

COUNCIL ON ENVIRONMENTAL QUALITY

MINUTES

A regular meeting of the Suffolk County Council on Environmental Quality was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veteran Memorial Highway, Smithtown, New York on April 16, 2003.

PRESENT:

Theresa Elkowitz- Chairperson
Larry Swanson - Vice-Chairman
Legislator Ginny Fields
Michael Kaufman
Nancy Manfredonia
Adrienne Esposito
Lance Mallamo

ALSO IN ATTENDANCE:

Joy Squires
Richard Martin
Jim Bagg
Nick Gibbons
Margo Myles
Victor Keneby
Bianca Dresch
Tom Isles
Bill Doyle

MINUTES TAKEN AND TRANSCRIBED BY:

Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 9:30 A.M.*)

CHAIRPERSON ELKOWITZ:

I'm going to call the meeting to order and ask that the members -- actually, we just got of the minutes of November 2002 and January 2003, so I am just going to put that aside and we'll review them at the next -- the next meeting. We have correspondence from the Town of Babylon regarding the proposed reconstruction of CR2, Straight Path, with Mount Avenue and South 20th Street. But that's one of the projects, so I'll hold that until we get to it. But now I'd like to take up the ratifications of staff recommendations for Legislative resolutions laid on table on April 8th 2003. Jim, do you have anything you'd like to call to the Council's attention.

MR. BAGG:

Yes. There are three resolutions in the packet that need further review, need environmental assessments. They deal with property acquisitions; one's for the acquisition of Rich Haven Estates LLC property in the Town of Brook. That needs an environmental assessment prepared and submitted to CEQ. The other is resolution is Introductory Resolution 1228. This is for the acquisition of Camelot Paumanonck Wetlands property in the Town of Huntington, which is on your agenda today at the request of the Legislature. That was added, and the information is in your packet. And the third is resolution number 1243 dealing with the acquisition of active parklands in Holbrook Road in the Town of Brookhaven. And the Legislature has been notified of the fact.

CHAIRPERSON ELKOWITZ:

Anybody have any questions of Jim? If not, I'll entertain a motion to accept staff recommendations. I have a motion by Mr. Swanson. Do I have a second?

MR. MALLAMO:

Second.

CHAIRPERSON ELKOWITZ:

Second. All those in favor? Opposed? Abstentions? Carried.

Generic CEQ recommendation on Planning Steps Resolutions for Suffolk County Property Acquisitions.

MR. BAGG:

This is in your folder. At the Environment, Land Acquisition and Planning Committee Meeting on Monday, they had to table a number of planning steps resolutions for the acquisition of property because they hadn't been reviewed by CEQ, and I thought it was a good idea and Tom Isles thought it was a good idea to pass a generic resolution dealing with planning steps because they involve studies, surveys and everything else. And if we could do that generically, and the CEQ found that it did not commit the County to future acquisition, then technically they clearly are Type II actions and we could do it generically so they don't have to come back to CEQ and ELAP's agenda gets tabled.

CHAIRPERSON ELKOWITZ:

So it would be any of the research, any of the planning studies, any of that?

MR. BAGG:

That's correct. That's correct. Acquisitions are done in two stages, first is the planning steps stage.

CHAIRPERSON ELKOWITZ:

I don't have a problem with that. I'll entertain a motion, if someone has a motion.

MR. KAUFMAN:

I'll make that motion.

CHAIRPERSON ELKOWITZ:

I have a motion to declare the planning steps relating to these acquisitions as Type II actions. Do I have a second?

MR. MALLAMO:

Second.

CHAIRPERSON ELKOWITZ:

I have a second by Mr. Mallamo. All those in favor? Opposed?

CARRIED.

Next, consideration of additional information submitted by Legislator Fields on the proposed dog run, Coindre Hall. Project remanded back to CEQ by the Legislative ELAP Committee.

I've reviewed this information, and for one, it does not in any way change what my vote would have been. And what I'd like to do is I'd just like to go around the table and see if it would have changed anyone else's vote. If not, it would be my recommendations that this is a battle for the Legislature.

LEG. FIELDS:

May I?

CHAIRPERSON ELKOWITZ:

No actually. You can -- when I come around to you, you can say whatever you'd like. Go ahead.

MR. KAUFMAN:

I think that the information that Legislator Fields gave us was interesting and very helpful. It would not changed my vote. But remember, my vote was cast in a rather strange fashion. None of the information that we've been given here I really think would change anything at CEQ level. We all know this stuff, we all know these techniques, I think everyone of us could have designed this stuff. There's nothing new in here that we have seen or that we would have needed etcetera. Again, I believe the Town of Huntington had moved the project 400 feet up, there were talking about filter strips with chain link fences, etcetera to contain the dogs, etcetera. We've look at the slope issues. I mean, I remember Larry bringing up with the Gold Star Battalion Beach the pollutant issues, etcetera. I don't see

anything with Emerson, and I know Emerson, I know how he works. I don't see anything in here that really would have changed anything. It's good to have the information, but again, we've dealt with this stuff for so many years.

CHAIRPERSON ELKOWITZ:

And it's highly unusual for ELAP to remand it back. Normally if a Legislator has question, the Legislator -- whether it's the Legislators of ELAP or in the Legislative section has the ability to ask whatever questions he or she wants, because CEQ is merely advisory. It's the Legislature that is the lead agency. Legislator Fields.

LEG. FIELDS:

The major reason that it came back was because of a vote in the Environment Committee to recommit it back. And the reason that I felt that it deserved coming back was because of the experiences that I've had in this body where someone from Parks comes and presents a plan, and because there aren't trees designated exactly where they are -- I mean, we go through all the kinds of analysis of plans. This one again, also was not a full complete plan. It didn't tell you how the -- how many dogs would be allowed in the fenced in area at one time, is it going to be a problem, who's going to enforce, who -- you know, there wasn't a plan as we've asked for in the past.

CHAIRPERSON ELKOWITZ:

Legislator Fields, all of this was discussed, and you had your vote. None of this new.

LEG. FIELDS:

I didn't vote all by myself from the ELAP Committee.

CHAIRPERSON ELKOWITZ:

You did not vote all by yourself, I know. But you --

LEG. FIELDS:

It came back, and it was asked to be recommitted.

