considered income?

And he came up with a lot of different scenarios that would be problematic. But I agree with Mr. Martin. We need a dialogue.

We need to explore whether those obstacles truly are obstacles. Because before we had the resolution we did indeed have a problem.

Obviously there was an abuse and that's why the resolution came to be. But I believe

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that there might be a way to monitor this so that we don't have those abuses, but to incentivise people to use and rent these properties.

So I thank you for opening up that dialogue. And right now we don't have a Commissioner.

So when we do have a new Commissioner, I believe that we should have a very, very full and vetted dialogue regarding this issue.

THE CHAIRPERSON: Legislator Viloría-Fisher, you'll keep us informed as to what's happening?

MS. VILORIA-FISHER: As soon as we have a new Commissioner. I don't believe that we should begin to explore this until we have a Commissioner in place who we could bring up to speed on what has happened historically and take a good look at the resolution and have our Law Department take a look at it and see what kind of latitude we have with regard to the market value of the rent and what the implications are. If we lower those rentals. But I think it is a serious issue.

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THE CHAIRPERSON: Thank you. Jim.

MR. BAGG: I think as has been pointed out that the Historic Trust Committee also questioned I guess an appraisal as to what is exactly a fair market rental of property.

Perhaps what they deem to be fair market rent by the person that did the appraisal is high based on certain factors for that property.

So that might be considered for reevaluation of the appraisals based on factors in order to bring what is perceived to be a fair market into the realm of reality.

MS. VILORIA-FISHER: I agree with you. I think that what we have to look at is the person having property that is open to the public. And perhaps that could have an impact on the market value of that property.

MR. KAUFMAN: Continuing on this particular subject. CEQ had discussed this issues of valuation several years ago. And I know that there has been internal discussion.

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And one of the points that Richard had brought up and others had brought up is the fact that most of these leases if you will are not true leases.

Most of them are licenses, revocable on 30 day notice. You have less than regular stability in any type of rental agreement that you are taking or CEQ is giving.

And right there you've got a problem. Is it directly comparable in terms of market value? In other words, lower market values are generally a year rental.

And you can do certain repairs inside the place. You can put pictures, drive nails into walls, et cetera.

And you have a certain vested property right. The way the County is set up, you have very little ability to do anything inside your own structure.

So right there it is a lessening if you will of your potential tenancy. And these are some of the issues that were thought out and looked at several years ago. And it was decided one way.

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Given the fact that it seems that we are not getting the rental properties rented, it may be worth it to look at those factors again in fair depth and see if maybe some of them can be changed.

Frankly in my opinion it is more important to have people inhabit those structures, theft, vandalism, things like that, problems that we know we had historically when the properties are not occupied.

It's more important to try and get people in not at any cost. Obviously some sort of a rent must be paid.

But maybe looking at those factors again it would be very, very important and maybe help us to achieve the objective.

Otherwise quite frankly why are we protecting these buildings? I mean, that's really what it comes down to each time.

THE CHAIRPERSON: Mary Ann.

MS. SPENCER: I think it's important just for clarification that of the properties that the County puts out to rent and

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establish a rental for a fair market rent,
the properties that we are particularly
concerned with are those that are dedicated
to the Historic Trust.

And when Richard mentions properties in
the west of the County, those are the
properties that we are really concerned
about. These are dedicated properties.

It's clear that the historic importance
has been established and they are vacant.
And the manual stipulates that they must not
be left vacant. And that is why the Trust
Committee has been and remains concerned
about this.

THE CHAIRPERSON: Thank you. Any
other comments?

(None.)

THE CHAIRPERSON: Richard, anything
else?

MR. MARTIN: I just wanted to bring that
to everyone's attention today.

MR. MACHTAY: Just as an aside to all
this. Does the County accept inside services
for payment in part for renting

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establishments?

MR. MARTIN: We just have the approval to have one caretaker's apartment, actually two apartments in that structure. They are both vacant.

But there is one that has been designated as the caretaker's apartment with the reduced rent. But we are also have trouble filling that position.

THE CHAIRPERSON: Thank you. Last month we were supposed to have a presentation from Mr. Bagg on the SEQRA process. It's something that is important to do every now and then to remind ourselves of what our duties and responsibilities are and how that process works.

We didn't have time last month. So this month I have asked Jim once again to give us a brief review of the process. Jim.

MR. BAGG: Okay, thank you, Larry. Last month we put in everybody's package a basic diagram of SEQRA at the County level.

I also put in an outline of the requirement of Chapter 279 of the Suffolk

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County Administrative Code listing Type I actions under SEQRA, Type II actions under SEQRA.

Also the criteria for determining significant material on generic environmental impact statements of which we have a proposed plan on which a generic final environmental impact statement of finding table was done and those criteria apply today.

A little bit of an overview. The Council on Environmental Quality was given environmental review of County projects and activities in the Environmental Bill of Rights which was passed in 1970. That paralleled NIPA and the White House Council on Environmental Quality.

In 1975 they passed SEQRA. And the State Quality Bond Review Act applied which to some extent applied to County environmental review.

In terms of SEQRA, as most people know, you cannot delegate SEQRA decision or determinations to a body that does not have decision making capabilities.

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So the Council is advisory to the County Executive and the legislature on projects and activities initiated by the County in terms of environmental quality requirements and SEQRA review.

You make a recommendation to those bodies. You do not approve or disapprove actions.

You simply make a recommendation. Those recommendations pursuant to SEQRA are then considered by the legislature and the County Executive and they may have to make their own determination based on the facts submitted with the project review.

They can take CEQ's recommendation into account and in most instances do. Or they can choose to do something else.

If CEQ would make a recommendation of a negative declaration and the legislature felt that it wanted environmental review, they could determine that it was a declaration and a final impact statement.

So basically all suggestions are required to be submitted to the Council.

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However, the Council then makes recommendation to the Suffolk County Executive and legislature.

Technically the CEQ has 45 days to review the project and make a recommendation to the legislature.

Council's recommendation is submitted to the legislature, the presiding officer of the County Executive. And the CEQ's findings and recommendations are presented before the legislature's Environment and Planning and Agricultural Committee.

And then they make a recommendation to the presiding officer for a SEQRA determination pursuant to any given action.

That Committee is presided over by Legislator Fisher who is also on the CEQ.

Chapter 279 says one of the Council members shall be the Chair of the Environment Planning and Agriculture Committee which is determined by the legislator every year, I believe.

A couple of things to point out. The County's SEQRA review processes consist of

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three parts.

The first is the initiating unit which proposes the action is responsible for writing up the action proposal for filling out all environmental documentation including the EAF or if necessary draft environmental impact statement and final environmental impact statements.

The second phase is that it is submitted to the CEQ who reviews it and makes a recommendation to the legislator.

And then the final step is that the legislator and the County Executive make the final SEQRA determination based on the information presented and received by them.

So that is the basic process. When an action comes in here, the initiating unit is supposed to, number one, make a preliminary classification as to what type of action they think it is. And they would submit an EAF.

Your list of actions, they are under SEQRA two types of actions that basically have lists.

One is a Type I action. Those actions

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also if they are on the list are more than likely to have a significant impact.

SEQRA in this instance is kind of ambiguous. I don't know what more than likely is.

I think research shows that over 95 percent of Type I actions in the State receive negative declarations.

And then there is a Type II list which consists of 35 activities. And if you are on the Type II list, then basically SEQRA is deemed complete.

So the first thing that you want to do is to classify your action. If it is not on either a Type I list or a Type II list, then the State deems it as unlisted or anything in between.

If an action is in fact a Type II action, no further action is required.

If it an unlisted action, then an EAF is the very least that is required.

An unlisted can have what is known as a short EAF form submitted on it or a long EAF form submitted.

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The short EAF form is two pages. The Council has received that many times.

The long EAF form is approximately 24 pages. It's a little bit more thorough and exhaustive.

If a project is considered a Type I action, then technically it's required to have a long form submitted.

That long form is evaluated and the County makes a determination with CEQ's recommendations in mind.

When we get into generic environmental impact statement, it's similar to we have the 2008 VECTOR control plan.

That is in conformance or is in conjunction with the County's long term VECTOR control and wetlands management plan.

That went through a DGEIS. It went through an FGEIS. It was an exhaustive study.

The County spent I believe about \$4.6 million on that review of the VECTOR control operations and proposed wetlands operations.

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So the VECTOR control 2008 plan would be subject to the criteria as contained in 617-10 of the SEQRA rules and regulations number D.

It states, when a final generic EIS has been filed under this part, there are four options that can be considered by the CEQ today.

Number one is no further SEQRA compliance is required if a subsequent proposed action will be carried out in conformance with the conditions and thresholds established for such actions in the generic EIS or its findings statement.

Two, an amended findings statement must be prepared if the subsequent proposed action was adequately addressed in the generic EIS but it was not addressed or was not adequately addressed in the findings before the generic EIS.

Three, a negative declaration must be prepared if a subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action

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will not result in any significant environmental impact.

And four, a supplement to the final generic EIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action may have one or more significant adverse impacts on the environment.

So that is a general overview of the Council's review. One of the things that should be pointed out is SEQRA requires that the initiating unit propose an action that it be reviewed under SEQRA and that a determination be issued.

Suffolk County is a little bit different. You have the initiating unit proposing the action. You have a review by the Council which is appointed by the legislator for an environmental review and recommendation which is not required by SEQRA.

And then you have the legislator and the County Executive which make the final SEQRA

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determination.

So in essence the County process has an extra step which is the Council on Environmental Quality Review and recommendation.

But it should be clear that it's up to the legislator and the County Executive to issue any final findings and determinations that are required by SEQRA.

I mean, a lot of people say that we have to see if we get the approval. That's not correct.

CEQ is required to review and make a recommendation on all County initiating activities.

However, the legislator and the County Executive make those determinations.

THE CHAIRPERSON: Thank you, Jim.

MR. GULBRANSEN: Jim, I have a question for you about the flow charge process. It has to do particularly with the public hearings on the draft EIS.

My question is about the comment process. When a hearing is held, comments

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are received either verbally or in writing during that period.

Typically there is a response to comments. Can you clarify when a comment is received, what body makes the response to comments and determines whether those comments are suspicious?

MR. BAGG: Basically when you are into the EIS process when you require the preparation of an EIS, you may or may not hold a public hearing. There is no requirement on that.

But usually if it's a controversial issue, the County usually makes a recommendation to hold a public hearing on that document at the public hearing.

The CEQ must attend the County Executive's office and the County legislator must have representatives at that public hearing to hear the comments.

Once they are received, they are basically evaluated. They are considered to be either substantive or not to have merit. So therefore they don't need any response.

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But any comment that is made that is substantive, that requires them to go onto the next phase in which you prepare a final environmental impact statement.

And the final environmental impact statement consists of the draft environmental impact statement, the summary of substantive comments received and a response to those substantive comments received.

Now the initiating unit is responsible for preparing the DEIS. It is then presented to CEQ and CEQ is given the authority to approve or reject the DEIS.

Once CEQ feels that it is satisfactory, it is then approved and sent out for review and comment.

If a public hearing is held or even if one isn't, the comments are received and it's decided that an FEIS is prepared, then the Department or the initiating unit is responsible for preparing and causing to be prepared the response to those substantive comments.

That then comes back into CEQ. And CEQ

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then makes a final recommendation to the legislator about the project, the environmental impact of that particular project and whether or not they feel it should be perceived or not perceived.

It is then the legislator's job to evaluate everything received and they have to issue a findings statement pursuant to that process.

MR. GULBRANSEN: Thank you.

THE CHAIRPERSON: Rich.

MR. MACHTAY: Yes. First, Jim, a good job and I appreciate it. We have a project coming up later in the meetings which the documentation tells me that a DEIS was done and a coordinated view for the State.

Can you explain what the coordinated review does and what it means to the project?

MR. BAGG: Well basically if an action is deemed to be a Type I action, in this particular instance the VECTOR control two way plan is part and parcel of the VECTOR control long term EIS and FGIS.

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There were a number of involved agencies

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that either have approval or disapproval

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authority in that particular instance.

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I think that the materials before you

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are stating that the proposed VECTOR control

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plan is in fact in conformance with the FGEIS

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and the findings statement issued by the

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legislator for the VECTOR control long term

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and the management plan. Therefore no

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further SEQRA is required.

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However, the County initiating unit, in

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this case the Department of Public Works,

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tried to cover its base.

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So in essence they deemed that the two

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way plan is a Type I action. And therefore

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they sought lead agency status for all

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involved agencies which is the Department of

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Health Services and the DEC before the County

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proceeds with its final ruling with respect

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to the 2008 plan.

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MR. MACHTAY: Does it not also mean

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that the New York State DEC has to be in

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compliance with the GEIS in issuing their

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permits? And in fact they would have to do

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that before they could issue their permits?

MR. BAGG: Well in essence the requirement would involve agencies once it goes to a final in this case generic EIS.

