Correspondence:

Correspondence:

- Town of Babylon response to coordinated review on Bergen Point Outfall Replacement
- "Act Now to Save the Bay", Newsday
- Comments from Roger Tollefsen on Bergen Point Outfall Replacement
- Letter from CEQ to the Suffolk County Vanderbilt Museum and Planetarium

Town of Babylon

Dept. of Environmental Control
281 Phelps Lane, Room 23
North Babylon, New York 11703-4045
(631) 957-3000
(631) 422-7640
Fax (631) 422-7686
Email: dec@townofbabylon.com

RICH SCHAFFER
SUPERVISOR

July 24, 2012

Mr. Michael P. Mule
Environmental Project Coordinator
County of Suffolk Economic Development and Planning
H. Lee Dennison Building
4th Floor
100 Veterans Memorial Highway
Hauppauge, New York 11788

Re: State Environmental Quality Review Act
Lead Agency Coordinated Review
Proposed Bergen Point Wastewater Treatment Plant Outfall Replacement

Dear Mr. Mule:

We are in receipt of your SEQRA Lead Agency Coordination in connection with the above referenced action. The Town Board of the Town of Babylon is an Involved Agency in accordance with SEQRA for this proposal.

Please include the Town of Babylon in any future correspondence or documents in connection with this action.

Please don't hesitate to contact this office if you have any questions.

Very truly yours,

Victoria A. Russell
Commissioner

VAR:ch

Antonio A. Martinez *Councilman Deputy Supervisor* | **Thomas Donnelly** *Councilman* | **Jacqueline A. Gordon** *Councilwoman* | **Lindsay Patrick Henry** *Councilman* | **Corinne DiSomma** *Receiver of Taxes* | **Carol A. Quirk** *Town Clerk*

An Equal Opportunity / Affirmative Action Employer

cc: Rich Schaffer, Supervisor, Town of Babylon
Town Board of the Town of Babylon
Ronald C. Kluesener, Chief of Staff, Town of Babylon
Ann Marie Jones, Commissioner, Planning & Development, Town of Babylon
Tom Stay, Commissioner, Department of Public Works, Town of Babylon

) grasps ons

uggles to find ash runs low

sau County Executive Edward ɔalance his budget, the process ival ride.

ınd last Monday, Mangano an- half through attrition, and $19 a couple of days later, he an- ;hs to county employees look-) avoid the layoffs he had just , police officers excluded, will ıid days per year, with a maxi- ɔprove.

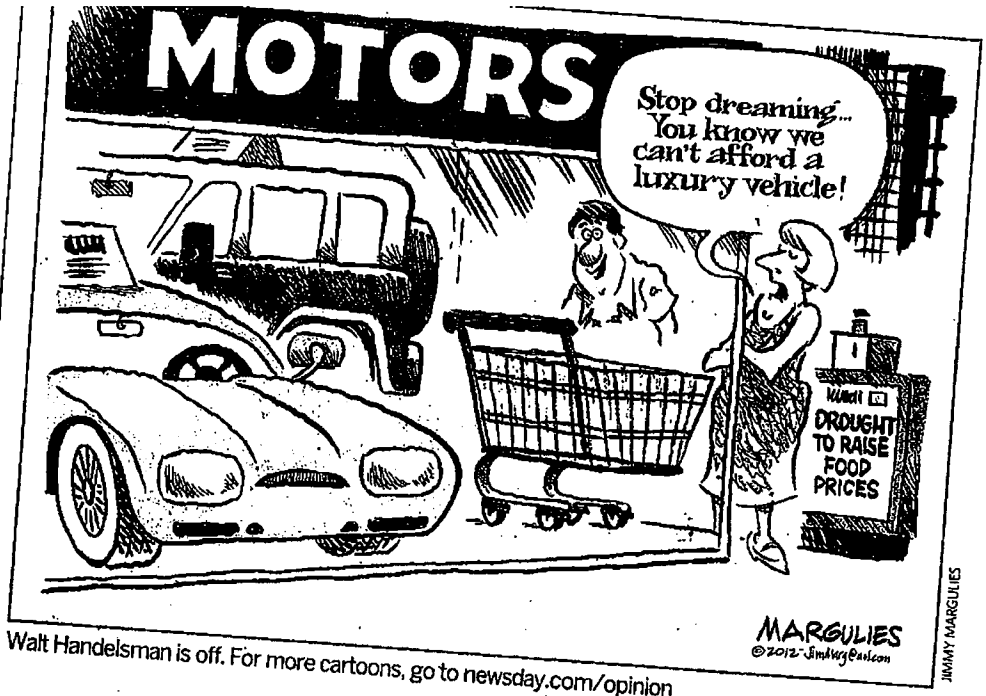
r fees a couple of weeks ago: me and business security sys- ıtions, register ATMs, obtain nses, and register as a county $7,500 fee for medical trans-

FILE PHOTO BY HOWARD SCHNAPP

ı County Executive ı Mangano

a bind no other county ex- ıe Democrats and the Nas- best thing that ever hap- financial problems by bal- rowing. Still, he must pick tant shifts in direction. nd medium term, cash is n spending so much more : now about $330 million ıno must both deliver on :hools and municipalities ty taxes are paid, and cut

ırkers and offer optional police department will assigning those cops to unit's overtime. The de- ınt cuts. All these mea- ıd would have served ago. Fixing the financ- (that's going to enrage ınly solution. Mangano ınd being serious, he's can't do it, this carni- orrors. N



JIMMY MARGULIES

Walt Handelsman is off. For more cartoons, go to newsday.com/opinion

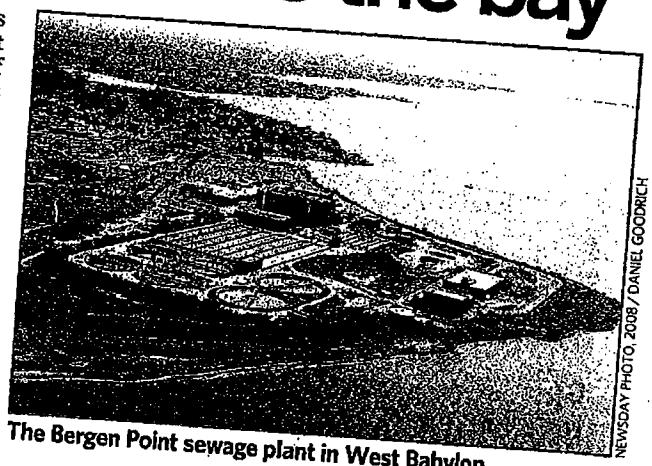
Act now to save the bay

The Great South Bay has trouble enough without a catastrophic spill of treated human waste. So it's time for Suffolk County to move more urgently to head off that doomsday event.

The clam harvest in the bay is down drastically. One major culprit is degradation of the bay with nitrogen and other pollutants from sources that include cesspools and stormwater runoff cascading from parking lots and roadways. Another problem is over-harvesting of clams.

The result is that this body of water, so crucial to both the Island's economy and its environment, is increasingly fragile. That's why we must take all the steps necessary to make sure there is no major break in the 14,000 feet of pipeline that runs from the county's Bergen Point sewage treatment plant to Cedar Beach. (Another pipe, undamaged, carries the waste 17,000 feet out into the Atlantic.)

The county Department of Public Works learned that pipe similar to the bay section had developed problems in other states. Then a test found breaks in more than 700 reinforcing wires. A consulting firm called that the worst set of breaks it had monitored.



NEWSDAY PHOTO, 2008 / DANIEL GOODRICH

The Bergen Point sewage plant in West Babylon

Though the county has ordered replacement pipe to have on hand in case calamity occurs, we need something better than a wait-until-it-breaks strategy. Earlier this month, the department presented a much better idea to the county's Council on Environmental Quality: new pipe laid in a tunnel deep below the floor of the bay, dug by powerful, modern machinery.

This would be more environmentally sound and less costly than replacing the existing pipe, a project estimated at $150 million. A tunnel far below the bay bottom would not disturb the ecosystem. Simply replacing the current pipe, which sits much closer to the bay bottom, would disrupt marine life. It would cost more, because it would require a less efficient construction schedule to minimize the disturbance, plus other mitigation measures. It would also face a tough permit process with the state's Department of Environmental Conservation.

So the tunnel seems the way to go. After appropriate review, the council should approve it, and the legislature and executive move expeditiously to get this bay-saving project going. N

Mule, Michael

From: Roger C. Tollefsen <nyseafood@msn.com>
Sent: Wednesday, July 25, 2012 3:44 PM
To: Mule, Michael
Subject: Comments concerning the proposed sewer effluent pipe replacement

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

631 853-5191

Hello Michael,

First let me introduce myself. I have degrees in Chemistry and Chemical Engineering from Bucknell University and have been in the seafood business since 1972. In 1992, I was elected and continue as President of New York's Seafood Council; this organization was formed to help allow New York's seafood industry to better represent and market itself and its products. I also serve as a Program Advisor for New York Sea Grant.

For over twenty years, it has been my passion and hobby to try to understand the emergence of harmful algal blooms and coincident shellfish losses throughout the Peconic, Shinnecock and Great South Bays. My associations with scientists and managers and extensive reviews of existing data have caused me to develop a hypothesis that ties together both the algal blooms and shellfish losses. Simply - "The historically high levels of shellfish populations on Eastern Long Island were caused by man's inadvertent supply of nitrogen. The loss of these shellfish resources was caused by "successful" nutrient reduction policies".

As you know, nitrogen has been shown to be the limiting nutrient for the growth of the algae upon which our shellfish depend. A major source of the nitrogen that ultimately spurred shellfish growth came from groundwater that was ladened by nitrogen from increasing human activities. As we came to value our extensive shellfish resources, we also tried to protect them from bacterial sources. In an effort to reduce bacterial loads, we coincidently and dramatically reduced the important nutrient.

Recently, I submitted a letter to the Editor of *Newsday* in which I tried to explain the implications of simply replacing the Bergen Point Sewer effluent pipe. It has not yet been printed.

Letter to the Editor of Newsday

Wasted opportunity?

The Great South Bay once yielded over 675,000 bushels of hard clams. Today, that harvest has dropped by 95%. Although many are quick to blame over-fishing for the decline, another impact occurred coincident to it. That was when the Bergen Point Sewage treatment plant began pumping its treated effluent to the ocean. That water, which had previously been the major source of nutrients for the bay and the hard clams, was dramatically and radically removed from it. There was no discussion about how this event might affect the hard clams. It was a massive over-sight!

Suffolk County is now considering a proposal to replace the disintegrating pipe that is used to convey the treated effluent outside the bay. If this proposal is allowed to continue, we will condemn our bay to a continuum of low productivity for many generations. Because the valuable nutrients upon which our shellfish and finfish depend will be withheld from them, populations will remain low. In addition, without sufficient numbers of shellfish, our bay will continue to be susceptible to harmful algal blooms.

Instead of spending almost $200 million dollars to replace a pipe that causes valuable nutrients to be lost, we should take this opportunity to explore nutrient management options. For instance, for less than half the cost, we could upgrade the Bergen Plant to seasonally remove the nutrients. The nutrients that are already in the effluent could be allowed to flow into the bay when the living resources could best use them. If the amount of nutrients were seasonally too great, they could be reduced in the plant. This method of management has been considered in Narragansett Bay where it was found that over 50% of the nitrogen (a limiting nutrient for clams) originated from local sewer outfalls. With this approach, we wouldn't need the old pipe at all.

Roger C. Tollefsen, President

New York's Seafood Council

23 Bay Ave West

Hampton Bays, NY 11946

cell 631 740-0381

Of course, I have greatly simplified the problem. However, I can offer a great wealth of supporting documentation that may influence you at this crossroad. I am willing to help in any way I can and look forward to the opportunity to participate.

Sincerely,

Roger C. Tollefsen

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

August 1, 2012

Ron Beattie, President
Suffolk County Vanderbilt Museum
Board of Trustees
180 Little Neck Road
Centerport, New York 11721

Dear Mr. Beattie:

I would like to take this opportunity to welcome you as the newly appointed President of the Suffolk County Vanderbilt Museum Board of Trustees. The Suffolk County Council on Environmental Quality (CEQ) has had a long-standing relationship with the museum and we look forward to working with you to maximize its potential and preserve its historic integrity well into the future.

The CEQ, as the Suffolk County Historic Trust, is in receipt of the June 20, 2012 letter from VHB to the Suffolk County Department of Parks, Recreation and Conservation, Division of Historic Services regarding the proposed public utility wireless communications facility at the Vanderbilt site. It appears that VHB, on behalf of the Trustees, is preparing to reach out to the New York State Historic Preservation Office (SHPO) to obtain clearance for the project. According to the authorizing legislation, the County Legislature must still approve any contract between the museum and their chosen wireless communications development firm. Such an action is subject to the State Environmental Quality Review Act of which the CEQ advises and assists in the administration of for the County Legislature and Executive.

As you may know, this project came before the Council on May 18, 2011 where the CEQ raised a number of concerns and requested additional information before a decision could be rendered. I have enclosed a copy of the May 25, 2011 letter from this body to former President of the Board, Noel Gish, outlining the information requested. At this time, the Council respectfully requests an update on the status of our information request. In addition, we ask that SHPO be provided all project material and additional information requested by the CEQ so that they are able to make a fully informed determination on potential impacts to the historic nature of the property.

H. LEE DENNISON BUILDING 4TH FLOOR • 100 VETERANS MEMORIAL HWY., HAUPPAUGE, NY 11788 • P: (631) 853-5191 • F: (631) 853-4044

We ask that this body be included in all future correspondence regarding this project and I thank you for your continued cooperation.

Sincerely,

Gloria Russo (CD)

Gloria Russo
Chairperson

Enc.

cc: Lance Reinheimer, Interim Director, Suffolk County Vanderbilt Museum and Planetarium
Greg Dawson, Commissioner, Suffolk County Dept. of Parks, Recreation & Conservation
Richard Martin, Director of Historic Services, S.C. Dept. of Parks, Recreation & Conservation
Erin Echevarria, Project Manager, VHB
Elizabeth Martin, Historic Preservation Office, NYS Office of Parks, Recreation & Historic Preservation

COUNTY OF SUFFOLK

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

R. Lawrence Swanson
CHAIRPERSON
CEQ

Michael P. Mule
ENVIRONMENTAL PROJECTS
COORDINATOR

May 25, 2011

Mr. Noel Gish, President
Suffolk County Vanderbilt Museum Board of Trustees
P.O. Box 0605
180 Little Neck Road
Centerport, NY 11721-0605

Dear Mr. Gish:

Thank you for attending last week's meeting of the Council on Environmental Quality (CEQ). As you are well aware, the Council felt that there were several outstanding issues that require further investigation before a decision could be rendered on your application. Since the meeting, the Council has submitted a written request to the County Attorney's Office seeking a determination on whether the proposed construction of a wireless communication facility at the Suffolk County Vanderbilt Museum constitutes an alienation of parkland under New York State Law and if the privatization of a public resource such as the Vanderbilt property would make this action subject to local zoning. In addition to these issues, on which we are awaiting a response, I would like to take this opportunity to outline what additional information the Council requires from the initiating unit before a vote will be entertained.

