

# COUNTY OF SUFFOLK



STEVEN BELLONE  
COUNTY EXECUTIVE

DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING  
DIVISION OF PLANNING AND ENVIRONMENT  
COUNCIL ON ENVIRONMENTAL QUALITY

GLORIA RUSSO  
CHAIRPERSON  
CEQ

MICHAEL MULÉ  
ENVIRONMENTAL PROJECTS  
COORDINATOR

## **NOTICE OF PUBLIC MEETING**

Notice is hereby given that the Council on Environmental Quality will convene a regular public meeting at 9:30 a.m. on Wednesday September 19<sup>th</sup>, 2012 in the Arthur Kunz Library, H. Lee Dennison Building, Fourth Floor, Veterans Memorial Highway, Hauppauge, NY 11788. Pursuant to the Citizens Public Participation Act, all citizens are invited to submit testimony, either orally or in writing at the meeting. Written comments can also be submitted prior to the meeting to the attention of:

**Michael P. Mulé**  
**Environmental Projects Coordinator**  
**Council on Environmental Quality**  
**Suffolk County Planning Department**  
**P.O. Box 6100**  
**Hauppauge, NY 11788**

**Council of Environmental Quality**  
**Gloria Russo, Chairperson**

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## REVISED AGENDA

### MEETING NOTIFICATION

**Wednesday, September 19<sup>th</sup>, 2012 9:30 a.m.**

**Arthur Kunz Library  
H. Lee Dennison Bldg. - 4<sup>th</sup> Floor  
Veterans Memorial Highway, Hauppauge**

**All project materials can be found at:**

<http://www.suffolkcountyny.gov/Departments/Planning/Boards/CouncilonEnvironmentalQuality>

### **Call to Order:**

### **Minutes: August 2012**

Available on the website above

### **Correspondence:**

US Department of the Interior, Fish and Wildlife Service: Comments on Bergen Point Outfall Replacement Project

Regina Seltzer, Esq., Long Island Pine Barrens Society: Memorandum of Law Pertaining to Proposed Sale of Land by Suffolk County

NY State office of Parks, Recreation and Historic Preservation: Comments on Bergen Point Outfall Replacement Project

Cornell Cooperative Extension: Email regarding SPDES MS4 permit requirements

### **Public Portion:**

**Historic Trust Docket:**

Director's Report:

Updates on Housing Program for Historic Trust Sites

Updates on Historic Trust Custodial Agreements

**Project Review:**

**Recommended Type I Actions:**

- A. Proposed Sewer District #3 – Southwest Bergen Point Wastewater Treatment Plant Outfall Replacement Project, Town of Babylon.

**Recommended Type II Actions:**

- A. Ratification of Recommendations for Legislative Resolutions Laid on the Table August 21, 2012.
- B. Ratification of Recommendations for Legislative Resolutions Laid on the Table September 13, 2012.

**Other Business:**

Update on new EAFs and workbooks

**CAC Concerns:**

**\*CAC MEMBERS:** The above information has been forwarded to your local Legislators, Supervisors and DEC personnel. Please check with them prior to the meeting to see if they have any comments or concerns regarding these projects that they would like brought to the CEQ's attention.

**\*\*CEQ MEMBERS:** PLEASE NOTIFY THIS OFFICE AS SOON AS POSSIBLE IF YOU WILL BE UNABLE TO ATTEND.

**\*\*\*FOLLOWING THE MEETING PLEASE LEAVE BEHIND ALL PROJECT MATERIAL THAT YOU DO NOT WANT OR NEED AS WE CAN RECYCLE THESE MATERIALS LATER ON.**

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## SUFFOLK COUNTY COUNCIL ON ENVIRONMENTAL QUALITY MINUTES

DATE: September 19, 2012

TIME: 9:45 am to 11:25 pm

LOCATION: Arthur Kunz Library  
H. Lee Dennison Bldg. – 4<sup>th</sup> Floor  
Veterans Memorial Highway, Hauppauge, New York

### PRESENT:

Eva Growney  
Thomas Gulbransen  
Hon. Kara Hahn  
Michael Kaufman  
Richard Machtay  
Gloria Russo, Chair  
Mary Ann Spencer

### ABSENT:

James Bagg, Vice-Chair  
Dan Pichney  
Larry Swanson

### CAC REPRESENTATIVES:

Joy Squires

### STAFF:

Christine DeSalvo, Senior Clerk Typist

### GUESTS:

Richard Martin, Director of Historic Services, Suffolk County Dept. of Parks, Recreation & Conservation  
Nick Gibbons, Principal Envntl. Analyst, Suffolk County Dept. of Parks, Recreation & Conservation  
Gil Anderson, Commissioner, Suffolk County Department of Public Works  
John Donovan, Chief Engineer, Suffolk County Department of Public Works  
Chris Lubicich, Assoc. Public Health Engineer, Suffolk County Department of Health Services  
Mary Anne Taylor, Associate, CDM Smith Consultants

Roger Tollefsen, NY Seafood Council  
Jack Finkenberg, Great South Bay Audubon Society

MINUTES:

Members had not had an opportunity to review the August 2012 minutes. As such, the Chair postponed the vote until the October 2012 meeting.

CORRESPONDENCE:

Mr. Mulé was not present at the September 19<sup>th</sup>, 2012 meeting so Ms. Russo reviewed the correspondence with the Council.

