

PUBLIC HEARING

On  
DGEIS

FOR THE DECLARATION AS SURPLUS AND  
SUBSEQUENT SALE OF 255+ ACRES OF  
COUNTY OWNED LAND IN YAPHANK FOR  
MIXED-USE DEVELOPMENT PURPOSES

ROSE CARACAPPA LEGISLATIVE AUDITORIUM  
WILLIAM ROGERS LEGISLATIVE BUILDING  
725 Veterans Memorial Highway  
Smithtown, New York

April 12, 2011  
6:00 p.m.

BEFORE:

R. LAWRENCE SWANSON, Chairperson

REPORTED BY:

THERESA PAPE,  
Court Reporter/Notary Public

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

RICHARD MACHTAY

GLORIA G. RUSSO

MARY ANN SPENCER

JAMES BAGG

MICHAEL KAUFMAN

MICHAEL MULE

KAREN TIMLIN

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2 (WHEREUPON, this proceeding

3 convened at 6:00 p.m.

4 Off-the-record discussions ensued,

5 after which the following

6 transpired:)

7 (Time noted: 6:15 p.m.)

8 CHAIRMAN SWANSON: All right.

9 I'd like to call this public hearing

10 to order.

11 Good evening, everybody. My

12 name's Larry Swanson, and I'm the

13 chair of the CEQ. I'd like to start

14 on my right and have everybody else

15 at the table introduce themselves.

16 MS. RUSSO: Hello, everyone --

17 CHAIRMAN SWANSON: Oh, I'm

18 sorry. I was thinking of Mary Ann.

19 MS. RUSSO: Oh, gosh. I

20 thought you were talking about --

21 CHAIRMAN SWANSON: I'm sorry.

22 MS. RUSSO: Never mind.

23 MS. SPENCER: Mary Ann Spencer.

24 MR. MACHTAY: Richard Machtay.

25 MS. RUSSO: Gloria Russo.

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2 MR. MULE: Michael Mule.

3 MR. BAGG: James Bagg.

4 MR. KAUFMAN: Michael Kaufman.

5 CHAIRMAN SWANSON: All right.

6 This is a meeting to solicit  
7 comments on the Draft Generic  
8 Environmental Impact Statement dated  
9 March 16th, 2011 for the Yaphank  
10 County Center Development Project.  
11 This is not a question and answer  
12 session, this is an opportunity for  
13 the public to respond to the  
14 document and submit comments on its  
15 content.

16 The County Planning Department  
17 will be accepting written comments  
18 up through Friday, April 29th.

19 Because the proposed  
20 development has not been finalized  
21 at this -- and is at this stage a  
22 concept, the County felt it prudent  
23 to prepare what is known as a  
24 Generic Environmental Impact  
25 Statement. As such, the impacts

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2           associated with the proposed project  
3           were analyzed based on the  
4           conceptual development plan and  
5           reasonable assumptions. And I'm  
6           going to ask Mike Mule to expand on  
7           that a little bit later, after I get  
8           through my introductory comments.

9           An environmental assessment  
10          form on the proposed project was  
11          reviewed by the CEQ on their  
12          December 9th, 2009 meeting, where  
13          the Counsel recommended  
14          classification as a Type I Action  
15          that may have significant adverse  
16          impacts on the environment.

17          In February 2010, the Suffolk  
18          County Legislature adopted  
19          Resolution 45-2010 accepting CEQ's  
20          recommendations and called for the  
21          preparation of the Draft Generic  
22          Environmental Impact Statement with  
23          Public Scoping.

24          A Public Scoping Hearing was  
25          held on March 16th of 2010.

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2                   In November, 2010, Suffolk  
3                   County adopted Resolution 1025-2010  
4                   accepting the final scope -- scoping  
5                   document.

6                   A DGIS based on the final scope  
7                   was presented to the CEQ on  
8                   March 16th, where it was accepted as  
9                   complete and suitable for public  
10                  comment.

11                  And that brings us to today.  
12                  So if you intend to speak, please  
13                  sign a card and give it to the  
14                  receptionist in the hallway.

15                  Mike, would you, for the  
16                  audience, say -- please expand a  
17                  little bit on what a Draft Generic  
18                  Impact Statement is versus an EIS.

19                  Before you do, though, I want  
20                  to welcome the students from the  
21                  Environmental Issues course,  
22                  MAR 30- -- what is it? ENS 301.  
23                  Dr. Bowman is in the back with  
24                  13 of our students, and we thought  
25                  this is a great opportunity for them

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2                   to be exposed to the SEQRA process,  
3                   and I think it's great that you're  
4                   coming and participating.