Then each involved agency cannot grant permits or any kind of improvements until they issue their own findings statement based on the FGEIS and everything else.

So technically they will have to review the County action that would be in conformance with the FGIS as well as their own findings.

THE CHAIRPERSON: Any further questions?

MS. VILORIA-FISHER: You just made me very wise. Because I have more questions than answers. But I did want to just mention on the public hearing regarding the comments at public hearings.

Because our public hearings are, there are minutes, all comments, whether or not they are deemed as substantive comments are still on the record.

And they would appear in the minutes of any of the public hearings. So the public is

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able to review that.

MR. BAGG: I think that's important as well. Because a lot of people, especially the Council members as well as the public don't realize that once the project goes before the CEQ, usually the legislature holds a public hearing on it.

And the public also can go before the legislature and make any comments that they deem appropriate.

And that is taken down in legislative minutes and is in the record for the legislature to consider before they make any final approvals on actions or determinations under SEQRA.

THE CHAIRPERSON: Also if I understand the question correctly, when we have a public hearing, all comments become part of the public record whether or not they are deemed to have merit.

MR. BAGG: Yes. CEQ's recommendation to the County Executive and the legislature will include all comments that are received on any particular project or activity.

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Whether it's an unlisted action with a negative DEC, everything that we receive in terms of the comments gets forwarded to the legislature and the County Executive for their consideration before they take any action.

MS. VILORIA-FISHER: This is why we have the reporter verbatim minutes. Everything will appear on the website. And if somebody wants us to lose that, they are there.

THE CHAIRPERSON: Yes?

MR. KAUFMAN: Responding in one other way. With the VECTOR control DEIS, we held several public hearings prior to the completion of the document.

And those public hearings were very informative. The County was required to respond to those particular comments.

And again looking at it in the context of VECTOR control, those comments were incorporated into our record as everyone has been saying.

But we were also required to read those

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comments and take them into account before the EIS was finally deemed complete.

So the public hearings served a purpose to allow the public to say something. We are also members of the public. But the public hearings allowed us to do things.

And again that fit into the sequence of everything that occurred prior to the completion of the EIS. I think that is maybe what your question was directed towards.

So this Council's trust always has been to get the maximum public comment that we can on anything before we make decisions.

THE CHAIRPERSON: I should also point out that actually at the very beginning of the VECTOR control process and other projects it's as well, we had a public hearing in which we requested the public's input as to what the important issues and so forth are that should be discussed and the environmental impact statement will be included in either the research or at least the review.

So that is done as well. It's not just

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the after the fact reaction to has this been prepared.

MR. GULBRANSEN: One final question.

THE CHAIRPERSON: Yes.

MR. GULBRANSEN: In the descriptive material Section D speaks to the final project implementation. Let me try to understand this correctly.

Within sixty days after the completion of the action or prior to the final acceptance, the initiating unit shall submit to the County legislature a report stating the steps that were taken during final implementation of the action.

Does that suggest an audit function or a follow up, an as built kind of a review by the CEQ? Or is that just with regard to taking the action prior to the actual on the ground work?

Maybe I am just reading it incorrectly. But it seems to suggest an after the fact how did it go on it.

MR. BAGG: That basically is in the local law. The Department of Public Works

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doesn't follow through implementing all
SEQRA.

And most of those things or requirements
are placed and the County recommends the
negative declaration. They are placed in the
negative declaration.

MR. GULBRANSEN: They don't come back
to us?

MR. BAGG: One of the requirements is
that everything should be submitted to the
CEQ. Rather than get a separate SEQRA thing
for everything that goes before the
legislature, we review the packet.

And you will notice that I put in the
left hand margin recommendations for Type II
actions, whatever has been through CEQ and
SEQRA as well as what may be required in the
future.

So in that instance we are actually
flagging projects and activities that
actually do want further SEQRA review that is
not being given as well as the packet does
contain that material that the Department is
going to adhere to in terms of before the

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legislature approves the action.

THE CHAIRPERSON: Also with regard to I guess the term used was auditing, very often we put in as part of the requirements the final review, some of the things that we would like to see.

And if you could go back to long term plan of the VECTOR control, you can see that there are certain requirements that we have requested of VECTOR control or other agencies or the County gets back to the CEQ and gives a status report of what's going on, for example.

How many miles or feet of ditching and so forth is occurring each year, those kinds of things. Of course it depends on the individual activity that we are talking about.

MR. GULBRANSEN: Thank you.

THE CHAIRPERSON: Are there any other questions?

(None.)

THE CHAIRPERSON: Jim, thank you for a very nice review. Just to remind everybody

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that this is a public meeting. You have the opportunity to speak.

And ordinarily the way that we handle this is that as the topic comes up, if you have any interest in making comments, let us know and we will handle it on a case by case basis.

Jim, do you have any comments that you want to make on the recommendations of the legislature?

MR. BAGG: Basically I think that there were two packets. One was September 20th. The other one is October 16th.

Yesterday I reviewed them. And either all of the actions have been previously reviewed under SEQRA or are Type II actions.

I do not see anything that requires further review at this point and time.

THE CHAIRPERSON: Any questions, Jim, concerning these actions?

(None.)

MR. KAUFMAN: I'll make a motion, Mr. Chairman, to accept those resolutions laid on the table for September 20th and

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also October 16th.

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THE CHAIRPERSON: Second?

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MS. RUSSO: Yes.

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THE CHAIRPERSON: Any comments?

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(None.)

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THE CHAIRPERSON: All in favor?

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(Unanimous aye.)

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THE CHAIRPERSON: Opposed?

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(None.)

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THE CHAIRPERSON: Abstentions?

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(None.)

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THE CHAIRPERSON: The recommendations

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are accepted. Proposed list of discharge

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elimination local law. Anybody here to

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speak on that? Please identify yourself

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for the record.

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MR. KENEIBY: Victor Keneiby.

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I am with the Suffolk County Department

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of Public Works.

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THE CHAIRPERSON: Please sit down.

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MR. KENEIBY: I'd like to introduce

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this gentleman.

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MR. BROUSSEAU: Lorene Brousseau.

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MR. KENEIBY: He is from Cornell

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Corporate Extension. He will make this presentation.

MR. BROUSSEAU: Thank you. I am not sure if you guys received the package on the ~~EDVE~~^{EDDE}. Last April we met with you just as you described the storm water management program going on.

It's a mandated program first from the EPA and now the State is running the program where each or many municipalities around the State have to comply with storm water management regulations.

They have to take certain steps to make sure that the municipalities do everything that they can to minimize the impact of storm water run off.

One of the components of this program is what they call the ~~EDVE~~^{EDDE} which is the unlisted discharge detection and elimination.

The intent of this is to make sure that the County does everything that they can to insure that no one, whether it's a business or a resident, is actually illegally sort of tapping in or putting or discharging into the

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County pipes or catch basins.

So it's to insure that the County indirectly is improving the environment.

So one of the steps that is mandated that the County has to do is to create an ordinance which would make doing those things illegal.

So a business can't illegally tap into an out fall pipe, a discharge pipe. Or a resident or business can't dump something into a catch basin or anything to that effect.

So what we handed out was a couple of documents. I apologize by saying that we don't actually have the ordinance as it's written to give you today. It's still in the Legal Department.

And unfortunately it still has to come to the Committee without the ordinance because the mandated, this ordinance has to be put into place by the end of the year.

So the Legal Department should be finished with it shortly. And if we can get the approval to go forward, then we will go

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to the legislature hopefully before the end of the year.

So what we handed out was the short EAF form which indicates that it is a Type II action.

We also gave an addendum to that form which sort of described the state and federal laws indicating why this ordinance has to be put forward and why we have to get it passed.

And it also lists the actual criteria indicating why it would be a Type II action.

And finally we just gave a list describing what the ordinance is.

And as I indicated, it is the intent of the ordinance to insure that no one can illegally discharge into the County system and then into any water body.

The ordinance also clarifies what departments will be overseeing this and its cooperation between the DPW and the Department of Health Services.

And of course the ordinance just outline what the procedures are for investigating potential discharges and what

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the penalties are for people who are found to be illegally discharging into the environment.

So unless anybody has anything to add. Do you have any questions regarding the ordinance?

MR. BAGG: I'd like you to point out that basically this law is required by the federal legislation and the EPA and that the multiple municipalities do not have any choice. You are supposed to adopt this particular law.

MR. BROUSSEAU: Exactly.

MR. BAGG: To some extent it's administrative.

MR. BROUSSEAU: Correct. They have to prove that they exist or they have to create an ordinance and prove that they are complying with the federal and state regulations.

There are many components of the storm water management program as brought down by the State which are sort of optional in terms of how you approach it.

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This law is one that is not optional. It's something that the State is going to enforce and they want to make sure that every municipality that falls under the phase two program has this law and making sure that no one is illegally discharging into the municipality system.

MR. KAUFMAN: A question on jurisdiction. Does this count as a particular law even though it's a County law? It covers State properties located inside Suffolk County?

MR. BROUSSEAU: No, that's a good question. I should have mentioned that. This law only pertains to County properties and roads. It only pertains to out falls on County property roads.

Each town will be creating their own laws to further have jurisdiction on their own shoreline. And the State itself, the State properties, they will also have to create their own laws.

So this just pertains to County owned roads and County owned properties and catch

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basins on those properties.

THE CHAIRPERSON: Thank you. Any other questions?

MR. GULBRANSEN: The choice is to write a new code or consider adopting the code as provided by the State?

MR. BROUSSEAU: Correct.

MR. GULBRANSEN: You mentioned that the code is in consideration by Legal. Did it go in as the model text that the State provides?

MR. BROUSSEAU: It's pretty close to the model text. The model text contains some optional component which through discussions with different agencies, DPW, it was deemed that they weren't really necessary.

So all of the non-optional components are as is from the model laws, what the State calls it.

The Legal Department is just short of changing that around so it conforms with the existing laws and the terminology on how they use it.

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MR. GULBRANSEN: In the law or in the code is there specific provision for the fine and fee schedule for violations?

MR. BROUSSEAU: There is, yes. I don't know what they are offhand. But they do get into penalties and enforcement, who will be able to enforce that.

And the law will indicate which individual will have the right to actually go onto properties inspecting and what action they can take if they find that there is a discharge. So that is spelled out in the ordinance.

MR. GULBRANSEN: Two other questions both short. When implementing this in some other smaller municipality, I think that we came to learn that the IDVE only applies to relief discharges or spills that go into the MS4 drainage structures. Not a relief which might cascade off the property into a water pipe. Is that what you understand?

MR. BROUSSEAU: That's correct. It's for actual sort of point discharges. So something that would go into a conveyance

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system and then the conveying system discharges into a water pipe.

But for something that flows off the land, this isn't part of it. It doesn't really take that into account.

MR. GULBRANSEN: Last question. I appreciate the rush to get this through by January. It's part of the purpose that the County has.

Will there also be or has there already been construction and post construction measures?

MR. BROUSSEAU: There actually won't be for the County because it doesn't really apply to the County. The County actually doesn't have legal jurisdiction over every home construction project. Those fall under the town or the village.

So the County is considered and there is a new permit term coming up for phase two and it's clarified as a new permit.

The County is considered traditional in this form but one that is a non-land use, meaning that they don't have

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jurisdiction over all the land within the
County.

MR. GULBRANSEN: Thank you.

THE CHAIRPERSON: Is the conveyance
system screened?

MR. BROUSSEAU: No. It could be
marsh. But a stream itself, out fall pipe or
any sort of intentional manmade structure
leading to the stream would be the
conveyance.

MR. BAGG: I might point out that the
County in this instance has been a little bit
ahead of the curve. Because for some years
the legislature passed legislation that said
the County does not allow to directly
discharge surface, run off the surface
waters. And they have been making every
effort to rectify that along our existing
roads.

And if there is going to be a direct
discharge, they usually put in, if they can't
put in recharge basins and leaching pools,
then they put in some type of a system or
something like that in order to minimize the

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impact of the surface waters.

That's been on the books for about twenty years now. It predates the federal legislation. And the County did pass the water quality program 744.

And the Department of Public Works wherever possible is trying to eliminate or mitigate direct discharge from roads to surface water.

MR. MACHTAY: Jim, what you are saying is that this is not a change in usage within the County? It's not a change within the County 25 or more acres? Do you know what I'm getting at?

MR. BAGG: Most definitely. I mean, it's not a change. It's just simply saying that under the law you are not allowed to make a list of discharges.

If you do, you can be fined and required to eliminate them. That is for the record.

MR. MACHTAY: Thank you.

MR. KAUFMAN: One last point following up on something that Jim just said. This particular Commission or Council's policy for

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a very, very long period of time has been to eliminate these kinds of discharges.

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Whenever a sewer system or septic system or whatever or storm sewer system comes in before us, we are very careful about the designed parameters, et cetera.

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We always check the radius and we will try to push it away, as far away from streets and ground water, et cetera.