- US Department of the Interior, Fish and Wildlife Service: Comments on Bergen Point Outfall Replacement Project

Ms. Russo noted that the US Department of the Interior, Fish and Wildlife Service acknowledged receipt of the project EAF and coordinated review and stated that no further Endangered Species Act coordination or consultation was required. There were no concerns.

- Regina Seltzer, Esq., Long Island Pine Barrens Society: Memorandum of Law Pertaining to Proposed Sale of Land by Suffolk County

In response to the sale of County-owned land in Yaphank Ms. Seltzer incorrectly stated that if a project is not a Type II Action than an EIS must be prepared. It was also incorrectly stated that an EIS on a previously proposed action is insufficient even though the document evaluated a surplus sale under existing zoning as an alternative to the Legacy Village proposal. Ms. Seltzer asserts that a determination of significance cannot be rendered with no intended use for the property; our rational basis for doing so was a sale of raw land under existing zoning with no development proposed. It was also noted that on September 13<sup>th</sup>, 2012 the Suffolk County Legislature voted to sell this property and confirmed our recommendations of a Type I – Negative Declaration.

- NY State office of Parks, Recreation and Historic Preservation: Comments on Bergen Point Outfall Replacement Project

Ms. Russo noted that the NY State office of Parks, Recreation and Historic Preservation acknowledged receipt of the project EAF and coordinated review and stated that the project does not pose potential environmental impacts to historic/cultural resources on NYS Parkland.

- Cornell Cooperative Extension: Email regarding SPDES MS4 permit requirements

The email notified the Council of a public comment opportunity on the new draft SPDES MS4 permit requirements. The Draft “Retrofit Program Plan Guidance document for Pathogen Impaired Watershed MS4s on Long Island” is available on DEC’s website and the comment period ends on October 3<sup>rd</sup>, 2012.

PUBLIC PORTION:

No comments were presented at this time.

HISTORIC TRUST DOCKET:

Mr. Martin updated the Council on the following:

Housing Program:

- There has been no change in the program. There is full occupancy. All available vacancies have been filled. Work is still ongoing on other County residences before they will be able to be rented.

Custodial Agreements:

- The Suffolk County Office of Historic Preservation is still working with the Department of Law on the custodial agreement with the L.I. Maritime Museum. It is taking longer than usual as this is a rather complicated agreement due to the number of structures and activities on the site.

New State Initiative – Path through History:

- This is Governor Cuomo's new State initiative to promote historic sites in New York State as part of his tourism program. The program includes new signs to be posted along the highways indicating where historic sites are located. Mr. Martin was assigned to the committee to offer suggestions on which sites to include. He has engaged the Historic Trust Committee to help in contributing suggestions on other sites. He indicated that if anyone has any suggestions on sites to include in the program they can get in contact with him.

The Council had some discussion and suggestions on making the signage more appealing.

PROJECT REVIEW:

*Recommended Type I Actions:*

Proposed Sewer District #3 – Southwest Bergen Point Wastewater Treatment Plant Outfall Replacement Project, Town of Babylon

Ms. Taylor, with the assistance of Commissioner Anderson and Mr. Donovan gave a presentation to address outstanding issues raised by the Council at the July 2012 meeting. Major topics included disposal issues, storm sure contingencies, environmental impacts to staging areas, effect of sea level rise, tunnel integrity, and the fate of the existing outfall pipe.

After more in depth discussions on these issues and having all prior questions answered, Mr. Kaufman made a motion to classify the project as a Type I action with a negative declaration. Ms. Growney seconded the motion. Ms. Spencer and Mr. Machtay abstained. Motion carried.

PUBLIC PORTION:

Mr. Finkenberg noted that he hasn't seen any nests in the barrier island staging area. It was noted from Ms. Taylor that DEC would weigh in on the issue through the permitting process. Mr. Gulbransen noted that he just wanted to make sure that it was considered. Commissioner

Anderson noted that the County must still go through the DEC permitting process which would address this issue as they go forward and answer any questions to that regard.

Mr. Tollefsen argued benefits of direct effluent discharge into the Great South Bay. He mentioned that EPA's definition of a no discharge zone doesn't apply here and only refers to boating not municipal treatment plants. He wanted to note that this is a new concept and there is science behind it that shows that the increased nitrogen load would have a beneficial impact to resident shellfish.

*Recommended Type II Actions:*

Proposed Ratification of Recommendations for Legislative Resolutions Laid on the Table August 21, 2012.

Mr. Kaufman made a motion to accept staff recommendations for the August 21, 2012 Legislative Resolutions. The motion was seconded by Mr. Machtay. Motion carried.

Proposed Ratification of Recommendations for Legislative Resolutions Laid on the Table September 13, 2012.

Mr. Kaufman made a motion to accept staff recommendations for the September 13, 2012 Legislative Resolutions. The motion was seconded by Mr. Machtay. Motion carried.

**OTHER BUSINESS:**

- Update on new EAFs and workbooks

The effective date of the new EAFs has been pushed back to April 1, 2013 to allow for the development of the workbooks used to assist in their preparation.

The Draft workbook for the short EAF is posted on the DEC website and is available for review.

Comments on the draft will be received until October 22, 2012.

**CAC CONCERNS:**

Joy Squires wanted to mention the Conference on the Environment is on October 10<sup>th</sup> and will send the Council an email regarding the new format and additional information regarding the cost.