5                   Mike.

6                   MR. MULE: All right. So  
7                   Generic Environmental Impact  
8                   Statement is, as the title states,  
9                   more generic.

10                  The project submitted, at this  
11                  point, was more conceptual. And  
12                  considering the fact that we didn't  
13                  have engineering schematics, plans,  
14                  the real details and the -- and the  
15                  meat of the development, the impacts  
16                  had to be evaluated in a more  
17                  generic sense. So reasonable  
18                  assumptions had to be made with  
19                  regard to traffic and wastewater  
20                  flows and energy consumption.

21                  So it's a little less specific  
22                  than a regular environmental impact  
23                  statement where all those factors  
24                  are at the forefront of the project.  
25                  This is more conceptual.

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2 CHAIRMAN SWANSON: Thank you,  
3 Mike.

4 So we'll begin.

5 And the first card we received  
6 was from the Long Island Pine  
7 Barrens Society.

8 And I understand you want to  
9 only submit a written statement; is  
10 that correct?

11 MS. MOTSCHENBACHER: No, I'll  
12 read it. I just brought an extra --

13 CHAIRMAN SWANSON: Okay.  
14 Please come forward.

15 MR. KAUFMAN: Have her submit a  
16 copy for the record.

17 CHAIRMAN SWANSON: And submit a  
18 copy for the record.

19 MS. MOTSCHENBACHER: Sure.

20 (WHEREUPON, the  
21 above-referred-to document, letter  
22 dated April 12, 2011 from the Long  
23 Island Pine Barrens Society, CEQ  
24 Public Hearing Exhibit 1, was marked  
25 for identification, and was moved



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2 into evidence, as of this date.)

3 CHAIRMAN SWANSON: And state  
4 your name and your organization.

5 MS. MOTSCHENBACHER: My name is  
6 Beth Motschenbacher -- should I  
7 spell it?

8 CHAIRMAN SWANSON: Please.

9 MS. MOTSCHENBACHER: It's  
10 M-O-T-S-C-H-E-N-B-A-C-H-E-R, and I'm  
11 here on behalf of the Long Island  
12 Pine Barrens Society.

13 "The Pine Barrens Society  
14 doesn't support selling the land for  
15 both environmental and economical  
16 reasons. Government at every level  
17 is working to protect the Carmans  
18 River, and this property is in the  
19 watershed.

20 "A survey taken at the height  
21 of the recession indicated that  
22 4 out of 5 Long Islanders support  
23 preserving lands now, while prices  
24 are down and sellers are eager. It  
25 is unlikely the Town of Brookhaven

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2 will permit high density development  
3 at a time when it's contemplating  
4 rezoning lands to limit the density  
5 to the Carmans River Watershed as  
6 part of the Carmans River Watershed  
7 Protection Management Plan.

8 "You don't have to be an  
9 economist to know that you can't  
10 balance the budget with one-shot  
11 revenue sources such as surplusings  
12 property that the taxpayers already  
13 own. So the Pine Barrens Society  
14 believes that selling this land  
15 makes neither environmental nor  
16 economical sense. Since it is clear  
17 that the County doesn't need it for  
18 any other purpose, these lands  
19 should be put into permanent  
20 preservation."

21 Thank you.

22 CHAIRMAN SWANSON: Thank you.

23 All right. We're going to have  
24 a time limit of three minutes for  
25 talk.

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2 The next in line is Dibser  
3 Abreu, Stony Brook University.

4 MS. ABREU: Hello. My name is  
5 Dibser Abreu --

6 CHAIRMAN SWANSON: Speak into  
7 the microphone.

8 MR. KAUFMAN: She has to push  
9 the button.

10 MS. ABREU: Oh -- okay.

11 All right. So my name is  
12 Dibser Abreu, and I'm a student at  
13 Stony Brook University. I am an  
14 Environmental Studies major.

15 So I just want to speak in  
16 concern of the landline -- the water  
17 on Long Island. And I just want to  
18 go into the reduction of wetlands in  
19 results to the reduction of water  
20 quality in the Carman Lake (sic)  
21 which will result from  
22 industrialization and development.

