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ORIGINAL

COUNTY OF SUFFOLK
DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

MAY 21, 2008
9:30 AM

H. Lee Dennison Building
Hauppauge, New York

B E F O R E: R. Lawrence Swanson,
Chairman

2 A P P E A R A N C E S:

3 Michael Kaufman

4 Jay Schneiderman

5 Eva Gowney

6 Thomas Gulbransen

7 Richard Machtay

8 Daniel Pichney

9 Gloria Russo

10 Mary Ann Spencer

11 Joy Squires

12 Richard Martin

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MR. SWANSON: I'd like to call the meeting to order.

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Anybody like to comment on the minutes that were posted on the web?

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Rich, did you read them?

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MR. MACHTAY: I did read all the minutes for April. I was here at that meeting.

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10

A couple of minor errors, most notably page eighty-one, line two, they left out the name of the arboretum. A couple of other minor ones that I don't recall right now.

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With that note, I would move the minutes.

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MR. SWANSON: Of April.

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Any other additions, corrections to those minutes?

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(No response.)

21

All in favor?

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Seconded?

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MR. PICHNEY: Me.

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MR. KAUFMAN: I abstain.

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THE CHAIRMAN: We also have minutes

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from February and March.

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Did anybody read those?

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MR. GULBRANSEN: It stated that
humidity. It should have been ~~herbidity.~~ ^{turbidity.}

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THE CHAIRMAN: That is a good
catch. Important one.

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My other comment is on the March
minutes.

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MR. MARTIN: I was not here for
March.

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MR. KAUFMAN: I make a motion to
accept.

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MS. RUSSO: Second.

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THE CHAIRMAN: All in favor?

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Mr. Machtay abstained.

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MR. GULBRANSEN: No vote.

18

MR. PICHNEY: I wasn't here either.

19

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THE CHAIRMAN: February. Nobody's
read the minutes of February at this
point.

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Please read the minutes of

23

February, and we'll deal with them in the
June meeting.

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Jim, any correspondence that you

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want to call our attention to?

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MR. BAGG: Yes. We received

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something yesterday from an anonymous

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individual. It is in your packet.

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It was addressed to Steve Levy,

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Suffolk County Executive, and members of

8

the Committee on Environmental Quality,

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and they are comments regarding a draft

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environmental impact statement for the

11

aquaculture lease program.

12

We can entertain those at the time,

13

but that was received yesterday.

14

That was the only correspondence

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that came in.

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MR. MARTIN: Richard Martin, good

17

morning. The housing program is still

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being reviewed. We're still looking at

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the draft resolution that **Legislator Fisher**

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created. People are providing comments to

21

the committee on that resolution.

22

We have filled just one more

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vacancy, and I think at this point we are

24

at ten vacancies with the housing program

25

and parks department.

2 THE CHAIRMAN: Going back to the
3 resolution that Legislator Fisher
4 proposed, you're going to give us your
5 comments, recommendations whether or not
6 to move forward with it; is that correct?

7 MR. MARTIN: We can, if you would
8 like the committee to bring that
9 resolution to CEQ.

10 THE CHAIRMAN: Yes.

11 MR. MARTIN: I'll make that
12 recommendation.

13 THE CHAIRMAN: I didn't mean to
14 interrupt you. Go ahead.

15 MR. MARTIN: There has been some
16 movement on historic sites. The Babylon
17 Town Historical Society contracts should
18 be back to the parks department from the
19 County Attorney's office by the end of the
20 week, we've been promised, and the
21 Farmingville Historical Society's for the
22 Farmingville schoolhouse should be
23 returned by the end of this week.

24 Then we'll move forward to have
25 them signed by the local historical

2 societies.

3 I believe the Babylon Society is
4 very eager to move into the VanBourgondien
5 house. They have plans on programs and
6 use of that building. They're really
7 ready to go.

8 The parks department is now working
9 on contracts for Splash of Hope at Coindre
10 Hall. That will soon be going over to the
11 County Attorney's office.

12 THE CHAIRMAN: I have a question on
13 Coindre Hall. I saw in the newspaper
14 there was a complaint that the access to
15 the canoeing area or boat house is not
16 available.

17 Is that our problem?

18 MR. MARTIN: There has been
19 concerns. What you seen, concerns on the
20 condition of the boat house, we are still
21 using it for Sagamore Rowing. But
22 concerns, I guess, of the status of the
23 buildings, and we have put up some
24 scaffolding around the building to make
25 sure if anything falls from a roof line,

2 it would be caught by the scaffolding, and
3 they're proceeding with the restoration
4 plans which should be put out to bid
5 shortly with the summer start date.

6 THE CHAIRMAN: As far as you're
7 concerned, it is safe to use at this
8 point?

9 MR. MARTIN: We have from the
10 concerns -- the fire marshal has gone to
11 that site, inspected the building. Again,
12 this was just done a couple of weeks ago.
13 He made recommendations, clean up
14 recommendations that Sagamore Rowing has
15 completed.

16 He is comfortable we can stay in
17 the building.

18 THE CHAIRMAN: What is your long
19 term prospect for having resources
20 available to keep the building up to snuff
21 so that it can be used?

22 MR. MARTIN: We do have
23 approximately a million two in capital
24 funds right now to proceed with the first
25 phase, which is to stabilize the building

2 so we can continue to use it.

3 Then we will continue the
4 restoration after that phase, but the side
5 of the building that is the most concern
6 is closed to the public at this point, and
7 they're only using the side that the fire
8 marshal agreed they're allowed to use.

9 After the stabilization project,
10 the other half of the building can be used
11 also.

12 We have had some movement with the
13 Seatuck agreement for the Scully Estate in
14 Islip. Just yesterday, we had a meeting
15 with the County Executive's office, and
16 everyone agreed to some wording changes to
17 the contract that should come back from
18 the County Attorney by the beginning of
19 June.

20 But we really stayed in the room
21 until everyone was happy with the wording
22 changes. I think we'll be able to go
23 forward and sign that contract very
24 shortly.

25 MR. KAUFMAN: Rich, on that

2 particular contract, I thought that thing
3 had been put to bed or finalized a while
4 back.

5 MS. SPENCER: You missed last
6 month's meeting.

7 MR. MARTIN: There were many
8 reports that I just gave. It was going to
9 be signed in two weeks. What would
10 happen, there were wording changes on the
11 County Attorney's side, Seatuck didn't
12 agree to.

13 We had everyone in the room
14 yesterday from the different offices so
15 everyone could agree to the wording
16 changes at one time, so it doesn't have to
17 go back to anybody else.

18 Those have to be written up in the
19 contract and should be able to be signed.

20 MR. KAUFMAN: The fall festival at
21 Deep Wells, any feedback on it, any idea
22 how it went?

23 MR. MARTIN: Last year's?

24 MR. KAUFMAN: No, two years ago.

25 MR. MARTIN: The craft fair?

2

MR. KAUFMAN: I said fall, I meant
spring. I'm getting confused with the
weather patterns.

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MR. MARTIN: It went very well. No
numbers on attendance.

6

7

The promoter is doing a very nice
job. He cleans up the site, mows the
lawn, does a nice job for us. Then the
funds, of course, the profits, a percent
of the profits go to the restoration of
the house.

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The organization there. Deep Wells
Farm Historical Society used some of their
funds to refinish the floors on the first
floor of the main house and is now
restoring all the original shutters to be
replaced on the main house.

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MR. KAUFMAN: Their contract was
signed?

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MR. MARTIN: A while ago. They
couldn't be running this event without a
signed contract. That is why we needed it
signed.

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MR. KAUFMAN: Good enough.

2 MR. MARTIN: That is all I have.

3 THE CHAIRMAN: Thank you very much.

4 I would remind everybody this is a
5 public meeting and if there are comments,
6 they're certainly welcome.

7 We usually handle the public
8 comments topic by topic. We'll follow
9 that procedure, if that is okay.

10 MR. SCHNEIDERIAN: On the Montauk
11 observatory, where does it stand? Does
12 that still have to go through -- historic
13 trust signed off on that?

14 MR. MARTIN: Came here to the
15 committee to review the proposed design
16 which the Historic Trust, CEQ approved, so
17 the architects know they can go ahead with
18 the final plans which have to come back to
19 CEQ for final approval.

20 They have to go ahead to do the
21 final plans.

22 THE CHAIRMAN: Moving on to the
23 draft generic environmental statement for
24 the shellfish aqua lease program, Dewitt,
25 introduce yourself.

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MR. DAVIES: Dewitt Davies, Chief
Environmental Analyst with the Suffolk
County Department of Planning and program
manager for the shellfish aquaculture
lease program at Peconic Bay and
Gardiner's Bay.

Thanks, Larry, for hosting us this
morning.

In the packet you have, you have a
complete package of comments, as well as
transcripts pertaining to this particular
program and DGEIS that was issued about
two months ago.

There was a letter in there from
Planning Director Tom Isles requesting a
review of the comments and the summary of
substantial comments. That was included
in the packet with the request to
determine that these comments are
substantial and that the Department should
proceed with preparation of a final
generic environmental impact statement on
this project.

I would like to say that when the

2 draft was issued in March, at the end of
3 that month, we received a request from the
4 New York State Department of Environmental
5 Conservation Bureau of Marine Resources
6 for extension of time for them to submit
7 comments on the draft.

8 We granted that extension, and we
9 expect to get comments from New York State
10 DEC on the document by June first, and, in
11 fact, we have a meeting scheduled with the
12 Bureau of Marine Resources on the
13 thirtieth of this month to discuss their
14 comments.

15 Suffice it to say that all those
16 comments will be included in -- for
17 consideration in the final GEIS, should
18 that be the direction you approve today.

19 Indeed, any comments that we
20 receive between now and as this process
21 unfolds, we'll address. Every single
22 comment will be addressed in the GEIS
23 final document.

24 MR. BAGG: I referenced the fact we
25 had an anonymous letter received

2 yesterday. We will consider those also
3 and discuss them as fit, in this document.
4 This process will continue. It will
5 continue being vested at the aquaculture
6 lease program advisory committee.

7 We've had about fifteen meetings of
8 that group. The last meeting was about a
9 week ago and, again, this group has been
10 active in reviewing this process from the
11 beginning and will continue to do so
12 during the course of the next several
13 months.

14 Legislator Schneiderman was at that
15 meeting and could tell you firsthand how
16 that process unfolded. We're here today
17 to address any of the concerns that the
18 CEQ members have, and we'll go from there.

19 Thank you.

20 THE CHAIRMAN: Dr. Davies, I just
21 had a comment on the fact that I was told
22 that the Peconic Bay Keeper submitted a
23 letter. When I opened my packet, I didn't
24 ~~notice~~ ^{notice} it.