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We have been very careful that way. And it's been the policy. And the Department of Public Works also has understood that to be our policy. It is designed accordingly.

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So as Jim was saying, you know, we are pretty far ahead of the curve in a lot of things. It doesn't hurt to have these laws in place. But it's not as if this is new stuff for us.

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MR. BROUSSEAU: We understand. And definitely the County goes above and beyond what is required by the phase two program in many respects, one being the irrigation project that the County undertakes.

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They are far ahead of other municipalities which haven't even thought about remediation.

So it doesn't imply that the County is not doing many things which really help the program. But this is just a requirement, something that is actually or should be written in law.

Even though the County takes a look of steps to assure that this doesn't happen, the State just wants to see something formally written and formally adopted.

MR. GULBRANSEN: So that the short form section Part 2C provides that, the proposed ordinance prohibits a list of discharges to surface water bodies.

Can we just clarify that in fact the proposal precludes illegal discharges to storm water conveyance systems?

MR. BROUSSEAU: Yes. It would ultimately go to surface water.

MR. GULBRANSEN: Thank you.

THE CHAIRPERSON: Ms. Viloría-Fisher.

MS. VILORIA-FISHER: I just had a

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question about the process. I am just curious as to why Cornell has developed the ordinance.

Is it because Cornell had the contract to work on the entire storm water management program? Usually it had come from the Department.

MR. BROUSSEAU: Because we had a contract to sort of handle the storm water management program. So we have written the original ordinance in conjunction with the DPW and the Department of Environmental Services.

Once it was agreed on, then it went to the Legal Department so they could reword it as they saw fit.

MR. GULBRANSEN: If I could point out that Cornell's work has been extemporaneous. Their text and annual report of recent years has been used as a model provided to the municipalities. They are doing it right. So the County is being well served.

MR. BROUSSEAU: Thank you.

THE CHAIRPERSON: Do we have a motion?

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MR. KAUFMAN: Motion.

THE CHAIRPERSON: What is your motion?

MR. KAUFMAN: Type II action.

MS. VILORIA-FISHER: Second.

THE CHAIRPERSON: Any further
discussion?

(None.)

THE CHAIRPERSON: All in favor?

(Unanimous aye.)

THE CHAIRPERSON: Opposed?

(None.)

THE CHAIRPERSON: Motion carried.

Thank you.

MR. KENEIBY: Thank you.

THE CHAIRPERSON: Proposed traffic
improvements on the southwest corner of
County Road 85 and Atlantic Avenue, Town
of Brookhaven.

MR. KENEIBY: My name is Victor
Keneiby. The project with C.I. 85 and
Atlantic Avenue, this is a traffic and
safety, this is a traffic safety improvement
project.

Currently there is a problem that

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exists at the southwest corner of C.I. 85
and Atlantic Avenue.

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This problem is due to the small
radius. What we are proposing to do is
to enlarge the radius. And this would
involve a small right of way.

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This would be modified to accommodate
it. It's a very simple job. Are there any
questions?

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MR. KAUFMAN: I'll ask one question.

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MR. KENEIBY: Sure.

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MR. KAUFMAN: On the photograph, the
aerial photograph, there is a dark smudge
up there. Is that a large tree in that
area?

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MR. KENEIBY: Yes. There would be
just a little brush. Maybe some branches.
Regular branches maybe. But no tree
removals.

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MR. KAUFMAN: Good enough.

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THE CHAIRPERSON: What is your drainage
plan?

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MR. KENEIBY: Well we will just modify
the existing drainage to accommodate the

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change. Currently we have leaching basins

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in that area. We may have to relocate them

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to accommodate it.

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THE CHAIRPERSON: So what rainfall did

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you design it for?

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MR. KENEIBY: We really didn't do

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any rainfall design. We just added the

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extra paved area.

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THE CHAIRPERSON: Okay.

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MR. KENEIBY: Leaching basins would

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account for almost two inches of rain.

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THE CHAIRPERSON: Are there any

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questions?

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(None.)

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THE CHAIRPERSON: Motion?

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MR. KAUFMAN: Motion Type II.

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Jim, is it a Type II? Just double checking.

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We did that at SEQRA.

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MR. BAGG: I don't think that it
modified enough property in addition to
existing structures and facilities.

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Therefore, it's a Type II action.

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MR. KAUFMAN: Okay.

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THE CHAIRPERSON: Second?

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MS. RUSSO: Second.

THE CHAIRPERSON: Are there any
further questions?

(None.)

THE CHAIRPERSON: All in favor?

(Unanimous aye.)

THE CHAIRPERSON: Opposed?

(None.)

THE CHAIRPERSON: Abstentions?

(None.)

THE CHAIRPERSON: Motion carried.

Thank you. Now County Road 17, Wheeler
Road early implementation project.

MR. KENEIBY: This is also a traffic
improvement project. We are adding a
sixth lane which will involve minor widening
on both sides of the road.

We are going to add a signal at the
schools, two schools. We are going to
add signal lights and entrances. And there
is no trees to be removed.

THE CHAIRPERSON: Are there any
questions?

MS. RUSSO: Is there a median that's

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grassy in the middle of this road? You seem to widen it a little.

MR. KENEIBY: No, there is no median. We will widen with the existing right of way. There will be minor widening on either side, approximately four feet on either side.

MS. RUSSO: That's four feet of new paving on either side of the road?

MR. KENEIBY: To accommodate for the additional turning lane.

THE CHAIRPERSON: Yes?

MR. MACHTAY: There will be no new travel lane?

MR. KENEIBY: There will an additional center lane.

MR. MACHTAY: Is it a turning lane or a travel lane?

MR. KENEIBY: Turning lane.

THE CHAIRPERSON: Motion?

MS. VILORIA-FISHER: Type II.

THE CHAIRPERSON: Legislator Viloría-Fisher.

MS. VILORIA-FISHER: Type II action.

MR. KAUFMAN: Second.

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THE CHAIRPERSON: Is there any further discussion?

(None.)

THE CHAIRPERSON: All in favor?

(Unanimous aye.)

THE CHAIRPERSON: Opposed?

(None.)

THE CHAIRPERSON: Abstentions?

(None.)

THE CHAIRPERSON: Motion carries.

Thank you. All right, the Chandler Estate Adaptive Reuse Study Plan.

MR. GIBBONS: Nick Gibbons, Parks Department. Good morning.

THE CHAIRPERSON: Identify yourself.

MR. GIBBONS: Nick Gibbons, Parks Department. You will recall that I was here last month. I had submitted to the County for their review this study.

Chandler stated after review study, Chandler stated that this property is in Mount Sinai. And several issues were brought up about the plan itself, about what our proposal was from the Department in terms of

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implementing some of the elements of the plan.

I did submit correspondence through the Council dated October 9th. And I hope that it's not necessary to read this into the record.

But I will just review the crux of the letter. There were three primary issues as far as I could recall from that meeting.

One was a reduction of the parking lot from the proposed 15 to 20 vehicles to something on the order of 10 to 15 vehicles. And the Parks Department is committed to adopting that suggestion.

In addition, I think that we collectively all understood that we wanted to design into the parking lot the ability to have a small school bus or a similar vehicle access to the property at least temporarily for the purpose of either dropping off or picking up some groups.

They will not accommodate such a vehicle for parking preparation. Simply as a point of beginning and ending of a visit to the

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site. So that too is incorporated into the additional details in terms of the parking.

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And the subject of impervious materials was brought up. And that's pretty much a policy of the Department.

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And in not too many instances especially for passive parks we are using impervious materials as a surface.

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And finally in terms of the general location itself, I tried the best that I could to explain the process and that was really the impetus for getting it for the initial and retaining a consultant was to take a step back and look at all potential points of access site.

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And at the end of that process with a lot of input from the Parks Department itself, the alternative that I presented to you at the September meeting is the one that we would like to move forward with. And I am asking to get your consideration here today.

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I'll finish going through the letter, Mr. Chairman, or would you like to take questions on the parking itself?

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THE CHAIRPERSON: What is the impervious material that you are going to use?

MR. GIBBONS: Well our past practice had been to use RCA. I have a personal objection to that in most places including this.

So we would be using some clean scrubbed stone of some kind, not RCA. Typically we use that because it's cheaper.

But given its proximity to the sensitive environment here, I wouldn't allow that.

THE CHAIRPERSON: Are there any other questions?

(None.)

THE CHAIRPERSON: Motion?

MS. SPENCER: I move.

THE CHAIRPERSON: What is your motion?

MS. SPENCER: That we adopt it. Are we adopting this study?

THE CHAIRPERSON: Yes. With these modifications.

MS. SPENCER: With the modifications.

THE CHAIRPERSON: That's your motion?

MS. SPENCER: Yes.

THE CHAIRPERSON: We adopt the study

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as presented in September with the amendments

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that have been presented to us in this

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letter. Second?

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MR. KAUFMAN: Second. I also would like

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to go for discussion for a moment.

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MR. BAGG: Excuse me. You have to

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classify the action as either a Type I or

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in this case an unlisted action.

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And then you make a motion that if you

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want to adopt or propose that the plan be

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adopted that it's a negative declaration.

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MS. SPENCER: I will modify.

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MR. KAUFMAN: Unlisted neg deck is what

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she is trying to say.

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THE CHAIRPERSON: So we have a second

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with Mr. Kaufman. Do you want to start off

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with discussion?

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MR. KAUFMAN: One thing worries me in

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the letter. It says finally parks will

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contain both DPW and the Town of Brookhaven

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to explain ways to handle the storm water

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runoff.

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I remember that this was the occasion

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last month of a fair amount of discussion.

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The Board's contact worries me a little bit.

I'm looking basically for a little bit firmer of a contact if you will. In other words, something more to the effect of commit or something like that or attempt to commit, something like that.

Because when we did look at the maps, we saw that there were problems with runoff. We had problems with Brookhaven streets, et cetera.

I'm worried that it sort of might not get done if there is mere contact. I want to see a little bit more of an effort. And that's something that I would throw out to the County to think about.

MR. BAGG: The only question is in terms of storm water runoff. This proposed widening does not have anything to do with the distant storm water runoff.

As I pointed out in the presentation previously, the federal government as well as local municipalities are going to have to be required to review the storm water plan.

I mean, I just find it difficult to tie

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a very small low impact plan to allow access

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to a given county park property into an

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existing storm water situation that the

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County may have no ability to rectify because

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the thing is coming from a town road. And

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it's an existing situation.

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MR. KAUFMAN: We are not exactly

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talking about access as Mary Ann said a

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moment ago when she held up the plan. We are

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talking about a usage of the property.

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It's not just access even though that's

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one of the things that we focused on. It was

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what are they going to do with the entire

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park.

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And again I remember from last month's

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discussion that we were talking, one of the

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issues that came up was the storm water

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runoff problem.

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MR. BAGG: I understand that. But

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where in the plan is there anything that

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deals with storm water runoff?

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We have a parking area with clean stone

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in it. We have the creation of possibly a

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couple of passes.

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And other than that, there is nothing in this project that generates any kind of storm water runoff.

Some people have mentioned that there might be a storm water problem next to the existing road as coming off to a town road that that's been in existence for years.

MR. KAUFMAN: That's actually what I was trying to focus on. The fact that this impervious structure will be put in the parking lot doesn't worry me.

The best way to say this is the fact that we did have the Town of Brookhaven streets in the area with potential flooding problems if the rain came a little bit too heavily was worrisome to us last month.

And I am just suggesting that we might want to have a little bit different language in there or commitment from the Parks Department aside from just contacting them and trying to push a little bit. That's really what I am saying.

THE CHAIRPERSON: The Town of Brookhaven has its own storm water management plan which

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it's trying to implement.

I don't know where it stands on the priority list. Probably pretty low because it's a big town.

They do have and they are required to have their own storm water management plan or at least identify it so that you can see what their plans are for this property.

MR. GULBRANSEN: Can we clarify the negative declaration to note that we are aware that there is a slight change or there is a measurable change in the storm water runoff? But it's di minimus?

It doesn't seem like there will be no impact. We know that there will be some change. But it looks to be a balance.

Preservation is also being affected here. That's balancing off. I'm trying to clarify. How clear are we?

MR. BAGG: I have a question I mean from the staff perspective. It was mentioned the last time that there is a storm water problem. It's not presented in the plan.

Who says there is a storm water problem?

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And what is the documentation that exists?

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I mean, I went down there and I reviewed this property. And there is a natural stream that runs down the road.

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But I didn't perceive there to be anything that indicates a storm water problem that hasn't been there for years and years that rectifies or that if the County implements this project it's going to create a flooding hazard on an existing road.

I don't even know if there is an existing flooding problem in that area already.

MR. KAUFMAN: I would say this. If you look at the next letter, it does say that the current condition allows essentially direct discharge into Mount Sinai harbor.

I think that the way to phrase this is to make a recommendation that we urge the Parks Department to look into possible mediation of storm water problems in the area. That's what I'm driving at.