23 Increase in development and an  
24 industrialization will add on to the  
25 reduction in the water quality;

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2                   overconsumption and mass expansion  
3                   will lead to further pollution in  
4                   the water table; and will also lead  
5                   to further reduction of wetlands,  
6                   which could result from coastal  
7                   disasters and also provide nurseries  
8                   and result in vast wild diversity of  
9                   wetlands.

10                  I feel that there needs to be a  
11                  water quality goal for this land  
12                  of urbanization in the Yaphank area  
13                  of Long Island. I feel that the  
14                  plan is a bit -- a short-term goal  
15                  in terms of mass expansion and --  
16                  leading to increase use of water  
17                  which we are already depleting. I  
18                  feel that we need more long-term  
19                  goals which will focus on our  
20                  resources in our wetlands and --  
21                  provided by our wetlands and -- as  
22                  well as water quality protection  
23                  plan.

24                  Also, I feel like this vast  
25                  expansion will be to a lack of land

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2 needed for future generations. So I  
3 think we need to think more  
4 sustainably and more about the  
5 future, rather than just right now.

6 Thank you.

7 CHAIRMAN SWANSON: Thank you.

8 Our next speaker is Natalie  
9 Hancock.

10 MS. HANCOCK: Hi. I'm Natalie  
11 Hancock from Stony Brook University.  
12 I'm speaking on behalf of Amanda  
13 Stewart who's a Biology major and an  
14 Environmental Studies minor.

15 "In the past several decades,  
16 Long Island has become densely  
17 populated as suburban sprawl and  
18 industrial development has made its  
19 way back east. In its path, many  
20 environmental issues have arisen due  
21 to ecosystems, degradation, water  
22 contamination, and loss of open  
23 space. However, despite the obvious  
24 repercussions of development, profit  
25 and politics have become major

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2 facilitators of its continuation,  
3 even in the wake of public  
4 disapproval.

5 "Another possible victim to this  
6 vicious cycle is the parcel of land  
7 in question tonight situated in  
8 Yaphank along the Carmans River. As  
9 of right now, this area and  
10 surrounding land is mostly vacant or  
11 used for recreational open space.

12 "Land Trust Development  
13 proposes several residential  
14 complexes, a sports arena, office,  
15 and retail complexes, town square,  
16 recreation, light industrial  
17 structures, and so on.

18 "Although these plans are  
19 regarded as following the smart  
20 growth principles that have been  
21 prioritized by Suffolk County, I do  
22 not believe they are being applied  
23 in such a way as initially intended,  
24 nor in a sustainable fashion.

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2                   "According to the smart growth  
3 principles, areas that have already  
4 been developed should be those to  
5 which funding be applied for  
6 renovation and improvement. This  
7 concerns open space and restructures  
8 where infrastructures already exist  
9 in order to concentrate popular --  
10 population density and reduce  
11 sprawl.

12                  "Therefore, it seems  
13 counterintuitive to take a  
14 fundamentally undeveloped area  
15 outside of the existing downtown and  
16 develop it further.

17                  "The 1970 plan published by the  
18 Suffolk -- the Nassau/Suffolk  
19 Regional Planning Board designated  
20 the conservation of open space to be  
21 the highest priority in both  
22 Counties. I cannot see how this has  
23 changed considering the continued  
24 increase in population density and  
25 the associated loss of open space.

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2                   "The Carmans River and its  
3 water and ecosystem quality also  
4 remain a major concern in  
5 consideration of these plans. The  
6 environmental impact statement draft  
7 states that the Carmans River,  
8 although in good health currently,  
9 has been affected in the past by  
10 development and anthropogenic  
11 degradation, and continues to be  
12 vulnerable.

13                   "The wetlands that boarder  
14 the river provide a natural  
15 water purification system, but is  
16 currently being lost across  
17 Long Island and remains the topic of  
18 dispute between developers and  
19 environmentalists.

20                   "Impacts of development are  
21 more often than not conservative and  
22 underestimate a few professions.  
23 Increases of runoff, water  
24 contamination, and road and foot  
25 traffic will very possibly degrade



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2 the areas surrounding the region in  
3 question.

4 "In conclusion, not only do  
5 these plans for development come  
6 under much scrutiny of the public,  
7 but they also perpetuate the  
8 overdevelopment in associated  
9 landscape not -- so many people are  
10 fighting against. Important  
11 ecosystems that provide us both  
12 natural resources and services at  
13 risk, and should be made the highest  
14 priority in light of this decision.

15 "Thank you for your time and  
16 consideration."