25 I don't know --

2 MR. KAUFMAN: Towards the back.

3 MR. DAVIES: The Peconic Bay
4 keeper, it is listed as being in here.

5 MS. RUSSO: It is there.

6 MR. KAUFMAN: I have some comments
7 to make on that.

8 THE CHAIRMAN: Before we get into
9 the general discussion, Debra Barnes from
10 DEC is here and, Debra, if you could come
11 up and tell us what your issues are, we
12 would appreciate it.

13 MS. BARNES: Good morning, Deborah
14 Barnes, biologist with the New York State
15 Environmental Conservation Bureau of
16 Marine Resources.

17 As he mentioned, the Bureau was
18 granted an extension by Suffolk County for
19 submission of public comments of the
20 generic environmental impact statement for
21 the shellfish aquaculture lease program in
22 Peconic and Gardiner's Bays.

23 The Department's comments on the
24 draft GEIS are substantial and significant
25 and include a number of key issues that

2 that were identified in the final DGEIS
3 scoping document as potentially
4 significant impacts that will need to be
5 addressed.

6 The major issues and potential
7 significant impacts to be covered in these
8 comments for the proposed shellfish
9 aquaculture lease program include, but are
10 not limited to, potential impacts of
11 harvesting techniques such as hydraulic
12 shellfish dredges and other forms of
13 mechanical harvesting gear on benthic
14 communities and all life stages of fin
15 fish resources and spawning habitat; also
16 potential impacts of aquaculture
17 activities including on-bottom and
18 off-bottom culture on water quality,
19 natural resources and naturally productive
20 shellfishing areas, commercial and
21 recreational fishing.

22 Essential fish habitat, underwater
23 land use and public access, also impacts
24 associated with the issuance and conduct
25 of aquaculture activities on leases that

2 were issued for active and fallow oyster
3 grants.

4 The Department's written comments
5 will be submitted to the Suffolk County
6 Planning Department by June first.

7 Thank you for the opportunity to
8 address the Council this morning and
9 provide a brief statement on DEC's public
10 comments on the draft generic
11 environmental impact statement.

12 THE CHAIRMAN: For our edification,
13 could you describe the differing roles
14 between DEC and Suffolk County in this
15 particular program?

16 MS. BARNES: With respect to
17 shellfish aquaculture leasing in Peconic
18 and Gardiner's Bay and conducting of
19 aquaculture activities, the County of
20 Suffolk has been granted the authority to
21 lease underwater lands to be used for
22 shellfish culture activities so they have
23 -- they're the entity that has the leasing
24 authority.

25 The New York State DEC is the

2 overall manager and regulatory agency for
3 permitting and authorizing aquaculture
4 activities to be conducted on those lands.

5 THE CHAIRMAN: Do you see any
6 conflict arising from the separate roles
7 or any problems you see in that process we
8 should be concerned about?

9 MS. BARNES: I don't think there is
10 a conflict, but certainly there are
11 certain issues that even if you're the
12 leasing entity, you still need to address
13 in terms of the generic environmental
14 impact statement.

15 You can't just separate the leasing
16 part from the activities that may take
17 place under a permit from DEC, so that all
18 needs to be considered when you're looking
19 at the generic environmental impact
20 statement.

21 THE CHAIRMAN: Any questions?

22 MR. GULBRANSEN: One of the
23 comments that I wanted to follow up on
24 that was raised earlier is with regard to
25 the monitoring that would be done to

2 assess impacts if they're occurring.

3 My question is for DEC first and
4 perhaps the County second.

5 Do you feel that we have an
6 adequate baseline understanding now from
7 which to start to measure changes that
8 could occur from year one, year two, after
9 something starts, whatever might start?

10 It is really a two-part question.

11 Do we have enough already on-going
12 in the way of monitoring for a baseline,
13 and then with regard to reference areas,
14 should the leasing program define and set
15 aside a referencing process so that we can
16 always have a comparison moving forward?

17 MS. BARNES: I would say that in
18 terms of baseline information, there is
19 probably enough information based on
20 studies that have been done and are
21 on-going by DEC and Suffolk County and
22 various research institutions doing work
23 through the Peconic Estuary program.

24 There is mapping work, water
25 quality monitoring by Suffolk County.

2 There is water quality monitoring by DEC
3 also, aside from other natural resource
4 surveys that are on going and have taken
5 place in the Peconic Estuary.

6 Your point about a reference
7 station might be something that could be
8 followed up by the County and could be
9 implemented into this program.

10 Certainly I think what needs to be
11 probably decided is what type of
12 parameters you want to monitor for and
13 what type of impacts are likely to take
14 place and what type of monitoring program
15 would you implement to try to determine if
16 there is an impact associated with the
17 program.

18 THE CHAIRMAN: Any other questions?

19 (No response.)

20 Thank you.

21 Anybody from the public like to
22 speak about this particular program before
23 we get into a general discussion?

24 (No response.)

25 I'll open the floor to comments.

2

Mike.

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MR. KAUFMAN: Thank you, your
Lordship.

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I want to make very clear to
everyone on the Board here what we're
looking at, and also it is one of the
requirements to fireproof this kind of a
document that certain concerns be splashed
upon the record.

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We're not making policy judgments
here, we're only ruling at this Board on
the SEQRA issues. The policy judgments as
to whether this is a viable program and
how it should be administered, etc., is
for the County Executive and, more
particularly, the County Legislature.

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We're basically here in a SEQRA
context, trying to determine whether we
need to do a FGEIS or not. I read all
through the documents. I read the
document that was faxed over to the County
yesterday. A lot of interesting issues
have been raised.

25

I think that SEQRA requires, and

2 Suffolk county has a policy through CEQ,
3 if issues are raised, the County must
4 answer them in the FGEIS stage which we
5 then approve.

6 If we fail, the issues are adequate
7 for passage to the legislature and they,
8 as the final SEQRA body, makes the final
9 determinations. We're looking at what do
10 we do next, what do we do?

11 The issues that I've seen are local
12 issues. Several were brought up in terms
13 of old laws, public access issues, a lot
14 of questions about mechanized dredging,
15 but remember, DEC has prime jurisdiction
16 over a lot of the mechanisms that will be
17 used to harvest and they, frankly, have
18 previously authorized quite a lot of
19 mechanized dredging at sites.

20 We have concerns about
21 contamination sedimentation, aquaculture
22 versus reseedling versus fishing and
23 depleting resources, a number of
24 substantive comments that have been made
25 that I think really push towards an FGEIS

2 at this point in time.

3 That is where I think we need to
4 try and go. I think -- Dewitt and I have
5 talked about this also -- and as you heard
6 him say a couple of minutes ago, he thinks
7 we need an FGEIS stage also. When we get
8 to making motions and figuring out what we
9 want to do, that would be my suggestion.

10 I have technical concerns I'll get
11 into. That is basically where I think
12 we're at. We do require an FGEIS. We
13 don't make policy judgments at this stage
14 as to what is good and bad.

15 For example, the document that was
16 sent over to us yesterday, the anonymous
17 one, is making policy judgments to a
18 certain degree. We don't get into that.

19 We do, however, get into the areas
20 that this document points out in terms of
21 what we need to maybe look at.

22 I would point out one other thing.
23 This particular letter, we had asked
24 Dewitt about two months ago to look into
25 what other states were doing with their

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estuarine resources, and one of the questions that was raised here is why spend all the money on that than allow most of -- the most habitat that's destructive to operate?

It was recently banned in the Chesapeake Bay. I don't know what is going on there, but that is one issue that is out there, and I think it's important to look at. They are comparable in many ways to what is going on here in Suffolk.

We need to find out what happens over there and have that answer.

THE CHAIRMAN: Any other comments:
(No response.)

MR. GULBRANSEN: You mentioned a series of twelve meetings. That is the steering committee, and you had quite a few meetings for public comments.

Are you confident, you feel -- how do you feel about the participation, the advertising; have those comments that we can see reflected in here, you feel that is pretty exhaustive?

2 MR. DAVIES: Yeah, actually there
3 have been a number of public kick-off
4 meetings. There has been a couple of
5 hearings involved already. We hold
6 monthly meetings of the lease program
7 advisory group which is attended by thirty
8 to fifty people and lasts two to three
9 hours.

10 I think that the process of vetting
11 this program so far has been sustainable.
12 I think we tend to see groups of comments
13 come back that really reflect concerns on
14 specific issues.

15 I'm not sure if a lot of the -- we
16 could get thirty comments on an issue, but
17 it's the same issue. I think that we
18 continue to go through that process as we
19 update our web site. Every document we
20 put out to the public is put out to the
21 public, that we give to our members.

22 In essence, there is, I think, an
23 adequate opportunity for anybody to
24 comment and, you know, I suspect we'll get
25 mor comments as we go on. I think that

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the term vetting is used quite a bit.

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We have followed a deliberative process as recommended by the Suffolk County Department of Law in preparing the maps that we prepared. I think that, you know, they are not just thought up out of thin air. That is the point I want to make, and that process will and has been documented and will continue to do that.

You know, as with any public resource management and public access issue involving natural resources here in Suffolk County, there will be people who will be generally favorable towards that issue, there will be people who are generally against it, and there will be adamant participants on both sides.

I think that the only thing that we can perhaps do here is make sure that the arguments presented by both sides are based on some credible objective information. The newspaper article that Mr. Kaufman mentioned the other day which was brought to our public hearing on this

2 document, it doesn't necessarily relate to
3 our situation, because it involved the
4 wild fishery for soft clams in shallow
5 water, muddy areas adjacent to the
6 shoreline in Maryland.

7 You can't take these at face value.
8 You have to go back into the actual
9 details of what people base their opinions
10 on and not -- to determine whether or not
11 that is really a valid assertion.

12 So that is how we will attempt to
13 go through the process as we go on.

14 You mentioned before about the
15 monitoring issue, and that will be
16 addressed in the document as we proceed.
17 We are preparing an administrative
18 components segment to this program which
19 will address a lot of comments and the
20 adjustments in the program resulting from
21 those comments, and that administrative
22 component will be coming together with the
23 final GEIS.

24 We are amending things in the
25 mechanical aspects of the program as we

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proceed, because we know that they're important. They will come together, the comments will reflect those changes.

With respect to the monitoring program, we can -- we'll go back to the Peconic Estuary program which was started in 1993. We had a CCMP in 2001, eight years later, twelve million dollars.

Now I hear calculations that we need another management plan for the Peconic Estuary. We have to temper that with what that program has said and accomplished as we go forward. You know, again, we have to deal with this reality of the situation and how it reflects to these comments.

You know, we had a comment the other day about monitoring and, yes, the Suffolk County Department of Health Services has a rather ambitious water qualify monitoring program, and there may be a direct way that the program they conduct can be modified, expanded to include some of the issues that perhaps

2 you have brought up, and others here,
3 about, how does the system change over
4 time with respect to aquaculture?

5 We have to remember it has been
6 going on out there for, you know, perhaps
7 a century in different ways, and it will
8 go on in the future also, and if it is
9 done the way it is proposed, the changes
10 that will occur here are at the margin.