MR. BAGG: Well what happens if there are no storage water problems in the area?

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MR. KAUFMAN: Then we don't have to worry about it.

MR. BAGG: We are pointing out that we are looking to rectify a problem that may not even exist. That's a problem in that particular area with the drainage.

THE CHAIRMAN: I should also point out ringing our hands about storm water. Overlapped flows, storm water and so forth are all essential to the functioning of our little bays and harbors.

And what we should be concentrating on is getting out that storm water that is potentially harmful due to contaminants. Not necessarily all storm water.

But we are going to change the system functioning as we know it today. And I personally am not in favor of collecting every last drop of storm water.

Otherwise we are going to change where shellfish grounds are and so forth. So it's just something else to consider.

MR. KAUFMAN: We were discussing that issue with Cornell. They were over here

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briefing us on this.

We both stated that we were very worried about production and overland flows to fresh water bodies and some of the formations above the Sound and the interior bays and also the south shore. I am going to withdraw my concern.

THE CHAIRPERSON: Joy.

MS. SQUIRES: It just seems to me that this is unnecessarily picky. Nick provided a plan the last time which you probably didn't even have. He's answered all the questions and the comments that the Town of Brookhaven has this problem.

MR. KAUFMAN: I withdraw my issue on that one.

THE CHAIRPERSON: We have a motion that has been seconded. All in favor?

(Unanimous aye.)

THE CHAIRPERSON: Opposed?

(None.)

THE CHAIRPERSON: Abstentions?

(None.)

THE CHAIRPERSON: Motion carried.

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MR. BAGG: I have a quick question of Nick. Is this a parks project or a capital improvement project?

MR. GIBBONS: It's not a capital improvement yet. It will be requested for most likely '09.

MR. BAGG: So it will go before the legislature for monies. So therefore the recommendation goes to the legislature.

MR. GIBBONS: We are talking about the parking lot south.

MR. BAGG: Thank you.

MR. GIBBONS: It's possible that they would find an offset for '08. But that's beyond us. Thank you.

THE CHAIRPERSON: Reconstruction of County Road 97, Nichols Road from Furrows Road to Route 25.

MR. BAGG: Larry, if I might make a comment prior to the meeting. You will notice that there is a letter of support from the Town of Brookhaven in support of the proposal.

MR. KENEIBY: My name is Victor

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Keneiby. I'm introducing Steve Normandin.

MR. NORMANDIN: Steve Normandin.

MR. KENEIBY: He's from RBI Consultants.
He will make this presentation.

MR. NORMANDIN: My name is Steven
Normandin from the RBI Group. We are
consulting engineers working for the County
in the design of this project.

Just a really quick brief history. The
County back in 2000-2004 had done a corridor
study federally funded for the entire
corridor of County Road 97, Nichols Road from
the Sunrise Highway up to Stony Brook on 25A.

And out of that project the traffic
analysis and the public comments from the
public meetings that were conducted, it
really had targeted one specific segment that
has led to the most congestion and the most
accidents.

And out of that has developed this
project which is going forward in a quick
fashion to alleviate the congestion of
traffic issues.

I am briefly going to go over all the

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spot improvements that will be done as far as this project, the roadway and traffic improvements.

If you have the packet, if you go to sheet number two, I am going to kind of jump around. That's why I have the map here.

The real crux of the problem is at Horse Block Place. If anyone has driven the road, there is two to three miles of backup in the P.M. from Horse Block Place past the Expressway and beyond.

So that has been identified as the worst case as far as congestion. And there is a significant accident history there.

So in doing improvements there we are proposing to eliminate the traffic signal that currently exists. And in doing so, if you see from your packet, we would remove the signal.

There is a median that needs to be closed off and forces vehicles to make right ins and right outs at Horse Block Place.

So in order to alleviate or eliminate the crossings of County Road 97 without a

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signal, we have to propose those forced turn islands.

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And in doing so, if you look from the Suffolk County Health Services which is in the corner of that intersection, there will be a third lane.

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You come out of Horse Block Place and there will be a third lane for the right to come out and actually work its way in now that there is no signal there.

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It will be conducive for them to come onto County Road 97 in a safe fashion.

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Now you are saying where are the lefts going that would come out of Horse Block Place from the east.

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Now we will travel down to College Road. And College Road onto County Road 6, Portion Road.

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So there we have proposed improvements. You will see, jumping to sheet number six, I believe, sheet number seven.

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We have provided a right turn lane for vehicles on College Road. So this would be the maneuver.

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Now rights would get back onto the County Road in order to access southbound County Road 97, Nichols Road.

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So the lefts would be eliminated. They would head down College Road, make the right onto Portion Road and would use the existing loop ramp to get on southbound County Road 97.

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THE CHAIRPERSON: And where is there going to be a sign that says you can't turn left?

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MR. NORMANDIN: It will be in the traffic island that you see at Horse Block Place. It's a forced turn. You can't make the right.

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But there will be signage on College Road and Horse Block Place with the two County Road 97 type of sign. So it would be easier.

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THE CHAIRPERSON: The sign down here?

MR. NORMANDIN: On Horse Block or College Road. In fact, there are existing signs on College Road already to direct to County Road 97.

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Another situation or concern was the actual weave for southbound vehicles on County Road 97 getting on and off at the interchange of County Road 16 and 97. This is a short weave area. There is an accident history there.

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What we are proposing is to eliminate the loop that runs for southbound vehicles heading east on County Road 97, County Road 16, Portion Road.

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So that will be eliminated. And the vehicles on southbound Nichols Road would actually exit at the existing exit which currently exists. It's just that that is being used for a westbound direction only.

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So now both east and west if you want to head east or west on Portion Road, you will get off at a single exit as opposed to the double situation that is there now.

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MR. GULBRANSEN: Through a traffic light?

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MR. NORMANDIN: Through a brand new traffic light to accommodate the left turns. That's Leeds Boulevard. It's a brand new

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traffic signal at Leeds Boulevard.

THE CHAIRPERSON: This is the same kind of arrangement that I think we have for the crossing of Nichols Road and 25. And I find that rather awkward frankly.

MR. NORMANDIN: That is a specific signal point interchange which is a very, it's very confusing but a very efficient way to move traffic.

This is just eliminating one lane of a cloverleaf which you have an exit right now. You have enough to exit both sets of eastbound and westbound traffic at one single exit.

THE CHAIRPERSON: I don't mind or I don't see what you are solving.

MR. NORMANDIN: What is obvious is on the bridge right now it is a very short distance. So you have vehicles that enter onto Nichols Road from Portion Road.

And now you have vehicles southbound on Nichols Road getting north in 200 or 300 feet. And the volume of traffic on Nichols does not provide an area for vehicles coming

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onto the highway sufficient space to
accelerate.

So what they eliminate is it provides a
longer acceleration lane for the vehicles
that are making that maneuver.

MR. KAUFMAN: You are trying essentially
to eliminate a problem that exists on the
Southern State Parkway wherein you have the
entrance and the exit lanes for the exits
being very, very close together. Then you
really have to ram your speed down.

MR. NORMANDIN: Anywhere on the Southern
State or the Northern State Parkway everyone
has come to a point where there's not enough
weaving room for the exits.

MR. KAUFMAN: I have a question for you.
How much traffic is there on College Avenue?
You are basically flooding traffic from Horse
Block onto College. Are you going to be
creating another problem by doing that?

MR. NORMANDIN: Actually it's only the
vehicles that would be heading from Horse
Block Place and making a left. So it's only
the left turn volume.

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MR. KAUFMAN: Nonetheless the question stands. What kind of traffic volume are you throwing over there?

MR. NORMANDIN: Not a significant amount. What it would be on a town road such as College Road couldn't handle and the Town, I failed to mention the Town of Brookhaven via letter has approved of this plan.

And as we are affecting some of their Town roadways for both the Suffolk County Community College, John DeMeo has been involved in the project as well as the Traffic Safety Department at the Town of Brookhaven.

MR. KAUFMAN: That was going to be my next question. Is the College okay with the diversion of traffic? Again I don't know what the level is.

I have been trapped on Nichols Road enough times to know that there is a problem on the north-south route. I know that it is the Horse Block Road traffic light.

But no one knows the volume that Horse Block has.

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Are we diverting a problem? We are solving one problem. Are we diverting it into another area?

MR. NORMANDIN: I wasn't involved in that segment of the projection. The County has analyzed that and has not made or moved the problem to the Town.

And the Town would be the first one to tell you that there is a problem because this is the roadway. This has all been resolved prior to the design being put on the table.

MR. GULBRANSEN: A new question. After the improvements are done, traffic flow at Horse Block Place will be of 60 miles an hour.

This is just for discussion sake. Do you have to take some land on the side to allow for a 60 mile an hour exit ramp that would go west on Horse Block and from the north and east on Horse Block to the south? Or is there sufficient shoulder there now that people can get off?

MR. NORMANDIN: There is a long deceleration lane. It currently exists.

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That lane currently exists.

MR. GULBRANSEN: For northbound. But what about for south?

MR. NORMANDIN: Vehicles heading south on Nichols Road. On Horse Block?

MR. GULBRANSEN: Yes.

MR. NORMANDIN: There is a right turn lane. There is a ten foot shoulder. Yes, they would be able to get off and make the right. But it's that way now.

MR. GULBRANSEN: Okay.

THE CHAIRPERSON: Yes?

MS. VILORIA-FISHER: Were you finished answering the question?

MR. NORMANDIN: Yes.

MS. VILORIA-FISHER: It's a very good question that Mr. Kaufman was referring to regarding the use of College Road. From the aerial it looks like what we are basically looking at are the employees indicating from the Health Center here, that's the primary use?

MR. NORMANDIN: Right. Which is the parking lot. That many cars Monday through

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Friday.

MS. VILORIA-FISHER: But basically that's what the population would be using making that left?

MR. NORMANDIN: Yes. The majority would be that number.

MS. VILORIA-FISHER: Thank you.

MR. NORMANDIN: I have described the Horse Block Place improvements, College Road improvements and the Leeds Boulevard and the interchange improvements.

In addition to that, there are accident concerns at the main entrance to the Suffolk County Community College at the circle and at South Coleman Road. There is a left turn lane if you are heading southbound on Nichols.

There is currently a left turn lane at the signals to get into the college and into South Coleman Road heading eastbound.

That sometimes backs up, particularly in the A.M. when all the students basically arrive at the same time.

That does back up onto the through lane

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at Nichols. The County is proposing a double left turn lane from southbound Nichols onto South Coleman. And the same into the circle.

In doing so there are improvements in the circle. The circle will currently stay a single lane or act as a single lane and function as a traffic circle.

What we are proposing there is to modify the existing circle to make it more of a modern roundabout. It currently acts as a traffic circle.

So you see some of the improvements there which are similar to a modern roundabout. And it provides additional storage for the vehicles that exit the campus as they currently back up on the college road. So that is at the college.

And then to accommodate this, the double left onto South Coleman, we have to provide two lanes on South Coleman to accept those double lefts.

The majority of those cars enter at this Suffolk County Community College

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north road entrance.

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So they will have two lanes to come off Nichols and two lanes to go into the college.

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THE CHAIRPERSON: Just out of curiosity. Distinguishing between the traffic circle and the modern roundabout, what do you see as the distinguishing characteristic?

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MR. NORMANDIN: There are Powerpoint presentations for that which are beyond the scope of this. But the single lane as it acts right now, basically it's how they enter and exit.

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Everybody yields coming into a traffic roundabout circle. Typically it doesn't have the divider island which directs traffic in the direction that they are supposed to be going. It makes it a more efficient in and out of the circle.

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THE CHAIRPERSON: Thank you.

MS. VILORIA-FISHER: Now in order to create those extra left turns you are going into the median?

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MR. NORMANDIN: Yes. There's an existing grass median.

MS. VILORIA-FISHER: Most of the grass median along Nichols Road has a fairly sharp dip or drainage.

MR. NORMANDIN: Right.

MS. VILORIA-FISHER: Will the effect then be on the drainage? They can build it into that median?

MR. NORMANDIN: Good question. Obviously the new lane would be brought up to grade of the existing roadway which therefore blocks this swale, grassy swale which does have round pipes, corrugated metal pipes that run underneath each of the intersections.

THE CHAIRPERSON: We'll take a five-minute recess.

(Recess.)

(After recess continuing.)

THE CHAIRPERSON: I'd like to resume the meeting.

MR. NORMANDIN: Well I think I was at the part of wrapping it up. I basically went over all the improvement locations as we

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showed along the corridor.

The point being that I think it's obvious, the congestion and the headaches that run through this corridor.

And with these spot minor from an environmental standpoint improvements, the benefits would be significant with regard to traffic congestion, air quality.

We are actually graphing out a lot of areas to close the median and to eliminate the loop ramp. So very minor.