- Prepare visual impact simulations from the Mansion and entrance to the park property from the main gate.
- Obtain a determination from the New York State Historic Preservation Office (SHPO) on the proposed projects impact on the historic nature of the site. Please, be advised that should an impact be identified, pursuant to Title 6 NYCRR Part 617.7(c)(v), the impairment of the character or quality of an important historical or architectural resource calls for the preparation of a Draft Generic Environmental Impact Statement.
- Conduct a public meeting to solicit comments and concerns from the local community and provide the Council with a meeting summary or transcript.
- Provide a written summary on how this site meets the least intrusive available alternative for consideration to address the alleged gap in coverage.

LOCATION
H. LEE DENNISON BLDG. -4TH FLOOR
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS
P.O. BOX 6100
HAUPPAUGE, NY 11788-0099

(631) 853-5191
fax (631) 853-4044

- Revise the Environmental Assessment Form to expand discussion in Section E – Alternatives to include possible sites both on and off of the property and the reasons they were excluded.

Once the above stated issues are addressed and a response from the County Attorney's Office is received, the proposed project will be placed back on the agenda to be reviewed by the Council. Please notify CEQ staff upon completion of the above request.

Thank you.

Sincerely,

R. Lawrence Swanson

R. Lawrence Swanson, Chairman
Council on Environmental Quality

RLS/cd

cc: Lance Reinheimer, Interim Director, Suffolk County Vanderbilt Museum
Joseph Montuori, Commissioner, Suffolk County Parks, Recreation and Conservation
Tracey Bellone, Deputy Commissioner, Suffolk County Parks, Recreation and Conservation
Richard Martin, Director, Suffolk County Historic Services
Hon. Jon Cooper, Legislator

LOCATION
H. LEE DENNISON BLDG. -4TH FLOOR
100 VETERANS MEMORIAL HIGHWAY

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fax (631) 853-4044

Project Information

COUNTY OF SUFFOLK

STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

JAMES L. TOMARKEN, MD, MPH, MBA, MSW
Commissioner

July 31, 2012

Ms. Gloria Russo, Chair
Council on Environmental Quality
H. Lee Dennison Building - 4th Floor
100 Veterans Memorial Highway
Hauppauge, NY 11788

Re: Sale of the John J. Foley Skilled Nursing Facility

Dear Ms. Russo:

Enclosed herein please find 25 copies of the Environmental Assessment Form, which includes the required attachments, for the above referenced project. This project consists of transferring the operation and ownership of the nursing home from the County to a private company. The transfer will include the sale of the building, inventory, bed license, and footprint of the facility with associated parking and road access on 14.06 acres of land. We feel this project should be considered an unlisted action.

We would appreciate a project review to be scheduled for the August 15, 2012 meeting of the Council on Environmental Quality.

Thank you for your continued cooperation. If you have any questions or require additional information concerning this matter, please feel free to contact me at 853-8083.

Very truly yours,

James L. Tomarken, M.D, MPH, MBA, MSW
Commissioner of Health Services

Enclosures

PublicHealth
Prevent. Promote. Protect.

OFFICE OF THE COMMISSIONER
225 Rabro Drive East, Hauppauge, NY 11788 (631) 853-3000 Fax (631) 853-2927

SUFFOLK COUNTY FULL ENVIRONMENTAL ASSESSMENT FORM (EAF)

Instructions: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire Data Sheet. Include as much information as possible such as feasibility studies, design reports, etc. Attach additional sheets if necessary. Mark irrelevant questions N.A., not applicable.

A. General Information:

1. Name of Project:

Sale of the John J. Foley Skilled Nursing Facility

2. Location of Project: (specify Town, Village or Hamlet and include project location map on next page.)

Town of Brookhaven, Yaphank, New York

Street Address:

14 Glover Drive

Name of property or waterway:

Suffolk County John J. Foley Skilled Nursing Facility

3. Maps of Property and Project: Attach relevant available maps, including a location map (note: use road map, Hagstrom Atlas, U.S.G.S. topo map, tax map or equivalent) and preliminary site plans showing orientation, scale, buildings, roads, landmarks, drainage systems, areas to be altered by project, etc.

4. Type of Project: (check one) New _____ Expansion _____ Sale __X__

5. Capital Program: (specify) Item #__N/A___ Date Adopted N/A ___ Amount$

6. General Description of Project Including its Purpose (attach relevant design reports, plans etc.): **See IR ____ -2012 with exhibits attached to the EAF.**

To transfer operation and ownership of the nursing home from the County to a private company. The transfer will include sale of the building, inventory, bed license and footprint of the facility with associated parking and road access on 14.06 acres of property. The 14.06 acre parcel will be created from County owned property.

The use of the facility will not change – it will continue to be operated as a skilled nursing facility with a total of 264 beds (252 skilled nursing facility beds plus 12 AIDs beds) and a licensed adult day care program. (See IR _____-2012 with exhibits)

There is no anticipated change in the number of residents who will be served at the facility.

This sale is subject to approval by the New York State Department of Health.

All changes to the operation of the facility (in terms of patients and major services provided) must be approved by the New York State Department of Health through the Certificate of Necessity (CON) process. As a few examples, if an owner wants to expand the number of beds in the facility, change the number of AIDs beds, increase or decrease the number of Adult Day Care Slots, add dialysis units, etc., NYS must approve a CON, which can be a very intensive and lengthy process. The prior CEQ determination is attached as an exhibit. The 2010 CEQ recommendation was an unlisted action without significant adverse on the environment (negative declaration).

7. Project Status: (check if begun)

		Start	Completion
	EXECUTIVE REVIEW AND PLANNING	January 2012	June 2012
	CONTRACT PHASE	July 3, 2012	July 31, 2012
	CLOSING PROJECTED		ON OR BEFORE 12-31-2012

8. Departments Involved:

NAME AND ADDRESS OF DEPT. PERFORMING DESIGN & CONSTRUCTION	**NAME AND ADDRESS OF INITIATING DEPT. (If different)**
Name: N/A	Suffolk County Department of Health Services
Street/P.O.:	225 Rabro Drive
City, State:	Hauppauge, New York
Zip:	11788
Contact Person:	James L. Tomarken, MD, MPH, MBA, MSW, Commissioner
Business Phone	631-853-3005

B. Project Description

1. Scale of Project:

a. Total contiguous acres now owned at site:	
b. Acreage to be acquired:	14.06
c. Developed acreage now: Developed acreage at completion of project: Developed acreage ultimately:	14.06 14.06 14.06
d. Acreage of vegetation or cover to be removed:	0
e. Acreage to remain undeveloped:	NA

f. Building gross floor area now: Building gross floor area proposed:	Approximately 171,674 sq. ft. NA acres Same sq. ft. acres
g. Height of tallest structure on site now: Height of tallest structure proposed on site:	80 Ft. NA
h. Proposed Building use (if any):	Skilled Nursing continued
i. Off-street parking spaces now: Off-street parking spaces proposed:	299 number 2.49 acres 0 number 0 acres
j. Max. vehicle trips/hr. when operational:	Same as current
k. Roads on site now:	2,770 length 1.9 acres
l. New road construction or reconstruction	NA length acres
m. Will project result in an increase in energy use? If yes, indicate type(s):	No
n. Will project require storage of liquid fuels and chemicals? If yes, describe substances and amounts to be stored:	NA

2. Project Schedule:

a. Is project single or multi-phase?	One
b. If multi-phase, how many phases?	NA
c. Total construction time (months)	NA

3. Wastes and Pollutants Generated During Project Construction and Operation: **NA - sale of an existing facility for same use.**

	Components	Quantity	Mode of Disposal
a. Sanitary Sewage			
b. Liquid industrial waste			
c. Toxic chemicals			
d. Pesticides or herbicides			
e. Solid wastes			
f. Clearing or demolition debris			
g. Spoil disposal or sedimentation			

h. Atmospheric emissions			
i. Surface water runoff			
j. Noise exceeding ambient			
k. Odors exceeding 1hr/day			
l. Other (specify)			

4. Does Project Involve Any:

Grading Cut/Fill; List amounts.	NA
Dredging; List max. depth, length & width.	NA
Spoil Area; List amount.	NA
Bulkheading; List length.	NA
Dewatering; List g.p.m. & period of time.	NA

5. Indicate Sources of Utilities:

Water	SCWA
Electricity	LIPA
Gas	National Grid
Other (please specify)	NA

6. Total Water Usage:
   Gallons per Day
   If water supply is from wells, indicate pumping capacity in gallons per minute _____.

C. <u>Project Area Description/Existing Conditions:</u>

1. Acreage of Physical Characteristics of Project Area:

	Presently	After Completion
Meadow, field, scrub growth		
Wooded	5.43	Same
Agricultural		
Freshwater wetland		
Tidal wetlands		
Surface waters		
Cleared, graded or filled land		

Paved areas (roads, parking, etc.)	4.39	Same
Buildings (List number and sq. ft.) **1 building**	1.02 acres	1.02 acres
Other (please specify) grass/landscaped	3.22	Same
TOTAL	14.06	Same

2. Streams within or contiguous to project area: *(Please list name of stream and/or name of river to which it is tributary, including intermittent streams)*

NA

3. Lakes, Ponds, Wetland areas within or contiguous to project area: *(Please list name(s) and size(s) in acres)*

None

4. a. Are there natural drainage channels on the project site? ___yes__X__no

b. How far is project area from freshwater wetlands, tidal wetlands or surface waters?

1.5 miles from the Carmens River to the east

5. Is the Project area within the 100 yr. Flood plain? _____yes _____X_____no

6. Depth to the water table: at surface_____0-3 ft ___3-8 ft ___8-16 ft__**X>**__16 ft

7. Predominant soil type (s) on project site as identified in the Soil Survey of Suffolk County - 1975: *(Include soils map of site.)*

HaA-Haven loam, 0 to 2% slopes and RdA-Riverhead sandy loam; 0 to 3% slopes

8. General character of the land: Generally uniform slope__**X**__Generally uneven and rolling or irregular_____. *(Include topographic map of site.)*

9. Approximate percentage of proposed project site with slopes: 0-10%__**100**__10-15%___or greater ____%.

10. Any unique or unusual land forms on the project site? (i.e. cliffs, dunes, kettle holes, eskers, other geological formations):

No

11. Describe the predominant vegetation types on the site:

Predominantly developed with a small portion of pine/oak woods

12. Describe the predominant wildlife on the site:

Squirrels and birds

13. Does project site contain any species of plant or animal life that is identified as threatened or endangered?___yes_X_no; if yes, give source and identify each species;

14. Is project contiguous to, or does it contain a building or site of historic, pre-historic or paleontological importance?___yes_X_no. Explain.

15. List the specific activities now occurring at project location (ie. hunting, fishing, hiking etc.)

Nursing Facility

16. Is the project site presently used by the community or neighborhood as an open space or recreation area?_____yes __X____no.

17. Does the present site offer or include scenic views or vistas known to be important to the community? _____yes__X__no.

18. Zoning:

a. Current specific zoning or use classification of site?	Municipal/Institutional (Permissible Use) in an A-1 Residential Zone
b. Is proposed use consistent with present zoning or use?	Yes, pre-existing nonconforming use
c. If no, indicate desired zoning or use.	NH-N

19. What is the dominant land use and zoning classification within a 1/4 mile radius of the project (e.g. single family residential, R-2) and the scale of development (e.g. 2 story)? *(Include existing land use map)*

County institutional use surrounding; some residential to the east

20. Is the site served by existing public utilities?__X_____yes_____no.
    a) If yes, does sufficient capacity exist to allow connection?__X____yes_____no.
    b) If yes, will improvements be necessary to allow connection?_____yes__X____no
21. Is the site located in an agricultural district certified pursuant to Agriculture and Market Law, article 25-AA, Section 303 and 304?_____yes____X____no.
22. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?_____yes__X__no.
23. Has the site ever been used for disposal of solid or hazardous wastes?_____yes__X__no.

D. Impact Summary and Mitigation

1. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site?
   0 acres

2. Will any mature forest or other locally important vegetation be removed by this project?
   ____yes **X** no. Explain.

NA

3. Are there plans for erosion control and stabilization?____yes **X** no. Explain and attach plans.

NA

4. Are there any plans for revegetation to replace that removed during construction?
   ____yes **X** no. Explain and attach plans.

NA

5. Will project physically alter any surface water bodies? ____yes **X** no. Explain.

6. Will project require relocation of any projects, facilities or homes? ____yes **X** no. Explain.

7. Number of jobs generated: NA

During construction?	
After project is completed?	

8. Number of jobs eliminated by this project **0**.

E. Alternatives - Briefly list alternatives to the proposal considered

Do not sell and keep in County ownership Close the facility

F. Approval and Compliance

1. Will project involve funding or financing by any: **No**

   a. Federal agency (specify) _____; amount_____.

   b. State agency (specify)_____; amount_____.

   c. Local agency (specify) _____; amount_____.

2. Does project require permit or approval from:

	YES	NO	TYPE
a. Army Corps of Engineers		X	
b. U.S. Environmental Protection		X	
c. Other Federal agency (specify)		X	
d. N.Y.S. Environmental Conservation Department		X	
e. Other State agency (specify) NY State DOH	X		Approval of Sale
f. County Health Department		X	
g. County Planning Department		X	
h. County Public Works Department		X	
i. Town or Village Board		X	
j. Town or Village Planning Board		X	
k. Town or Village Zoning Board	X		Change of zone
l. Town or Village Building Department	X		CO
m. Town or Village Highway Department		X	
n. Town or Village Environmental Agency		X	
o. Local Fire Marshal		X	
p. Other local agency (specify i.e. CAC) Suffolk County Legislature	X		Approval of Sale

3. Conformance to existing comprehensive or project master plans.

	yes	no	Description
a. State	X		Existing Facility approved by State Health Department
b. Bi County			
c. County	X		Existing Facility approved by Suffolk County Legislature
d. Town			
e. Village			

PREPARER **Sarah Lansdale** Date July 31, 2012

TITLE **Director of Planning**

SIGNATURE*

I certify that the information herein is accurate.