11 They're built in constraints and
12 brakes that we will have. This is not
13 going to be a land rush for the land is
14 out there for conduct of aquaculture. As
15 we go into the program and describe that,
16 that will become apparent, and some
17 concerns that the people have, I hope will
18 be addressed in that way.

19 THE CHAIRMAN: Remind us what is
20 the geographic scope of the lease area
21 compared to the entirety.

22 MR. DAVIES: Sure. The
23 jurisdictional boundary goes from the
24 eastern end of Plum Island down to Goff
25 Point, everything west of that. This is

2 the major water bodies in the bays, does
3 not include the trustee owned tributaries
4 and such. There is about a hundred ten
5 thousand acres involved in the transfer.

6 The County identified a thousand
7 foot buffer according to the requirements
8 in the law, and that area is automatically
9 off bounds with respect to any leasing
10 consideration.

11 That is about nineteen thousand
12 acres. We had a planning area. When you
13 subtract nineteen from a hundred, the
14 planning area was ninety-one thousand
15 acres. Given the process of collecting
16 environmental information through
17 interviews, data searches, etc., the draft
18 shellfish cultivation zone area where
19 leasing could occur is thirty-two thousand
20 acres shown in the environmental impact
21 statement.

22 Thirty-two thousand acres from a
23 hundred ten gives you twenty-nine or
24 thirty percent of the area. There may be
25 some additional changes in the shellfish

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cultivation zone as we proceed.

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Eventually that zone will have to be

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adopted by the County to proceed with the

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program.

6

I would point out, subject to

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review at five year intervals, there is a

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built-in mechanism to make modifications

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to that boundary as time goes on, given

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changes in the aqua fishers (phonetic) in

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environmental conditions and conflicts.

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That is built in.

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MR. SCHNEIDERMAN: Of that thirty

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thousand, the program is only

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contemplating one percent of that; three

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hundred acres for leasing.

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MR. DAVIES: The actual lands that

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will be leased are a fraction of that, as

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Jay Schneiderman pointed out.

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MR. SCHNEIDERMAN: That is over

21

five year periods. The first year is

22

sixty acres.

23

MR. DAVIES: Three hundred over the

24

first five year period, another over the

25

next five years. We do involve conversion

2 of temporary assignments to leases, and
3 the issue of leases on active grants and
4 type of lease that could be encountered on
5 fallow grants.

6 Amount of acreage is not going to
7 be that much different than what is there
8 now in terms of how it is actively used,
9 but it provides the procedure and process
10 to go forward on this.

11 MR. SCHNEIDERMAN: It is also, I
12 think important to point out that the
13 acres, of those three hundred being
14 selected, these are acres that have been
15 studied to be not productive.

16 MR. DAVIES: In that zone, there's
17 even ways to deal with that. If someone
18 goes out and picks a site they want to
19 lease, it is in this zone, they have to
20 come up with a couple of alternative
21 sites.

22 If there is a credible argument
23 brought up at that time in the public
24 notice procedure for the leases that there
25 is something on that site that would and

2 should prevent it from being leased, there
3 is an opportunity to tell the applicant we
4 got a credible opinion here. You have to
5 go off and find another site, or if you
6 don't, you to have conduct a benthic
7 survey there.

8 There is built-in ways to react,
9 even additional scrutiny as the program is
10 implemented at the application level.

11 MR. SCHNEIDERMAN: When we
12 determined counter or non-productivity,
13 did we look at the records relating to
14 shellfish populations or fin fish spawning
15 as well?

16 MR. DAVIES: There was a
17 consideration of all those things. I
18 think that not only activity from
19 fisherman -- they conducted interviews
20 with, I don't know how many hundreds of
21 people. They've done a search reflected
22 in the GEIS document.

23 There could be a concern that given
24 whatever magnitude aquaculture activities
25 are anticipated to occur, the question

2 becomes what would that do with respect to
3 other resources? We've looked at that by
4 saying there is a dramatic restriction on
5 what could be leased and what will be
6 leased.

7 If aquaculture is occurring now,
8 which it is, and there's a marginal,
9 incremental change in that, we don't
10 forecast the death of Peconic Bay or any
11 other water body in any significant --

12 MR. SCHNEIDERMAN: My question is
13 specific. There is a large focus on
14 aquaculture and a lot of participation
15 from bay men, not from fisherman.

16 If you look at a particular acre,
17 and it may not be productive for clams or
18 scallops or oysters, fishermen don't catch
19 anything in that area, maybe if you stuck
20 a bucket dredge in there, you won't find
21 anything and you'd say there is nothing
22 here, but there may be times during the
23 year where fish come to lay the --
24 flounders -- eggs in that area at certain
25 times of year that it might be productive

2 that we could miss.

3 I think the letter raises some
4 interesting points that I know you're
5 going to address, but I think we have to
6 know that before we start allowing
7 activity on certain areas throughout the
8 year when the aquaculture may be going on.
9 There is no other ecological significance
10 to that particular piece of land.

11 We have to be careful.

12 MR. DAVIES: The point is well
13 taken. If we have a thirty thousand acre
14 aquaculture zone, from our perspective,
15 does it make sense to go out and sample
16 every square foot of that thirty-eight
17 thousand acre zone when we know the vast
18 majority of it will never be leased and
19 that process of looking at specific sites
20 will be addressed when the application
21 procedure occurs?

22 I think if, during the public
23 notice period for those answers that that
24 public comment indicates, as you said,
25 people go here all the time in the spring

2 to fish for flounder or something, we're
3 going to have a significant problem with
4 this location, that is brought into the
5 equation.

6 MR. SCHNEIDERMAN: I'm saying
7 beyond that, it might be a place where the
8 fishermen don't go, but where the eggs are
9 laid.

10 MR. DAVIES: That could also be a
11 factor.

12 MR. SCHNEIDERMAN: How did we get
13 to that level of detail? Marine
14 biologists might be able to tell us.

15 MR. KAUFMAN: That is what DEC is
16 for.

17 MR. MACHTAY: If I understand
18 correctly, we're here to determine whether
19 what we're supposed to -- whether a final
20 generic environmental impact study should
21 be prepared on this project.

22 I read the DGEIS. Unfortunately, I
23 could not be here for the March meeting.
24 I did read the comments. I am far, far
25 from being an expert on mariculture,

2 aquaculture or anything else that has to
3 do with the maritime environment.

4 It seems to me that you are
5 advising us that there are substantive
6 comments that need to be addressed if this
7 project is going to move ahead, which
8 means that a final EIS statement is
9 mandated unless the County decides to
10 terminate the project pursuant to SEQRA,
11 right?

12 MR. DAVIES: That is right.

13 MR. MACHTAY: Under those
14 circumstances, there ~~is~~^{are} questions at the
15 table that we're trying to ~~flush~~^{flush} out that
16 should be ~~fleshed~~^{flushed} out in the impact
17 statement. There ~~is~~^{are} questions in the
18 comments that we're trying to deal with
19 that should be dealt with in the final
20 environmental impact statement.

21 Under those circumstances,
22 shouldn't we be looking to move that a
23 final environmental impact statement be
24 prepared?

25 MR. KAUFMAN: That is eventually

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our vote, in my opinion, what we need to vote upon at this time.

MR. MACHTAY: You're trying to answer the questions that should be answered in the --

MR. SCHNEIDERMAN: And maybe adding more questions.

MR. KAUFMAN: Jay Schneiderman spotted something, I also, in the letter there may be some considerations that no one has looked at; seasonal variables in use.

MR. MACHTAY: Not putting onus on him, the Legislature. Several people are asking specific questions that should be addressed in the FEIS and maybe they should be putting their questions in writing and submitting them to Mr. Davies.

We should move along with this because no matter how we discuss it, it could mean that we have a predetermined idea of what the answer should be and that is not what you want to do with SEQRA.

That is where you get into trouble

2 with SEQRA, if there are people who want
3 to challenge what the decision is. So
4 having said that, should we be making a
5 motion to recommend to the Legislature
6 that a final environmental impact
7 statement --

8 THE CHAIRMAN: You're free to make
9 such a motion.

10 MR. KAUFMAN: It is premature just
11 yet.

12 MR. MACHTAY: I make a motion we
13 recommend that the Legislature prepare a
14 final generic environmental impact
15 statement to this project.

16 THE CHAIRMAN: Motion by Rich.

17 MS. SPENCER: I second.

18 THE CHAIRMAN: Seconded by Mary
19 Ann.

20 MS. RUSSO: I would like to add
21 that the FGEIS definitely addresses all
22 the issues that you receive, Mr. Davies,
23 on the written comments and, of course,
24 the DEC marine Bureau comments on that are
25 going to be coming in by June first.

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MR. DAVIES: Every comment will be included.

MS. RUSSO: Because of what Miss Barnes was saying as far as the DEC handles the science part of it and the County is handling the legislative leasing program. We're really just handling the paperwork it sounds like. We're not discussing and researching the scientific impact of it.

DEC is handling that, am I correct?

MR. DAVIES: In the DEC issues permits for the activity, there is a review on some of the things that you just mentioned at the stage of the application, that's the responsibility of the State.

The County does not have regulatory permit authority here with respect to aquaculture. It is distinct in the law. Never changed that, so there is a process to look at the applications that are submitted for permits on a case by case basis for those environmental issues, and the County will not look at those because

2 of the fact that we don't have that power,
3 authority.

4 We're looking at access, at the
5 broader picture with respect to uses in
6 that Peconic Bay system and finding a way
7 that is workable, equitable to all parties
8 involved that sometimes does conflict with
9 each other. Trying to find out a way
10 through that.

11 MR. GULBRANSEN: You pointed out
12 earlier severance or termination terms of
13 the leases that Suffolk County is
14 considering.

15 That is one of the bridges over to
16 the regulatory process and permitting
17 process that will be responded to in the
18 comments you raised. That keeps both
19 parties fulfilling their authority.

20 THE CHAIRMAN: This split
21 responsibility between several agencies
22 with regard to activities in the ocean is
23 not -- there is precedent for it. It
24 occurs all the time in ocean dumping where
25 an area is set aside for ocean disposal.

2 That still doesn't authorize any
3 particular entity to go in there and dump.

4 You have to get a separate permit
5 to do that. The agencies historically
6 worked out different responsibilities
7 quite nicely in trying to ascertain
8 consequences.

9 MR. KAUFMAN: There were some
10 technical issues regarding SEQRA that have
11 to be brought out before we make any final
12 vote. The Peconic Bay ~~K~~eeper raised
13 several of them, Miss Barnes raised one.

14 I'm not making policy judgments on
15 any of this stuff, but the issues that
16 came up, they have to be addressed.
17 Segmentation, "Since DEC was not directly
18 involved in a plan, cumulative impact is
19 not being considered."

20 There were possible departures from
21 the DEC program, and there was also
22 requests that analysis of aquaculture as a
23 whole be undertaken. We're on pretty firm
24 ground at this point in time. If we go
25 for an FGEIS, if we continue on this

2 course -- this is something I've discussed
3 with Dewitt -- state law created this
4 imperative to create a lease program.