I think the only tree removals that we do have are along South Coleman which is an evergreen buffer between the houses on the north side and the auto tech building. Those will be replaced in time. Just set back to provide for the wider roadway.

THE CHAIRPERSON: Just to follow up on Legislator Viloría-Fisher's earlier comments. There is a leak in some portions of the median of that road.

With the widening it becomes even steeper. It's not uncommon to see cars that have gone into the median and had trouble.

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So what are you doing to ameliorate that
problem?

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MR. NORMANDIN: Actually if you are
talking about the new left turns that we have
at South Coleman and the college entrance,
the grassy median will be narrowed.

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But however it would be sloped, it would
actually be more gradual than the current
swale.

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The current swale is 16 feet wide. Now
it would be eight feet wide. So actually it
would be more gradual.

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Because the drainage that will be
collected will be collected in the pipe
system. It will tie into the existing pipe
and it will run back to where the new left
lane would begin.

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So the drainage would be caught up
there. So you wouldn't have, the swale
itself wouldn't be used as a drainage swale.
It would be into the closed system before you
start modifying the swale slopes.

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THE CHAIRPERSON: Do we have any
further questions?

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(None.)

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THE CHAIRPERSON: Motion?

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MR. BAGG: It's an unlisted action.

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It requires the physical alteration of 1.5

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acres. So it doesn't come close to the 10

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acre criteria for Type I.

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MR. MACHTAY: I recommend that the

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resolution recommending on unlisted action

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neg deck based on the mitigating measures

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that they have in their study for restoration

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of the vegetation.

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THE CHAIRPERSON: Motion seconded?

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MR. KAUFMAN: Second.

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THE CHAIRPERSON: Any further

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discussion?

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(None.)

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THE CHAIRPERSON: Call the vote. All

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in favor?

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(Unanimous aye.)

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THE CHAIRPERSON: Opposed?

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(None.)

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THE CHAIRPERSON: Abstentions?

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(None.)

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THE CHAIRPERSON: Motion carried. Thank

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you.

MR. NORMANDIN: Thank you.

THE CHAIRPERSON: Proposed acquisition for parkland purposes known as the Three Mile Harbor County Park addition. Good morning.

MS. FISCHER: Good morning. My name is Laretta Fischer, Suffolk County Planning Department.

The first step of acquisition before you today is the Boys and Girls Harbor property in the Three Mile Harbor area of the Town of East Hampton.

This will be a 50-50 partnership with the Town of East Hampton for 27.8 acres. It adjoins another piece of property that the County acquired a few years ago also with the Town of East Hampton.

It just kind of surrounds it on two sides and then it leads onto the adjacent or into the adjacent Three Mile Harbor itself.

This property was a former camp facility which we are proposing for primarily passive recreational uses.

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There will be continued limited active uses such as one existing ball field, horseshoes and an existing road.

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Trails will be created and maintained by the Town of East Hampton. They are a partner and they will be the stewards of this property.

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And these trails will also connect into the other parcel that we own jointly with the Town of East Hampton.

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And there are a number of buildings and structures on the property. The Town will undertake doing an engineering evaluation of these buildings and will basically use seven or eight of the existing buildings for park use, park staff and maintenance use.

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Adequate parking will be provided for the intended uses of picnicking areas and the ball field areas. And I have Scott Wilson here from the Town of East Hampton. Scott, you can come up.

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And we can go through any questions that you may have regarding the parcel. And, Scott, do you have anything that you would

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like to add right now?

MR. WILSON: Scott Wilson. No.

THE CHAIRPERSON: A question on parking. Since the Town of Westhampton is going to be managing it, I guess my question is that you are going to allow all Suffolk County residents to use it?

MR. WILSON: Absolutely.

MR. KAUFMAN: Mr. Chairman?

THE CHAIRPERSON: Yes.

MR. KAUFMAN: Are there any historic structures on this particular property?

MR. WILSON: No, there are not.

THE CHAIRPERSON: Go ahead.

MR. MACHTAY: A new road is to be constructed?

MS. FISCHER: There is going to be a new road entrance developed for the property.

MR. MACHTAY: Will that go through any forested areas?

MS. FISCHER: It's wooded right at the moment. But we need to get access at some point. It's going to be minimal. It's in your long form EAF. We have identified

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the amount of property that would be --

MR. MACHTAY: About 6,500 square feet?

MS. FISCHER: Yes. Right now the entrance goes to a private residence up north along the eastern side of the property.

We need to get our own entranceway into the property. Also to provide entrance to the other parcels as well.

MS. VILORIA-FISHER: That was going to be my question. Access between this property, the access between the two properties, the existing Suffolk County parks property which is also known as the Duke property, is there access from one to the other? And isn't there now access into the Duke property? Isn't there public access?

MR. WILSON: Well there is public access, probably over 1,000 feet of road frontage on the Duke property.

MS. VILORIA-FISHER: Right.

MR. WILSON: There is no formal roadway into the property. If I want to enter the property, I need a couple of thousand feet down to Three Mile Harbor.

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You have to walk the whole way.

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Part of the beauty of this property that we

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are proposing --

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MS. VILORIA-FISHER: Access to the

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water?

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MR. WILSON: Exactly.

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MS. VILORIA-FISHER: Okay.

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MR. WILSON: Via existing trails.

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MS. VILORIA-FISHER: Okay. But there is

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no roadway. And it would be a long way from

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the public access to the Duke property. What

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is the width there?

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MR. WILSON: The width?

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MS. VILORIA-FISHER: The east width.

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There is access onto the Duke property from

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a roadway. How far is that from the border

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between the Duke property and the site that

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we are talking about right now?

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MR. WILSON: Without having the tax map

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out, I mean, I would have to estimate. I

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don't think that it's that far.

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MS. FISCHER: Maybe ten or twenty feet.

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MS. VILORIA-FISHER: But you still

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deem it necessary to build a road for access?

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The line of questioning that I have is that if we already have access to the Duke property, why do we need to build a separate access onto the property that is in question right now?

MR. WILSON: I'll try to explain as best I can. I don't know if you can take a look at this photograph here which is after the long form EAF. It's probably the second aerial photograph of the property.

MS. VILORIA-FISHER: Okay.

MR. WILSON: Highlighted in green here. There are several Duke properties. Right now the access way that they gave us entry to this camp was actually a private driveway to Tony Duke's residence.

And with the acquisition of this parcel, he is rescinding our vehicular access through his personal driveway to get to this property. And therefore we need to create a new vehicular access to access the property.

MS. VILORIA-FISHER: So we would be losing our access to the Duke property?

MR. WILSON: To the Duke's former

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residence.

MS. VILORIA-FISHER: Can you locate that?

MR. WILSON: This property is a 50 acre piece over here.

MS. VILORIA-FISHER: It's on the west.

MR. WILSON: It's confusing to us because he happens to formerly own it.

MS. VILORIA-FISHER: So the way that we were accessing the property that the County currently owns was from the east side and we would have to go across. I thought that we came in from Springy Bank Road.

MR. WILSON: And you would have to walk into pristine woodland.

MS. VILORIA-FISHER: Right.

MR. WILSON: And because it's pristine woodland, we don't want to create any access on that.

MS. VILORIA-FISHER: Okay.

MR. WILSON: We don't want additional trees. It's fortuitous that we happen to have this piece that's already clear and it currently has a basketball court on it

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that we would convert to a parking unit.

So that we will create the least amount of impervious surfaces possible.

MS. VILORIA-FISHER: So although we have access to Springy Bank Road onto the Duke property, we don't have easy access?

MR. WILSON: That's correct.

MS. VILORIA-FISHER: And this would provide us easier access to both pieces of property.

MR. WILSON: That's correct.

THE CHAIRPERSON: Are there any other questions?

MR. BAGG: If I might point out. That since this is the acquisition it's adjacent to the existing parkland.

Therefore, the SEQRA regulation says that if it's an unlisted action it exceeds 25 percent of the threshold which is 100 acres and you are acquiring 25 acres next to the adjacent park.

I believe that it brings up the threshold of a Type I action. The Town of East Hampton has given the County SEQRA lead

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agency status with respect to the purchase of
this property.

MR. MARTIN: I just would like to know
when the camp buildings date to.

MR. WILSON: I believe it's within the
last thirty years. But certainly I
wouldn't consider them historic. Most of
them are in quite a state of disrepair.

MR. MARTIN: Are there any prior to the
camp use?

MR. WILSON: I'm not certain if there
were. It would be evident because I have
been on the entire property.

MR. MARTIN: So you don't see anything?

MR. WILSON: No.

MR. MARTIN: Thank you.

MR. KAUFMAN: If no one has any other
questions, I will make a motion, this is a
Type I dec.

THE CHAIRPERSON: Motion for neg dec.
Second?

MR. MACHTAY: Second.

THE CHAIRPERSON: Is there any further
discussion?

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(None.)

THE CHAIRPERSON: All in favor?

(Unanimous aye.)

THE CHAIRPERSON: Opposed?

(None.)

THE CHAIRPERSON: Abstentions?

(None.)

THE CHAIRPERSON: Motion carried.

MR. WILSON: Thank you.

THE CHAIRPERSON: The Aero World
Corporation property.

MS. FISCHER: Yes. That's the next
acquisition. We have before you today,
this is a piece of property that's located in
the Town of Islip and in the hamlet between
Oakdale and Sayville. It's just south of a
Town of Islip ball field facility.

And we are proposing this as part of the
SOS dog parks component of the program.

And we are proposing to use half of the
property for a ball field and the other half
for a dog park facility.

The ball field will be run and Dave
Genaway is here.

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MR. GENAWAY: Dave Genaway.

MS. FISCHER: Thank you. So part, the portion of the property, it's 4.2 acres in total. And approximately half of the property we have estimated to be available for a ball field on the west side of the property. And then a dog park of 1.8 acres approximately on the east side of the property.

The ball field facility, the Town of Islip will be entering into a contract with a local athletic room to maintain and improve the site.

And the dog park will be run by our County Parks Department. I will hand it over to Dave to give some further clarification on his proposal for the ball field.

MR. GENAWAY: Thank you.

THE CHAIRPERSON: Before you do that, could you clarify on the drawings? You have an area outlined for the proposed acquisition.

And then you have an area that's alternating reds and whites and some that's

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all white. So I am confused about actually what you are referring to.

MS. FISCHER: Let me explain that before we go on. There are two parcels that we are acquiring. There is a long skinny east-west parcel on the north side of the property. And we are taking that piece.

The second piece is the property below that. And if you follow the red outline, that encompasses the entire piece.

If you look at the dotted white line and it also then bisects the property more or less and then follows the outline of the entire piece, that is the area that we are omitting from the acquisition.

So we are only taking virtually the top half of that second one.

THE CHAIRPERSON: Thank you.

MS. FISCHER: Always confusing. The southerly lot is not being acquired by the County. It's being basically subdivided and it's being left with the original.

THE CHAIRPERSON: I guess it's confusing.

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MR. KAUFMAN: The power aerial photographs show red and white alternating dashes. And it can be read as the entire property.

MS. FISCHER: Yes. It's a mapping thing. It's hard to take that out. The red line is basically showing the outline of the property boundary of the second lot and the first lot.

MR. KAUFMAN: So we are not, in other words, taking the two buildings of the lower lot?

MS. FISCHER: Those are separate lots not even part of it.

MR. KAUFMAN: And the land to the immediate left of those two structures we are not taking either?

MS. FISCHER: Correct.

MS. SPENCER: I have a question.

THE CHAIRPERSON: Yes.

MS. SPENCER: What is the vacant land to the west?

MS. FISCHER: That is the property formerly owned by the FAA.

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MR. GENAWAY: Thank you. The property to the west you can see on the aerial still continues to be owned by the federal government for FAA purposes.

THE CHAIRPERSON: Are there any other questions?

MS. VILORIA-FISHER: Yes. Mr. Genaway, can you please explain where these spaces will be?

MR. GENAWAY: Yes. It's very important to us. Detailed plans have not been considered yet. They are dependent on the County legislature approving the project.

What we envision is that as you can see on your aerial it's a two part function. There is a ball field to the west. There is a proposed dog park to the east.

That park would be connected to the existing access road which you can see on the southern part of the bay and soccer complex to the north.

That in conjunction with a small parking area between the ball field and the dog uses, we also believe that there is sufficient room

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on the bay and soccer complex to the north which we would formalize in our agreements to make sure that there is enough parking for all patrons.

MS. VILORIA-FISHER: Looking at the aerial, it looks like there are some debris underneath the ball park. And it's hard to tell what the debris is in this field.

Is there any history as to what is in this field and what has been dumped there as far as what we are getting into underneath the ground, maybe polluting it?

MR. GENAWAY: Well we have two sources of information. And I have also had a chance to walk the property and take some photographs.

If you like, I can offer them up to the Council for your review. You can see that there are some, there is some outside storage on the property.

Most recently the current land owner has been using the land to store compost and mulch in addition to some construction vehicles.