PROJECT DIRECTOR **James L. Tomarken** Date: July 31, 2012

TITLE **Commissioner of Health Services**

SIGNATURE* James L Tomarken

I certify that the information herein is accurate

*Signature of both preparer and project director required

Part 2 - RESPONSIBILITY OF LEAD AGENCY
Project Impacts and Their Magnitude

PROJECT: Sale of John J. Foley Skilled Nursing Facility by Suffolk County

General Information (Read Carefully)

1. In completing the form the reviewer should be guided by the question: Have my decisions and determinations been **reasonable?** The reviewer is not expected to be an expert environmental analyst.
2. Identifying that an effect will be potentially large (column 2) does not mean that it is also necessarily **significant.** Any large impact must be evaluated in PART 3 to determine significance. By identifying an impact in column 2 simply asks that it be looked at further.
3. The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact rating.
4. Each project, on each site, in each locality, will vary. Therefore, the examples have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
5. The number of examples per question does not indicate the importance of each question.

Instructions (Read carefully)

1. Answer each of the 19 questions in PART 2. Answer **Yes** if there will be **any** impact.
2. **Maybe** answers should be considered as **Yes** answers.
3. If answering Yes to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If threshold impact equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
4. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
5. If a potentially large impact or effect can be mitigated by a change in the project to a less that large magnitude, check the yes box in column 3. A No response indicates that such a reduction is not possible.

IMPACT ON LAND

1. Will the proposed action result in a physical change to the project site? ____Yes __X__No

IMPACT ON LAND **Examples** that would apply to Column 1	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.			
Construction of land where the depth to the water table is less than 3 feet.			
Construction of paved parking area for 1,000 or more vehicles.			
Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.			
Construction that will continue for more than w year or involve more than one phase or stage.			
Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.			
IMPACT ON LAND	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)

Construction of any new sanitary landfill.			
Construction in a designated floodway.			
Other Impacts (Please describe)			

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)
___ yes _X_ no.

List Specific land forms:			

IMPACT ON WATER

3. Will proposed action affect any water body designated as protected? (under Articles 15,24,25 of the Environmental Conservation Law, ECL) ___ yes _X_ no.

IMPACT ON WATER (**Examples** that would apply to column 2)	**1 Small to Moderate Impact**	**2 Potential Large Impact**	**3 Can Impact Be Mitigated By Project Change (Enter Yes or No)**
Developable area of site contains a protected water body.			
Dredging more than 100 cubic yards of material from channel of a protected stream.			
Extension of utility distribution facilities through a protected water body.			
Construction in a designated freshwater or tidal wetland.			
Please List Other Impacts:			

4. Will proposed action affect any non-protected existing or new body of water? ___ yes _X_ no

A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.			
Construction of a body of water that exceeds 10 acres of surface area.			
Please List Other Impacts:			

5. Will proposed action affect surface or groundwater quality? ___ yes _X_ no

Proposed Action will require a discharge permit.			
Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.			
Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.			

IMPACT ON WATER (cont.) (**Examples** that would apply to column 2)	**1 Small to Moderate Impact**	**2 Potential Large Impact**	**3 Can Impact Be Mitigated By Project Change (Enter Yes or No)**
Construction or operation causing any contamination of a public water			

supply system.			
Proposed Action will adversely affect groundwater.			
Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.			
Proposed Action requiring a facility that would use water in excess of 20,000 gallons per day.			
Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.			
Proposed Action will require the storage of petroleum products greater than 1,100 gallons.			
Proposed Action will allow residential uses in areas without water and/or sewer services.			
Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.			
Please list other impacts:			

6. Will proposed action alter drainage flow, patterns or surface water runoff? ___ yes _X_ no.

Proposed Action would impede flood water flows.			
Proposed Action is likely to cause substantial erosion.			
Proposed Action is incompatible with existing drain patterns.			
Proposed Action will allow development in a designated floodway.			
Please list other impacts:			

IMPACT ON AIR

7. Will proposed action affect air quality? ___ yes _X_ no.

IMPACT ON AIR (**Examples** that would apply to column 2)	**1 Small to Moderate Impact**	**2 Potential Large Impact**	**3 Can Impact Be Mitigated By Project Change (Enter Yes or No)**
Proposed Action will induce 1,000 or more vehicle trips in given hour.			
Proposed Action will result in the incineration of more than 1 ton of refuse per hour.			

IMPACT ON AIR (cont.)	**1 Small to Moderate Impact**	**2 Potential Large Impact**	**3 Can Impact Be Mitigated By Project Change (Enter Yes or No)**
Proposed Action emission rate of all contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.			

Proposed Action will allow an increase in the amount of land committed to industrial use.			
Proposed Action will allow an increase in the density of industrial development in existing industrial areas.			
Please List Other Impacts:			

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species? ___ yes _X_ no.

IMPACT ON PLANTS AND ANIMALS (**Examples** that would apply to Column 2)	**1 Small to Moderate Impact**	**2 Potential Large Impact**	**3 Can Impact Be Mitigated By Project Change (Enter Yes or No)**
Reduction of one or more species listed on the New York or Federal list, using the site, over or near site or found on the site.			
Removal of any portion of a critical or significant wildlife habitat.			
Application of pesticide or herbicide over more than twice a year other than for agricultural purposes.			
Please list other impacts:			

9. Will Proposed Action substantially affect non-threatened or endangered species? ___ Yes _X_ No

Proposed Action would substantially interfere with any resident or migratory fish or wildlife species.			
Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.			

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will the Proposed Action affect agricultural land resources? ___ Yes _X_ No

IMPACT ON AGRICULTURAL LAND RESOURCES (**Examples** that would apply to Column 2)	**1 Small to Moderate Impact**	**2 Potential Large Impact**	**3 Can Impact Be Mitigated By Project Change (Enter Yes or No)**
The Proposed Action would sever, cross through, or limit access to a field of agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.			

IMPACT ON AGRICULTURAL LAND RESOURCES (cont.)	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
Construction activity would excavate or compact the soil profile of agricultural land.			
The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than one acre of agricultural land.			
The Proposed Action would disrupt agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); prevent agricultural land management measures from being installed; or create a need for such measures (e.g., cause a farm field to drain poorly due to increased runoff)			
Prime or unique farmland as defined by USDA-SCS 7 CFR Part 657 and governed by the Farmland Protection Policy Act of 1981 is involved.			
Please list other impacts:			

IMPACT ON AESTHETIC RESOURCES OR COMMUNITY CHARACTER

11. Will proposed action affect aesthetic resources, or the character of the neighborhood or community? ___ Yes _X_ No

IMPACT ON AESTHETIC RESOURCES OR COMMUNITY CHARACTER (**Examples** that would apply to column 2) *(If Necessary Use the Visual EAF Addendum in Section 617.23)*	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
Introduction of proposed land uses, projects or project components obviously different or in sharp contrast to current surrounding land use patterns or existing man-made additions to the landscape.			
Introduction of proposed land uses, projects or project components as described in the above example that will be visible to users of aesthetic resources. This will eliminate or significantly reduce the public enjoyment or appreciation of the appearance or aesthetic qualities of a resource or community character.			
Introduction of project components that will result in the elimination or significant screening of scenic views known to be important to the area.			
Please list other impacts:			

IMPACT ON HISTORIC AND ARCHEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontogical importance? ___ Yes _X_ No

IMPACT ON HISTORIC AND ARCHEOLOGICAL RESOURCES (**Examples** that would apply to column 2)	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
Proposed Action occurring wholly or partially within or contiguous to			

any facility or site listed or eligible for listing on the State or National Register of historic places.			
Any impact to an archeological site or fossil bed located within the project site.			
Proposed Action will occur in an area designated as sensitive for archeological sites on the NSY Site Inventory.			
Please list other impacts:			

IMPACT ON OPEN SPACE AND RECREATION

13. Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?
___ Yes _X_ No

IMPACT ON OPEN SPACE AND RECREATION (**Examples** that would apply to column 2)	**1 Small to Moderate Impact**	**2 Potential Large Impact**	**3 Can Impact Be Mitigated By Project Change (Enter Yes or No)**
The permanent foreclosure of a future recreational opportunity.			
A major reduction of an open space important to the community.			
Please list other impacts:			

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)?___Yes_X__No
List the environmental characteristics that caused the designation of the CEA.

Site is not in a CEA

IMPACT ON CRITICAL ENVIRONMENTAL AREAS (**Examples** that would apply to column 2)	**1 Small to Moderate Impact**	**2 Potential Large Impact**	**3 Can Impact Be Mitigated By Project Change (Enter Yes or No)**
Proposed Action to locate within the CEA?			
Proposed Action will result in a reduction in the quantity of the resource?			

Proposed Action will result in a reduction in the quality of the resource?			
Proposed Action will impact the use, function or enjoyment of the resource?			
Please list other impacts.			

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems? ___ Yes _X_ No

IMPACT ON TRANSPORTATION (**Examples** that would apply to column 2)	**1 Small to Moderate Impact**	**2 Potential Large Impact**	**3 Can Impact Be Mitigated By Project Change (Enter Yes or No)**
Alteration of present patterns of movement of people and/or goods.			
Proposed Action will result in severe traffic problems			
Please list other impacts:			

IMPACT ON ENERGY

16. Will proposed action affect the communities sources of fuel or energy supply? ___ Yes _X_ No

IMPACT ON ENERGY (**Examples** that would apply to column 2)	**1 Small to Moderate Impact**	**2 Potential Large Impact**	**3 Can Impact Be Mitigated By Project Change (Enter Yes or No)**
Proposed Action will cause a greater than 5% increase in any form of energy in municipality.			
Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences.			
Please list other impacts:			

IMPACT ON NOISE

17. Will there be objectionable odors, noise, glare, vibration or electrical disturbance as a result of the Proposed Action?
___ Yes _X_ No

IMPACT ON NOISE (**Examples** that would apply to column 2)	**1 Small to Moderate Impact**	**2 Potential Large Impact**	**3 Can Impact Be Mitigated By Project Change (Enter Yes or No)**
Blasting within 1,500 feet of a hospital, school or other sensitive facility.			
Odors will occur routinely (more than one hour per day).			
Proposed Action will produce operating noise exceeding the local			

ambient noise levels for noise outside of structures.			
Proposed Action will remove natural barriers that would act as a noise screen.			
Please list other impacts:			

IMPACT ON PUBLIC HEALTH AND (HAZARDS) SAFETY

18. Will Proposed Action affect public health and safety? ___ Yes _X_ No

IMPACT ON PUBLIC HEALTH AND (HAZARDS) SAFETY (**Examples** that would apply to column 2)	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
Proposed Action will cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there will be a chronic low level discharge or emission.			
Proposed Action will result in the burial of "hazardous wastes" (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc., including wastes that are solid, semi-solid, liquid or contain gases).			
Storage facilities for one million or more gallons of liquified natural gas or other liquids.			
Please list other impacts:			

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will Proposed Action affect the character of the existing Community? ___ Yes _X_ No

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD (**Examples** that would apply to column 2)	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
The population of the city, town or village in which the project is likely to grow by more than 5% of resident human population.			
The municipal budgets for capital expenditures or operating services will increase by more than 5% per year as a result of this project.			
Will involve any permanent facility of a non-agricultural use on more than one acre in an agricultural district or remove more than 10 acres of (prime) agricultural lands from cultivation.			
Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.			
Development will in induce an influx of a particular age group with special needs.			
Proposed Action will set an important precedent for future projects.			
Proposed Action will relocate 15 or more employees in one or more			

businesses.			
Please List other impacts:			

PUBLIC INPUT

20. Is there public controversy related to Potential Adverse Environmental Impacts? ___ Yes _X_ No

Either government or citizens of adjacent communities have expressed opposition or rejected the project or have not been contacted.			
Objections to the project from within the community.			

If Any Action in Part 2 Is Identified as a Potential Large Impact or If You Cannot Determine the Magnitude of Impact, Proceed to Part 3

Determination of Significance

Portions of EAF completed for this project: _x_ Part 1 _x_ Part 2 ___ Part 3

Upon review of the information recorded on this EAF (Parts 1, 2 and 3) and considering both the magnitude and importance of each impact, it is reasonably determined that:

X. The project will result in no major impacts and, therefore, is one which may not cause significant damage to the environment. **Prepare a negative declaration:**
For unlisted actions only. Although the project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Part # have been included as part of the proposed project. **Prepare a CONDITIONAL negative declaration:**
The project will result in one or more major adverse impacts that cannot be reduced and may cause significant damage to the environment. **Prepare a positive declaration , proceed with EIS:**

Michael Mulé, Environmental Projects Coordinator

Signature of Preparer (if different from responsible officer)

Date 8/1/12

James L. Tomarken, MD, MPH, MBA, MSW, Commissioner

Signature of Responsible Officer in Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Suffolk County

Name of Lead Agency

Date 7/31/12

Part 3 - Responsibility of Lead Agency

Evaluation of the Importance of Impacts

Information

Part 3 is prepared if one or more impact or effect is considered to be potentially large.

The amount of writing necessary to answer Part 3 may be determined by answering the question: In **briefly** completing the instructions below, have I placed in this record sufficient information to indicate the reasonableness of my decisions?

Instructions

Complete the following for each impact or effect identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact might be mitigated or reduced to a less than large impact by project change.
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important** to the municipality (city, town or village) in which the project is located.

To answer the question of importance, consider:

- The probability of the impact or effect occurring
- The duration of the impact or effect
- Its irreversibility, including permanently lost resources of value
- Whether the impact or effect can be controlled
- The regional consequence of the impact or effect
- Its potential divergence from local needs and goals
- Whether known objectives to the project apply to this impact or effect

Determination of Significance

An action is considered to be significant if:

One (or more) impact(s) is determined to **be** (both) **large** and its (their) consequence, based on the review above, is **important.**

Part 3 Statements

(Continue on Attachments, as needed)

NA – This action simply involves the sale of an existing building and associated property to a private party for continued use as a skilled nursing facility. Other than the transfer of title to the property, no new construction or alteration of land is associated with the action.