5 As such, the County is following
6 the State's directive. State law did not
7 mandate that Suffolk County have an entire
8 program for the Peconics or do the job of
9 DEC.

10 In fact, they reserved that for DEC
11 by keeping regulatory jurisdiction with
12 DEC. State law here grants only certain
13 leasing. That determines the extent of
14 Suffolk County's jurisdiction.

15 Again, note DEC is not stripped of
16 jurisdiction, we're not given authority to
17 overrule DEC. Frankly there is no
18 segmentation if DEC retains jurisdiction,
19 and there's no jurisdiction for Suffolk
20 County to go beyond the leasing program,
21 especially when the County does a GEIS
22 that covers these issues to the extent the
23 County in this particular program is doing
24 a GEIS and considering many issues that
25 Miss Barnes brought up and DEC will be

2 bringing up.

3 That is the way you do it in a
4 generic impact statement. That, again,
5 leads us back to what is our job here
6 today, which is we got draft substantive
7 concerns. We have to address any
8 environmental impacts raised. We need to
9 do an FGEIS, in my opinion.

10 One other thing, as DeWitt pointed
11 out, there's no cumulative impact six
12 hundred acres maximum out of a hundred ten
13 thousand over ten years, and there are
14 reviews set up to check.

15 I don't see that this is
16 necessarily a danger. An GEIS to
17 undertake cumulative impact is going to be
18 looked at and has been looked at, so I
19 want to splash that onto the record.

20 We're supposed to as this body
21 point out these kinds of issues and in any
22 vote that we take, we're supposed to
23 indicate that we have considered these
24 types of issues.

25 MR. MACHTAY: Two issues, please.

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The segmentation issue -- I thought of it when Mr. Davies was talking about the leases -- at that time, doing certain monitoring and other studies to determine what the effect over time would be on a particular lease.

That could be construed as segmentation if the monitoring is not addressed up front in the FEIS.

MR. KAUFMAN: Set up in there.

MR. MACHTAY: Another thing is -- pardon my ignorance -- isn't it mariculture and not aquaculture when talking about salt water environment or tidal wetlands?

MR. DAVIES: There are new applications to all terms. We can go back to the shellfish consultants that the State and County is authorized to have issued leases for.

Technical aquaculture is a general term. Mariculture is related to marine environment. We're looking at shellfish cultivation, because that is in the DEC

2 and ECL, Environmental Conservation Law,
3 and we'll have that definition, make that
4 point clear as to what that is all about.

5 MR. SCHNEIDERMAN: We're using this
6 term segmentation improperly. My
7 understanding of segmentation is when you
8 look at a part of the proposal and not the
9 whole one.

10 For instance, if we look at fifty
11 acres contemplated in the proposal and not
12 six hundred, that would be segmentation,
13 but this issue about the DEC and the
14 County reviewing it independently, that is
15 not segmentation.

16 It is looking at the whole project.

17 THE CHAIRMAN: That is why I
18 mentioned in the marine environment, there
19 is a long history of split
20 responsibilities between and among
21 agencies, depending on regulatory and
22 scientific capabilities, etc., and the
23 activity that is actually --

24 MR. SCHNEIDERMAN: At the airport
25 one of my arguments is we're looking

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individually at applications, ten or twelve acres and not all potential development that could occur, you may come to a different conclusion knowing all development. Each one separately might not rise to a certain threshold, but they could cumulatively.

That is why the State brought the segmentation.

THE CHAIRMAN: All in favor?

(Whereupon, all responded in the affirmative.)

All opposed?

(Whereupon, there was no response.)

Abstentions?

(Whereupon, there was no response.)

Motion carries. Thank you.

For ratification, recommendation is type two action.

Jim, any comments to make?

MR. BAGG: Basically the packets are straight forward. Activities have all been reviewed under SEQRA, and it is complete or type two actions.

2 I did include in your packets or
3 your folders today the resolution dealing
4 with the rentals within the parks
5 department. That is in response to the
6 letter that CEQ sent out to the County
7 Executive and Legislature, and as Richard
8 pointed out, I believe the committee that
9 was formed in the parks department still
10 has that under review.

11 This Legislation is out there,
12 which was drafted by Legislator Fisher.
13 It's fairly administrative, but the final
14 product can change significantly to what
15 you have.

16 MR. MACHTAY: This hasn't been
17 voted on yet, has it, in the Legislature?

18 MR. BAGG: No.

19 THE CHAIRMAN: Any questions of
20 Jim?

21 MR. KAUFMAN: Thirteen fifty-three,
22 any idea where that is located?

23 MS. FISHER: The Decarmine
24 property, if that helps you. I didn't
25 bring it with me, but I can give it to

2

you.

3

MR. KAUFMAN: North or south?

4

MS. FISHER: I believe it is on the

5

east side. I have to get the map for you.

6

I'm not prepared to --

7

MR. KAUFMAN: The other question is

8

thirteen fifty-four versus thirteen

9

fifty-five, the acquisition is in Head of

10

the Harbor. One is Lecky Randall, one is

11

Lecky Randall Leighton.

12

Are the properties split?

13

MS. FISHER: There are two

14

properties. One is a small lot on the end

15

of the cul-de-sac. The rest is part of a

16

larger lot that goes down into the harbor,

17

the headwaters to the harbor.

18

MR. SCHNEIDERMAN: Under different

19

names to prevent merger for zoning

20

purposes probably.

21

THE CHAIRMAN: Any other comments?

22

(Whereupon, there was no response.)

23

For the record, I have to recuse

24

myself on thirteen fifty-four and thirteen

25

fifty-five.

2

Do you have a motion to make?

3

MR. KAUFMAN: I make a motion that
we accept staff recommendations.

5

THE CHAIRMAN: Motion by Mr.
Kaufman.

7

Second?

8

MS. SPENCER: I second.

9

THE CHAIRMAN: Seconded by Ms.
Spencer.

10

11

All in favor?

12

(Whereupon, all responded in the
affirmative.)

13

14

Opposed?

15

(Whereupon, there was no response.)

16

Note that I approve except for
those two numbers that I mentioned;
thirteen fifty-four and thirteen
fifty-five.

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Thank you.

21

Bergen Point Outfall.

22

MR. WRIGHT: I'm Ben Wright, Chief
Engineer with the Department of Public
Works Division of Sanitation.

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I forwarded a brief memo to the

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chairman about the formal planning and

3

response plan that we're going to be

4

initiating sometime in the near future

5

regarding the sewer district three

6

southwest Bergen Point facility outfall.

7

To provide additional information,

8

that outfall is six foot diameter, and it

9

extends three and a half miles into the

10

Atlantic. It crosses the Great South Bay

11

through the barrier beach into the ocean.

12

There is two different types of

13

pipe that are part of that system. The

14

one part that is underneath the Great

15

South Bay is defined, pre-stressed

16

concrete, cylinder pipe.

17

That pipe is composed of a thin

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steel shell, it's got concrete on both

19

sides of the shell and then pre-stressed

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wire wrapped around it. That is the major

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structural element of that pipe, and there

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is a mortar coating on the outside.

23

There has been some experience with

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pipe of this type under higher pressures

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than we experience around the world that

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has been failing.

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A couple of years ago we inserted an array of hydrophones (phonetic) into the pipe, and they are able to distinguish a noise associated with the pre-stressed wire breaking.

We did hear a significant number of wire breaks through the five thousand foot array that we had in the pipe, and because of that, we secured some engineering assistance, some experts that were dealing with this type of pipe as part of their everyday life, and we got to the conclusion that we should enter into additional services to design a replacements at some time in the future.

What I forwarded to the chairman was a brief memo indicating that we want to start with the alternative analysis to the pipe, whether it should be replaced, rehabilitated, should we look at other possibilities in land recharge, possibly a discharge to the bay?

Some of these we don't think are

2 things that would go too far, from the
3 giggles in the corner.

4 MR. KAUFMAN: Ain't happening, Ben.

5 MR. WRIGHT: All we have to look at
6 is the permitting process and also the
7 environmental process. The initial stage,
8 there is five point four million that
9 we'll be looking at this year and 2010, to
10 do all the steps necessary to bring this
11 to the construction phase.

12 We anticipate that impact statement
13 would be necessary and likely wouldn't be
14 something that we would be coming back to
15 CEQ till next summer, 2009, but we're
16 looking for your concurrence and any
17 guidance in our steps as we proceed, I
18 think, to this.

19 We do have a public hearing on June
20 tenth. It was questionable whether or not
21 we really needed one for the planning
22 phase, but the response plan that we're
23 putting together, the emergency response
24 plan, we don't anticipate a problem before
25 we get to construction.

2 But we want to be safe. We're
3 looking to purchase a number of sections
4 of pipe to store at the Bergen Point site.
5 We want to have a contractor on call. In
6 case something goes wrong, we can respond
7 as quick as possible.

8 MS. GROWNEY: What are the state of
9 the art systems that are available for the
10 pipe?

11 MR. WRIGHT: Some alternatives, I
12 mean, the cheapest but which might take
13 longer environmentally is do it this way,
14 it was to do a trench across the bay.

15 That process included a half a mile
16 strip on each side of the pipe a mile wide
17 where all the clams had to be harvested,
18 replaced. It was a very onerous project.

19 That would probably take us an
20 extra couple of years as compared to a
21 tunneling process where you would have an
22 opening at the plant and on the barrier
23 beach. You go down, there is a clay layer
24 where we would put a ten foot diameter
25 tunnel underneath the bay, put two,

2 fifty-four inch pipes in that tunnel.

3 The type of materials are a little
4 different, the technique is different than
5 what would have been used thirty-five
6 years ago. It is more expensive but
7 quicker, because the environmental process
8 is not as detailed because of the limited
9 areas that you're disturbing.

10 MS. GROWNEY: What are the
11 limitations with doing tunneling?

12 MR. WRIGHT: Disturbance on both
13 sides possibly, you probably need a thirty
14 foot diameter shaft. There would be
15 larger areas for storing materials during
16 the construction process itself.

17 The completed project wouldn't have
18 any impact.

19 MS. GROWNEY: Overall, there would
20 be greater impact if you do the
21 replacement of what is there, but less
22 impact if it is tunneling underneath?

23 MR. WRIGHT: Whatever project we
24 end up with, the impact will be negligible
25 when finished. It is during construction.

2 MS. GROWNEY: What is less
3 interruptive of the natural environment
4 now sounds to me is the tunneling.

5 MR. WRIGHT: I believe so.

6 MS. GROWNEY: That is the answer I
7 was looking to hear.

8 If that is the case, where would
9 you start the tunneling?

10 MR. WRIGHT: As close as possible
11 to the existing pipe. We have to make a
12 connect at the treatment plant site and at
13 the barrier beach for it to continue into
14 the ocean. It would be in close vicinity.