17 CHAIRMAN SWANSON: Thank you.

18 Suffolk County Legislator  
19 Browning.

20 LEGISLATOR BROWNING: I guess I  
21 have to do what everybody else is  
22 being told to do. Hold the button.

23 Well, first of all, thank you  
24 for giving me some time to speak  
25 with you.

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2                   As you know, this planned  
3 project of Legacy Village is within  
4 my district and -- many concerns  
5 that are going on with it.

6                   You know, the GEIS states that  
7 the Yaphank site has a unique, rural  
8 character reflective of the  
9 surrounding community.

10                  The vision in this GEIS is to  
11 respect the community, have a  
12 positive impact on the school  
13 districts, protect the environment,  
14 and coexist without conflict.

15                  It states there was a public  
16 outreach, but it wasn't in Yaphank.  
17 Not much anyway. Transparent and  
18 lengthy process through the early  
19 involvement of the community. After  
20 the RFP Committee met, the plan went  
21 behind closed doors and the  
22 community had little or no  
23 involvement.

24                  The Yaphank Historical Society  
25 has worked very hard to improve the

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2 historic homes. The County's also  
3 budgeted to restore the Homan house,  
4 which is right near this proposed  
5 development.

6 The County Infirmary, which is  
7 over 100 years old, and nearby --  
8 and there's also the nearby  
9 cemetery were residents of the  
10 infirmary were laid to rest.

11 The Doctor's Cottage is a  
12 valuable structure to the Yaphank  
13 community. It was the residents of  
14 the doctor who cared for the  
15 residents in the infirmary. There's  
16 a recommendation to demolish the  
17 building. The Historical Society  
18 has a desire to restore the  
19 building. And demolition is  
20 certainly not support in historical  
21 character of the community.

22 Building a state-of-the-art  
23 5,500 seat arena does not respect or  
24 coexist without conflict of the  
25 historical community.

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2 I researched the building of a  
3 5,500 seat arena, and what I've  
4 learned is that the size of the  
5 arena cannot sustain itself. It  
6 can't attract the venues to bring in  
7 adequate revenue, and the County  
8 would need to donate the land and  
9 make it tax free to the developer to  
10 make it worthwhile to build.

11 The arena would become a modern  
12 day Vanderbilt where the taxpayers  
13 would have to subsidize it. I don't  
14 think that they will sign up for  
15 that.

16 The County Executive just  
17 vetoed funding needed for the  
18 Vanderbilt for much needed  
19 restorations. Why would you want to  
20 build a white elephant and further  
21 burden the taxpayers?

22 It costs approximately \$17,000  
23 to educate one child. And let's  
24 take about 785 of the housing units.  
25 And if each one of those has maybe

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2 one child, that would be about  
3 \$13 million a year to the Longwood  
4 School District.

5 The average home has  
6 2.5 children, and how could this  
7 be a tax positive if there's  
8 1,250 units? The taxes in one home  
9 doesn't pay to educate one child.

10 The study says 207 students. I  
11 think that number is very  
12 understated.

13 \$17,000 for a child who does  
14 not require special services.  
15 That's about what it costs. But  
16 many children these days, the high  
17 rate of autism -- and the Longwood  
18 School District is very well known  
19 for the great services they provide  
20 for special needs kids, and there is  
21 a real concern about how much it  
22 would really cost per child.

23 And since the population  
24 increase would be about one-third  
25 and -- you know, what community

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2 wouldn't complain with that kind of  
3 an increase to the population in  
4 their community?

5 And you also have to take into  
6 consideration the other developments  
7 within the Longwood School District.  
8 There's one a little further  
9 southeast of that, off of William  
10 Floyd Parkway, the AVR property,  
11 and there's a proposed, I believe,  
12 800 units of housing. So that will  
13 have an impact on the school  
14 district also. However, I have to  
15 say, they did do phenomenal outreach  
16 with the Town of Brookhaven and with  
17 the local community to make this a  
18 project that would work.

19 And let's get real about  
20 Yaphank train station. We talk  
21 about improving that. This is  
22 really, right now, next to no  
23 service. And as we all know,  
24 Long Island Rail Road has cut  
25 service on the East End. So

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2           reality is, to think that they will  
3           improve the system in Yaphank, I  
4           think, is a pipe dream.