APPENDIX A
SUFFOLK COUNTY HISTORIC TRUST

Application for Determination of Appropriateness for Alteration to Suffolk County Historic Trust Landmark or Site

1. APPLICANT:

AGENCY: **SUFFOLK COUNTY DEPARTMENT OF PARKS**
CONTACT PERSON:
ADDRESS: **POST OFFICE BOX 144**
WEST SAYVILLE, NEW YORK 11796
TELEPHONE: **(516) 854-4984**

2. PROPERTY:

STRUCTURE NAME:
LOCATION:
HISTORIC TRUST STATUS: ___ Designated ___ Eligible
PRESERVATION CATEGORY:
USE CATEGORY:
CURRENT USE:
PROPOSED USE:
Is structure listed on or eligible for the National Register of Historic Places? ___ Yes ___ No

3. PROPOSED WORK:

SCOPE OF WORK:

REASON FOR WORK:

ARCHITECT/ENGINEER:
CONTRACTOR:
CONSTRUCTION SCHEDULE:

4. FUNDING:

ESTIMATE COST OF PROJECT:
SOURCES:

5. PROPERTY HISTORY:

DATE OF ORIGINAL CONSTRUCTION:
ORIGINAL ARCHITECT BUILDER:
HISTORY OF USE:

HISTORY OF ALTERATIONS:

6. SUBMISSIONS:
Please check all applicable:

MAP	
DRAWINGS	
HP-1 FORM	
SPECIFICATIONS	
EAF/SHORT	
PHOTOGRAPHS	
SAMPLES	
OTHER	

7. RELATED INFORMATION AND COMMENT:

The Suffolk County Historic Trust is hereby requested to review the scope of work proposed for the above mentioned landmark structure, owned by the County of Suffolk, New York, to determine the appropriateness of design and/or use as regulated by the Suffolk County Charter. Design review guidelines have been made available for reference and it is understood that submission or approval of this application does not relieve responsibility for securing any and all other permits and approvals as required by law for the work proposed.

This form is to be submitted by applicant department to:

Suffolk County Division of Historic Services
Parks Department Administration Building
Post Office Box 144
West Sayville, New York 11796

For additional information and instructions please call (516) 854-4970.

OFFICE USE ONLY

DETERMINATION OF APPROPRIATENESS: __ Approved __ Disapproved

Vote: ___ Aye ___ Nay ___ Date: _____ Signature _____

617.20
Appendix B
VISUAL EAF ADDENDUM

This form is to be used in conjunction with the SEQR Full EAF. Once the potential visual impacts have been identified by the following questions, proceed to Question 11 of the Full EAF.

(To be completed by Lead Agency)

VISIBILITY (Check distance as appropriate in miles project is from each resource)
1. Is the project potentially visible from:

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx	**0 - 1/4**	**1/4 - 1/2**	**1/2 - 3**	**3 - 5**	**5+**
A parcel of land which is dedicated to and available to the public for the use, enjoyment and appreciation of natural or man-made scenic qualities.					
An overlook or parcel of land dedicated to public observation, enjoyment and appreciation of natural or man-made scenic qualities.					
A site or structure on or eligible for inclusion in the National or State Register of Historic Places.					
State Parks.					
The State Forest Preserve					
National Wildlife Refuges and state game refuges.					
National Natural Landmarks and other outstanding natural features.					
National Park System					
Rivers designated as National or State Wild, Scenic or Recreational.					
Any transportation corridor of high exposure, such as part of the Interstate System, or Amtrak.					
A governmentally established or designated interstate or inter county foot trail, or one proposed for establishment or designation.					
A site, are, lake, reservoir or highway designated or eligible for designation as scenic.					
Municipal park, or open space.					
County road.					
Local road.					

2. Is the visibility of the project seasonal? (i.e., screened by summer foliage, but visible during other seasons) __ Yes __ No

3. Are any of the resources checked in question 1 used by the public during the time of year during which the project will be visible?
__ Yes __ No

DESCRIPTION OF EXISTING VISUAL ENVIRONMENT

4. From each item checked in question 1, check those which most generally describe the surrounding environment.

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx	**Within 1/4 mile***	**Within 1 mile***
Essentially undeveloped		
Forested		
Agricultural		
Suburban residential		
Industrial		
Commercial		
Urban		
River, Lake		
Cliffs, overlooks		
Designated aesthetic resource		
Flat		
Hilly		
Mountainous		
Other		

NOTE: Add attachments as needed.

5. Are there visually similar projects within:

1/2 mile* _ Yes _ No
1 mile* _ Yes _ No
2 miles* _ Yes _ No
3 miles* _ Yes _ No

**Distance from project site are provided for assistance. Substitute other distances as appropriate.*

EXPOSURE

6. The annual number of viewers likely to observe the proposed project is ___.

NOTE: When user data is unavailable or unknown, use best estimate.

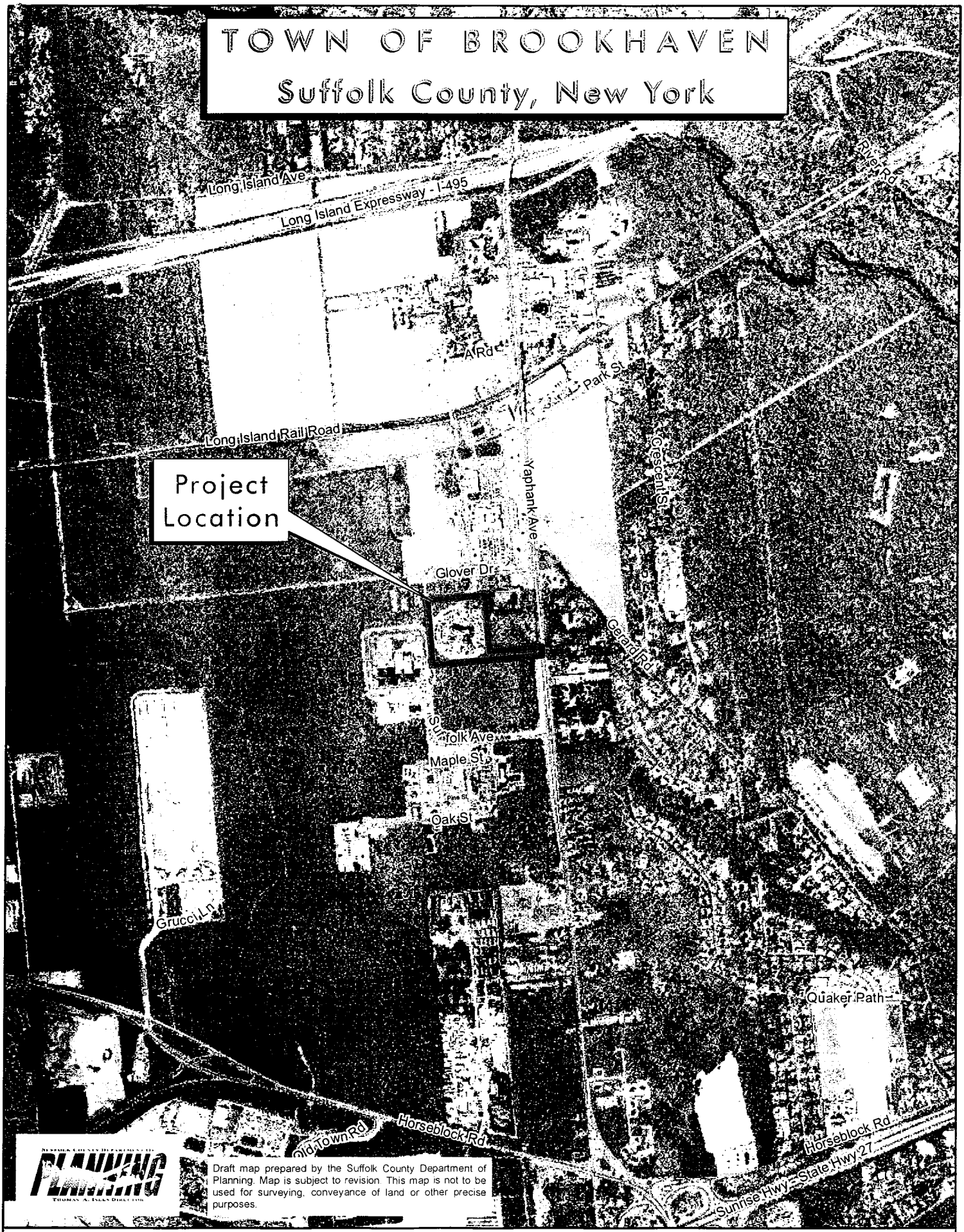
CONTEXT

7. The situation or activity in which the viewers are engaged while viewing the proposed action is as follows:

ACTIVITY	**FREQUENCY** (please list whether it is daily, weekly, weekends/holidays or seasonally)
Travel to and from work	
Involved in recreational activities	
Routine travel by residents	
At a residence	
At worksite	
Please list any others:	

TOWN OF BROOKHAVEN

Suffolk County, New York



Draft map prepared by the Suffolk County Department of Planning. Map is subject to revision. This map is not to be used for surveying, conveyance of land or other precise purposes.

1 inch = 1,500 feet

0 1,000 2,000 3,000 Feet

N

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YAPHANK COUNTY CENTER

John J. Foley Skilled Nursing Facility

Locator

March 11, 2010 - CD-10-83

TOWN OF BROOKHAVEN

Suffolk County, New York

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Legend

- Proposed Use Plan Boundary Line
- Proposed Subdivision of Existing Parcels

1 inch = 250 feet

0 100 200 300 400 500 Feet

N

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YAPHANK COUNTY CENTER

John J. Foley Skilled Nursing Facility

Aerial, 2007

March 3, 2010 - CD-10-83

TOWN OF BROOKHAVEN

Suffolk County, New York

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Legend

Contour Lines, 5 feet

Proposed Use Plan Boundary Line

Proposed Subdivision of Existing Parcels

1 inch = 250 feet

0 100 200 300 400 500 Feet

N

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YAPHANK COUNTY CENTER

John J. Foley Skilled Nursing Facility

March 3, 2010 - CD-10-83

Topography, 5 Feet

TOWN OF BROOKHAVEN
Suffolk County, New York

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Legend

- Proposed Use Plan Boundary Line
- Proposed Subdivision of Existing Parcels

1 inch = 250 feet

0 100 200 300 400 500 Feet

N

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YAPHANK COUNTY CENTER
John J. Foley Skilled Nursing Facility
Soils, SSURGO

March 3, 2010 - CD-10-83

Intro. Res. No. Laid on Table / / 2012
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. -2012, ADOPTING LOCAL LAW NO. -2012, A LOCAL LAW AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AGREEMENTS FOR THE SALE OF THE JOHN J. FOLEY SKILLED NURSING FACILITY

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on August 7, 2012, a proposed local law entitled, "**A LOCAL LAW AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AGREEMENTS FOR THE SALE OF THE JOHN J. FOLEY SKILLED NURSING FACILITY**"; and said local law in final form is the same as when presented and introduced; now, therefore be it

RESOLVED, that said local law be enacted in final form as follows:

LOCAL LAW NO. -2012, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AGREEMENTS FOR THE SALE OF THE JOHN J. FOLEY SKILLED NURSING FACILITY

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature finds and determines that John J. Foley Skilled Nursing Facility (the "Facility") is a 264-bed facility located on approximately 14 acres in Yaphank in Suffolk County (the County). In addition to operating 252 residential health care facility beds (including an Alzheimer's unit) and 12 designated AIDS beds, the nursing facility operates a 60-slot Adult Day Health Care Program (ADHCP). In 1995, the Facility began operating in a newly-constructed building. The total building size is approximately 181,749 square feet with recent (2005) expansions to the adult day health and rehabilitation program space as well as dining and recreational areas on the second floor.

This Legislature further finds and determines that in light of the extraordinary fiscal crisis facing the County, it was prudent to examine operations at the Facility in order to determine the feasibility of continuing its operation as a County facility. As a result of this review, the Legislature has determined that, provided that continued excellence in resident care can be achieved under a new operator, due to business impediments unique to municipalities (rising municipal labor and employee benefit costs and unreliability of continued intergovernmental transfer (IGT) payments), operating a municipal skilled nursing home would no longer be in the best interest of the County.

This Legislature further finds that over the past several years three attempts have been made to change the operations and/or ownership of the Facility through a public bidding/proposal process, but that none of these attempts resulted in proposals that sufficiently met the Legislature's desired goals of ensuring the continuing high level of

care of Facility residents or securing ongoing employment for Suffolk County employees working at the Facility.

This Legislature finds that, as a result, the public bidding/proposal process does not serve the County's best interests in regard to the sale of the Facility and that a direct negotiated sale of the Facility better ensures that the County's interests are met and protected.

This Legislature finds that the County conducted meetings with several parties that had expressed interest in purchasing the Facility and that, in reaching a decision regarding which party to negotiate with, the County considered factors such as the quality of care currently provided in existing facilities, history of management-employee relations, the offering price, the audited financial statements of the prospective buyer, whether the prospective buyer would agree to maintain care for all existing residents at the Facility, and whether the prospective buyer would consider hiring all existing Facility staff.

The Legislature finds that after conducting a thorough due diligence and considering all of the factors heretofore mentioned, the County chose Sam Sherman and Israel Sherman, who will be acting as principals through their companies SSS Operating, LLC and SSS Realty, LLC, as the buyers of the Facility and that the County has negotiated an Asset Purchase Agreement and Land Sale Contract for the sale of the Facility for the purchase price of $23,000,000.

This Legislature also finds that the Land Sale Contract and Asset Purchase Agreement (hereinafter referred to as "the Plan") has been subject to the Suffolk County Administrative Code Section A9-6 review process, including four separate public hearings at which comments were solicited.

Therefore, the purpose of this law is to approve the Plan, an agreement for the sale and purchase of the Facility by the County to SSS Operating, LLC and SSS Realty, LLC, and further, in light of, among other things, the direct negotiated sale of County property, to supersede all of the provisions of New York County Law Section 215 and any local laws to the contrary of the provisions set forth herein.

Section 1. Supersede New York County Law Section 215

Pursuant to the provisions of Section 2 (b) of the New York County Law, Section 215 of the New York County Law shall not apply, in any manner, to the substantive and/or procedural provisions of this resolution or the local law contemplated therein.

Section 2. Approval of Negotiated Sale as Within the Best Interest of the County

The County hereby approves the negotiated award to Sam and Israel Sherman for the sale of the Facility and all assets, property, real or personal, and rights used or usable in the operation of the Facility, of every type and description, tangible or intangible, wherever located.

Section 3. Declaration of Surplus Land.

The 14.06 acres of land, which acreage shall be subject to final survey, is surplus to County needs. The Facility and all associated assets and inventory used to carry out its functions as a skilled nursing facility, as more specifically set forth in the proposed Asset Purchase Agreement and Land Sale Contract, is likewise declared surplus to County needs.

Section 4. Sale of Surplus Land.