CHAIRPERSON ELKOWITZ:

Right. But this is highly unusual. In the 12 years that I have served on this Council, never, never has something been remanded back.

And it is obvious to many of us that you and the sponsor had a serious disagreement about this. And I really do believe --

LEG. FIELDS:

All right. I am just explaining that I felt that there wasn't a plan that was evaluated here. You can disagree with that and you can revote for it.

CHAIRPERSON ELKOWITZ:

And you explain -- I'm not revoting. But you explained it here.

LEG. FIELDS:

Whatever.

CHAIRPERSON ELKOWITZ:

Mr. Swanson.

MR. SWANSON:

I've thought about this for a lot, but what has been provided do me is certainly would not be any reason to change my vote. I might change my vote for other reasons, and that had to do more with whether this was a door in for special interests involved in County park, but that would be not related to anything given here.

CHAIRPERSON ELKOWITZ:

Mr. Mallamo.

MR. MALLAMO:

I feel that the plan was adequately discussed, and my vote would stay of same.

MS. MANFREDONIA:

My vote would stay the same. Thank you.

MS. ESPOSITO:

My vote would stay the same.

CHAIRPERSON ELKOWITZ:

So I don't thin that there's a need to take another vote. So, Mr. Bagg, if you would advise ELAP that the Council's vote is going to remain the same, that the information that came here would not have changed anybody's vote, and if you would also advise me when this is going to be taken up at ELAP, because if my schedule permits, I'd like to come.

MR. BAGG:

Fine. I will also make sure I transmit the additional information to ELAP as well.

Proposed construction of sidewalk on CR85, Montauk Highway from the vicinity of Lincoln Avenue to the vicinity of Greeley Avenue and on CR65, Middle Road from Collins Avenue to CR85, Montauk, CP 5497, Town of Islip.

MR. KENEBY:

My name is Victor Keneby, I'm with Suffolk County DPW, Highway Design Section. The project I'm introducing is the construction of Montauk Highway between Lincoln Avenue to Greeley Avenue, Town of Sayville -- Hamlet of Sayville, Town of Islip. The sidewalk and the curb are in poor condition, as you can see from these pictures. We're proposing to rebuild the sidewalks, build new curb, install concrete pavers and resurface the entire section.

CHAIRPERSON ELKOWITZ:

You are not adding any new travel lanes?

MR. KENEBY:

No widening.

CHAIRPERSON ELKOWITZ:
Only resurfacing and repair?

MR. KENEBY:
That's it.

MR. BAGG:
You are installing concrete pavers which are not there now?

MR. KENEBY:
No. It's just part of the sidewalk, instead of regular concrete sidewalk --

CHAIRPERSON ELKOWITZ:
Instead of replacing with concrete, they're replacing it with pavers. This is actually a Type II acquisition, I believe anyway. Does anybody have any questions? Okay. I think this is a Type II Action, because all they're doing is repairing, upgrading and resurfacing. If you don't add any travel lanes --

MR. KENEBY:
Three to five trees will be removed and replaced.

CHAIRPERSON ELKOWITZ:
Removed and replaced like that one that's leaning.

MR. KENEBY:
Yeah. This is a big tree that's uplifting the sidewalk, and it's dangerous for pedestrians, we're going to replace it with street-type trees and three grades.

MS. MANFREDONIA:
My only question is this is a definite replacement?

MR. KENEBY:
Yes. No widening.

MS. MANFREDONIA:
No. I mean, sometimes you say you're going to replace the trees if the property owner say so, but this is a definite?

MR. KENEBY:
This is a County road, County right-of-way.

CHAIRPERSON ELKOWITZ:
So actually I think it's Type II action.

LEG. FIELDS:
What kind of trees are you replacing it with?

MR. KENEBY:
Street type trees.

LEG. FIELDS:
Street type, what does that mean?

MR. KENEBY:
Smaller trees.

LEG. FIELDS:
Are they native to Long Island?

MR. KENEBY:
Yes.

LEG. FIELDS:
What type is it?

MR. KENEBY:
I'm not a landscape expert, but we have some experts in our department that will pick those trees. They will be smaller trees, they're not the large trees like these.

LEG. FIELDS:
But sometimes I think they do plant invasive species, and that's my concern is that are these native?

CHAIRPERSON ELKOWITZ:
What we could do -- if Legislator Fields wanted to, what we could do is it is a Type II acquisition, but there could be a recommendation in the resolution that they be mandated to use native trees in the replacement if that's what Legislator Fields would like to put in her resolutions. Would you like to make a resolution for a Type Two Action with that recommendation?

LEG. FIELDS:
Yes.

CHAIRPERSON ELKOWITZ:
Resolution by Legislator Fields. Do I have a second?

MS. MANFREDONIA:
Second.

CHAIRPERSON ELKOWITZ:
Second by Nancy Manfredonia. All those in favor? Opposed? Abstentions? CARRIED.

Proposed real estate acquisitions for intersection improvements on CR 80, Montauk Highway at CR 31, Old Riverhead Road, CP #3301, Town of Southampton.

MS. DRESCH:
Good morning. My name is Bianca Dresch, I'm a civil engineer with the Suffolk County Department of Public Works. The first project I'm going to talk to you about today is in the Town of Southampton. It involves the intersection of County Road 31, Old Riverhead Road with County Road 80 and Montauk Highway. Improvements at this intersection are actually presented to CEQ in 2001. At that time we were merely presenting work to take place within the existing asphalt pavement. We were going to provide curbing so that business would be clearly delineated as well as install new pavement markings.

Further review of this project has led us to believe that more steps can be taken to improve the efficiency in this intersection, specifically at the northern intersection -- at the northern side of County Road 80, the curve turns are very tight in this area. A standard vehicle has, I don't want to say difficulty, but must slow down significantly in order to negotiate that right hand turn coming either westbound to northbound or southbound to westbound. And what we'd like to do is acquire a right-of-way from either side of the -- from either corner of this intersection. I think the total acquisition is approximately two-hundredths of an acre, just to increase the turning radius. We will loss some pervious area, I think it's like .01 acre that -- because currently right now this is all impervious already. At this corner there is a little grass median where we'd have about, like I side, .01 acre that would go from pervious to impervious. So we do feel that this project will provide -- increase safety and capacity to this intersection, but no significant adverse impact to the environment.