15 MS. GROWNEY: Would it be the same
16 length, larger?

17 MR. WRIGHT: Same length, but if we
18 go down 150 feet, we have another 300 feet
19 of pipe down and about 15,000 feet across
20 the Bay.

21 MR. SCHNEIDERMAN: You said there
22 are possible stress issues within the
23 current pipe, it's a six foot diameter
24 pipe. Can you do an insert inside of it,
25 can a sleeve be put in to it?

2 The diameter is going to shrink six
3 feet. Sounds awfully big.

4 MR. WRIGHT: The difficulty is we
5 have three boat channels that go
6 underneath. When you're inserting
7 something, it's difficult to make those
8 bends.

9 You would have to open up the bay
10 in eight different places.

11 MR. SCHNEIDERMAN: Might be far
12 less disturbance than taking it all out.

13 The other thing is do you know the
14 volume of water on a per day basis going
15 through that pipe?

16 MR. WRIGHT: Average flow is
17 twenty-five million gallons a day.

18 MR. SCHNEIDERMAN: On a yearly
19 basis, that's a tremendous amount of
20 gallons of water that leaves our aquifer
21 system.

22 Has that been studied in terms of
23 can our aquifer sustain the loss of that
24 much water?

25 MR. WRIGHT: It has been studied.

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It was initiated in 1977, and it was both. Nassau and Suffolk performed that study.

It identified twenty-two streams within the southwest sewer district, and there were thirty five sites identified as possibly requiring some type of replenishment, whether it was a pond or wetland, etc., but the conclusion a few years ago was that the impact of sewerage had taken place, and there was no need to mitigate at this time.

Obviously, right now there is a lot of high water areas, people complaining about flooding, etc., so the one project that we were going to initiate is in Deer Lake, split between Babylon and Islip.

The option there was to take shallow -- water, put it into the lakes to maintain a particular water level. That is the option we're going to try on a small scale, but until State DEC or the U.S. EPA directs us to do something else because of some problems, we weren't going to proceed further.

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Deer Lake, there was a house. Budget people went out to look at that project. There was a house for sale, waterfront property. It is kind of difficult to justify a capital program there with that condition.

MR. SCHNEIDERMAN: We're in the neighborhood of a billion gallons a year of water leaving the aquifer. You're working off a study that may be old.

I hear there is all kinds of aquifer issues in terms of depletion, maybe that is incorrect, but there is a concern with increased development that maybe we need to update the study, take a look before we continue on the current course.

Probably should have the best science available to see if we're taking all this water out, is there something we're not doing to --

MR. WRIGHT: That is something that would be part of the EIS of the expansion project at Bergen Point. What happens

2 right now has been going on for many
3 years.

4 There hasn't been an impact on the
5 wetlands or streams.

6 MR. HORSLEY: Speaking for the
7 Southwest Sewer District, having it as a
8 back yard, we don't want that pipe to
9 fail. It is almost an emergency
10 situation.

11 If we have a hurricane, we could
12 lose the bay with the destruction of this
13 pipe.

14 MR. WRIGHT: It is treated sewage,
15 but there is something where it is some of
16 the region --

17 MR. SCHNEIDERMAN: As long as you
18 have a basis to continue on the course
19 you're on, I don't have an issue, but it
20 is worth looking at.

21 THE CHAIRMAN: This is not a
22 scientific investigation today. This is
23 the -- what we're granting him is
24 authority to go ahead with planning.

25 MR. WRIGHT: An emergency response

2 plan. We're going to buy something but
3 not construct something.

4 THE CHAIRMAN: We'll have an
5 opportunity to review the scope of your
6 proposed work and so forth.

7 MR. KAUFMAN: Any idea what the
8 cause of snapping of the pre-stressed is;
9 water corrosion or --

10 MR. WRIGHT: This whole pipe was
11 developed back in World War II, because it
12 was minimizing the amount of steel they
13 were using in pipe lines. It's more
14 reliant on concrete, but the pre-stressed
15 wire is small wire, and one company
16 developed a class that was too ductal, too
17 brittle basically, and under pressure, it
18 was breaking.

19 If it breaks, the mortar cracks,
20 there is corrosion, the steel shell can
21 only maintain certain pressure. Some
22 water lines had a hundred pounds per
23 square inch. That is where the problems
24 were.

25 We're at three to five pounds per

2 square inch, unless there's storm flows
3 and we're up to twenty-five to thirty
4 pounds per square inch.

5 MR. KAUFMAN: One other question.
6 I'm familiar with some of the dewater
7 problems occurring in Nassau County where
8 they've knocked out a fair amount of
9 streams. It was my impression, talking
10 with some civil engineers from Nassau
11 County Department of Public Works, that
12 that problem kind of stops at the County
13 line.

14 We've not experienced severe
15 dewater and dropping of water tables.

16 MR. WRIGHT: The results of the
17 Nassau and Suffolk studies, Nassau was
18 impacting the western part of Suffolk more
19 than anything else.

20 MR. SCHNEIDERMAN: It is well over
21 a billion gallons, to correct my math.
22 Nine billion.

23 MS. WRIGHT: There is two hundred
24 sixty million gallons of fresh water that
25 goes into the bay everyday.

2 MS. RUSSO: I make a motion that
3 this is a type two action.

4 THE CHAIRMAN: We have a motion.

5 MR. MACHTAY: Seconded.

6 THE CHAIRMAN: Seconded by Mr.
7 Machtay.

8 Any other discussion?

9 (No response.)

10 All in favor?

11 MR. GULBRANSEN: I have a question.
12 Our motion is to authorize them to carry
13 forward an emergency response plan,
14 contingency plan, as well as the planning
15 for --

16 MR. WRIGHT: The request for
17 proposal is to evaluate alternatives in
18 the permitting process, prepare an
19 environmental impact statement that would
20 be necessary, depending on which option is
21 selected, and do a final design. That is
22 the process we're going to go into.

23 We'll be back here in a year.

24 MR. GULBRANSEN: The process beyond
25 the emergency measures includes volume,

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includes demand?

THE CHAIRMAN: It should, yes.

MR. GULBRANSEN: Sewage growth?

MR. WRIGHT: Not growth. There is an expansion project, a different project that is looking at expanding Bergen Point.

We'll have to look at what is the impact.

MR. SCHNEIDERMAN: Would that mean you have to put a second outflow pipe in if you're going to tear one up?

MR. WRIGHT: Our plan is either a tunnel would have two four and a half foot diameter pipes, a trench would be two pipes, too.

MR. SCHNEIDERMAN: You're planning for the increase capacity in the outflow pipe?

MR. WRIGHT: That size has capacity for additional flow. The pipe that is there now is sized for twice the flow that we're seeing.

MR. SCHNEIDERMAN: Our role here, are we trying to determine whether this is

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unlisted or type two; do we know it is

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type two?

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MR. BAGG: The regulations say to conduct a study, engineering feasibility study to do a further project it is clearly a type two action, and Ben is requesting to be allowed to purchase additional pipe sections in case of a failure so they have them on site, so they can go in on an emergency basis and fix the pipe, because these things you can't buy in a hardware store.

It could take weeks or months to get them. We would need additional sections if case there is a failure.

MR. SCHNEIDERMAN: It might have to be done under emergency provisions which will skip us.

MR. BAGG: This is simply for study and buying the equipment to have on site.

MR. MACHTAY: If there is anything making me uncomfortable, this is the third or fourth time he said they're going to study alternatives which are specifically

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pursuant to SEQRA. That is an issue that you must address.

If you're going to study alternatives ahead of time and come in with a conclusion, then we're doing the process a little backwards.

MR. WRIGHT: My memo indicated concurrence and guidance.

MR. BAGG: Basically you can study alternatives and then you do the environmental impact statement. It lists all those, and based on environmental and everything, you pick the best alternative.

You have to study alternatives one way or the other, either in front or after the fact when the impact statement comes out.

MR. MACHTAY: You know what the conclusion is? I believe it's I'm sure they will work it out.

MR. SCHNEIDERMAN: Seems to me you have to buy equipment. If there is an emergency, you're going to go in, you won't have to wait, won't see this Board

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again.

It seems to me, knowing this could happen, obviously you feel strong enough that you need to have the pipe there. We could be looking at mitigating measures, so that if an emergency occurred, what would be the best place to take -- best way or method only for removing a section of pipe, putting it in, to cause least disturbance. Doesn't seem like we'll get that dialog.

That is the missing piece here.

MR. WRIGHT: If the pipe fails, there will be twenty-five million gallons a day of treated sewage going into the bay.

MR. SCHNEIDERMAN: Prepare now.

MR. WRIGHT: There is a procedure on how to replace the pipe, a section of pipe if it fails. There is a particular procedure on how to get it out and get a new section in.

MR. SCHNEIDERMAN: This body may have something to say about that

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procedure.

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As long as we're not in the emergency situation now, we're not going to get to have that dialogue.

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MR. BAGG: It should be pointed out the regulators in Great South Bay is the DEC, that basically before any emergency action would be taken, it has to go before DEC and be approved from an environmental impact point of view, as well as the Coast Guard and Federal government.

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MR. KAUFMAN: Additionally, what we've done over the last fifteen years or so, when we're faced with this kind of situation, we have typed it as two. We have given recommendations to Ben such as we're giving here today on how to possibly deal with it.

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But because it is a type two and planning for the most part, they're trying to figure out what they want to try and do. We've given them leeway.

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They've always known if it goes beyond any major planning activity, if it

2 goes into something they have to put a
3 fair amount of study into, the Department
4 of Public Works has known it has to come
5 back here or else inform us of that.

6 I don't know that there is a gain
7 here, if you will, in terms of what actual
8 project initiation, physical activity or
9 anything like that.

10 I see this more as a planning
11 activity, and they're preparing more than
12 anything else, once the plans come in and
13 they know which way they want to go.

14 MR. WRIGHT: I have no objection to
15 coming back here when we develop details
16 on the alternatives.

17 MR. BAGG: If you read the SEQRA
18 statute, "conducting environmental,
19 engineering, economic feasibility and
20 other studies and preliminary planning and
21 budgetary processes necessary to the
22 formulation of a proposal for action,
23 provided those activities do not commit
24 the agency to commence, engage in or
25 approve such action as a type two action."

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THE CHAIRMAN: We have a motion and a second.

All in favor of the motion?

(Whereupon, all responded in the affirmative.)

Opposed?

(No response.)

Motion carries.

This has the potential to make the mosquito control program look like nothing.

MR. WRIGHT: Sorry to hear that.

THE CHAIRMAN: It is disturbing, putting cable in. What is likely to happen, you know what outfall is going to be when we got out to the ocean?

Recommended unlisted actions, proposed acquisition for open space preservation purposes known as South Bay Street property in the Incorporated Village of Lindenhurst.

MS. ^{Fischer!}~~FISHER~~: I'm ^BPrincipal ^EEnvironment ^AAnalysis the Department of Planning.