The sale by the County to SSS Realty, LLC of the County's right, title and interest in and to 14.06 acres of land, without recourse, is hereby authorized in exchange for the delivery, to or upon the order of the County, of (i) the payment of the purchase price as set forth in the proposed Land Sale Contract, and (ii) upon such other terms and conditions as are set forth in the proposed Land Sale Contract.

Section 5. Approval of Land Sale Contract.

The general form and substance of the Land Sale Contract, presented to the members of the Legislature at this meeting as Exhibit 1, is hereby approved.

Section 6. Execution and Delivery of Land Sale Contract.

The execution and delivery on behalf of and in the name of the County by the County Executive and/or his designee(s) of the Land Sale Contract substantially in the form and substance presented to the members of the Legislature at this meeting, is hereby authorized and directed.

Section 7. Sale of the Facility.

The sale by the County to SSS Operating, LLC of all assets, property, real or personal, and rights used or usable in the operation of the Facility, of every type and description, tangible or intangible, wherever located, without recourse, is hereby authorized in exchange for the delivery, to or upon the order of the County, of (i) the payment of the purchase price as set forth in the proposed Asset Purchase Agreement, and (ii) upon such other terms and conditions as are set forth in the proposed Asset Purchase Agreement.

Section 8. Approval of Asset Purchase Agreement.

The general form and substance of the Asset Purchase Agreement, presented to the members of the Legislature at this meeting as Exhibit 2, is hereby approved.

Section 9. Execution and Delivery of Asset Purchase Agreement.

The execution and delivery on behalf of and in the name of the County by the County Executive and/or his designee(s) of the Asset Purchase Agreement substantially in the form and substance presented to the members of the Legislature at this meeting, is hereby authorized and directed.

Section 10. Further Actions.

The County Executive and/or his designee(s) are further authorized to execute and deliver, on behalf of the County, such agreements, instruments or authorizations as may be contemplated by, or necessary or advisable to consummate or otherwise give full effect to, the Land Sale Contract, the Asset Purchase Agreement and this local law, and which are deemed necessary or desirable to effectuate the transactions contemplated by the Land Sale Contract, the Asset Purchase Agreement and this local law, and to perform all acts and do all things required or contemplated to be performed or done by the Land Sale Contract, the Asset Purchase Agreement or by this local law or by any agreement, instrument or authorization approved, contemplated, necessary or authorized hereby.

Section 11. Suffolk County Administrative Code A9-6 Compliance

The County has complied with the procedures set forth in Section A9-6 of the Administrative Code. A report to the Suffolk County Legislature pursuant to Suffolk County Administrative Code Section A9-6 is attached as Exhibit 3. In addition, attached as Exhibit 4 is a letter from the New York State Department of Health supporting Sam Sherman and Israel Sherman and/or the companies of which they are principals as purchasers of the Facility.

Section 12. Applicability.

This law shall apply to all actions and transactions occurring on or after the effective date of this law. Adoption of this law shall be conclusive evidence of full compliance with Suffolk County Administrative Code § A9-6, and shall apply to all actions and transactions occurring on or after the effective date of this law.

Section 13. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 14. SEQRA Determination.

This Legislature has independently considered the Environmental Assessment Form ("EAF"), the Council on Environmental Quality ("CEQ") recommendation, and any relevant testimony concerning the same; and

This Legislature, being the lead agency under State Environmental Quality Review Act ("SEQRA") and Chapter 450 of the Suffolk County Code, hereby determines that this local law constitutes an unlisted action, pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (SEQRA) of the Environmental Conservation Law; and

This Legislature hereby determines that implementation of this action will not have a significant adverse impact on the environment for the following reasons, as demonstrated in the EAF:

1. The action involves the simple transfer of the ownership of an existing operating facility and associated property with no change to the environment or facility operations;

2. The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR which sets forth threshold for determining significant impact on the environment;

3. The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and Code;

4. The parcel does not appear to suffer from any severe environmental development constraints (no poor soil properties, no high groundwater and no unmanageable slopes); and

This Legislature hereby directs, in accordance with Section 450-5(c)(4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

Section 15. Effective Date.

This Local Law shall not take effect until at least forty-five (45) days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting on a proposition for its approval if within forty-five (45) days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against such Local Law in conformity with the provisions of §24 (1) (a) of the MUNICIPAL HOME RULE LAW and upon filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date:

COUNTY OF SUFFOLK

Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Joanne Minieri
Deputy County Executive and Commissioner

Division of Planning
and Environment

August 1, 2012

Ms. Gloria Russo, Chairperson
Council on Environmental Quality
H. Lee Dennison Building - 4th Floor
100 Veterans Memorial Highway
Hauppauge, New York 11788

Dear Ms. Russo:

Attached for your review and consideration is an Introductory Resolution authorizing the acquisition of land for open space preservation purposes known as the Alvardo property, located in the Beaverdam Creek County Wetlands area (BR43), in the Town of Brookhaven. Please review the proposal and forward the Council's SEQRA recommendation to the County Executive and Legislature. Attached is a short EAF for your consideration.

Sincerely,

Sarah Lansdale, A.I.C.P.,
Director, Division of
Planning and Environment

SL:lrf:km

cc: Lauretta R. Fischer, Principal Environmental Analyst
Michael Mulé, Environmental Projects Coordinator
Kathryn Magee, Environmental Planner

Project ID:

SUFFOLK COUNTY
SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only
6 NYCRR Part 617.20
STATE ENVIRONMENTAL QUALITY REVIEW

Part I-PROJECT INFORMATION (to be completed by Applicant or Project Sponsor)

1. APPLICANT /SPONSOR **Suffolk County Department of Economic Development and Planning, Div. of Planning and Environment**	2. PROJECT NAME **Proposed acquisition of property by Suffolk County for Open Space Preservation Purposes Known as the Alvardo Property - Beaverdam Creek County Wetlands Addition**
3. PROJECT LOCATION Municipality **Hamlet of Brookhaven, Town of Brookhaven**	County **Suffolk**

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)
South of Sunrise Highway (S.R. 27), north of Montauk Highway (C.R. 80), between Cedar Street and Hawthorne Street. SCTM# 0200-932.00-01.00-034.000

5. IS PROPOSED ACTION:
☒ New ☐ Expansion ☐ Modification /alteration

6. DESCRIBE PROJECT BRIEFLY:
Acquisition of land under the New Suffolk County Drinking Water Protection Program, (effective December 1, 2007) C12-2(A)(1)(b) - lands within the watershed of a coastal stream, as determined by a reasonable planning or hydrological study

7. AMOUNT OF LAND AFFECTED:
Initially **0.46 +/-** acres Ultimately **0.46 +/-** acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER LAND USE RESTRICTIONS?
☒ Yes ☐ No If No, describe briefly

9. WHAT IS PRESENT LAND US IN VICINITY OF PROJECT?
☒ Residential ☐ Industrial ☐ Commercial ☐ Agriculture ☒ Park/Forest/Open Space ☐ Other
Describe:

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
☐ Yes ☒ No If yes, list agency(s) and permit/approvals

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
☐ Yes ☒ No If yes, list agency name and permit/approval

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
☐ Yes ☒ No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor Name: **Suffolk County Div. of Planning and Environment/Lauretta R. Fischer, Principal Environmental Analyst** Date: **August 1, 2012**

Signature:

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

Continue to Part II

PART II - ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.

☐ yes ☒ No Comment:

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.

☐ yes ☒ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible}

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential or erosion, drainage or flooding problems?

Explain briefly: **No**

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character?

Explain briefly: **No**

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species?

Explain briefly: **No- Property is to be designated County Parkland and remain in its natural state for passive use and habitat management purposes.**

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?

Explain briefly: **No**

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action?

Explain briefly: **No**

C6. Long term, short term, cumulative, or other effects not identified in C1-C5?

Explain briefly: **No**

C7. Other impacts (including changes in use of either quantity or type of energy)?

Explain briefly: **No**

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?

☐ yes ☒ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ yes ☒ No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the **FULL EAF** and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

Suffolk County Legislature

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

August 1, 2012

Date

Intro. Res. No. – 2012 Laid on Table
Introduced by the Presiding Officer, on request of the County Executive

RESOLUTION NO. - 2012 AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) – OPEN SPACE COMPONENT - FOR THE ALVARDO PROPERTY – BEAVERDAM CREEK (TOWN OF BROOKHAVEN - SCTM#0200-932.00-01.00-034.000)

WHEREAS, Local Law No. 24-2007, "A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection," Section C12-2(A)(1) authorized the use of 31.10 percent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 31.10 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

WHEREAS, Resolution No. 1002-2007, authorized planning steps for the acquisition of said property; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of Real Property Acquisition and Management to negotiate the acquisition; and

WHEREAS, based upon the Environmental Trust Review Board approved value, an offer to acquire the subject property was made to and accepted by the owner of said property; and

WHEREAS, contracts to acquire said property were prepared by the office of the County Attorney, executed by the owner of the subject property and the Director of Real Property Acquisition and Management and approved as to legality by the Office of the County Attorney; now, therefore, be it

1st **RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Open Space component, for a total purchase price of , at per square foot, for 20,000± square feet, subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

PARCEL:	SUFFOLK COUNTY TAX MAP NUMBER:		ACRES:	REPUTED OWNER AND ADDRESS:
No. 1	District	0200	20,000± s.f.	Juan Alvarado
	Section	932.00		7945 NW 266th Street
	Block	01.00		High Springs, FL 32643
	Lot	034.000		

; and, be it further

2nd **RESOLVED,** that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of subject to a final survey; and, be it further

3rd **RESOLVED,** that the Adopted 2012 Operating Budget be and hereby is amended and that the following be and hereby are appropriated from the Fund 477 balance:

EXPENDITURES:

Agency	Fund	Organization	Object	Description	Amount
IFT	477	E525	9600	Transfer to Capital Budget	

*subject to a final survey

4th RESOLVED, that these interfund revenues be and hereby are transferred and accepted in the Capital Fund as follows:

REVENUES:

Agency	Fund	Revenue Source	Organization	Description	Amount
IFT	525	R477	E525	Transfer from Fund 477	

*subject to a final survey

5th **RESOLVED,** that the from the Fund 477, New Suffolk County Drinking Water Protection Program, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, effective as of December 1, 2007, fund balance be and hereby is appropriated as follows:

Project No.	Project Title	Amount
525-CAP-8714.210	New Drinking Water Water Protection Program	

*subject to a final survey
;and, be it further

6th RESOLVED, that the County Comptroller and County Treasurer are hereby authorized and directed to accept these interfund revenues and effectuate these interfund transfers, including the associated cash transfers, as described above, to the Capital Fund required to finance this capital project; and, be it further

7th RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay _____, subject to a final survey, from the New Suffolk County Drinking Water Protection Program, Open Space component, Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, effective as of December 1, 2007, for this acquisition; and, be it further

8th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and, be it further

9th RESOLVED, that pursuant to Section C12-2(A)(2)(c), this property is not to be developed and Zero (0) Workforce Housing Development Rights shall be removed and placed in the Suffolk County Workforce Housing Transfer of Development Rights Program registry pursuant to the Workforce Housing Development Rights Program as developed by the Department of Planning, consistent with Resolution No. 412-2005, as amended, and approved by the Suffolk County Executive and the Suffolk County Legislature; and, be it further

10TH RESOLVED, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER:

b.) lands within the watershed of a coastal stream, as determined by a reasonable planning or hydrological study; and, be it further

11th RESOLVED, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and, be it further

12th RESOLVED, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and, be it further

13th RESOLVED, that the project will not have a significant effect on the environment for the following reasons:

1.) the proposed action will not exceed any of the criteria of 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and

2.) the proposed use of the subject parcel(s) is passive recreation; and

3.) if not acquired, the property will most likely be developed for

residential purposes; incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and, be it further

14th RESOLVED, that in accordance with Section 450-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED:

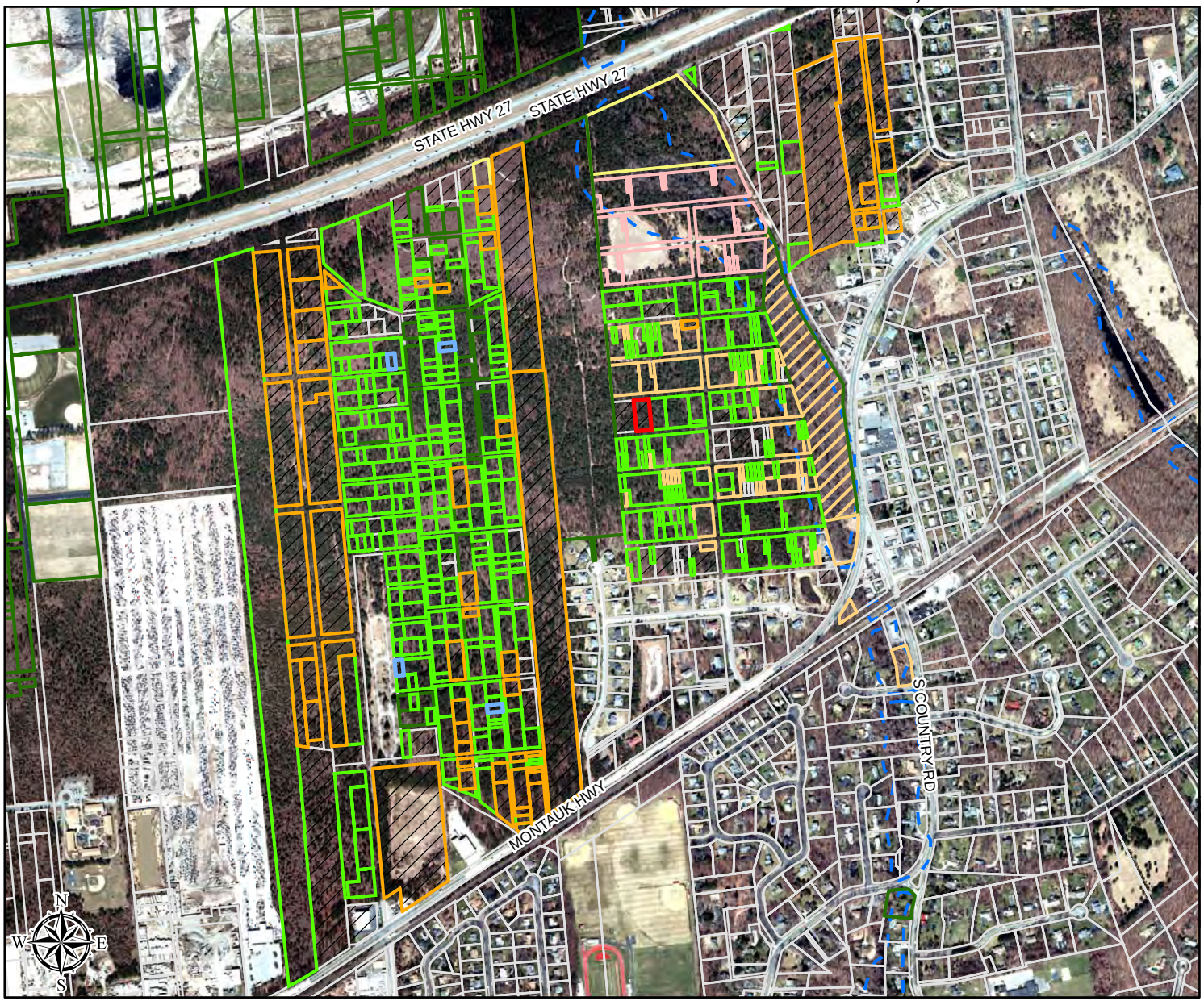
APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