5           You know, they're expanding the  
6           jail. And I've received numerous  
7           complaints about prisoners that have  
8           been released and probationers who  
9           have to report to the Probation  
10          Department are knocking on doors of  
11          the homes in the surrounding area  
12          and littering the bus stops. I've  
13          requested to have that bus stop  
14          moved in closer to the jail. And  
15          I'm sure the 1,250 units of housing  
16          that are being proposed, those  
17          local residents, will certainly be  
18          pleased to know -- I'm sure they're  
19          not going to be pleased to know that  
20          people who are released from the  
21          jail will be riding on the bus in  
22          their community while they're at  
23          work.

24          I also would like to know, is  
25          there going to be a buyer beware if

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2 this project was to move forward.

3 There's a landfill -- I think we've

4 all been reading about the landfill

5 and the sludge -- and a compost

6 facility which still continues to be

7 a problem, a fireworks facility, a

8 jail and a probation department.

9 And when you put that out there, who

10 wants to live next to that?

11 And I'll finish up with the

12 environmental issues. Parcel A -- I

13 do have a piece of legislation

14 currently to preserve Parcel A.

15 The -- not the developed area,

16 however -- where it is not currently

17 developed, to preserve that. That's

18 smack dab right on top of the

19 Carmans River Watershed.

20 And I'm also reading here --

21 where is it here? Streams in the

22 Carmans River -- I believe its page

23 20, and it says here, "Although

24 distant from the Carmans River, the

25 proposed developments in areas B



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2           through D could negatively affect  
3           both water quality and quantity  
4           within the river due to decreased  
5           groundwater recharge. Increase  
6           groundwater withdrawal, introduction  
7           of contaminants, and shallow  
8           groundwater can surface runoff, and  
9           increased use of fertilizers and  
10          deicing materials."

11                 This is a GEIS. It's a general  
12           environmental impact study. I think  
13           there could be more work done on  
14           this and I really do -- I think as  
15           it stands right now, the Yaphank  
16           development is looking like it's  
17           going to die. And I hope it does.

18                 But I have serious concerns --  
19           I've always had serious concerns  
20           about this proposed development in  
21           Yaphank. And I know that most of  
22           the Yaphank people are currently at  
23           the town hall tonight, there's  
24           another meeting at town hall  
25           pertaining to the landfill. So I --

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2           I will tell you that, only for that,  
3           there would many of them here  
4           tonight.

5           But, again, I think more needs  
6           to be done. And, like I said, I  
7           hope this Yaphank project dies. I  
8           think it is dying a slow death. And  
9           I think we really need to look  
10          seriously at the Carmans River  
11          Watershed study and make sure that  
12          whatever is decided by this -- this  
13          body that -- you know, it's the  
14          right thing for Yaphank.

15          Thank you.

16          CHAIRMAN SWANSON: Thank you.

17          Emmett Phinney.

18          MR. PHINNEY: My name's Emmett  
19          Phinney, and I'm a Stony Brook  
20          University student as well as a  
21          resident of Suffolk County. And as  
22          a resident of Suffolk County, I do  
23          agree that development needs to  
24          occur. However, I think that the  
25          Carmans River is not the correct

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2 spot, mostly because of it's  
3 uniqueness as a river on  
4 Long Island.

5 Many people know that there  
6 aren't many rivers on Long Island,  
7 and wetlands are unique in their  
8 ability to protect areas from floods  
9 and filter groundwater. And it just  
10 does not seem like to correct spot  
11 for development because of its  
12 uniqueness.

13 That's all I have to say.

14 CHAIRMAN SWANSON: Thank you.

15 James Zarvos.

16 MR. ZARVOS: Hello. My name is  
17 James Zarvos. I'm an Environmental  
18 Studies student at Stony Brook  
19 University.

20 I just have a quick statement  
21 saying that I do -- I oppose the  
22 development on top of the Carmans  
23 River Watershed because of the  
24 runoff from all the houses and stuff  
25 that would be built, from -- from

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2 fertilizers and the roads -- will  
3 contaminate the river and also the  
4 aquifers that are very nec -- like  
5 necessary for our drinking water on  
6 Long Island.