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Before you today, is a proposed acquisition of two parcels totaling point two two acres in size in the Village of Lindenhurst along the Great South Bay.

The first parcel, there was a structure, a residential structure previously on the property. That residential structure has been removed.

They are two vacant lots rather than one developed and one undeveloped. The second parcel is primarily under water, land within Great South Bay with a small portion of upland shoreline area.

This is being proposed under the old drinking water protection program twelve five E one A. That is designated funding for the west end towns. Specifically in this case, this would be within the Town of Babylon.

We have been given information regarding its potential use. The Village of Lindenhurst has adjacent properties both to the east and west of the property before you. This proposed use is for

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walking, small picnic areas.

I would like to ask Wayne Horsley to give his further description of the potential use of the site.

MR. HORSLEY: I'm going to talk about the history because I think --

Thank you for letting me have this opportunity today. Rich, by the way, in that Babylon Historical Society take over of the VanBourgondien property, they were just given by the family, in the 1918 or 1921 range, an automobile, a truck in pristine shape with VanBourgondien Brothers written on the side that they used as a marketing tool, but it is fabulous.

They're going to give it to the house, which is a terrific historic item for the Town Babylon. Thank you for your help.

I'm here to talk about the Bay Street property. It has a tortured past, and Jay knows a little bit about this. This is something that I've had to deal

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with since I've been on the Legislature,
since 2005.

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This property is at -- you have
copies of the picture -- at the end of a
street. It is an addition to Shore Park,
and I think it qualifies under everything
you've talked about.

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This property qualifies for
importance and for the reason to increase
the size of the park, which is why we
acquire properties particularly in the
western section where we don't have any
properties to purchase.

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Again, it goes to, this is the old
program of Babylon monies which were
directed to Babylon Town. A little about
the history, when I came on board in the
Legislature, there was a bill that -- for
the purchase of this property. It was
passed by the Legislature, went to the
County Executive, he vetoed it.

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I came into office and my first
day, first meeting was this veto of the
property. Why was it vetoed? The reason

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why was everyone looked at that property and said the same thing. What it is, is that the property was going up for sale.

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The Village of Lindenhurst said this is a great piece of property to grow our park, to acquire a very sensitive part of -- the properties are now under water. We have erosion issues. The Village will take it. They went to their Legislator, who was Dave Bishop. He said I would like to have the County purchase this property.

Went through some of the processes, but the process would take too long, so they were going to sell the property to a private -- there is a house on the property in very poor shape. At that point in time, the Village went to the Legislator and said, "How about if we up front the monies and the County can take the time and processes to pay for the property through this directed water program for Babylon properties?"

Everyone agrees with it. The Village mayor has that understanding that

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the Village up fronts the dollars, a

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hundred eighty thousand?

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MS. ^{Fischer}~~FISHER~~: I'm not sure.

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MR. HORSLEY: I come in the first

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day, this is a commitment that we made to

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one of our prominent officials in the town

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and Suffolk County. Mayor Thomas Brennan

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said, "We'll do this work with the

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County."

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They go off, buy the property.

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They turn to the Legislator, he puts the

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proposal into the Legislature. They pass

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it, it's vetoed. I come in, and my first

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act working with the new majority in the

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Legislature the first day in office, first

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meeting overrode the County Executive's

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veto. That was well received.

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Joining me with that was Jay

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Schneiderman, who gave rationales how this

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has been done in the past. As we moved

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forward, nothing happens to this bill. It

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sat there. The Village never received any

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monies.

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There is a commitment from the

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County. How important is our word and commitments? That is the issue.

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I find recently that I needed an appropriating bill. The bill goes through committee, passes committee after everyone has the same question; if it is in public hands, owned by the Village, why should the County pay for it? It is wrong.

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That is the issue, but we made this commitment back in 2004. Everyone who looks at this, including the Parks Committee's, first reaction was, the Village owns this property, why should we be paying monies for this property?

The Parks Committee almost denied it. Then I explained to them the history. They seemed to move forward. Parks Committee, why should the town -- County pay for property that is already in public hands?

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To complicate the matter, we went out, assessed the property at three hundred eighty thousand dollars. The County Executive's staff sees that, they

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then say the Village is trying to make money. Had nothing to do with the assessment.

They're looking for reimbursement of the one eighty. It is much more costly to buy that today than back in 2004.

I'm walking everyone through our commitments to the mayor, sitting mayor. I'm like, "If you stand by me, I'll work with you to the very end." That is how the County should hold their trust and word.

I'm here to plead this issue. Once this is explained, people say I understand now.

Any questions?

THE CHAIRMAN: Do we have anything in writing about this commitment?

MR. HORSLEY: No. I can't find anything in our records. I certainly would have the Village come down to make any testimony to this commitment. Maybe they did things differently in the old days.

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I have inherited this issue.

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MR. SCHNEIDERMAN: We can stray

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into a conversation about whether or not

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it is right policy or wrong. That is not

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the issue. It is open space.

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We're purchasing open space. It

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needs to be reviewed as any other

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proposal.

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THE CHAIRMAN: I guess.

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MR. SCHNEIDERMAN: Another debate

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for the Legislature.

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THE CHAIRMAN: We are to look at

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the environmental issue, and if we look at

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the environmental issue in context, there

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is a fixed pot of money. We spend money

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on this as opposed to something else, that

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is an environmental issue in a broadest

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sense.

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That is how we have to look at it.

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Can't look at the cost, because that is

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not our job. We got to stick to the

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environment.

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MR. KAUFMAN: Two questions. What

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is the point score on this property if we

2 were assessing it under standard criteria?

3 MS. ~~FISHER~~^{Fischer}: Honestly, I don't
4 think it was.

5 MR. SCHNEIDERMAN: I asked for
6 that.

7 MR. KAUFMAN: That is one of the
8 criteria we use.

9 MR. HORSLEY: May have predated it.

10 MR. KAUFMAN: It will give us an
11 indication of what we're looking at.

12 The other question is this is an
13 isolated piece in terms of County
14 ownership as compared with the Village of
15 Lindenhurst. I understand the political
16 ramifications and the historical aspect.

17 The County has had policies in the
18 past to not necessarily accept or purchase
19 properties that are somewhat isolated from
20 County properties and are not necessarily
21 adding to County park facilities.

22 This is in an isolated area next to
23 the Town of Lindenhurst ball fields.

24 MR. HORSLEY: It adds on to the
25 existing parkland.

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MR. KAUFMAN: Surrounded by Village property. That gives me pause in terms of analysis.

MR. SCHNEIDERMAN: This program is a twelve five E one A. It's an older program.

There were funds dedicated from sales tax revenues, correct?

MS. ^{Fischer}~~FISHER~~: First quarter percent funding.

MR. SCHNEIDERMAN: That went to municipalities. Historically, although there's no statutory requirement, we have allowed the municipalities to say how they want their money spent.

From my perspective, these have come up before, and we basically have not trumped the municipalities. That is my recollection.

There has been several municipalities that I remember. There was one where they wanted drainage parcels. If that is what the community wanted, we have not second guessed those things.

2 I haven't look at this through that
3 lens. There is Lindenhurst in the Town of
4 Babylon.

5 MS. ^{Fischer:} ~~FISHER~~: It is dedicated for
6 lands within the Town of Babylon. This is
7 the Village of Lindenhurst within those
8 bounds.

9 We take that into advisement, but
10 we are not bound by the requests of the
11 local municipalities.

12 MR. SCHNEIDERMAN: I understand
13 that the piece in Islip was not acquired.
14 It was rejected by the parks trustees and
15 not moved forward.

16 That was a bad example.

17 MS. ^{Fischer:} ~~FISHER~~: We do have this
18 funding source, and it is dedicated for
19 lands within the town, and it does make
20 that criteria in that regard, but we --
21 again, it's up to the County's discretion
22 as to how we spend that money within that
23 town.

24 We take, you know, requests under
25 advisement for sure.

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THE CHAIRMAN: How did you plan on using this?

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MR. HORSLEY: This will be -- the house is down. They're planning on putting several park benches, a little walkway to the bay. Use it as a passive area.

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THE CHAIRMAN: How will Suffolk County residents --

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MR. HORSLEY: It is an open park.

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THE CHAIRMAN: Where would they be allowed to park?

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MR. HORSLEY: Off the chart. If you head further north, there are parking areas that are used by anyone that wants to use them.

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MS. RUSSO: They're not Village only parking spaces?

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MR. HORSLEY: No. Ball fields and anyone who wants to use it. It is a common location.

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There's no fencing involved in the park, except behind the houses to the opening. There is no entranceway, no

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gatekeeper, any sort of restraint for anyone to be checked.

MS. GROWNEY: Handicapped spaces, that would be one of my concerns. If it is accessible to County residents, in what way --

MR. HORSLEY: Handicapped, I would assume they would have to comply with ADA regulations. It is an open park.

MS. GROWNEY: This particular site.

MR. HORSLEY: Wouldn't it then be -- you're looking for handicapped spots at that location?

MS. GROWNEY: It's so far from the parking. It is way off this. To get a handicapped person to get to that space --

MR. HORSLEY: It would be no designated handicapped spot. It is in a residential area, but at the end of that street where you could park, it is accessible.

It's not fenced in.

MS. GROWNEY: I would be inclined to see a spot.

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MR. MACHTAY: There is some kind of path or roadway that leads down to the water as far south as it can go.

If handicapped people were allowed to proceed with cars down there and there is parking along there also, doesn't seem it would eliminate the possibility that handicapped couldn't reach these properties.

Seems there are other obstacles that have to be gotten past for the Legislator, most notably the Legislature, and our only question is whether or not this is an unlisted action and negative declaration; am I right?

MR. BAGG: That is correct.

MR. MACHTAY: I make a motion this is an unlisted action and negative declaration.

THE CHAIRMAN: Motion by Mr. Machtay.

Second?

MS. SPENCER: Second.

THE CHAIRMAN: Seconded by Ms.

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Spencer.

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Further discussion?

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(No response.)

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Call the question.

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All in favor of the motion, raise

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your hand or say aye?

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Opposed?

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MS. RUSSO: I am.

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THE CHAIRMAN: Abstentions?

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MR. SCHNEIDERMAN: One opposed, one

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abstention.

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THE CHAIRMAN: Motion passes.

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(Whereupon, there was a recess,

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after which the following transpired:)

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THE CHAIRMAN: We'll resume.

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We have highway and drainage

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improvements to CR 4, Commack Road, from

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Nicolls Road to Julia Circle.

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Identify yourself for the record.

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MR. MACKEY: For the record, I'm

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Russ Mackey. I work for Suffolk County

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DPW, County Management Division. This is

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Rich Geiger, our consultant for this

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project from Sidney B. Bowne and Son, LLP

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who will describe the program.

MR. GEIGER: What this project is, it's a two point one mile section of Commack Road, County Road Four, within the Towns of Babylon and Huntington. The south side project is Nicolls Road, the north side is Julia Circle.