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MS. VILORIA-FISHER: I'm looking at item 23 of the EAF. Has the site ever been used for disposal solid?

I think that Laretta, you mentioned at previous meetings that before we actually purchased the property --

MS. FISCHER: It will go through environmental audit. I don't have that at that point. But it will definitely, if anything does show up in that report, we will come back to you.

MS. VILORIA-FISHER: Thank you.

MR. BAGG: If I might add. Basically the County policy is that we do environmental assessment before we acquire any property.

And if there is any contamination of the site that it be cleaned up and remediated even before we purchase the property or arrangements are made to do so.

Otherwise they may just drop the project from the application.

MR. GENAWAY: If I could respond to that.

MR. KAUFMAN: There is a set of

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circumstances here. As you can see, there is a proposed subdivision of the property.

We have existing industrial properties to the south which we believe could be developed as of right as industrial properties.

As a condition of that minor subdivision, the Town would be happy to require the landowner to at least clean up the property and to make sure that there is no materials or noxious chemicals there as part of the subdivision application.

THE CHAIRPERSON: We go through this dance rather frequently on purchased properties. That is, we have some questions about environmental conditions and what we are buying.

And we are continuously told that the sale has got to take place now or it's going to fall through. I'm very uncomfortable with that process.

And quite frankly I would like to see the evaluation of the environmental condition come before we are supposed to make a

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judgment on it.

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MS. FISCHER: I have no problem with that. It's just a matter of timing. And we can try to make that work as best we can.

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THE CHAIRPERSON: There is a rush on this one?

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MS. FISCHER: Yes. Unfortunately this functioning source is going to be ending by the end of the year. And we are under the gun to get this moving forward and closed before the end of the year.

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It takes us months to move it, the process forward. And unfortunately this is one of the two that we need to move forward today.

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THE CHAIRPERSON: Now once again I think that you put CEQ, they are supposed to be making value judgments on the environmental conditions in a very awkward spot when you do this.

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I have a very difficult time voting to approve this kind of thing. And likewise feeling pressure that I am doing the wrong thing if I don't vote for it. I think that

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it's irresponsibility.

MR. GENAWAY: Just one quick response, Mr. Chairman. As I note from the proposed resolution here, I believe that you may have it in your packets also.

One of the resolved paragraphs does indicate that if the legislature were to approve the proposal that additional expenses which shall include but not be limited to the cost of surveys, appraisals, environmental audit, title reports and tax adjustments.

So I think that if the legislature finds merit in this resolution that this issue would be addressed.

That of course the environmental audit would have to happen and that they would approve the funds necessary to do these types of studies.

And my second reaction is that certainly I think this is an opportunity. If there are any, in the unlikely event that there are any noxious materials being held on site that this is an opportunity for the town and in addition the community groups to clean up the

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property and to certainly make the proposed project better than the existing conditions.

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THE CHAIRPERSON: Did I hear you say that the Town is going to guarantee that they would do the cleanup?

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MR. GENAWAY: Well I can't speak for my Parks Department. But it is our proposed arrangement that the Town would be or would create or enter into a municipal agreement with the County and subsequent to that would create a concessionaire's agreement with the bay and soccer complex.

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So I think that between those two different agreements we were comfortable that any existing environmental problems that may be occurring on the property would be successfully resolved.

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MR. GULBRANSEN: You mentioned a few times this term noxious chemical. I am not sure what that means. But I think that I have the same concern that you would.

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I want to make sure that things are cleaned up. You have mentioned photographs. I don't know what Aero World did before.

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But we do know that the intended use is for kids on the surface, dust and such.

So if the environmental audit were to take place, can you give us some sense for what kind of tests would be performed such as looking at volatiles? Those are the kind of things that could be coming up.

We had pesticides. I don't know what we would be looking for in terms of noxious chemicals. That's the thing that we have to be aware of.

MS. FISCHER: There is no indication that there are chemicals on the property. Just understand that. We don't feel and have any knowledge of any of that type of use.

But I put unknown in the long form EAF because the environmental assessment report will give us an indication of that.

If they do exist, then we will have some remediation or we might walk away from the acquisition. So it's not the end all.

We certainly don't put ourselves back into a situation where we can't get out of. Usually in all of these types of situations

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2 where there might possibly be found some
3 contaminants, they are either removed by the
4 owner or we put in stipulations into the cost
5 of removal and subtract that from our
6 acquisition cost.

7 So it's dealt with one way or another.
8 We don't let the property move forward
9 without that assessment.

10 THE CHAIRPERSON: Legislator Viloría-
11 Fisher.

12 MS. VILORIA-FISHER: I see that
13 Mr. Kaufman's hand is raised. My question
14 has to do with the impact that our activities
15 will have environmentally.

16 I notice that there is a possible, there
17 might be possible lighting on the ball field.
18 So I would like to put in our recommendations
19 that I would want to have energy efficient
20 lighting and lighting that would mitigate
21 light pollution.

22 MR. GENAWAY: That's an excellent
23 point. I would fully support that. At this
24 point in our negotiations with the bay and
25 soccer group, lighting has not been part of

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the immediate language in our agreements.

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As a representative of the planning staff, I do think that exterior lighting may be an impact to the neighbors to the east. It's something that we want to heavily scrutinize.

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And so for that reason we have not talked about lighting in the immediate future. But if there is an occasion where there is lighting on the property in the future, we would be happy to make sure that energy efficient lighting bulbs are used.

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MS. VILORIA-FISHER: As the author of the legislation that funds this, we were very careful with the TER's going to housing that would be built that followed the clean building criteria.

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We certainly want to make sure that everything we do is very low impact.

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Also with regard to the dog park. You do indicate that there would be waste and garbage disposal units.

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Now who would be doing that? Would there be a town or would there be a

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concession there for that park?

I know that in some of our parks we have enlisted the stewardship of some groups.

MS. FISCHER: That would be up to the Parks Department to make those arrangements. They will be the ones handling the dog park.

MS. VILORIA-FISHER: Thank you.

THE CHAIRPERSON: We have a motion?

MR. KAUFMAN: I'll make a motion unlisted neg deck with two recommendations that Legislator Viloria-Fisher brought up regarding the dark skies and energy efficient lighting being part of this.

And also as a matter of law that if any contamination is found on the property that it be remediated prior to or as part of the contract of purchase.

MS. VILORIA-FISHER: Actually if I may, Mr. Chair. I don't agree with the last part of that resolution because that's already I believe in our County law.

That if there is any contamination found, there has to be remediation.

And generally as I remember as the

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negotiations move forward, if there is contamination, part of the contractual language is that the owner, the current owner has to remediate it. I don't believe --

MR. KAUFMAN: I'll drop that part.

MS. VILORIA-FISHER: I believe that last part of the resolution is redundant. It's all in County parcel.

MR. KAUFMAN: I'll amend the motion slightly to include the first two recommendations.

THE CHAIRPERSON: Second?

MS. RUSSO: Second.

THE CHAIRPERSON: One comment that I would have as Laretta mentioned. If there is cleanup that it would come out of the negotiated price of the property.

In many cases the cost of the cleanup could very well exceed the price of the property.

MS. FISCHER: That's taken as a consideration before we acquire it if we are to acquire it. So that puts in a whole other realm of discussion with regard to actually

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acquiring it.

THE CHAIRPERSON: Thank you.

MS. FISCHER: If we get to that point.

THE CHAIRPERSON: Any other comments?

MR. MACHTAY: Those recommendations that Mr. Kaufman talked about, Jim, would that make the condition negative?

MR. BAGG: I think basically if it's agreed upon, the lighting will be energy efficient and dark skies approved. And it basically becomes part of the project.

MR. MACHTAY: Required by whom?

MR. BAGG: I assume the Town of Islip will require it.

MR. GENAWAY: Yes. We agree. And to reiterate the previous point. At this point in the near future we have no proposals for lighting whatsoever.

THE CHAIRPERSON: How can you agree when you said before that you couldn't speak for the Parks Department?

MR. GENAWAY: I would hereby commit to making that point known to my Parks Department.

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MS. RUSSO: I would like to add one more comment. I do live in that area.

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And the current large soccer area that is north of this area is not lit at all.

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It is strictly daytime use. I don't foresee it having any more lighting for the new area.

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THE CHAIRPERSON: All in favor?

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(A show of hands.)

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THE CHAIRPERSON: Opposed, yes.

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MS. RUSSO: Yes.

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THE CHAIRPERSON: Anybody recusing?

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(None.)

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THE CHAIRPERSON: Okay, the motion passes. Proposed acquisition of open space known as the Hallock Acres County Wetlands Addition, the Sebesta property.

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This is a small piece of property located in the Town of Smithtown adjacent to an area that is tributary to the Nissequogue River.

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As you can see on the map, there are a number of other parcels that the County has acquired in this area.

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2 It's a low lying flood prone area in
3 Smithtown. And it's just one more piece of
4 property to add to our holdings in this area.

5 MR. KAUFMAN: Mr. Chairman, if I may.

6 THE CHAIRPERSON: Yes.

7 MR. KAUFMAN: Just to let the Board
8 know, I was at a meeting yesterday with the
9 regional planning association. And one of
10 our recommendations regarding the Nissequogue
11 River water shed which is what that group is
12 all about right now is to try and purchase
13 any open space with the Nissequogue River
14 corridor especially in the head waters area
15 which is one of the properties that we are
16 looking at right now.

17 The head waters area of the Nissequogue
18 River has been heavily developed. And that's
19 partly responsible for a lot of the flooding
20 that's going on in the Town of Smithtown.

21 And it is our opinion at the RPA group
22 that the more open space that we basically
23 get or keep in the head waters area, the
24 better off the Nissequogue River is going to
25 be.

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Right now those head water areas are under an immense amount of stress. I could go on for about ten minutes about it. That's the point of all of it.

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So our RRP group, we did discuss this for a moment or two, does recommend that this purchase go through.

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MR. YOUNGMAN: I have a question for Laretta. When the County takes into account properties that they are going to acquire, do you look into whether a property is a developable property?

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MS. FISCHER: Yes. It's part of the appraisal process. It has to be.

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MR. KAUFMAN: Just to let you know, there is a valid building permit on this property which the Suffolk County Department of Health Services granted with regard to the septic issues.

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There is not very much disbursal. But it does have a valid permit.

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THE CHAIRPERSON: Motion?

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MR. KAUFMAN: I make a motion.

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MS. VILORIA-FISHER: I just wanted to

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expand to whether or not we look at the
buildability of it. Because it's a question
that I have been asking a great deal.

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Because we have been looking at many parcels
that are wetlands.

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However, I'm on the ETRB, the

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Environmental Trust Review Board that

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approves the appraisals as they come before

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us. And that is not the policy making.

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That's just simply looking at appraisals

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and seeing the methodology by which they were

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done.

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But when this parcel comes to the

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Environment Committee of the legislature,

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I want to take a very close look at it.

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Because I believe that some of the onus has

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to be put upon the towns regarding building

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permits for parcels that really shouldn't be

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buildable. Because they are in wetlands and

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they are in head waters areas.

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And so just to give the complete answer

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on that. We will look at that again when it

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comes before our committee to see whether the

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County should be expending the money in

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buying properties that we should throw back on the town and say take a closer look at this.

Because it's been designated as wetlands and very critical areas. Because we have been spending a lot of money. We really have to look further.

MR. YOUNGMAN: Thank you.

MR. KAUFMAN: I was making a motion. This would be an unlisted negative declaration.

THE CHAIRPERSON: Second?

MS. RUSSO: Second.

THE CHAIRPERSON: Are there any other comments?

(None.)

THE CHAIRPERSON: All in favor?

(Unanimous aye.)

THE CHAIRPERSON: Opposed?

(None.)

THE CHAIRPERSON: Abstentions?

(None.)

THE CHAIRPERSON: Motion carried.

MS. FISCHER: The final acquisition

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before you is a 2.2 acre property

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consisting of three parcels at Aspatuck

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Creek in the Town of Southampton.

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This property just, this entire area

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which takes in about 30 acres of this water

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shed actually sits right below the West

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Hampton Airport property. In fact, just

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south of one of the main runways of the

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airport itself.

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And we identified not only these three

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properties but a contiguous swathe of

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properties leading north and south within

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this water shed for acquisition.

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It's an important acquisition both to

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the south tributary to Moriches Bay and also

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the connection and use to the north as a

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buffer to the airport use. And of course to

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protect the street corridor wetlands and

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woodlands in this area.

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So this is a relatively new area that we

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identified for acquisition and this is some

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of the first parcels to be acquired possibly

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in this water shed.

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MS. VILORIA-FISHER: Laretta, looking

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at the aerial, what are the two white marks?

MS. FISCHER: In the water?

MS. VILORIA-FISHER: Yes.

MS. FISCHER: It's just a water reflection when they took the picture.

MS. VILORIA-FISHER: And that's the stream running through the length of the property?