CHAIRPERSON ELKOWITZ:

Anybody have any questions for Bianca? If not, I'll entertain a motion.

MR. KAUFMAN:

I'll make a motion that this is an unlisted negative declaration. I don't see any environmental impact from it.

CHAIRPERSON ELKOWITZ:

Do I have a second?

MS. ESPOSITO:

Second.

CHAIRPERSON ELKOWITZ:

I have a second by Adrienne Esposito. All those in favor? Opposed? Abstentions? CARRIED.

Proposed reconstruction of the intersection of CR 2, Straight Path with Mount Avenue and South 20th Street, CP 5527 III, Town of Babylon.

CHAIRPERSON ELKOWITZ:

Before you start, Bianca, I have a letter to read into the record. We received a letter from Victoria Russell, Commissioner of the Town of Babylon Department of Environmental Control to James Bagg. "Dear Mr. Bagg, my office has reviewed the EAF prepared for the above referenced project. Based upon our analysis the follow comments are offered. The EAF part C6, page 4 places the depth to groundwater at approximately 40 feet. Our estimated place groundwater at approximately 15 feet below ground level. This figure should be confirmed as a high groundwater elevation may impact on the drainage capacity of the proposed recharge basin. The proposed recharge basin is being sited within 20 feet of an existing residential structure. Will the completed basin incorporate fencing and a vegetative buffer preferably evergreen trees to reduce visual and aesthetic impacts to the residents? The project is in close proximity to two public schools, a public library, town park and retail stores. The intersection receives significant pedestrian use. What short term

mitigation, if any, will be implemented during the construction phase to allow for safe transit of the site? The EAF part b-j states noise exceeding ambient levels to be minimal during construction. After reviewing the scope of work, several activities, albeit short term, may produce significant levels noise levels exceeding ambient. Will limits regarding day -- excuse me -- time of day and/or restrictions on weekend construction be employed? Other than the short term impacts identified above, it is the town opinion's that the project will not result in significant adverse impacts, and does -- I think it's a typo -- does not warrant the preparation of an environmental impact statement. We appreciate the opportunity to comment." Bianca.

MS. DRESCH:

Yes, we received these comments from the Town of Babylon, and they're very good comments, they're very reasonable, and I plan on addressing all of their points.

CHAIRPERSON ELKOWITZ:

Okay. Did you have an answer to the depth of water?

MS. DRESCH:

Yes. Where we get our -- we get our depths based on 1997 water table contour map developed by the Suffolk County Department of Health, and in that area it showed anywhere from 40 to 60 feet. There are -- there are head waters for Carlls River, and there's a pond that's not too far away. Even if it is 15 feet, this is considered a first flush basin. I'm actually jumping ahead of myself here. What we're -- what we're proposing is a first flush basin, so it would be no deeper than 10 feet at the most, it could be anywhere from five to ten feet.

CHAIRPERSON ELKOWITZ:

Do you do test bars before you actually dig the basin?

MS. DRESCH:

We could do that, if that -- if CEQ felt that way.

CHAIRPERSON ELKOWITZ:

Go ahead. Go through your presentation, then we'll decide.

MS. DRESCH:

And actually I do have a revised plan that I'd like to introduce. This plan that I'm going to introduce has even less significant impacts, because this basin that we originally provided in the EAF is actually smaller. We do not -- we will not be acquiring right-of-way.

Originally, I believe the plan that you have in your EAF shows a larger -- you don't have that? I have copies that I'm going to pass out right now. All right. I guess I should start from the beginning.

This project involves a couple of intersections located in the Town of Babylon. We're along the corridor of County Road 2, Straight Path, and at its intersections of Mount Avenue and South 20th Street.

Current this -- Straight Path is a heavily traveled corridor carrying traffic from the South Shore and central Long Island to various highways; Sunrise, LIE, Southern State. Currently, there is a study that was produced by one of consultants and operational deficiencies were pointed out for County Road 2. We can do improvements to this

corridor to improve the capacity and efficiency, and this is the first project of probably many that you will see. This project simply involves these intersections that you see right here. The existing intersection of Mount Avenue and County Road 2 is signalized, then we have this offset intersection, South 20th Street. That is not signalized even though the two -- the operation of the two directly effect each other. So ideally what we'd like to do, what we're proposing is to create a traditional "T" intersection with these two roads; Mount Avenue and South 20th Street and provide one traffic signal control all four quadrants of the signal. And in doing so and realigning these two intersections, we would also realign Lake Drive, which would actually improve the movement along Mount Avenue, because currently on Mount Avenue there isn't very much cueing distance for vehicles on Mount Avenue that wish to enter onto County Road 2 because of this intersection with Lake Drive. So we plan to remediate that with this new realignment.

As the Town of Babylon letter said, this -- Straight Path sees a large number of pedestrian traffic -- large number of pedestrians. And in order to address their issue about -- during construction, one sidewalk will be available, will be open, at all times on either one side of the road or the other. So there always be sidewalks for somebody to walk on. I think that was one of their issues. But this project came about because we need to improve the pedestrian safety and increase the efficiency of this intersection. Now these realignments will require a right-of-way. And as you can see I think on the plan that I passed out, you see the hatched areas or the proposed right-of-way. The takings on the west side of County Road 2 are necessary because we plan on widening the lanes in that direction and -- because currently I think the lanes are either 10 or 11 feet only, and we want to increase those, the widths in order to increase the efficiency. And we also, of course, have to take takings in order to realign all three of these roads.

The amount of area that is currently grassed that will become paved is almost equal to the area that is currently paved and will become grass, so for instance, this area right here is currently South 20th Street, when we realign this road, we will then seed -- plant and seed that area that's currently asphalt, but then we take away this grassed area here that will become asphalt. It's almost -- it's almost an even trade between the two. As far as the basin, we want to provide drainage and water quality improvements by building this basin, constructing this basin, we're going to improve along this corridor because we're going is to install more collections points, and it will be distributed to a first flush basin. I believe the Town of Babylon also asked about fencing and plantings. Of course, we always do that for our basins, and that's expected in this area. We'll provide a buffer between the right-of-way, provide fencing and plantings as well.

CHAIRPERSON ELKOWITZ:

The plantings will be evergreen.