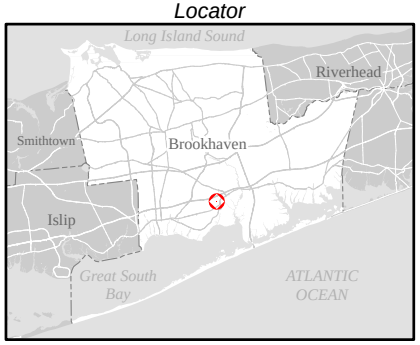
BEAVERDAM CREEK COUNTY WETLANDS - ALVARDO PROPERTY
SCRPTM #: 0200 93200 0100 034000
New Suffolk County Drinking Water Protection Program, (effective December 1, 2007) C12-2(A)(1)(b) - Lands within the watershed of the coastal stream, as determined by a reasonable planning or hydrologcial study
0.45 ± acres total - Hamlet of Brookhaven, Town of Brookhaven



SUFFOLK COUNTY

- Alvardo Property, 0.45 acres
- Town TDR in Progress (25,200 sqft)
- County Acquisition in Progress
- Suffolk County
- Town of Brookhaven
- Brookhaven Fire Dept.
- Post Morrow Foundation
- State of New York
- Town & Post Morrow Foundation
- SCRP Tax Map Base
- Planning Steps Reso # 1002-2007
- NYS Freshwater Wetlands

Locator



© 2010 Aerial Photography New York State Office for Technology.

0 1,000 2,000 3,000 4,000 Feet

1 inch = 1,000 feet

May 23, 2012 - CD-12-04

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Real Property Taxmap parcel linework used with permission of Suffolk County Real Property Tax Service Agency (R.P.T.S.A.). This rendering is a DRAFT MAP in that 1) the data displayed is an interagency or intra agency work* produced for the purpose of identifying and correcting data. It is not a final agency determination. It is not statistical or factual compilation of data. In some cases correct data has been left out and questionable or inaccurate data has been exaggerated to help identify errors. In short, this is a DRAFT MAP produced in an effort to aid in the correction of data and is not held out as being complete or accurate in any way.

*excerpted from (F.O.I.L.) the provisions of the Freedom of Information Law [Public Officers Law Article 6 Section 84-90] by section 87.2.g

COUNTY OF SUFFOLK

Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Joanne Minieri
Deputy County Executive and Commissioner

Division of Planning
and Environment

August 1, 2012

Ms. Gloria Russo, Chairperson
Council on Environmental Quality
H. Lee Dennison Building - 4th Floor
100 Veterans Memorial Highway
Hauppauge, New York 11788

Dear Ms. Russo:

Attached for your review and consideration is an Introductory Resolution authorizing the acquisition of land for hamlet park purposes known as the EMB Enterprises, LLC property in the Town of Riverhead. Please review the proposal and forward the Council's SEQRA recommendation to the County Executive and Legislature. Attached is a long EAF for your consideration.

Sincerely,

Sarah Lansdale, A.I.C.P.
Director, Division of Planning
and Environment

SL:lrf:km

cc: Lauretta R. Fischer, Principal Environmental Analyst
Michael Mulé, Environmental Projects Coordinator
Kathryn Magee, Environmental Planner

SUFFOLK COUNTY ENVIRONMENTAL ASSESSMENT
FORM (EAF)

Instructions: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire Data Sheet. Include as much information as possible such as feasibility studies, design reports, etc. Attach additional sheets if necessary. Mark irrelevant questions N.A., not applicable.

A. General Information:

1. Name of Project:

The proposed acquisition of 4.19± acres of land known as EMB Enterprises, LLC property by Suffolk County for hamlet park use. A conceptual plan and site layout have been prepared for the hamlet park known as the 911 Memorial Park at Reeves Park.

2. Location of Project: (specify Town, Village or Hamlet and include project location map on next page.)

Hamlet of Baiting Hollow, Town of Riverhead SCTM# 0600-017.00-01.00-005.022

Street Address:

No Street Address – North side of Sound Avenue, east side of Park Road aka Thomas Kelly Memorial Drive, and west of Sebastian Drive.

Name of property or waterway:

EMB Enterprises, LLC

3. Maps of Property and Project: Attach relevant available maps, including a location map (note: use road map, Hagstrom Atlas, U.S.G.S. topo map, tax map or equivalent) and preliminary site plans showing orientation, scale, buildings, roads, landmarks, drainage systems, areas to be altered by project, etc.

4. Type of Project: (check one) New __X____ Expansion _____

5. Capital Program: (specify) Item #_____and Date Adopted _____ Amount$

New Suffolk County Drinking Water Protection Program- Hamlet park component, Section C12-2(A)(1)(i).

6. General Description of Project, including its Purpose (attach relevant design reports, plans etc.):

The proposed acquisition of the subject property by the County of Suffolk for hamlet park purposes. The overall concept of the acquisition is to create a hamlet park and memorial known as the 911 Memorial Park at Reeves Park with walking trails for all Suffolk County residents to utilize. See Addendum A for the site concept plan narrative prepared by the Town.

7. Project Status: (check if begun)

		Start	Completion
	PROPOSAL	N/A	N/A
	STUDY	N/A	N/A
	PRELIMINARY PLANNING	December 2011	June 2012
	FINAL PLANS: SPECS	N/A	N/A
	SITE ACQUISITION	October 2010	Sept./Oct. 2012
	CONSTRUCTION	N/A	N/A
	OTHER	N/A	N/A

8. Departments Involved:

NAME AND ADDRESS OF DEPT. PERFORMING DESIGN & CONSTRUCTION	**NAME AND ADDRESS OF INITIATING DEPT. (If different)**
Name: N/A	Suffolk County Department of Economic Development and Planning, Division of Planning and Environment
Street/P.O.:	PO BOX 6100
City, State:	Hauppauge, New York
Zip:	11788-0099
Contact Person:	Lauretta R. Fischer, Principal Environmental Analyst
Business Phone	631-853-6044

B. Project Description

1. Scale of Project:

a. Total contiguous acres now owned at site:	0
b. Acreage to be acquired:	Approx. 4.19 ± acres
c. Developed acreage now: Developed acreage at completion of project: Developed acreage ultimately:	0 0.13 ± acres 0.13 ± acres
d. Acreage of vegetation or cover to be removed:	0.13 ± acres
e. Acreage to remain undeveloped:	4.06 ± acres
f. Building gross floor area now: Building gross floor area proposed:	0 0

g. Height of tallest structure on site now: Height of tallest structure proposed on site:	N/A N/A
h. Proposed Building use (if any):	N/A
i. Off-street parking spaces now: Off-street parking spaces proposed: 150ft^2 per 1 parking space (from S.C. Dept. of Parks)	0 5 = 750± ft^2 = **0.02 ± acres** (incl.1 handicapped space)
j. Max. vehicle trips/hr. when operational: Max trips assumes full capacity of total number parking spaces available at the site.	5 trips/peak hour (Assumes all parking spaces full.)
k. Roads on site now:	0
l. New road construction or reconstruction	960 ±ft length x est. 5 ft. width= 4,800± ft^2 = **0.11 ± acres** (incl. 810 ft. permeable stone walking path and 150 ft. asphalt walking path)
m. Will project result in an increase in energy use? If yes, indicate type(s):	No.
n. Will project require storage of liquid fuels and chemicals? If yes, describe substances and amounts to be stored:	No.

2. Project Schedule:

a. Is project single or multi-phase?	Single
b. If multi-phase, how many phases?	N/A
c. Total construction time (months)	N/A

3. Wastes and Pollutants Generated During Project Construction and Operation: N/A

	Components	Quantity	Mode of Disposal
a. Sanitary Sewage	None	0	N/A
b. Liquid industrial waste	None	0	N/A
c. Toxic chemicals	None	0	N/A
d. Pesticides or herbicides	None	0	N/A

	Components	Quantity	Mode of Disposal
e. Solid wastes	Assorted trash and debris to be picked up and removed prior to closing.	Unknown	To appropriate disposal facility
f. Clearing or demolition debris	Former barn slab foundation and former pump house slab foundation to be removed prior to closing.	Unknown	To appropriate disposal facility
g. Spoil disposal or sedimentation	None	0	N/A
h. Atmospheric emissions	None	0	N/A
i. Surface water runoff	None	0	N/A
j. Noise exceeding ambient	None	0	N/A
k. Odors exceeding 1hr/day	None	0	N/A
l. Other (specify)	None	0	N/A

4. Does Project Involve Any:

Grading Cut/Fill; List amounts.	No
Dredging; List max. depth, length & width.	No
Spoil Area; List amount.	No
Bulkheading; List length.	No
Dewatering; List g.p.m. & period of time.	No

5. Indicate Sources of Utilities:

Water	N/A. Former irrigation well to be abandoned and associated pumped removed before closing in accordance with applicable regulations.
Electricity	None
Gas	None
Other (please specify)	

6. Total Water Usage: 0
Gallons per Day
If water supply is from wells, indicate pumping capacity in gallons per minute N/A .

C. Project Area Description/Existing Conditions:

1. Acreage of Physical Characteristics of Project Area:

	Presently	After Completion
Meadow, field, scrub growth	0 acres	0 acres
Wooded	4.06± acres	3.94± acres
Agricultural	0	0
Freshwater wetland	0	0
Tidal wetlands	0	0
Surface waters	0	0
Cleared, graded or filled land (Some of the paved walkway will be constructed on the existing cleared area, so the final cleared acreage total reflects that.)	5662.8 ± ft^2= **0.13± acres** (Incl. mowed area in SW corner of site)	810±ft. length x est. 5ft. width (stone path) = 4050±ft^2 +600±ft^2 (stone parking area) +5562.8±ft^2(mowed area)= **=0.23±acres**
Paved areas (roads, parking, etc.) (handicapped parking space and approx.150 ft. walking path from parking area to 9/11 Memorial area will be asphalt)	0	150±ft. length x est. 5ft. width = 750±ft^2 +150±ft^2 (parking.) **=0.02 ± acres**
Buildings (List number and sq. ft.)	0	0
Other (please specify)	-	-
TOTAL	4.19± acres	4.19± acres

2. Streams within or contiguous to project area: *(Please list name of stream and/or name of river to which it is tributary, including intermittent streams)*

None.

3. Lakes, Ponds, Wetland areas within or contiguous to project area: *(Please list name(s) and size(s) in acres)*

None.

4. a. Are there natural drainage channels on the project site? ___yes_**X**_no

b. How far is project area from freshwater wetlands, tidal wetlands or surface waters?

N/A

5. Is the Project area within the 100 yr. Flood plain? ____yes __X__no

6. Depth to the water table: at surface____0-3 ft ___3-8 ft ___8-16 ft____>16 ft__X__

7. Predominant soil type (s) on project site as identified in the Soil Survey Geographic (SSURGO) Database for Suffolk County, New York. 2010 survey area data, Natural Resources Conservation Service, United States Department of Agriculture: *(Include soils map of site.)*

Haven loam (HaA) and Riverhead Sandy Loam (RdA).

8. General character of the land: Generally uniform slope__X (southern portion)__Generally uneven and rolling or irregular__X(northern portion)__. *(Include topographic map of site.)*

9. Approximate percentage of proposed project site with slopes:
0-10% __74%__ 10-15%__14%__or greater __12%__.

10. Any unique or unusual land forms on the project site? (i.e. cliffs, dunes, kettle holes, eskers, other geological formations):

N/A.

11. Describe the predominant vegetation types on the site:

Dense deciduous forest vegetation. It is not mature forest, as aerials from 1957 through 1976 indicate the property was used for agriculture purposes, and then subsequently revegetated.

12. Describe the predominant wildlife on the site:

All types typical in Suffolk County (deer, song birds, squirrels, turkeys, etc.)

13. Does project site contain any species of plant or animal life that is identified as threatened or endangered?___yes __X__no; if yes, give source and identify each species;

14. Is project contiguous to, or does it contain a building or site of historic, pre-historic or paleontological importance?____ yes __X__ no. Explain.

15. List the specific activities now occurring at project location (ie. hunting, fishing, hiking etc.)

None. The property is vacant.

16. Is the project site presently used by the community or neighborhood as an open space or recreation area?_____ yes __X__ no.

17. Does the present site offer or include scenic views or vistas known to be important to the community? __X__ yes _____no.

18. Zoning:

a. Current specific zoning or use classification of site?	Split zoned = residentially zoned: RB80 and RA40
b. Is proposed use consistent with present zoning or use?	Yes
c. If no, indicate desired zoning or use.	

19. What is the dominant land use and zoning classification within a 1/4 mile radius of the project (e.g. single family residential, R-2) and the scale of development (e.g. 2 story)? *(Include existing land use map)*

Dominant land uses are agricultural, single family residential, undeveloped wooded land, and commercial. Zoning classification: Agricultural Protection Zone (APZ), Residence B-80,000sqft, Residence A-40,000sqft, and Residence A-80,000sqft.

20. Is the site served by existing public utilities? __X__ yes _____ no.

    a) If yes, does sufficient capacity exist to allow connection? _X_ yes ____ no.

    b) If yes, will improvements be necessary to allow connection? ___ yes _X_ no

21. Is the site located in an agricultural district certified pursuant to Agriculture and Market Law, article 25-AA, Section 303 and 304?_____yes ___X__ no.

22. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617?____ yes __X__ no.

23. Has the site ever been used for disposal of solid or hazardous wastes? _____ yes __X__ no.

D. Impact Summary and Mitigation

1. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site?
Approximately 0.125+/- acres of vegetation will be removed from the site for an approximately 810 ft. x 5 ft. permeable stone walkway and four (4) permeable stone parking spaces and one (1) handicap-accessible asphalt parking space and 130 ft. by 5 ft. of the 150 ft. handicap-accessible asphalt walkway (20ft. of the asphalt walkway will be placed in an area where vegetation has already been removed).