MS. FISCHER: Exactly.

MS. VILORIA-FISHER: And that goes back to the question that we asked a few minutes ago about the facility. I guess there's enough upland area.

MS. FISCHER: That's going to be developed, yes.

MS. VILORIA-FISHER: Thank you.

THE CHAIRPERSON: Comments?

(None.)

THE CHAIRPERSON: Motion?

MR. KAUFMAN: Motion unlisted neg dec.

MR. YOUNGMAN: Second.

THE CHAIRPERSON: Is there any further discussion? Any other comments?

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(None.)

THE CHAIRPERSON: Motion? All in favor?

(Unanimous aye.)

THE CHAIRPERSON: Opposed?

(None.)

THE CHAIRPERSON: Abstentions?

(None.)

THE CHAIRPERSON: Just as a closing comment going back to the Islip property and the process of getting information to us concerning the environmental conditions.

It's my understanding that this property has been under consideration for about six years.

And now it's brought to us, CEQ has to act instantaneously when the County has been sitting on it for six years. There is no excuse for that.

MS. FISCHER: Actually that's out of my hands I'm sorry to say. But I can relay that onto our division of real estate. It's a hard process as far as timing is concerned.

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And even though the planning steps
resolutions for this property has been in the
County for six years, it was only very
recently that we had an accepted offer.

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So we can't move forward with the other
parts of this until that offer is made. And
we have a willing seller.

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So to do it beforehand would waste an
awful lot of time and money on properties
that we might not move forward and actually
acquire. So we try to do it in a most
efficient fashion.

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Unfortunately the timing I agree is poor
in the fact that we don't have the
environmental audits done necessarily before
we come to this body.

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And I will try to instill in our
division of real estate process a better
efficiency in that regard and try to move
that forward so that I can have that before I
come to you.

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And I will make every effort that I can
to move that process forward and coordinate
it with this property.

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THE CHAIRPERSON: Thank you very much for that very good explanation.

MR. GULBRANSEN: If I could also follow up to make the point that I was trying to make earlier from a health point of view.

There are reasons to do an environmental audit. If you have questions about potential sources or past sources, so far we don't. I don't know what we are relying on to be free of that or worry about past sources.

The other reason to address risk is because we have receptors or exposures. And in this case we know that the use is going to be for little kids to roll around the dirt.

That in and of itself is enough to I think kick in a very substantial review of specific kinds of contaminants, toxic constituents that can go there from a moment in time, sometime in the past when these vessels have been dumped there.

Boats are being parked back there. I am not saying that the owner did anything wrong. I'm just saying that they are relying on a lack of knowledge so far that has nothing to

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do with assuring the risk protection that we want to do.

MS. FISCHER: I agree. And I think taking your concerns to heart as well, we certainly want to consider that very carefully when we propose the uses for active ball fields and the like when people are going to be intimately and directly involved with that property.

MS. VILORIA-FISHER: Perhaps what we might do in the process is that when we have these steps and we have an appraisal done to determine the price that we are willing to pay, we can have an environmental assessment done at that point.

MS. FISCHER: We could ask.

MS. VILORIA-FISHER: If there's too much remediation.

MS. FISCHER: This was one of the things that I thought I would bring to their attention is that on properties such as this where we have questions with regard to former use which is apparent here that we jump start that process with regard to the environmental

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assessment report sooner than later.

MS. VILORIA-FISHER: I want to go further than that. Because as was mentioned, this is for active recreation. And children will be playing at this court use.

You are actually making a judgment on non-knowledge. You are assuming that there is not. So you are saying well we have properties in question but there really wasn't a property that was in question.

We are raising the question that other members have raised the question. So what I am proposing is that particularly you are looking for active recreation at the point that we are doing appraisals.

Perhaps at that point we can do the environmental appraisals, the phase one. And I know that that would be more expensive.

However, if we are going to find later on down the road that environmentally it's not a piece of property that we want to acquire, we are saving ourselves that expense.

We are going to do the phrase one either

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way. We are going to do it either at the beginning of the process or at the end of the process.

MS. FISCHER: I agree. I don't disagree. And I'll bring that before them and get better clarification.

MS. VILORIA-FISHER: Maybe we will have conversation about this.

MS. FISCHER: Okay, fine.

THE CHAIRPERSON: Thank you very much, Laretta.

MS. FISCHER: Thank you.

THE CHAIRPERSON: We are once again going to talk about VECTOR control.

(Brief recess.)

THE CHAIRPERSON: All right, gentlemen. Please introduce yourselves for the record.

MR. ANDERSON: Gilbert Anderson, Commissioner of Public Works, Suffolk County.

Members of the Board, thank you for the opportunity to discuss the 2008 annual work plan for the Department of Public Works Division of VECTOR Control.

The work plan was prepared in

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conformance with the VECTOR control long term

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plan as well as the final generic

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environmental impact statement.

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Before proceeding we would like to

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advise you that part of the language

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concerning the water management on page three

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of the 2008 VECTOR plan of work will be

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changed as follows.

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In the second paragraph we would like to

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revise the first sentence to read water

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management is a control method and is a

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functional way to reduce the need for

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pesticide applications.

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Additionally, another sentence will be

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added to the end of the paragraph as follows.

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Water management activities will be carried

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out in such a manner so that the primary goal

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of work will be to protect the health of the

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marsh.

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Having said this, we welcome any

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questions that you might have regarding the

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plan. Any questions that we cannot answer,

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we will take back and submit in writing as

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soon as possible. Thank you again for the

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opportunity.

THE CHAIRPERSON: Thank you. I had a couple of questions that I would like to go over with you if you don't mind.

On page one of the summary we talk about the maximum, this is under the 2008 summary. We talk about maximum 50,000 linear feet.

Do we have assurance that the width of these channels will not also be changed? In other words, you are not getting a new piece of equipment that's suddenly the addition is six inches wider than has been done historically?

MR. IWANEJLE: Mr. Chairman, my name is Thomas Iwanejle. I am representing Nick Ninavaggi who couldn't be here today.

He is with the National Mosquito Control Seminar concerning emergency response such as hurricanes and such.

Right now we have no plans to do any machine work for 2008. The situation can vary if there was a northeaster.

At this time there are no plans to do any machine workings and no plans to purchase

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additional equipment at this time.

THE CHAIRPERSON: But this machine would be minimal and maximum of 50,000?

MR. IWANEJLE: Maximum in relation to the EIS, the plan that we said we would do. We could do up to 50,000 linear feet per year.

But right now as of 2008 we have no plans to do any machine work at this time.

THE CHAIRPERSON: But if you did, the width of the machine is not wider this year than it has been in the past?

MR. IWANEJLE: Correct.

MR. DAWYDIAK: Walter Dawydiak, Chief Engineer for the Suffolk County Department of Health Services. I just wanted to add to this if I could.

The CEQ will receive notice of machine ditch maintenance as per the findings and as per DEC's request. All ditch maintenance will be specifically permitted by DEC.

I do know that Tom Ninavaggi has spoken to this in the past. In general the presumption is to attempt to keep the original

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ditch dimensions as close to the originals as possible.

That is not always possible or not always desirable. But you will see notice and rejection.

THE CHAIRPERSON: Thank you. On page three, the second paragraph, it says water management is the primary control method and is the best way to reduce the need for pesticide applications.

Since you are modifying the plan, I would suggest that, well the statement is very subjective. I would suggest that you say it may be the best way.

The other thing, can you give us a record on the status of the Wetland committee?

MR. DAWYDIAK: I would be happy to. Again Walter Dawydiak, Chief Engineer, Suffolk County Department of Health Services.

The Wetlands Stewardship Program has been fully established. I can give you specifications in terms of the limitation, in terms of the meeting dates if you like.

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But in general the membership and by-laws of the Wetlands Stewardship Committee have been adopted. That committee has met and they are fully functional.

They are being advised by the wetland management work group. That work group has met twice. They will be meeting again in November.

The wetlands is a group of technical experts who investigate the Stewardship Committee or policy makers.

The wetland work group is evaluating the scope of work for a workman, for a consultant to do the actual planning and assessment and also for the long term strategy.

We expect that that stewardship workman will be improved shortly and that a consultant will be on board in early 2008 to begin the work.

We expect that on or about January 2, 2008, this entire Wetlands Stewardship Program will be moving ahead at full speed.

There will be quarterly meetings on the Stewardship Committee which is the policy

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makers. There will be monthly to bi-monthly meetings of the work group to oversee the workmen. So that in a nutshell is where this Wetland Stewardship Program is.

Again for the benefit of anybody that wasn't here during our long term process, this Stewardship Committee is of paramount importance although VECTOR control is an important concern.

And they are addressing the need of all 17,000 acres of the County salt marshes, not just the 4,000 acres who is a primary concern.

THE CHAIRPERSON: So I gather, Walter, that two years or in a three-year time period that we have been talking about, you think that the Stewardship Committee will be able to give us sound advice and guidance on where we should be going with regard to the next steps?

MR. DAWYDIAK: Yes. I think that it's important procedurally to cover for the record what CEQ will be receiving in terms of information and when.

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Now this OA plan of work relies principally and primarily on the long term plan of GEIS and the findings statement which were adopted in March of '07.

We really haven't received any substantial new and different information that would modify any of the findings, facts, procedures, recommendations in that long term plan.

There is one exception which I'm sure we will get to in a moment. In an August 15, 2000 letter from East Hampton, the Resource Director Larry Penney, we just received this two days ago. We are invited to comment on it if the CEQ so desires.

Next year which is the 2009 plan of work which you will be reviewing in 2008, you will receive a report from the Wetlands Stewardship Committee.

You will also receive new reports in accordance with our findings statements and any new data on pesticides impact, any alternative control measurements, thresholds and criteria and there are others. But those

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in a nutshell are the most important ones.

Now the County sponsored something called a pesticide reduction plan. Suffolk County Executive Levy and the Department of Environment Commissioner Gallagher has proposed a quarter percent policy which has been approved.

There will be funding made available for the County to sponsor research on methoprene and other VECTOR control agents.

Right now the plan is with CEQ and a more proactive role by the County to go out and review the literature. It will be researched and you will receive a report on that.

Now the tri-annual plan which is going to be issued in 2010 in anticipation of the 2011 plan of work, that's where you will receive a full report from the Wetlands Stewardship Committee which may or may not be subject to new SEQRA at that time depending on your determination.

That's where the elements of the plan fit in. That's when you will be getting your

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report.

And I think it's just important that that be on the record so that everybody knows what the basis of information is that you make your determination on.

THE CHAIRPERSON: Thank you.

MS. VILORIA-FISHER: I have a question. There was a press conference on that. It has no impact on the current plan or the use of methoprene.

I'm talking about the County Executive's press conference with the Commissioner and the Department of Energy about the pesticide reduction. Wasn't that addressing methoprene use?

MR. DAWYDIAK: There is no substantive difference in terms of VECTOR control.

MS. VILORIA-FISHER: I'm glad you said that because I couldn't find any. There is no substantive right now in the plan and the plan's implementation.

MR. DAWYDIAK: What we have done is refined and restated a lot of the information in the long term plan such as presumptive

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use of over methoprene.

It was never consolidated and presented necessarily in a clear way. There is an affirmative commitment for the County to conduct research to sponsor a work group and to report to CEQ.

There is an effort to accelerate pesticide reduction. The goal is 75 percent over 12 years. It's hopeful that we can achieve that goal in ten years.

MS. VILORIA-FISHER: Didn't we have that in the long term plan? I thought that we had addressed those. We do say that we are going to take an annual look on any kind of research that comes up. We are going to have a proactive program to reduce our use of pesticides. That was all part of the long term plan and the findings.

MR. DAWYDIAK: The way that the plan is written essentially is that commentators could commit publications and data to CEQ in the County.

We would make a reasonable effort to look at the database on our own and we would

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report to you.

This is different in that we have an independent panel of experts in the pesticide work group which lends more credibility and resources to this effort.

And it will sponsor new and original research putting our money where our mouth is essentially.

So it's moved from a somewhat passive role to a much more active responsible role. More checks and balances, more safeguards, more external experts and more resources dedicated to the issue.

MS. VILORIA-FISHER: Have we put a price tag on that yet?

MR. DAWYDIAK: Right now we are looking at approximately \$150,000 a year over two years for researchers which would be subject to requests for proposals and responses.

MS. VILORIA-FISHER: Thank you.

THE CHAIRPERSON: I have another question. When we went through this process as you recall, so much was made of the public

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health issue versus the nuisance issue.

Can you give us a report on West Nile virus or Triple E that we experienced this summer?

MR. DAWYDIAK: Scott Campbell on the left representing Dr. Graham.

MR. CAMPBELL: Hi. I'm Dr. Scott Campbell, Department of Health Services. This past year we had only 12 positive mosquito pools collected on the west end of Suffolk County. Today we have no confirmed human cases.

But also materials are lacking in terms of different laboratory tests. No human cases so far but we have 12 positive mosquito pools.