MS. DRESCH:

Arborvitaes, yes. I think we've covered every point except for the noise. Typical construction, just typical noise associated with

construction. The construction activities would be limited from 8:00 to 4:30 during weekdays, no weekends and no holidays. And I believe we've met all of the requests of the Town of Babylon, which were very reasonable. And ultimately in their letter, they did endorse this project.

MR. KAUFMAN:

Madam Chair, if I might. Quick question for you. On the changes in geometry, Lake Avenue where it intersects into Mount Avenue, is that being to be signalized at all?

MS. DRESCH:

No. Currently it's -- stop because it's a "T" intersection, there really is no warrant for it to be signalized.

MR. KAUFMAN:

So there will be a stop sign though.

MS. DRESCH:

Right. There's a stop sign out there currently, and there will be.

MR. KAUFMAN:

How heavy is the traffic off of Lake?

MS. DRESCH:

I don't have the volumes on that. I can try to request that from the Town of Babylon if you wish.

MR. KAUFMAN:

No, I'm familiar with the area. It's not that much. I was just curious if the volume was high enough to warrant another traffic light.

MS. DRESCH:

Typically -- we wouldn't do typically a stop control at just a "T" intersection like this. Typically, a stop sign is more than sufficient.

CHAIRPERSON ELKOWITZ:

It would also be very close to the other one.

MS. DRESCH:

Right. And that would be another -- it would be too close.

MR. KAUFMAN:

You are still going to get, if there's heavy traffic off of Lake at any time of day, you are going to have some backing up over there, but I don't think it's going to be critical. The catch basin, how deep is that going to be in terms of catching the first flush?

MS. DRESCH:

The first flush basin? Anywhere from five to ten feet, which the groundwater contour map show 40 feet, but the Town of Babylon has information that shows 15 feet. So Terry has requested that test wells be performed.

CHAIRPERSON ELKOWITZ:

You could just do one. Larry.

MR. SWANSON:

Could you describe first flush basin.

MS. DRESCH:

First flush, when you have a rainfall from just daily use of traffic, you have oils from the cars that -- sand from when we -- during the winters, so your first rainfall, the first rainfall that hits your pavement carries the majority of your pollutants, your sediments. That's the most important thing, that's what we call first flush. Suffolk County is usually the first half inch of rainfall over the area that contributes -- that would contribute to this basin. Does that make sense?

MR. SWANSON:

Yeah. I'm curious as to what the nature of the construction? It is an open pit? Is it --

MS. DRESCH:

It's basically, I guess you can consider it a pond. I mean, we call it a first flush basin. It's basically a pond because percolation is one of the best ways to improve water quality, the soil removes naturally all of the sediments, the oils as it percolates through the ground and eventually through the groundwater.

CHAIRPERSON ELKOWITZ:

Are you asking is it a standard recharge basin? I think it's a standard recharge basin, just shallow.

MS. DRESCH:

It is, right.

MS. ESPOSITO:

Actually you don't want to describe it as a pond because the flush recharge basin shouldn't have standing water in it.

MS. DRESCH:

Right. I didn't want to -- but I don't know how else to --

MR. SWANSON:

Will it have standing water?

MS. DRESCH:

No, it shouldn't. No. Just like our drainage system won't have -- shouldn't carry standing water.

MS. ESPOSITO:

Can we -- it doesn't actually stipulate in any of the information we got that it will be between five and ten feet in depth. Can we actually get that in writing.

MS. DRESCH:

It's definitely on the record. It is five to ten feet. I don't want to say for sure how deep it is, because this is a preliminary plan.

It's not going to be something that's going to turn into a 40 foot -- like I said, this is meant to only carry the first flush.

CHAIRPERSON ELKOWITZ:

What would be required is that you have a minimum two foot separation distance between the bottom of the basin and the groundwater. Would that address your concern if we put that in?

MS. ESPOSITO:

Yes.

MS. DRESCH:

Of course. And we're not going to say the groundwater's necessarily 115 feet in that area too --

CHAIRPERSON ELKOWITZ:

No, but if you do it that way, you will at least get the perimeter.

MS. DRESCH:

Yes. Absolutely.

MS. ESPOSITO:

Because the groundwater is going to fluctuate anyway, so.

CHAIRPERSON ELKOWITZ:

Jim, you had a question or a comment.

MR. BAGG:

I have a question. What are the existing drainage circumstances in here, and what is the purpose of first flush? I mean, is this currently going in directly to surface waters?

MS. DRESCH:

I actually -- I can't speak to how far -- we currently have catch basins along the north side. Water is collected on the south side and brought up to the -- I'm sorry, I shouldn't say north and south -- water is collected on the east side and brought over to the west side and it continues to travel north. And I think it eventually make its way to Carlls River head waters, but I don't think it's -- I can't say for certain whether it's direct discharge or not. I can't say that it's a point of direct discharge.

MR. BAGG:

There's a series of leeching basins probably that ultimately end up in the Carlls River.

MS. DRESCH:

Honestly, I'm not that familiar with that far north of the intersection. We're just removing this one small portion of this drainage system. So I didn't look into the entire system.

MR. BAGG:

If you say it's a first flush, it accommodates roughly a half inch, two inches of rain, then where does it go? Is there overflow?

MS. DRESCH:

No. It percolates into the -- it percolates into the ground, and ultimately, if we had --

MR. BAGG:

So then it's a standard recharge basin.

MS. DRESCH:

It is. But I don't want to say recharge basin, because then people think 20 feet deep, something like that, and this is not what it is.

CHAIRPERSON ELKOWITZ:

But it is. It's just a small capacity recharge basin.

MS. DRESCH:

It's acts as the same thing. But I didn't want somebody to envision something that was much larger and deeper than it actually is.

MS. ESPOSITO:

This is a new term though, first flush recharge basin. I've been around 20 years, I never heard it.

MS. DRESCH:

It's a creative term. I just wanted to illustrate a little more --

MR. KAUFMAN:

Adrienne, she is an engineer, they have to be very precise on this stuff.

CHAIRPERSON ELKOWITZ:

Jim and the Larry.

MR. BAGG:

The Department of Public Works' definition of a first flush drainage basin is a structure that retains water before it goes into a surface water. A typical recharge basin is one that contains all the runoff and it percolates into the ground. There is no outlet.