2. Will any mature forest or other locally important vegetation be removed by this project?
____yes __X__ no. Explain.

3. Are there plans for erosion control and stabilization?___ yes _X_ no. Explain and attach plans.

N/A

4. Are there any plans for revegetation to replace that removed during construction? __ yes _X_ no. Explain and attach plans.

Existing cleared/disturbed areas will be left in a natural state and allowed to naturally re-vegetate.

5. Will project physically alter any surface water bodies? ___ yes _X_ no. Explain.

N/A

6. Will project require relocation of any projects, facilities or homes? ___yes _X_ no. Explain.

N/A

7. Number of jobs generated:

During construction?	N/A
After project is completed?	N/A

8. Number of jobs eliminated by this project N/A .

E. Alternatives - Briefly list alternatives to the proposal considered

Residential Development

F. Approval and Compliance

1. Will project involve funding or financing by any:

   a. Federal agency (specify) _____; amount_____.

   b. State agency (specify)_____; amount_____.

   c. Local agency Town of Riverhead (for development and maintenance of the site); amount $ amount redacted .

2. Does project require permit or approval from:

	YES	NO	TYPE
a. Army Corps of Engineers		x	
b. U.S. Environmental Protection		x	
c. Other Federal agency (specify)		x	
d. N.Y.S. Environmental Conservation Department	x		Abandonment of former irrigation well
e. Other State agency (specify)		x	
f. County Health Department	x		Abandonment of former irrigation well
g. County Planning Department		x	
h. County Public Works Department		x	
i. Town or Village Board		x	
j. Town or Village Planning Board		x	
k. Town or Village Zoning Board		x	
l. Town or Village Building Department		x	
m. Town or Village Highway Department		x	
n. Town or Village Environmental Agency		x	
o. Local Fire Marshal		x	
p. Other local agency (specify i.e. CAC) CEQ	x		Recommendation

3. Conformance to existing comprehensive or project master plans. N/A

	yes	no	Description
a. State	___	x	
b. Bi County	___	x	
c. County	x	___	Active recreation acquisition – for hamlet park purposes
d. Town	x	___	Active recreation acquisition – for hamlet park purposes
e. Village	___	x	

PREPARER **Lauretta R. Fischer** Date **August 1, 2012**

TITLE **Principal Environmental Analyst**

SIGNATURE*

I certify that the information herein is accurate.

PROJECT DIRECTOR **Sarah Lansdale** Date **August 1, 2012**

TITLE **Director, Suffolk County Division of Planning and Environment**

SIGNATURE*

I certify that the information herein is accurate

*Signature of both preparer and project director required

Part 2 - RESPONSIBILITY OF LEAD AGENCY
Project Impacts and Their Magnitude

General Information (Read Carefully)

X In completing the form the reviewer should be guided by the question: Have my decisions and determinations been **reasonable?** The reviewer is not expected to be an expert environmental analyst.

X Identifying that an effect will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. By identifying an impact in column 2 simply asks that it be looked at further.

X The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact rating.

X Each project, on each site, in each locality, will vary. Therefore, the examples have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.

X The number of examples per question does not indicate the importance of each question.

Instructions (Read carefully)

a. Answer each of the 19 questions in PART 2. Answer **Yes** if there will be **any** impact.
b. **Maybe** answers should be considered as **Yes** answers.
c. If answering Yes to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If threshold impact equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
d. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
e. If a potentially large impact or effect can be mitigated by a change in the project to a less that large magnitude, check the yes box in column 3. A No response indicates that such a reduction is not possible.

IMPACT ON LAND

1. Will the proposed action result in a physical change to the project site? __X__ Yes ___ No

IMPACT ON LAND **Examples** that would apply to Column 1	**1** **Small to Moderate Impact**	**2** **Potential Large Impact**	**3** **Can Impact Be Mitigated By Project Change (Enter Yes or No)**
Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.			
Construction of land where the depth to the water table is less than 3 feet.			
Construction of paved parking area for 1,000 or more vehicles.			
Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.			
Construction that will continue for more than one year or involve more than one phase or stage.			
Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.			

IMPACT ON LAND	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
Construction of any new sanitary landfill.			
Construction in a designated floodway.			
Other Impacts (Please describe) Demolition of existing structures and abandonment of existing irrigation well; development of a small (5 car) parking area and walkways with a 9/11 Memorial Area with seating; and natural re-vegetation of cleared areas will provide a positive impact to the environment.	**X Beneficial**		

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)
___ yes __X__ no.

List Specific land forms:			

IMPACT ON WATER

3. Will proposed action affect any water body designated as protected? (under Articles 15,24,25 of the Environmental Conservation Law, ECL) ___ yes __X__ no.

IMPACT ON WATER (**Examples** that would apply to column 2)	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
Developable area of site contains a protected water body.			
Dredging more than 100 cubic yards of material from channel of a protected stream.			
Extension of utility distribution facilities through a protected water body.			
Construction in a designated freshwater or tidal wetland.			
Please List Other Impacts:			

4. Will proposed action affect any non-protected existing or new body of water? ___ yes __X__ no

A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.			
Construction of a body of water that exceeds 10 acres of surface area.			
Please List Other Impacts:			

5. Will proposed action affect surface or groundwater quality? ___ yes __X__ no

Proposed Action will require a discharge permit.			
Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.			
Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.			

IMPACT ON WATER (cont.) (**Examples** that would apply to column 2)	**1** **Small to Moderate Impact**	**2** **Potential Large Impact**	**3** **Can Impact Be Mitigated By Project Change (Enter Yes or No)**
Construction or operation causing any contamination of a public water supply system.			
Proposed Action will adversely affect groundwater.			
Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.			
Proposed Action requiring a facility that would use water in excess of 20,000 gallons per day.			
Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.			
Proposed Action will require the storage of petroleum products greater than 1,100 gallons.			
Proposed Action will allow residential uses in areas without water and/or sewer services.			
Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.			
Please list other impacts:			

6. Will proposed action alter drainage flow, patterns or surface water runoff? ___ yes _X_ no.

Proposed Action would impede flood water flows.			
Proposed Action is likely to cause substantial erosion.			
Proposed Action is incompatible with existing drain patterns.			
Proposed Action will allow development in a designated floodway.			
Please list other impacts:			

IMPACT ON AIR

7. Will proposed action affect air quality? ___ yes _X_ no.

IMPACT ON AIR (**Examples** that would apply to column 2)	**1** **Small to Moderate Impact**	**2** **Potential Large Impact**	**3** **Can Impact Be Mitigated By Project Change (Enter Yes or No)**
Proposed Action will induce 1,000 or more vehicle trips in given hour.			
Proposed Action will result in the incineration of more than 1 ton of refuse per hour.			

IMPACT ON AIR (cont.)	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
Proposed Action emission rate of all contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.			
Proposed Action will allow an increase in the amount of land committed to industrial use.			
Proposed Action will allow an increase in the density of industrial development in existing industrial areas.			
Please List Other Impacts:			

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species? ___ yes _X_ no.

IMPACT ON PLANTS AND ANIMALS (**Examples** that would apply to Column 2)	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
Reduction of one or more species listed on the New York or Federal list, using the site, over or near site or found on the site.			
Removal of any portion of a critical or significant wildlife habitat.			
Application of pesticide or herbicide over more than twice a year other than for agricultural purposes.			
Please list other impacts:			

9. Will Proposed Action substantially affect non-threatened or endangered species? ___ Yes _X_ No

Proposed Action would substantially interfere with any resident or migratory fish or wildlife species.			
Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.			

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will the Proposed Action affect agricultural land resources? ___ Yes _X_ No

IMPACT ON AGRICULTURAL LAND RESOURCES (**Examples** that would apply to Column 2)	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
The Proposed Action would sever, cross through, or limit access to a field of agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.			

IMPACT ON AGRICULTURAL LAND RESOURCES (cont.)	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
Construction activity would excavate or compact the soil profile of agricultural land.			
The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than one acre of agricultural land.			
The Proposed Action would disrupt agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); prevent agricultural land management measures from being installed; or create a need for such measures (e.g., cause a farm field to drain poorly due to increased runoff)			
Prime or unique farmland as defined by USDA-SCS 7 CFR Part 657 and governed by the Farmland Protection Policy Act of 1981 is involved.			
Please list other impacts:			

IMPACT ON AESTHETIC RESOURCES OR COMMUNITY CHARACTER

11. Will proposed action affect aesthetic resources, or the character of the neighborhood or community? X Yes ___ No

IMPACT ON AESTHETIC RESOURCES OR COMMUNITY CHARACTER (**Examples** that would apply to column 2) *(If Necessary Use the Visual EAF Addendum in Section 617.23)*	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
Introduction of proposed land uses, projects or project components obviously different or in sharp contrast to current surrounding land use patterns or existing man-made additions to the landscape.			
Introduction of proposed land uses, projects or project components as described in the above example that will be visible to users of aesthetic resources. This will eliminate or significantly reduce the public enjoyment or appreciation of the appearance or aesthetic qualities of a resource or community character.			
Introduction of project components that will result in the elimination or significant screening of scenic views known to be important to the area.			
Please list other impacts: **Preservation of land for hamlet park purposes and providing open space for public gathering/recreational uses.**	**X** **Beneficial**		

IMPACT ON HISTORIC AND ARCHEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontogical importance?_Yes __ No_X__

IMPACT ON HISTORIC AND ARCHEOLOGICAL RESOURCES (**Examples** that would apply to column 2)	**1 Small to Moderate Impact**	**2 Potential Large Impact**	**3 Can Impact Be Mitigated By Project Change (Enter Yes or No)**
Proposed Action occurring wholly or partially within or contiguous to any facility or site listed or eligible for listing on the State or National Register of historic places.			
Any impact to an archeological site or fossil bed located within the project site.			
Proposed Action will occur in an area designated as sensitive for archeological sites on the NSY Site Inventory.			
Please list other impacts:			

IMPACT ON OPEN SPACE AND RECREATION

13. Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?
_X_ Yes __ No

IMPACT ON OPEN SPACE AND RECREATION (**Examples** that would apply to column 2)	**1 Small to Moderate Impact**	**2 Potential Large Impact**	**3 Can Impact Be Mitigated By Project Change (Enter Yes or No)**
The permanent foreclosure of a future recreational opportunity.			
A major reduction of an open space important to the community.			
Please list other impacts: **Preservation of land for hamlet park purposes and providing open space for public gathering/recreational uses.**	**X Beneficial**		

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)?_ __Yes_X_No
List the environmental characteristics that caused the designation of the CEA.

_____

_____

_____

_____

IMPACT ON CRITICAL ENVIRONMENTAL AREAS (**Examples** that would apply to column 2)	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
Proposed Action to locate within the CEA?			
Proposed Action will result in a reduction in the quantity of the resource?			
Proposed Action will result in a reduction in the quality of the resource?			
Proposed Action will impact the use, function or enjoyment of the resource?			
Please list other impacts.			

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems? ___ Yes _X_ No

IMPACT ON TRANSPORTATION (**Examples** that would apply to column 2)	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
Alteration of present patterns of movement of people and/or goods.			
Proposed Action will result in severe traffic problems			
Please list other impacts:			

IMPACT ON ENERGY

16. Will proposed action affect the communities sources of fuel or energy supply? ___ Yes _X_ No

IMPACT ON ENERGY (**Examples** that would apply to column 2)	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change (Enter Yes or No)
Proposed Action will cause a greater than 5% increase in any form of energy in municipality.			
Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences.			
Please list other impacts:			

IMPACT ON NOISE

17. Will there be objectionable odors, noise, glare, vibration or electrical disturbance as a result of the Proposed Action?
___ Yes _X_ No

IMPACT ON NOISE (**Examples** that would apply to column 2)	**1 Small to Moderate Impact**	**2 Potential Large Impact**	**3 Can Impact Be Mitigated By Project Change (Enter Yes or No)**
Blasting within 1,500 feet of a hospital, school or other sensitive facility.			
Odors will occur routinely (more than one hour per day).			
Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.			
Proposed Action will remove natural barriers that would act as a noise screen.			
Please list other impacts:			

IMPACT ON PUBLIC HEALTH AND (HAZARDS) SAFETY

18. Will Proposed Action affect public health and safety? ___ Yes _X_ No

IMPACT ON PUBLIC HEALTH AND (HAZARDS) SAFETY (**Examples** that would apply to column 2)	**1 Small to Moderate Impact**	**2 Potential Large Impact**	**3 Can Impact Be Mitigated By Project Change (Enter Yes or No)**
Proposed Action will cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there will be a chronic low level discharge or emission.			
Proposed Action will result in the burial of "hazardous wastes" (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc., including wastes that are solid, semi-solid, liquid or contain gases).			
Storage facilities for one million or more gallons of liquified natural gas or other liquids.			
Please list other impacts:			

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will Proposed Action affect the character of the existing Community? **X** Yes ___ No

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD (**Examples** that would apply to column 2)	**1 Small to Moderate Impact**	**2 Potential Large Impact**	**3 Can Impact Be Mitigated By Project Change (Enter Yes or No)**
The population of the city, town or village in which the project is likely to grow by more than 5% of resident human population.			
The municipal budgets for capital expenditures or operating services will increase by more than 5% per year as a result of this project.			
Will involve any permanent facility of a non-agricultural use on more than one acre in an agricultural district or remove more than 10 acres of (prime) agricultural lands from cultivation.			
Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.			
Development will in induce an influx of a particular age group with special needs.			
Proposed Action will set an important precedent for future projects.			
Proposed Action will relocate 15 or more employees in one or more businesses.			
Please List other impacts: **Preservation of land for hamlet park purposes and providing open space for public gathering/recreational uses.**	**X Beneficial**		

PUBLIC INPUT

20. Is there public controversy related to Potential Adverse Environmental Impacts? ___ Yes **X** No

Either government or citizens of adjacent communities have expressed opposition or rejected the project or have not been contacted.			
Objections to the project from within the community.			
Please list other impacts:			

If Any Action in Part 2 Is Identified as a Potential Large Impact or If You Cannot Determine the Magnitude of Impact, Proceed to Part 3

Determination of Significance

Portions of EAF completed for this project: x Part 1 x Part 2 ___ Part 3

Upon review of the information recorded on this EAF (Parts 1, 2 and 3) and considering both the magnitude and importance of each impact, it is reasonably determined that:

A. The project will result in no major impacts and, therefore, is one which may not cause significant damage to the environment. **Prepare a negative declaration:**

B. **For unlisted actions only.** Although the project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Part # have been included as part of the proposed project. **Prepare a CONDITIONAL negative declaration:**

C. The project will result in one or more major adverse impacts that cannot be reduced and may cause significant damage to the environment. **Prepare a positive declaration , proceed with EIS:**

_____ Date **August 1, 2012**
Signature of Preparer (if different from responsible officer)

_____ Date **August 1, 2012**
Signature of Responsible Officer in Lead Agency

_____
Print or Type Name of Responsible Officer in Lead Agency

Suffolk County Legislature
Name of Lead Agency

Part 3 - Responsibility of Lead Agency

Evaluation of the Importance of Impacts

Information

Part 3 is prepared if one or more impact or effect is considered to be potentially large.