THE CHAIRPERSON: For West Nile?

MR. CAMPBELL: West Nile virus.

THE CHAIRPERSON: Do you attribute this to natural conditions or to the quality of the existing VECTOR control program?

MR. CAMPBELL: I would say that it's attributed to both. I would say that if mosquitos go uncontrolled, they can rise

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to a level of various activity. Comparing this year to past years, the populations are lower.

So this year it is very dry. In August, the summer period, the populations were lower. So that decreases the amount of virus found.

THE CHAIRPERSON: Thank you. Any other questions?

MS. RUSSO: Mr. Dawydiak, on page 11 of your 2008 --

MR. DAWYDIAK: Point of information. VECTOR control is not binding.

MS. RUSSO: I don't remember the person on your right.

MR. IWANEJLE: That's Iwanejle.

MS. RUSSO: Paragraph G. Talking about other provisions of the plan, not monitoring, et cetera.

In the middle of the paragraph you say these activities which are not part of this plan will be subject to separate SEQRA compliance and would normally be subject to Wetlands Stewardship Committee review as

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well.

I would like to see the word "normally" removed. That almost sounds ambiguous.

I would like it to say, and would be subject to Stewardship Committee review as well. I would like all of these research minor demonstration projects to be reviewed by the Committee.

That is the purpose of the Committee to hopefully get new information and make decisions on it and pass that on.

MR. DAWYDIAK: You are correct. Normally it was an attempt to make this more emphatic and ambiguous.

And you are correct. It could be read the other way as if it wouldn't go that way. We would be happy to remove that word.

MS. RUSSO: Thank you.

THE CHAIRPERSON: Any other comments?

MS. VILORIA-FISHER: I have a comment. I'd like to know if there has been clarification of the DEC position on the use of methoprene on State owned lands.

MR. ANDERSON: None.

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MS. VILORIA-FISHER: No comment?

MR. ANDERSON: Nothing at all. We sent in a second letter this year similar to last year's. I personally have spoken with the regional director.

We have not received any response or questions for either. No backup, nothing as far as what their stance on methoprene use on DEC is.

MS. VILORIA-FISHER: Thank you.

THE CHAIRPERSON: Mr. Kaufman, I believe you wanted to ask questions.

MR. KAUFMAN: Yes, if I might for a moment. We are in receipt of a very interesting document from the Natural Resources Department for the Town of East Hampton, Larry Penney, Director, dated August 15th and preliminary findings.

And I have reviewed this document. And what it boils down to for me is that I am not exactly sure whether it's here.

Some people are going on to two different wetlands which are very dissimilar and trying to count Dragon Flies.

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I don't see any kind of methodology. I don't even know what this is commenting on and frankly why it's here.

So I wanted to figure out what we are talking about or what the document is talking about and how it is supposed to impact us.

THE CHAIRPERSON: Are you familiar with the letter?

MR. DAWYDIAK: I am. Would you like us to comment on that? Or is that a question for CEQ? I would be happy to summarize unless somebody else wants to take the lead.

We only received this document two days ago although it's dated August 15, 2007. It's been reviewed by Superintendent Ninavaggi, Tommy Iwanejle and Ilia Rochlin, all from the VECTOR control division.

Scott Campbell from the Public Health Division has taken a close look at this as has Kim Shaw from the Environmental Quality Unit Office of Ecology.

I can summarize a few points. This again is a document which on a very few occasions purported to look at potential

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impact of VECTOR control treatment, Dragon Fly populations in northwest and Accabonac.

And the suggestion is somehow that there are more Dragon Flies at northwest than Accabonac due to historic VECTOR control activity.

First and foremost this document is totally inconsistent with the science long term plan and GEIS findings.

The EPA eligibility document found that methoprene toxicity at least holds in terms of lethal conservation, LC-50 levels over a 24 hour period on the order of a thousand parts per million.

VECTOR control methoprene nominal doses on the order of 1.3 parts per million decreasing to less than .005 EEP, most of which occurs within a couple of hours.

So there are several orders of magnitude difference in exposure of what we think will affect Dragon Flies.

And the long term plan risk assessment and the independent review of the literature, and I verified this, just a point of

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information.

There was no methoprene applied in ~~Accabonac~~ ^{Acabonac} in '07. I'm not sure whether this is talking about acute effects.

If this is acute effects it's of concern. It's not even used in ~~Accabonac~~ ^{Acabonac} in '07.

~~Accabonac~~ ^{Acabonac}, I think that this was summarized but I'd like to reiterate.

~~Accabonac~~ ^{Acabonac} is very adjacent to the harbor.

The northwest harbor is further from the marsh with more pans and puddles and depressions which may be one factor which supports Dragon Fly populations. So these are fundamentally very different sorts of habitats.

Now the factors which could affect Dragon Flies are not discussed at all in this report.

And we would like to suggest that the design of the report is fundamentally very fatally flawed.

We wanted to do a goose study on insect populations. You would want to control the

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variables such as size, hydrology, water quality, if we are talking about Dragon Flies, factors such as predation, none of which are accounted for and clearly fundamentally different between these two marshes.

As a side note, the VECTOR control unit has looked at statistics. And they found that there is no statistical significance that they found that could be attributed to any of these results.

The data is very limited. One day the Dragon Fly is the same. One day they were twice as high as northwest.

It's difficult to make any sense of it. It didn't pass muster as far as any scientific method.

Just in summary, the study is not supportive of any conclusions. There are first circumstances in spacial and temporal ranging. There are similarly situated marshes.

We are not suggesting that it is not worth doing a Dragon Fly study. They may

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2 suggest such a long term study.

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4 This is something that a number of
5 qualified tests will take a very good look
6 at. This study has no effect on the long
7 term plan, the GEIS or its findings.

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8 THE CHAIRPERSON: Thank you. Any other
9 questions?

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10 MR. GULBRANSEN: You used the word
11 "drainage" in the document. Just for
12 context, I was not part of the Council's
13 deliberations for years.

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14 MR. DAWYDIAK: You are a fortunate
15 man.

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16 MR. GULBRANSEN: I don't mean to
17 resurrect those discussions now. But I do
18 want to see if there is a loose ion to the
19 storm water management role.

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20 And the reason is because there is a
21 call coming soon for the report to Congress
22 on infrastructure needs for drainage.

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23 And I was wondering if your work in the
24 marshes which includes drainage, is that
25 drainage every tidal flow or is that also
26 service water drainage from up in the water

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MR. ANDERSON: With regard to that, both times and I believe, Walter, you can certainly correct me, the word "drainage" is used somewhat loosely.

In most cases when we refer to drainage it's with regard to tidal flow. In some instances maybe and we do feel with drainage structures and things like that. But they are directed speaking two separate topics.

MR. GULBRANSEN: Thank you.

THE CHAIRPERSON: Any other comments?

(None.)

THE CHAIRPERSON: Do we have a motion?

MR. KAUFMAN: Before we make the motion, I'd like to ask Jim one question. What exactly are the parameters of any vote that we take today?

Earlier when we discussed this, we talked about in terms of context of the demand that SEQRA makes in terms of how you look at a GEIS and documents later on.

And the critical question here is conformance of this particular plan with the

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2 GEIS that has been done.

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4 But I believe that we also heard a
5 couple of minutes ago and I heard some
6 documentation up here that there is a
7 coordinated review underway also.

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8 And I think that somebody had said
9 something about a Type I. I am not sure what
10 we are voting today.

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11 MR. BAGG: Basically you have to realize
12 that the County has taken two tacts. This
13 plan has been presented to the legislature
14 and it is supposed to be approved at the end
15 of the year.

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22 The Council has to determine a number of
23 things. Number one, if the proposed 2008
24 VECTOR control plan is in conformance with
25 the existing FGEIS and findings statement,
then your recommendation can go to the
legislature that no further SEQRA review is
necessary.

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26 In that aspect if that is the case, then
27 technically the coordinated review is really
28 not called for.

29 It's redundant as well as the two-page

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environmental assessment form. It was only

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submitted to you for your consideration and

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review so that you could base your

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recommendation on different things.

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However, a lot of the projects that you

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receive, the Department submits a short EAF

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form in case you feel that it is not a Type

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II action.

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But in fact it is an unlisted action and

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needs a negative declaration. In that case

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you have an environmental assessment form and

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you cannot make a recommendation.

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But I think that if the County's

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position that the 2008 VECTOR control plan is

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in total conformance with the FGIS as well as

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the findings statement and therefore SEQRA is

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complete.

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MR. KAUFMAN: So then the vote that we

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would take would be in the context of saying

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that it either conforms with the documents or

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it doesn't. That is up or down in that

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sense?

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MR. BAGG: That is correct. And that's

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your recommendation to the legislature. It's

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not an approval or disapproval.

MR. KAUFMAN: In which case my opinion
at this point --

THE CHAIRPERSON: I wanted to ask. Is
there anybody here from the public that would
like to speak on the VECTOR control plan?

(None.)

MR. KAUFMAN: In which case what I am
seeing is that we are subject to 610D.

MR. JEFFREYS: Christopher Jeffreys,
Assistant County Attorney. It's subject to
617.10E1.

MR. KAUFMAN: I was holding it in my
hand. It looks as if the key for us is when
a final generic EIS has been filed which has
occurred in this situation, no further SEQRA
compliance is required if the subsequent
proposed action will be carried out in
conformance with the conditions and the
thresholds established in the generic GEIS.

The way that I'm reading everything
before us, the plan itself seems to conform.
The document also says that if certain things
occur that are outside of the plan, then

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there will be further SEQRA review. And that has been stated at the table and before us today.

So I think then the vote that we would be taking is, is it in conformance or is it not.

And again realizing that anything outside of what has been handed to us will be subject to further SEQRA review if necessary.

That's I think the context that we are dealing with and I think that's the vote if we take it. That's where I think it goes.

Addressing the members of the Council for a moment. I have read through this thing. I hope that everybody else has looked through it also.

The changes that the Commissioner made at the start of this really satisfy my reading of this under SEQRA.

And that's the only judgment that I am making at this point and time. That's when they made these changes to page three.

I have spotted that. The Chairman had spotted it also previously. And we are very

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happy that those changes were made identifying the health of the marshes being paramount.

I don't see any non-conformities at this point and time. And I think that we have all gone through the documents a fair amount. So that's one person's opinion at this point and time.

THE CHAIRPERSON: Would you like to make a motion?

MR. KAUFMAN: I'd like to make a motion. I would make a motion that pursuant to SEQRA regulation 617.10-D1 that this 2008 annual plan is in conformance with the GEIS. And that's it.

THE CHAIRPERSON: Do we have a second?

MS. RUSSO: As corrected.

MR. KAUFMAN: As corrected. It is in conformance with the FGIS and the findings statement.

THE CHAIRPERSON: Second?

MS. RUSSO: Second.

THE CHAIRPERSON: Do we have any discussion?

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(None.)

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THE CHAIRPERSON: All in favor?

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(Unanimous aye.)

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THE CHAIRPERSON: Opposed?

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(None.)

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THE CHAIRPERSON: Abstentions?

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(None.)

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THE CHAIRMAN: Thank you very much.

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MR. ANDERSON: Thank you.

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MR. BAGG: I have one request. Can

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you send me the revisions?

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MR. ANDERSON: Yes.

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MR. BAGG: Thank you.

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MR. KAUFMAN: This is addressed to

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Christine ^{and Jim:} ~~at the gym.~~ We are getting a lot

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of one sided pages.

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In the interests of trying to protect

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the environment, if it's possible to get

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two sided pages. I don't know if the

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computers and the word processors and the

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photostats at the County can handle it but it

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is a suggestion.

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MR. BAGG: I think that it's a good

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suggestion. However, the departments are

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required to furnish 25 copies and we will try to forward that to the department.

They are making a lot of two sided copies. It's really up to the department, not us.

MR. KAUFMAN: As long as your machines can handle it.

THE CHAIRPERSON: Sometimes the way copy machines are, it's more efficient to use one side. Do we have any other business?

(None.)

THE CHAIRPERSON: We have a motion to adjourn?

MR. KAUFMAN: Motion to plug out.

MR. BAGG: Second.

THE CHAIRPERSON: All in favor?

(Unanimous aye.)

THE CHAIRPERSON: Abstentions?

(None.)

THE CHAIRPERSON: Thank you.

(Whereupon the hearing was concluded at 12:43 p.m.)

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RE: Suffolk County Planning Commission
AT: 725 Veterans Memorial Highway
Hauppauge, N.Y.
ON: October 17, 2007

C E R T I F I C A T E

I, JAMES F. GILL, a Shorthand Reporter and notary public within and for the State of New York, do hereby certify;

That I reported the proceedings in the within-entitled matter, and that the within transcript is a true and accurate record of such proceedings.

I further certify that I am not related by blood or marriage to any of the parties; and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 5TH day of NOVEMBER, 2007.