The road right now varies. It's a four lane road on the south end and towards the middle, there is a grass median where the road splits, two lanes east side. The northern two-thirds is a two lane road.

We're proposing the predominantly pavement improvements, overlays over existing concrete panels and asphalt covering. We also propose to excavate existing. The asphalt shoulder is in bad shape, and we'll replace that with a heavy duty section.

We have a lot of large truck traffic on this road. Outside the asphalt shoulder, we propose the total excavation and replacement. We also will widen the

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road approximately one to two feet on each side. It will finish with a total pavement length of forty-four feet and the way that would be striped would be two eleven foot lanes, an eleven foot separation median with five and a half foot shoulders on each side.

The separation is for safety reasons. Drainage wise, what you have is independent inlets with leaching pools. There is some positive drainage on the south end that runs to the south.

All we're proposing for drainage is raising the new grade. It will have grates when we do the overlay, and we're proposing some spot drainage in the grass medians.

We're proposing six leaching pools, each being ten foot diameter by twelve foot diameter, standard Suffolk County type G three structures, contributed to from catch basins on the roads with cross over pipe, fifteen inches of pipe.

Drainage is designed for two inches

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of rainfall. Other than that, drainage will be as currently exists; it will run off the edge. We're not proposing any new curbs. Any pavement will be done to prevent the edges from breaking, cracking.

There will be no new curb installation. It is not going to collect any water and have it go somewhere else, run off the road or onto the road as now picked up in the spot drainage locations we have currently.

MR. MACHTAY: This all will happen within the currently paved width of the road and the shoulders?

MR. GEIGER: No. Right now the actual road edge to edge is forty-one to forty-three feet. We're going to provide a width of forty-four.

MR. MACKEY: The right of way will be slightly larger than the existing paved width.

Any new travel lanes being added?

MR. GEIGER: Not at this time, no.

MR. MACHTAY: Do you have the

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potential to add new travel lanes?

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MR. MACKEY: The reason the project is going forward is a safety issue. We're not adding capacity.

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MR. RUSSO: What is the safety issue?

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MR. MACKEY: From 2001 to 2005, there were 117 accidents on this stretch of road, varying from head-on collisions to various other types of accidents. We attribute it to possibly because of the poor shoulder conditions, people can't get off the side of the road or a situation such as that people trying to overtake. Stuff like that.

These improvements with some water ponding on it, we deem will alleviate --

MR. GEIGER: When we repave, there is a -- we are going to bank the outside lane like a race track to prevent cars from going off the edge.

MS. GROWNEY: Two inches are enough?

MR. GEIGER: That is standard.

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MS. GROWNEY: Is it enough if the water is one of the issues?

MR. MACKEY: I believe a soil boring was done after this first couple of inches that will be the grate and such. Where the actual leaching takes place, it is good material.

MR. GEIGER: That is total storage, assuming no percolation. Our boring when you get down to four or five feet, you have one percent being held in, which is a very good rating. We're assuming excellent percolation.

MS. SQUIRES: Have you had a response from the town of Huntington engineering department?

MR. GEIGER: No.

MR. KAUFMAN: Essentially you're going to be making the shoulders eleven feet wide?

MR. GEIGER: Five and a half.

MR. KAUFMAN: Enough to park a truck on there?

MR. MACKAY: Truck widths are a

2 little bit better. In case a car breaks
3 down, it can get off the side of the road,
4 safely off the side of the road.

5 MR. KAUFMAN: I've used this road
6 several times, seen trucks parked on the
7 shoulders waiting for industrial parks
8 down to the south. When they've done
9 that, they've been on the road bed.

10 MR. MACKAY: I don't know what the
11 regulations are. That almost sounds like
12 a police enforcement issue if there is no
13 parking allowed there.

14 THE CHAIRMAN: Is this road used as
15 a speed way?

16 MR. GEIGER: Probably is.

17 THE CHAIRMAN: Is it poor quality
18 road or the fact they're not enforcing the
19 speed limit?

20 MR. MACKAY: Poor quality road. I
21 was there yesterday. We've determined,
22 and construction people determined, that
23 our maintenance department has patched it
24 many times in the past. Those have
25 failed.

2 Most likely it's that the subbase
3 is a clayey material which can't hold --
4 isn't suitable for holding pavement which
5 is why it pumps and fails, breaks. That
6 is why we keep going back there and
7 patching.

8 MR. GEIGER: Our new section, we
9 have a contingency for excavation of
10 unsuitable material that would be another
11 six inches beneath our twelve inch
12 equivalent, eighteen inch equivalent
13 section.

14 We're providing for a heavy duty
15 section and anticipating a poor subgrade
16 near the surface where that can be
17 replaced.

18 MR. MACHTAY: Will you be
19 coordinating with the Town of Huntington
20 by contacting them?

21 MR. GEIGER: I assume most of my
22 jobs in Suffolk County, I've talked with
23 Bianca at engineering. I'm assuming once
24 we get this thing going, I will be talking
25 with her about what we're doing.

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MR. PICHNEY: Will the grass median be more or less at grade or swailed (sic)?

MR. GEIGER: Right now, it is a little bit. That is what we're going to try to get when we put our G three's in the middle. We'll try to set them six inches lower, and we're going to allow re-grading and reseeding and top soil. In that grass median area, I'm going to be putting six in.

You figure ten foot with ten foot separation on each side of that turn around circle, maybe fifty, sixty feet out of fifteen hundred will not be disturbed to the median.

MR. KAUFMAN: I can confirm the pavement is not all that great. I was there recently. There was a bridge across here, which I think we were dealing with.

I don't know what happened to it. Is it still in existence?

MR. MARTIN: It's still there. Can you explain the status?

MR. MACKEY: It will be coming down

2 as part of a safety issue. CEQ gave
3 approval and a negative declaration back
4 in 2001. It is a safety issue right now.
5 Currently there is no safety appurtenances
6 to protect like you see on highways.

7 It does run into the bridge
8 abutments. We have noticed that trucks
9 that use the road are afraid of clearance
10 and drive in towards the middle of the
11 road to avoid hitting it. That is another
12 reason -- safety issue there as well.

13 The fact that we want to do -- with
14 a total pavement width coming near the
15 bridge, you would have to come in
16 underneath and you don't want to change
17 the width of the roadway.

18 MR. KAUFMAN: To have full width,
19 knock out abutments?

20 MR. MACKEY: Yes.

21 MR. MARTIN: Shouldn't that be in
22 the report? I went there to see if it was
23 still there.

24 MR. MACKEY: That is a separate
25 project.

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MR. MARTIN: Shouldn't it say it has to be taken?

MR. BAGG: We reviewed it before and made a recommendation.

MR. MARTIN: Shouldn't that be in here, that that was completed?

MR. KAUFMAN: We're noting it here. He could amend the paperwork.

MR. MARTIN: I don't know if anyone else has a question. We did review it, we photographed it at the time. I think it should be in.

MR. BAGG: It's a separate project. They're going to remove the bridge whether this goes through or not.

MR. KAUFMAN: Under the short assessment form that is filled out, Rich may have a slight point.

We can probably amend it here. What happens is we've raised it here, I don't know if other people spotted it, etc.

If they had seen these documents, it is not mentioned in here. Can we fix

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it today?

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MR. BAGG: Do what?

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MR. KAUFMAN: Put in there is a
bridge over there.

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MR. BAGG: We reviewed it, they
have an unlisted action, negative
declaration to that. It is a safety
hazard in 2001.

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THE CHAIRMAN: How come it was not
removed seven years ago?

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MR. MACKEY: I don't have that
information. I don't know.

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MS. SQUIRES: I understand that
we're just talking about leaving it as it
is, just increasing the shoulders, but
should the project consider to accommodate
the proposed projects that are going to go
on, and this will require probably even
four lanes.

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Should that be considered?

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MR. MACKEY: What proposed projects
are you speaking of?

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MS SQUIRES: The development
projects.

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MR. MACHTAY: At least two major shopping centers that are going to be going up. On Grand Boulevard is the new Tanger and the other is just north of the railroad tracks on Commack Road, a second shopping center.

I don't know what it is called.

MR. MACKEY: I assume when those applications or permits for those went in, that there was probably traffic studies done, and if this project is going forward, those were under consideration when this thing was undertaken.

MR. BAGG: When the town approved those studies, did they make a recommendation to improve any roads?

MR. MACHTAY: Didn't approve those studies, the Town of Huntington.

MS. SQUIRES: It is Babylon and Smithtown. I'm raising the issue.

MR. KAUFMAN: I believe the Tanger stuff down in Deer Park, there was mention made of Commack Road. I believe that they were looking at it in terms of the

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existing capacity, and they were not looking at Tanger, which is more towards Grand Boulevard, not at Commack Road.

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It's primarily feeder or relief valve. That memory may not be accurate. Something should be looked at.

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That is my recollection, that Commack Road was not looked at in terms of being expanded.

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MR. MACHTAY: The Town of Huntington, I was director of planning at the time. I had to give testimony at the public hearing in Babylon.

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The Town of Huntington hired an outside engineering firm for a traffic study to do a traffic study of Commack Road and other arterials in the area, and it was a fairly significant impact that was going to occur on Commack Road, from what I recall.

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That is the study we did.

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MR. KAUFMAN: Any talk about expanding it to four?

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MR. MACHTAY: Don't remember.

2 MR. KAUFMAN: That is what is
3 sticking in my mind.

4 MR. MACHTAY: I know there was a
5 great deal of controversy of what would
6 happen on Commack Road.

7 MR. KAUFMAN: I remember it being
8 talked about in terms of Pilgrim
9 Psychiatric, and what they're trying to do
10 up there.

11 MR. MACHTAY: The supervisor was
12 very adamant that I be, as director of all
13 improvements taking place and all projects
14 going to take place, whether they were in
15 the Smithtown side, Babylon side or the
16 Huntington side, and that I was to keep
17 him informed of these.

18 THE CHAIRMAN: It seems that the
19 appearance is that there has been
20 inadequate coordination with the towns
21 considering what the planned development
22 is for the area.

23 MR. MACHTAY: I don't know.

24 MS. SQUIRES: I can't say, but I
25 think engineering should certainly

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respond.

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MR. MACKAY: Engineering wise, the sections that we are building as far as the pavement and all that is a normal drivable kind of thing. We're not going to put something that is not --

MS. SQUIRES: No, I'm just saying that the Town of Huntington engineering department should respond to you, as should the Town of Babylon.

Have they responded to you? There should be response from the towns.

MS. SPENCER: Have you solicited responses from Smithtown, Huntington and Babylon?

MR. BAGG: We send these to the Huntington CAC, to the Huntington supervisor or Huntington environmental department, requesting people come here to voice their concerns; Babylon DEP, Babylon supervisor, and that is one of the problems.

These people -- I don't know what they do, throw them in the circular file.

2 MS. SQUIRES: I'm responding and
3 asking questions.

4 MR. BAGG: Have you reviewed this?
5 It should be do you have environmental
6 concerns before your commission, not
7 whether it has been to your DEP because it
8 has.