MS. DRESCH:

Right. Right. And this ultimately doesn't have an outlet either, but there is a point up to if we have torrential flooding it will back up in through the system itself and carry on the way it was -- that it currently is now. Did I answer your question?

MR. BAGG:

Yes.

CHAIRPERSON ELKOWITZ:

Larry.

MR. SWANSON:

If I recall correctly going back to that 1997, groundwater levels were probably much lower than they are normally and perhaps even today. So I'm concerned that --

MS. DRESCH:

That could explain why there was a discrepancy. All I could go by was the most current information I had given to us by the Suffolk County Department of Health. But Terry has addressed that issue by requesting a test well be performed.

CHAIRPERSON ELKOWITZ:

Somebody is going to make a resolution, but I would -- make a recommendation for resolution, but I would suggest that there be a test well required and that basin be designed so that there's a minimum two foot separation distance between the bottom of the basin and the groundwater elevation.

MS. DRESCH:

That's certainly reasonable.

MR. SWANSON:

But I think in conjunction with that, we need to know what sort of the mean and extreme values of groundwater levels are in this area.

MS. DRESCH:

Well, a test well isn't just -- it's there, but it's not just looked at once. So if you want to give us -- if you want to recommend -- I'm not that familiar -- I don't perform test wells myself, so I don't know what their procedures are, but --

CHAIRPERSON ELKOWITZ:

Well, I don't think that you are going to -- I don't think you will have the test well in long enough to address Larry's question, but what I would suggest to you is that you call Environment Control in Babylon, because they do have good surface water -- they do have good groundwater gages.

MS. DRESCH:

And we would definitely include them in the design.

CHAIRPERSON ELKOWITZ:

Nancy has a question. Nevermind. Any other questions.

MS. ESPOSITO:

Do you feel at all that the recharge basin will act to improve the runoff going -- it sounded like you it said earlier, I just want to get clarification, that the recharge basin will capture runoff that otherwise would have gone into the Carlls River. So this sounds like it's almost an upgrade process.

MS. DRESCH:

Well, it is in this section. I don't want to say, because I'm not -- I'm not that familiar with what happens north of this intersection. I didn't look into that. I can if its' -- if it's requested. But I don't know if we directly discharge into Carlls River. I think we eventually -- it may eventually discharge into a stream that eventually gets down to Carlls River, but I can't say that for certain.

MS. ESPOSITO:
They all go south.

MS. DRESCH:
They all go somewhere, and they all go south. But in this -- but to address your issue, this will improve the water quality within this section. Any water that's being collected south that's contained within this existing drainage system will be diverted into this basin.

MS. ESPOSITO:
Thank you.

MS. DRESCH:
You are welcome.

CHAIRPERSON ELKOWITZ:
Any other questions for Bianca?

MR. KAUFMAN:
I will make a motion that this is an unlisted action, negative declaration, that we should have some test borings done to establish the water levels and also that we maintain a separation of at least two feet between the bottom of the -- between the bottom of the basin, the first flush basin, whatever we're calling it nowadays -- the wetland pond --

CHAIRPERSON ELKOWITZ:
Let's not call it that.

MR. KAUFMAN:
Between the bottom of the basin and the water table.

CHAIRPERSON ELKOWITZ:
Okay. I have a motion, do I have a second?

MS. ESPOSITO:
I'll second.

CHAIRPERSON ELKOWITZ:
I have a second. Do we have discussion? All those in favor?
Opposed? Abstentions? CARRIED.

Proposed open space acquisition of 57 acres of land known as the Duke Property, SCTM #0300-07400-05000, Three Mile Harbor, Town of East Hampton.

CHAIRPERSON ELKOWITZ:
Hello, Mr. Isles. We don't get to see you.

MR. ISLES:
It's a pleasure to be back here actually.

CHAIRPERSON ELKOWITZ:
Nice to have you.

MR. ISLES:

Thank you. The resolution before you is a requested resolution before the Legislature at this moment, wherein, the County of Suffolk is seeking to purchase with joint partnership with the Town of East Hampton, a parcel known as the Duke Property. The Duke Property is a parcel of 57 acres located on Three Mile Harbor and Hands Creek in the Town of East Hampton. It is a parcel that is unique in several aspects, and, in fact, of terms of the open space ranking that used by the Legislature, this parcel has scored an actual 85 points, which is I think the highest I've seen since I've been with the County, which ranges from a scale of zero to 110.

The parcel is wooded. It is a parcel -- I believe you have an aerial photograph before you -- that contains a half mile of frontage on Three Mile Harbor and Hands Creek. The parcel has a number of attributes to it environmentally that we think warrants preservation, including -- I'll just note one, that one of the last remaining eel grass beds in Three Mile Harbor is upgradient of this, pointing to that fact that we're dealing with one of the last undeveloped parcels in Three Mile Harbor. It has the ability for a recharge of low nitrogen, obviously groundwater. It really does add to the health of Hands Creek, but also Three Mile Harbor. So we would suggest that you consider this acquisition as an unlisted action. We think it is an important acquisition in this location, and we think that the participation with the Town of East Hampton from the purchase standpoint shows a local commitment as well. That's just a broad description of the property, but certainly if there are more detailed questions, I'll do my best to answer those as well.

CHAIRPERSON ELKOWITZ:

I have what I think is a simple question. You have explained it as open space passive recreation, the County doesn't have any proposal for any sort of improvements on the property?

MR. ISLES:

Correct. There would however be public access for hiking an access to the water and so forth. That might entail a small parking area adjacent to the road of gravel, low impact and so forth. And then maybe some trails that would be utilized on the property, but that is about it. Yes.

MR. KAUFMAN:

This is Andrew Biddle Duke's old property?

MR. ISLES:

I believe the name is in the resolution.

CHAIRPERSON ELKOWITZ:

It's the trust property, the Duke Family Trust.

MR. ISLES:

They would retain a small part of the property as it currently exists.

We would buy the 57 acres to the west of that.

MR. KAUFMAN:

Okay. That was one of the questions I had regarding the map. There's

a -- if you look at the aerial photograph, there is a dotted line on a north-south access, and I'm trying to figure out what that meant. It says -- it's listed as an out parcel, but it's within the acquisition lines of the County, so I can't figure this out.