The amount of writing necessary to answer Part 3 may be determined by answering the question: In **briefly** completing the instructions below, have I placed in this record sufficient information to indicate the reasonableness of my decisions?

Instructions

Complete the following for each impact or effect identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact might be mitigated or reduced to a less than large impact by project change.
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important** to the municipality (city, town or village) in which the project is located.

To answer the question of importance, consider:

- The probability of the impact or effect occurring
- The duration of the impact or effect
- Its irreversibility, including permanently lost resources of value
- Whether the impact or effect can be controlled
- The regional consequence of the impact or effect
- Its potential divergence from local needs and goals
- Whether known objectives to the project apply to this impact or effect

Determination of Significance

An action is considered to be significant if:

One (or more) impact(s) is determined to **be** (both) **large** and its (their) consequence, based on the review above, is **important.**

Part 3 Statements

(Continue on Attachments, as needed)

N/A – N/A, since the program simply calls for the acquisition of property for open space purposes.

Long EAF
EMB Enterprises, LLC Property
Addendum A

Site Concept for the 9/11 Memorial Hamlet Park at Reeves Park

The Town of Riverhead, by Resolution # 233 adopted on March 20, 2012, supported the County of Suffolk's purchase and preservation of a 4.189 acre parcel, described as SCTM# 0600-17-1-5.22 (hereinafter "subject property"), located along the New York State designated scenic and historic Sound Avenue corridor and committed community preservation funds to improvement of the subject property for a hamlet park.

In 1975, the State of New York designated Sound Avenue which traverses through the Town of Riverhead as a historic corridor due to the pristine landscapes along this roadway. The subject parcel is situated on the corner of Sound Avenue and Park Road and serves as a gateway to the residential neighborhood, commonly referred to as Reeves Park, located to the north of the subject parcel. Presently, the subject property is unimproved with the exception of a small planting site and flagpole to honor residents who suffered as a result of tragic events of September 11, 2001. The Town seeks to create a hamlet park to provide all County and Town residents with some passive recreation and, more importantly, a site to pay homage to the victims and families who suffered a loss due to the tragic events of September 11, 2001. The Town's goal is to preserve and highlight the natural unique features, vegetation, trees and wildlife, of the site in the creation of a walking trial which winds around a portion of the property and relocate the 9/11 memorial to provide improved access for all residents, including handicap access in close proximity to the memorial site. (A copy of the proposed hamlet park is annexed hereto).

The Town estimates that the proposed off-street parking, walking path, benches, memorial, together with mainten ance of the improvements, annual plantings and limited mowing for a period of five years, will cost approximately $50,000.00.

The residents of Reeves Park have expressed strong support for the County's preservation of the subject parcel and the Town's improvement for a hamlet park and memorial site. Soundpark Heights, Inc., a not for profit corporation, responsible for the preservation and maintenance of the land and beaches of Reeves Park, has pledged support for this endeavor and represented that it will organize residents to help maintain this proposed hamlet park. The Town, with the assistance of Soundpark Heights, Inc, will be responsible for improvements and maintenance of this park in perpetuity for the benefit of County and Town residents.

Concept Narrative Prepared by:
Annemarie Prudenti
Deputy Town Attorney
Town of Riverhead
200 Howell Avenue
Riverhead, NY 11901

Long EAF
EMB Enterprises, LLC Property
Addendum A

Concept Drawing for 9/11 Memorial Hamlet Park at Reeves Park

Circular trail approximately 810 feet in length. Trail is offset from Sound Avenue by approximately 100 feet and from Park Road by approximately 90 feet as a buffer.

Concept Drawing Prepared by:
Robert Hubbs
Geographic Information Systems Supervisor
Town of Riverhead
1295 Pulaski St. (Town Hall West)
Riverhead, NY 11901

Intro. Res. No. – 2012 Laid on Table
Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2012 AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) – ACTIVE RECREATION / HAMLET PARK / HISTORIC AND/OR CULTURAL PARK COMPONENT - FOR THE EMB ENTERPRISES, LLC PROPERTY – (TOWN OF RIVERHEAD - SCTM#0600-017.00-01.00-005.022)

WHEREAS, Local Law No. 24-2007, "A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection," Section C12-2(A)(1) authorized the use of 31.10 percent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 31.10 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

WHEREAS, Resolution No. 915-2010, authorized planning steps for the acquisition of said property; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of Real Property Acquisition and Management to negotiate the acquisition; and

WHEREAS, based upon the Environmental Trust Review Board approved value, an offer to acquire the subject property was made to and accepted by the owner of said property; and

WHEREAS, contracts to acquire said property were prepared by the office of the County Attorney, executed by the owner of the subject property and the Director of Real Property Acquisition and Management and approved as to legality by the Office of the County Attorney; now, therefore, be it

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Active Recreation / Hamlet Park/ Historic and/or Cultural Park component, for a total purchase price of

), at

Dollars ($305,000.00) per acre, for 4.189± acres, subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

PARCEL:	SUFFOLK COUNTY TAX MAP NUMBER:		ACRES:	REPUTED OWNER AND ADDRESS:
No. 1	District	0600	4.189±	EMB Enterprises, LLC
	Section	017.00		5720 Route 25
	Block	01.00		Wading River, NY 11792
	Lot	005.022		

; and, be it further

2nd **RESOLVED,** that the Director of the Division of Real Property Acquisition and Management and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Active Recreation / Hamlet Park / Historic and/or Cultural Park component, Section C12-2(A)(1)(i) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of), subject to a final survey; and, be it further

3rd **RESOLVED,** that the Adopted 2012 Operating Budget be and hereby is amended and that the following be and hereby are appropriated from the Fund 477 balance:

EXPENDITURES:

Agency	Fund	Organization	Object	Description	Amount
IFT	477	E525	9600	Transfer to Capital Budget	

*subject to a final survey
; and, be it further

4th RESOLVED, that these interfund revenues be and hereby are transferred and accepted in the Capital Fund as follows:

REVENUES:

Agency	Fund	Revenue Source	Organization	Description	Amount
IFT	525	R477	E525	Transfer from Fund 477	

*subject to a final survey
; and, be it further

5th **RESOLVED,** that the from the Fund 477, New Drinking Water Protection Program, Active Recreation component, Section C12-2(A)(1)(i) of the SUFFOLK COUNTY CHARTER, effective as of December 1, 2007, fund balance be and hereby is appropriated as follows:

Project No.	Project Title	Amount
525-CAP-8714.210	New Drinking Water Protection Protection Program-Active Recreation	

*subject to a final survey
;and, be it further

6th RESOLVED, that the County Treasurer and County Comptroller are hereby authorized and directed to accept these interfund revenues and effectuate these interfund transfers, including the associated cash transfers, as described above, to the Capital Fund required to finance this capital project; and, be it further

7th RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay subject to a final survey, from the New Suffolk County Drinking Water Protection Program, Active Recreation/Hamlet Park/Historic and/or Cultural Park component, Section C12-2(A)(1)(i) of the SUFFOLK COUNTY CHARTER, effective as of December 1, 2007, for this acquisition; and, be it further

8th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and, be it further

9th RESOLVED, that the acquisition of such parcel(s) is for the following purpose as set forth under Section C12-2(A)(1)(i) of the SUFFOLK COUNTY CHARTER:

b). Hamlet green, hamlet park, pocket park; and, be it further

10th RESOLVED, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for hamlet park use; and, be it further

11th RESOLVED, if desired, the County of Suffolk, through its Department of Parks, Recreation and Conservation is hereby authorized to negotiate and to enter into a municipal cooperation agreement with the Town of the management of this acquisition, consistent with this program, and the terms and conditions thereof shall be approved by the Suffolk County Attorney in consultation with the respective Commissioner of the County Department of Parks, Recreation and Conservation, who charged with the management and operation of said property; and, be it further

12th RESOLVED, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and, be it further

13th RESOLVED, that the project will not have a significant effect on the environment for the following reasons:

1.) the proposed action will not exceed any of the criteria of 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and

2.) the proposed use of the subject parcel(s) is hamlet park; and

3.) if not acquired, the property will most likely be developed for

residential purposes; incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and, be it further

14th RESOLVED, that in accordance with Section 450-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

EMB ENTERPRISES, LLC PROPERTY
SCRPTM# 0600 01700 0100 005022
New Suffolk County Drinking Water Protection Program (effective December 1, 2007), C12-2(A)(1)(i) - Hamlet park
4.189 ± acres - Hamlet of Baiting Hollow, Town of Riverhead

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SUFFOLK COUNTY
Department of Planning
Sarah Lansdale - Director

- Proposed Acquisition
- Acquisition in Progress
- Master List I
- SCRP Tax Map Base

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Locator

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Real Property Taxmap parcel linework used with permission of Suffolk County Real Property Tax Service Agency (R.P.T.S.A.). This rendering is a DRAFT MAP in that 1) the data displayed is an interagency or intra agency work* produced for the purpose of identifying and correcting data. It is not a final agency determination. It is not statistical or factual compilation of data. In some cases correct data has been left out and questionable or inaccurate data has been exaggerated to help identify errors. In short, this is a DRAFT MAP produced in an effort to aid in the correction of data and is not held out as being complete or accurate in any way.

*excerpted from (F.O.I.L.) the provisions of the Freedom of Information Law [Public Officers Law Article 6 Section 84-90] by section 87.2.g

April 13, 2012 - CD-12-04

0 250 500 750 1,000 Feet

1 inch = 250 feet

EMB ENTERPRISES, LLC PROPERTY
SCRPTM# 0600 01700 0100 005022
New Suffolk County Drinking Water Protection Program (effective December 1, 2007), C12-2(A)(1)(i) - Hamlet park
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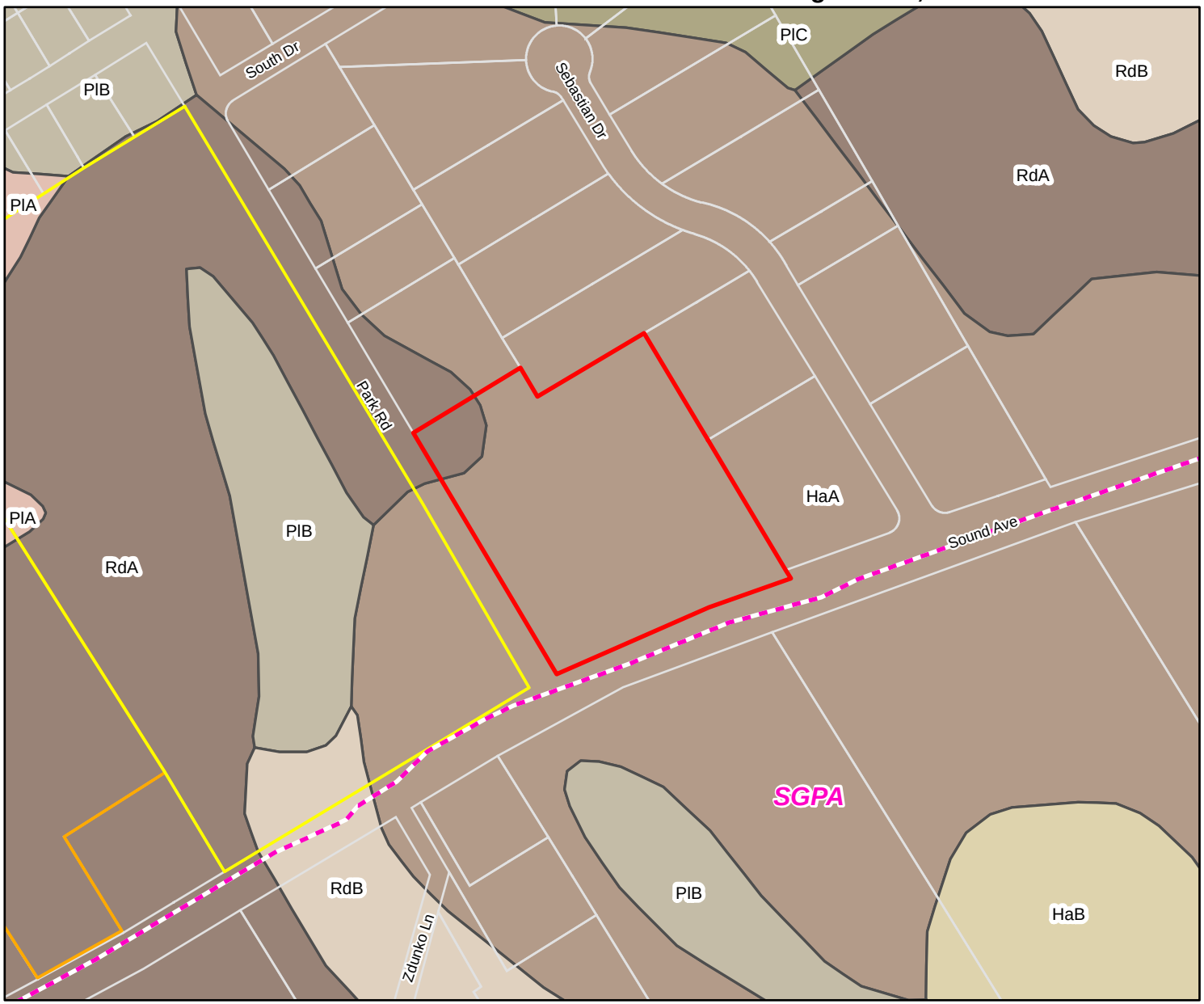

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July 30, 2012

0 240 480 720 960 Feet

1 inch = 250 feet

SUFFOLK COUNTY
Department Economic Development & Planning
Joanne Minieri - Commissioner
Division of Planning & Environment
Sarah Lansdale - Director

- Proposed Acquisition
- Acquisition in Progress
  Pl. Steps Reso 1991-2010
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