9 Did you call them up and say this
10 is before the CEQ?

11 MS. SQUIRES: I'm asking questions
12 here. Let me finish my questions.

13 MR. BAGG: Everyone has these
14 questions, yet these people get these
15 documents and nobody responds. Then you
16 want them to find out whether they
17 responded.

18 That is up to you to contact your
19 supervisor and say where is your response?

20 THE CHAIRMAN: I think we always
21 have problems with coordination. It seems
22 to me that given the importance of this
23 road, that whether they have responded or
24 not, that we have an obligation to do --
25 try to do the right thing, which is go

2 back to the towns and make sure that they
3 have had an opportunity to get their input
4 in this process.

5 I'd hate to have a road built and
6 someone say --

7 MR. MACKEY: If they're planning
8 something, they would have contacted
9 somebody in the County to say we're having
10 this development, don't do anything to
11 this road at that point.

12 If this project's coming down to my
13 level from the chief engineer, he would
14 have heard that and made a decision as far
15 as what was doing on with this road.

16 THE CHAIRMAN: I understand that,
17 but given the importance of this, the cost
18 of the project and so forth, I think it
19 would not hurt us so delay for a month to
20 get answers to these questions.

21 MR. PICHNEY: Correct me if I'm
22 wrong, Jay mentioned about making this
23 into a capacity project rather than just a
24 safety project.

25 It is not unusual for public works

2 in order to address specific drainage
3 issues and safety issues, to jump on a
4 project and get it down and then if these
5 mega proposals come along, at that time
6 overall coordination is addressed, you
7 know, adding capacity to the road.

8 You know, even though it may seem
9 wasteful, you address the one issue and
10 then address capacity at a future.

11 MR. MACKEY: We can come back and
12 add on to it if it requires.

13 MR. BAGG: What you were doing now,
14 could that be utilized in a future
15 projects? I assume you're not going to
16 rip the whole road up and replace it.

17 MR. MACKEY: Other County roads, if
18 capacity is needed, they add onto the side
19 of it, like what we're doing.

20 The taking the shoulder, excavating
21 out shoulder, what you do then is excavate
22 out, make another pavement box and add on
23 that way.

24 We have no plans to do that. We're
25 just doing within the forty-four feet, but

2 if it comes back to later on in the future
3 capacity is needed, yes, you could do
4 that. There would be no problems.

5 THE CHAIRMAN: If capacity is
6 already being -- the need for capacity is
7 already being considered, I don't want to
8 build something, come back in one or two
9 years and start over again.

10 MR. KAUFMAN: There is a limiting
11 factor here. We have a forty-four foot
12 wide road bed. If we want to increase
13 capacity, it is called -- it takes that
14 outside the scope of this project.

15 We have a limited road bed here.

16 MR. MACKEY: It takes the
17 environmental areas with the State
18 preserves that we can't go into.

19 MR. KAUFMAN: That is part of multi
20 town, part of Oak Brush Plains, that is
21 State land. You can't take that without
22 several votes. Commack Road runs cross
23 there.

24 In terms of capacity, there is
25 nothing there. This is also on the west

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side. We're not talking necessarily about something that is easily expanded, and frankly that goes outside our purview.

What Jay was saying and Rich was saying, to talk to Babylon and Huntington, make sure that they don't have a problem with this or that maybe there is a change out there.

That might not be a bad idea.

MR. MACHTAY: As you know as a lawyer, perception is everything; am I right?

MR. KAUFMAN: To some degree.

MR. MACHTAY: Before all heck breaks loose, I think that supervisor's office might be contacted.

MR. KAUFMAN: That is what I just said.

MS. SQUIRES: No, I still didn't raise my two environmental questions which are quite specific.

You need to provide more details of your storm water control measures that are going to be implemented during

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construction.

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MR. MACKEY: We use the standard County standards with the fence and hay bails and for the existing leaching basins.

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MS. SQUIRES: They're not in there.

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MR. GEIGER: In the final plans.

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MS. SQUIRES: The other thing, would you address where the contractor's lay down area is going to be?

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MR. MACKEY: That is determined --

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MS. SQUIRES: What they're going to do to maintain cleanliness and temporary bathroom facilities are going to be provided.

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Is that going to be addressed?

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MR. MACKEY: In the general notice for all County projects, it says they have to keep the area clean. We can't say this is where the contractor is going to be because of the fact wherever -- the contractors may not need an on site facility for their operations or might have something on another job.

2 They might choose to go from there.
3 For us to say the contractor is going to
4 use here, that is impossible for us to
5 say. We don't know who it is.

6 On other projects they choose a
7 site, we approve it. As always, they have
8 to keep and maintain cleanliness of the
9 area.

10 MR. GEIGER: During and after.

11 MS. SQUIRES: Which always doesn't
12 work.

13 MS. GROWNEY: You can designate
14 where they can put the stuff.

15 MR. GEIGER: They can come in with
16 an alternative. They may not need a site.
17 They're a quarter mile away, doing another
18 job or the yard is right there.

19 MS. GROWNEY: That can be worked
20 out in advance if they need to use it.

21 MR. MACKEY: Certain location, for
22 us to pick it now with a couple of years
23 before construction, I don't think it is
24 pretty wise to do that.

25 THE CHAIRMAN: Motion?

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MR. KAUFMAN: I think we should
table this thing at this point in time. I
will make a motion to table this.

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THE CHAIRMAN: Second?

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MR. MACHTAY: Second.

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THE CHAIRMAN: Any further
discussion?

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MR. KAUFMAN: Is this a type two or
unlisted?

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MR. BAGG: They are going to add to
the shoulder and have a physical
alteration. Therefore, it makes it an
unlisted action. It is not a type two.

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MR. KAUFMAN: If it's straight
within the road bed and not going to
expand, it's type two.

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MR. BAGG: They're adding pavement,
not adding now travel lanes or knew
things, type two. However, there is going
to expansion of, you know, the shoulder.

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MS. RUSSO: Not really a travel
lane. Type two says travel lanes only.

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MR. BAGG: It is going to be a
physical alteration of, you know, over and

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2 above what is there now. I would say it
3 is an unlisted action.

4 THE CHAIRMAN: Anything else?

5 (No response.)

6 All in favor?

7 Opposed?

8 MR. PICHNEY: I am.

9 THE CHAIRMAN: Abstaining.

10 MS. SPENCER: I am.

11 THE CHAIRMAN: We have one
12 abstention, Mary Ann.

13 The motion passes.

14 Get back to other business. CAC
15 concerns.

16 MS. SQUIRES: I had one thing I
17 wanted to share. On June ninth, if you
18 happen to be in Albany, there is an annual
19 DEC update. Gloria attended last year, I
20 always attend.

21 I believe it's from 9:30 to 3:30 in
22 the DEC building. A lot of information
23 comes through on that day. I'll bring
24 back information if anybody is interested.

25 MR. PICHNEY: Nicoll's Road, County

2 road where it terminates on Montauk
3 Highway at Bayport border there, when they
4 constructed the road, they left about five
5 hundred, a thousand feet of existing
6 vegetation; pitch pine so forth. There is
7 some other brush.

8 There were people that, despite
9 vibrant signs say the road ends in five
10 hundred feet and arrows indicating to turn
11 right, on the weekends seem to jump the
12 medians and everything, resulting in
13 accidents, and apparently they decided --
14 the public works decided -- in order to
15 address that, they took down all the
16 vegetation that was there.

17 We're talking about not much, but
18 it was between a quarter acre and half
19 acre of trees and shrubs. Luckily
20 somebody did mark it out where the local
21 community had done plantings.

22 They left those. I called up DPW
23 highway department, and they weren't aware
24 of that. I spoke to Bill Colavito
25 (phonetic), I called maintenance and

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apparently the highway maintenance person, director for that particular section of the County made that decision that this should be done.

Kind of seems to me that it's kind of all or nothing or, allowing this power for one individual is a little too much. It almost seemed borderline with the purview of this agency. Other things could have been done.

The pitch pines that were there could have been left. They could have limited them up to eight feet. What I saw is the issue the ones that were overgrown and were leaning over to the shoulder could have been eliminated.

They should address the issue on a piece meal basis. It bothered me that something like that -- we deal with issues like the Commack Road where there might be, you know, sort of a marginal impact. This was a significant impact, at least to the community aesthetics if not the environment.

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THE CHAIRMAN: Would you like to propose that the CEQ write a letter to the highway department expressing our concern?

MR. PICHNEY: That would be very nice.

THE CHAIRMAN: Would you be willing to give a draft to Jim that would lay out the details so he knows who to work with?

MR. PICHNEY: I will do that.

THE CHAIRMAN: I would be glad to sign it.

MR. PICHNEY: Thank you.

MS. SQUIRES: It very much falls into what CEQ has always done. Nancy Manfredonia always protected the trees. That was always her job, and certainly we should express concern.

MR. PICHNEY: Things like that happen all over the County all the time.

MR. KAUFMAN: It is funny. DPW about ten years ago or so agreed to reforest or re-vegetate areas they took down for new construction. They also agreed over the years to when they were

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involved in construction in certain areas to re-landscape or re-vegetate adjacent areas.

That has been their policy for quite a while. For you to bring this up, it shows that maybe that policy is not going down to the individual resident managers of the area, and they should be informed one, they can't do that unilaterally, it's against County's CEQ's policies, three, it is against the previous agreements that the DPW has undertaken to try and respect --

MR. PICHNEY: I'll allow Jim to add those comments.

THE CHAIRMAN: Thank you.

MR. GULBRANSEN: The project message should say don't clear without checking, would it be effective and when do you have to clear, get some advice on indigenous species or sort of help them do it right, as contrasted with getting ready to just smack him.

MR. KAUFMAN: I believe in flaying

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the offending party.

MR. PICHNEY: They did leave some things there.

THE CHAIRMAN: You do know this is, in fact, in the County jurisdiction and not a town?

MR. PICHNEY: Definitely. It is on a median of a County road.

THE CHAIRMAN: Thank you.

Anything else?

(No response.)

We have a motion to --

MR. BAGG: When DPW does a project, you have safety issues, all kinds of issues.

MR. PICHNEY: I understand that perfectly.

THE CHAIRMAN: Do we have a motion to adjourn?

MR. KAUFMAN: So moved.

MR. MACHTAY: Seconded.

THE CHAIRMAN: Rich seconds it.

Thank you very much.

All in favor?

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(Whereupon, all responded in the affirmative.)

Who objects?

(No response.)

Thank you.

(TIME NOTED: 12:00 P.M.)

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CERTIFICATION

I, DONNA L. SPRATT, a Notary
Public in and for the State of New
York, do hereby certify:

THAT the foregoing is a true and
accurate transcript of my
stenographic
notes.

IN WITNESS WHEREOF, I have
hereunto set my hand this 30th day
of May 2008.



DONNA L. SPRATT