MR. ISLES:

Right. The acquisition line follows the tax map line. We've added on the dotted line to show the portion then to the right, a side of that would be retained as an out parcel by the Duke Family. The balance of property to the left is 57 acres, and that would be the proposed acquisition between the town and the County. This is part of, by the way, a voluntary acquisition program. So it's negotiated transaction.

MR. KAUFMAN:

One other question. Where is the eel beds located -- or where are the eel beds located?

MR. ISLES:

My understanding is that they are located offshore from -- basically in Three Mile Harbor, and that there is a -- has been mapped a location of eel beds. So generally speaking, they're off the north shore of the property.

MR. KAUFMAN:

I'm familiar a little bit with the area, and I think it's an excellent excellent acquisition if the County is able to do it, especially with the cooperation of the Duke Family.

MR. ISLES:

Mr. Penny from the Town of East Hampton is here as well, and I should point that out. He knows a lot more about this than I do.

CHAIRPERSON ELKOWITZ:

Anybody else have questions for Mr. Isles?

MR. KAUFMAN:

No. I'll make a motion that this is --

CHAIRPERSON ELKOWITZ:

Before you make a motion. I want -- we have to make a correction on the EAF, because the EAF says that the Suffolk County Planning Department is the lead agency, it has to be corrected to the Suffolk County Legislature. And Mr. Isles, I understand that there are no plans right now to do any improvements, there are no drawn plans or anything, so if you were to do any improvements it would require SEQRA compliance. Okay. Other than that, I'll entertain a motion.

MR. KAUFMAN:

I believe that this is an unlisted negative declaration, and I would so make that motion.

CHAIRPERSON ELKOWITZ:

I have a motion, do I have a second?

MS. MANFREDONIA:

I'll second it.

CHAIRPERSON ELKOWITZ:

A second by Nancy. All those in favor? Opposed? Abstentions?
CARRIED.

Proposed open space acquisition of 40.7 acres of land at Iron Point, SCTM #0900-12000-0200-024000; 0300-010000, 011001 & 012000, Flanders, Town of Southampton.

MR. ISLES:

This is a parcel known as Iron Point in the Town of Southampton. We have provided, I believe you have before you, aerial photos of the property. And the acquisition before you is a 40.7 acre parcel. However, I'll point out that this is a part of a larger acquisition involving 140 acres approximately. And here again, a joint acquisition with the local municipality, in this case, the Town of Southampton. The parcel in question is located essentially in the Flanders Reeves Bay area of the Peconic Estuary. As you can see on the aerial photograph directly opposite on the Peconic River is the golf course, which is the County owned Indian Island Golf Course. What is proposed in this case of the 140 acres, the Town of Southampton has purchased approximately 85 acres, the Nature Conservancy has purchased the balance of the property, which is the 40 acres that's the subject of this resolution, as well as 13 acres that is a subject of separate resolution involving active recreation.

The parcel itself is a parcel that has been partially developed and is partially disturbed. As you can see in the aerial photograph, there's a ball field on part of the property. There's also been some disturbance. However, much of the property, and we do have some photographs of the site if you'd like to see that, is in good condition, is pristine, does consist of both high and tidal marshes, intertidal marshes. It's a parcel that we think for preservation purposes in terms of the open space resolution before you is important in terms of the significance of the size of this parcel, the proximity to other county holdings, and also its importance in terms of the Peconic Estuary critical lands protection strategy. So therefore, the -- the acquisition we feel is important to the County of Suffolk. We feel it does leverage money with the Town of Southampton, they're actually putting more into this than we are. That's an overview of the acquisition at this time, and if you have more detailed questions, I'll do my best to answer those. We do have some back-up information, reports and so forth if you would like to look at that.

CHAIRPERSON ELKOWITZ:

I have a question. You are using both Greenways and the new Quarter Percent Program?

MR. ISLES:

Right.

CHAIRPERSON ELKOWITZ:

Okay. Is the Greenways for the ball field that currently exists?

MR. ISLES:

Yes. The resolution we're seeking would be for the Quarter Percent money, which is the 40 acres that would be more a conservation area.

There's a separate resolution that will probably be or possibly be coming to you at a future meeting involving the active recreation under the Greenways Program, but that's not before you at the moment. We're working with the Town of Southampton on that. They've done certain SEQRA reviews already. We believe they may have -- that their lead agency may have satisfied SEQRA, but we're confirming that at the present time.

CHAIRPERSON ELKOWITZ:

If they did a coordinated review with the County, then they --

MR. ISLES:

If they did not, then it will come to you probably next month.

CHAIRPERSON ELKOWITZ:

Okay. Larry.

MR. SWANSON:

I think these are wonderful opportunities. I guess my concern is -- at least I lose track of whether there's a grand plan for acquisition and whether or not there's balance between east and west in these acquisitions. I'm just wondering if you could comment.

MR. ISLES:

Yes. It's an excellent point. It's a point that's been discussed extensively with the Environment Committee. Obviously, Suffolk County has had a long and strong history of open space acquisitions encompassing many plans. And the current plans we have in place for open space acquisitions include, for example, the 1998 Greenways Plan and the 1996 Agricultural Farmland Protection Plan and the 1994 Parks Policy Plan, the Special Groundwater Protection Plan, the Pine Barrens Plan, from 1995. There are many specific plans and documents that -- that provide policy guidance and direction for the Legislature. Those are also reflected in various statutes that have been adopted for these programs. More recently, the Environment Committee -- at the Environment Committee there have been discussions about not only prioritization of acquisitions, but also a step back in examining all of the various efforts we have been doing of the ongoing plans, and essentially doing an update to the plan. We have begun that process in the Planning Department, and we are working with the Environment Committee to basically come to the point of an updated County Open Space Plan at this time.

We don't suggest that we stop doing acquisitions at the present time. And I will point out that we do provide recommendations to the Environment Committee in terms of the ranking of parcels and our suggestions. We do that with coordination with other County Departments as appropriate and so forth. So we think it's a valid point. We think it's -- open space planning I think is an ongoing process as it doesn't really end, it's continuum. And I think we're continuing that with the Administration as well as with the Legislature at this time.

CHAIRPERSON ELKOWITZ:

It's quite an effort though because a lot of these programs are willing sellers. The County usually doesn't go out and condemn. So

you can have a wonderful program, and then if you don't have willing -- you can have a wonderful plan, but without willing sellers, it makes it very difficult to implement.