7 That's it.

8 CHAIRMAN SWANSON: Thank you.

9 Fedora Ferrao.

10 MS. FERRAO: My name's Fedora  
11 Ferrao, and I'm also a student from  
12 Stony Brook University.

13 CHAIRMAN SWANSON: Just a  
14 minute.

15 Can you go back and spell your  
16 name for the stenographer?

17 MS. FERRAO: F-E-D-O-R-A, and  
18 F-E-R-R-A-O.

19 CHAIRMAN SWANSON: Thank you.

20 MS. FERRAO: I'm a student from  
21 Stony Brook University, and I also  
22 oppose the Carmans River Watershed  
23 protection plan and -- especially  
24 because in the plan it notes about  
25 building --

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2 CHAIRMAN SWANSON: Hold the  
3 microphone a little closer to  
4 your --

5 MS. FERRAO: -- about  
6 constructing infrastructure,  
7 especially to deal with the  
8 mortality of wildlife from road  
9 kill. So --

10 CHAIRMAN SWANSON: Thank you.  
11 Zorina Razack.

12 MS. RAZACK: Hello. Hi. My  
13 name is Zorina Razack and I also  
14 attend Stony Brook University.

15 CHAIRMAN SWANSON: Spell your  
16 name, please.

17 MS. RAZACK: Z-O-R-I-N-A,  
18 R-A-Z-A-C-K. And I am also against  
19 the Carmans River Watershed  
20 protection plan also because of its  
21 construction of the infrastructure  
22 can reduce mortality of wildlife and  
23 road kill.

24 Thank you.

25 CHAIRMAN SWANSON: Thank you.

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2 Do we have anybody else that is  
3 desirous to speak?

4 MR. MURDOCCO: (Indicating)

5 CHAIRMAN SWANSON: Yes.

6 MR. MURDOCCO: Hi. My name's  
7 Richard Murdocco. I'm a resident of  
8 Brookhaven in Suffolk County, and I  
9 have my masters in policy from  
10 Stony Brook.

11 CHAIRMAN SWANSON: Could you  
12 spell your name also, please?

13 MR. MURDOCCO: M-U-R-D-O-C-C-O.

14 I think it's important to  
15 mention about the selling of this  
16 parcel, or whatever we decide to do  
17 with it, that we all recognize that  
18 impacts of all the other projects in  
19 concert with the Levy town proposal,  
20 and to realize that even if this  
21 project does, quote, unquote, die,  
22 there's still the potential for, if  
23 we do sell it, another proposal with  
24 even more density and more intensive  
25 land use to be put there.

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2 The best option would be  
3 preservation of the land, especially  
4 in such close proximity to the  
5 Carmans River Watershed.

6 The Levy town proposal is not  
7 smart growth. And I say that  
8 because smart growth is the  
9 repurposing and the reuse of, say,  
10 an old commercial parcel, old  
11 industrial parcel. This is creating  
12 a new destination center where there  
13 was not a destination, and that's  
14 something important to realize.

15 So my recommendation is that we  
16 buy the parcel or we donate it to  
17 just open space, but not charge the  
18 taxpayers for something that they  
19 technically already own.

20 That's it.

21 CHAIRMAN SWANSON: Thank you.

22 Anybody else?

23 (WHEREUPON, there was no  
24 response.)

25 CHAIRMAN SWANSON: Karen, do

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2 you have any more cards?

3 MR. MULE: No, she doesn't.

4 CHAIRMAN SWANSON: She doesn't.

5 MS. TIMLIN: No.

6 CHAIRMAN SWANSON: Thank you.

7 Okay. If that is all, I would  
8 remind you to please submit your  
9 statements in writing if you have  
10 them. And the record will stay open  
11 until April 29th for other comments.  
12 And I thank you for your  
13 participation and your thoughts.

14 So have a good evening.

15 MR. KAUFMAN: You have to do a  
16 motion to close.

17 CHAIRMAN SWANSON: Okay. We  
18 need a motion to close.

19 MR. MACHTAY: Motion to close.

20 CHAIRMAN SWANSON: Do we have a  
21 second?

22 MS. SPENCER: Second.

23 CHAIRMAN SWANSON: All in  
24 favor?

25 ALL: Aye.



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2 CHAIRMAN SWANSON: The  
3 meeting is closed.

4 (Time noted: 6:41 p.m.)

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EXHIBITS

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PUBLIC HEARING

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1	Letter dated April 12,	
	2011	8

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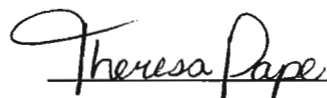
C E R T I F I C A T E

I, THERESA PAPE, a Shorthand  
Reporter and Notary Public of the State of  
New York, do hereby certify:

That the foregoing is a true and  
accurate transcription of the stenographic  
notes taken herein.

I further certify that I am not  
related to any of the parties to this action  
by blood or marriage; and that I am in no  
way interested in the outcome of this  
matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 12th day of April 2011.

  
\_\_\_\_\_

THERESA PAPE