MR. ISLES:

Absolutely. One of the point that we've talked about with the Environment Committee is we have -- we deal with willing sellers and we deal with sellers who reject our offers. And I recently provided to the Committee a list of recently rejected offers within the past year or so. We have over 20 parcels or acquisitions, potential acquisitions, where they have rejected the offers and walked away. We have rather stringent acquisition guidelines in terms of our criteria nad our appraisals and so forth, and that's part of the reason, and that's good and bad, I guess. But, you know, here again, the -- we do deal with willing sellers, we do have success at times with that, obviously there are times when they don't participate.

CHAIRPERSON ELKOWITZ:

Well, I thing that you probably heard from Laretta Fischer when she was here discussing the new Quarter Percent Program that they were people on the council, not the least of whom was me, who were very interested in the fact is that we were becoming more and more careful about the criteria -- applying the actual criteria and buying properties that were worthy of acquisitions. And I think that went a long way with Larry when we actually talked about that.

MR. ISLES:

Let me just add one other point to that. I mean, we do do rankings for the committee, and as I noted with the Duke property for example that came in at an 85, one of the things we have done actually for the Parks Trustees recently, and we could provide to this committee as well, is we have such a multitude of programs out there right now, I think at last count I came up with 17 different acquisition programs, basically major programs in subcategories, such as Greenways has subcategories; new Quarter Percent has subcategories. Each one has its own objectives, each one has certain criteria and so forth. We're in the process of completing a report, actually going through each of those programs in terms of its Legislative history, amendments and so forth just to kind of get a base to start with in terms of what the objectives are and what the standards are and also what the process is, where the Parks Trustees are involved and not involved and so forth.

We see that as being a, you know, first step of sorts in terms of doing an updated plan is to see essentially what is the current-- what are the current programs, what are the requirements of those programs, what are the objectives of those programs. And part of that gets into the issue of west versus east and so forth in terms of the balancing of some of the programs, certainly active recreation, has a significant application in the west just as much as in the east in terms of the diminution of open space, the need for providing recreation and so forth. Drinking water protection perhaps less so in terms of preservation of aquifers. But I think it's an important process, and I think it's a helpful report, and we can certainly be pleased to share that with the Council as well.

CHAIRPERSON ELKOWITZ:

Thank you.

MR. ISLES:

It should be done in May.

LEG. FIELDS:

Do you have idea what kind of active recreation is planned on this property? And are we looking at the green or the yellow?

MR. ISLES:

You're looking at the green.

MR. MALLAMO:

The yellow is the next resolution, right?

MR. ISLES:

Yes. The Town of Southampton has provided a plan under the Active Greenways, Active Recreation Program, there would have to be in agreement between the County of Suffolk or through the County Parks Department and the town. The town has submitted a plan that indicates, and they have a companion report to that, and I know that's not specifically the subject of today's discussion, but they're indicating a couple of ball fields, soccer fields, camp ground area, some basketball and so forth. Keep in mind too that the location of those facilities are in the previously disturbed portion of the site.

LEG. FIELDS:

So if I'm looking at the map, are they -- my concern is pollution or runoff. And I would be concerned that if you are going to put a soccer field in or baseball, you are going to apply some kind of fertilizer to -- you know, I'm just concerned about what the actual plan is.

CHAIRPERSON ELKOWITZ:

But that would have to come before us with the Greenways Resolution. I was -- that was what I was confused about too in the beginning.

LEG. FIELDS:

But let me just finish my sentence. If this is Greenways, then the plan is for --

CHAIRPERSON ELKOWITZ:

It's not.

LEG. FIELDS:

-- active recreation.

CHAIRPERSON ELKOWITZ:

No. That was my question too in the beginning. What's before us is IR 41-02. The Greenways is IR 42-02, which is not before us. So it's IR 41-02, which is only in the green, which is --

LEG. FIELDS:

So this is open space?

CHAIRPERSON ELKOWITZ:

-- open space, right. That's what I asked Tom for.

LEG. FIELDS:

Tom, can you just make sure that that's exactly -- the green is not to be made into any active Greenways.

MR. ISLES:

Right. The only thing they have on their plan is a walking trail through part of the --

LEG. FIELDS:

Fine. Okay. Thank you.

MR. MALLAMO:

Tom, could I just ask you, I see the yellow and the green, what's up in the upper part that isn't included? Who owns that?

MR. ISLES:

That's owned by the Town of Southampton. So what happens here is the triangular shaped parcel bounded by the green and the yellow is owned by the Town of Southampton, and everything to the right or to the east of that from the yellow as well as part of the green line is owned by the Town of Southampton. That is about 85 acres, and the reason we ended up this way is that this was a situation where the owner of the property had a deadline of December 31st, 2001 to sell the property. The Town of Southampton moved in rapidly to purchase the property. The Nature Conservancy also came in and put a purchase on it. They purchased in excess of \$5 million and secured the 140 acres of this property. Later on, we were then approached by both the Town and the Nature Conservancy for a possible town role -- pardon me, County role.

And the reason for the configuration of the lots is based upon there are 22 lots in place in this property, and divying up the land and so forth. So it's a little bit unusual in that sense. The end result will be, if this is approved by the Legislature, will be a joint County-town facility with management provided by the town in agreement with the town and County. So I apologize for the messiness of the transaction, but that's what we needed to do to get there.

CHAIRPERSON ELKOWITZ:

Do you know what this was ranked, given that you gave us the rank on the other one?

MR. ISLES:

That's a darn good question.

CHAIRPERSON ELKOWITZ:

I'm just curious.

MR. ISLES:

I'm curious too. I'll take a quick look.

CHAIRPERSON ELKOWITZ:

It's not essential if you don't have it.

MR. ISLES:

We definitely ranked it. Actually, Laretta's at a meeting of the Peconic Estuary Critical Lands Council. She's got more of the facts than I do.

CHAIRPERSON ELKOWITZ:

It's not -- at least to me, it's not --

MR. ISLES:

I'll try to find it along the way here. I seem to recall a 40 or 50, but I don't want to say that without checking it.

MR. KAUFMAN:

For whatever it's worth, I am also familiar with this property, I've canoed the Peconic a fair amount, and I think this is an excellent purchase. I thought so when the TNC brought it a long time ago. And I -- given it's shore-front values, etcetera, given the location, etcetera, I know it scores relatively well.

CHAIRPERSON ELKOWITZ:

If there are no other questions, I'll entertain a motion.

MR. KAUFMAN:

I will make a motion that this is an unlisted negative declaration, in that I do not see any environmental impact from purchasing this property.

LEG. FIELDS:

I'll second.

CHAIRPERSON ELKOWITZ:

I have a second. All those in favor? Opposed? Abstentions?
CARRIED.

Proposed open space acquisition of Peat Hole Pond Site, Village of Bellport and Town of Brookhaven.

MR. ISLES:

This is a parcel located in the Town of Brookhaven, in the Village of Bellport. This is a relatively small parcel, certainly by comparison with the two prior parcels, but it's a parcel that was initially approved by the Legislature for planning steps. I believe you do have an aerial photograph in front of you, which indicates the area in question and the two parcels that are the subject of the resolution. The two parcels, one of which is about an acre of land on the left or the west side of the map, includes some of Peat Hole Pond, which is under water land then. The other part of the parcel includes the other side of Peat Hole Pond.

I'll point out, however, that the acquisition incorporates a part of that parcel, not the entire parcel. But essentially what ends up is it would be an acquisition of about two acres. The parcel itself is, obviously you can see, on Bellport Bay or the Great South Bay and relatively small. However, the -- this is proposed as a joint acquisition involving principally County funds going into this as a acquisition, but also including both funds from the Town of Brookhaven

and the Village of Bellport according to the resolution. The pond itself is obviously still in a natural state. I understand it to be somewhat brackish. The pond is cited in the resolution as having importance from a wildlife standpoint, from a conservation protection standpoint. The parcel has also been used and certainly seems to have some affinity in the community as a locally important location. It has been used apparently on occasion for skating purposes, ice skating purposes and so forth, limited types of winter recreational use. So the resolution before you then is part of a proposed acquisition of the property. The sponsor of this is Legislator Towle, an Mr. Towle's aide is here today. Either Mr. Doyle or myself can try to answer those questions as best we can.

CHAIRPERSON ELKOWITZ:

The aerial photograph seems to show some structures on the property.

MR. ISLES:

Yes. The parcel on the left, which is at the end of Peat Hole Lane is -- to my knowledge is not developed. The parcel on the right does include some structures. I don't -- it's not the intention to purchase those structures, so that would be a partial acquisition as my understanding of it. And the one acre we would buy would be minus the developed portion of the site. So basically buying around the pond, the underwater land as well as the upland portion. And Mr. Doyle, if I'm saying anything incorrectly, please feel free to correct me.

CHAIRPERSON ELKOWITZ:

Are you subdividing it? Or somebody's go to subdivide this property?

MR. ISLES:

Yes. It would have to be divided up.

CHAIRPERSON ELKOWITZ:

Okay.

MR. SWANSON:

I guess I would feel more comfortable if we knew what the boundary actually is. But I was curious, when we have these joint acquisitions, who actually manages the facility, and what standards are adhered to, Suffolk County or Town of Brookhaven or what?

MR. DOYLE:

Tom, can I handle that. The reason this is being acquired at all is that the Lee family is planning to sell the property. They've had it for a decade -- generations, and decided now they want to sell the property. They were given an offer from the city -- someone from the City. They figure between three and \$4 million. But as Tom said, this is unique to the town -- Village of Bellport because they're used to going there and skating, nature walks, reflections, meditations, just having access. And this family did not (sic) want to give that up to the Village. So they offered village it at \$450,000. There will be no changes in the property at all. What they're going to do is leave it exactly -- maybe put down a walkway and chipped wood to access the property.

So the whole purpose of this is that if we don't acquire it with the Village of Bellport, then we lose the property and access to the pond.

They will sell it, and somebody will develop this property. As for who's going to take care of it, the Village of Bellport has said they will take care of it, they will maintain it to the point of putting down a wood path. And also the slice way has to be kept available to the Great South Bay and has to be maintained, they will do that as well. The Lee Family has also made it clear they would not sell the property unless we at least gave them our word of honor that we would give to the Village of Bellport and they would maintain it. So it would be transferred over to the Village of Bellport, and then they would keep it as open space. And that's part of what the owner wants.

The owner does not want to County, the town, anybody else taking care of it. So the Village of Bellport had to make a commitment that they will maintain the property and ensure its economic -- ecological maintenance, which is the slice way. Understand, the slice way has to be kept open, otherwise the pond will be damaged from its natural state.

CHAIRPERSON ELKOWITZ:

I know Legislator Fields has a question.

LEG. FIELDS:

I think I have three. How did it rank?

MR. ISLES:

I recall that it ranked about a 30, and I could try to get that for you.

LEG. FIELDS:

What access would the average County resident have to this property? Where would the parking be if I decided I wanted to bring my family and go ice skating?

MR. ISLES:

I would assume at the end of Peat Hole Lane.

LEG. FIELDS:

Then you have to walk through the woods to get to it?

MR. ISLES:

Right. I think what Mr. Doyle maybe referred to is putting down some wood chips for a pathway. But I think the point, maybe relating back to what Mr. Swanson had said in terms of who's going to take care of this and so forth, this is not a typical County acquisition of buying a two acre parcel. More typical of the County would be the larger parcels that would have County-wide significance and so forth. In this case, and it's something that I think has been broached a little bit at the Environment Committee, certainly with the County Executive is that as we get down to these smaller and smaller parcels, at the very least there should be, and maybe we're getting beyond the SEQRA issues with this, but just from the policy issues, an agreement with the locality to take care of the property, because the County Parks Department cannot be expected or it's very difficult or expensive for the County to be maintaining these. So I think this is a little bit of a new threshold in terms of some of the smaller best pocket parks

or downtown parks. But the ones that I've seen come through have all been done with local agreements to take on the obligations of maintenance and so forth.

LEG. FIELDS:

There was a little bit discussion of if we didn't buy it, which I have some apprehension about that. I think Bellport wants it, Bellport should probably pay for it. But I guess my second question is if we didn't buy and it was going to be developed, where? What could it be developed into? What would be the permitting process of having a pond there and how close it is to Bellport Bay?

MR. ISLES:

We have done an appraisal on this property, and part of that, what the appraiser had to review, the development possibilities and so forth. The conclusion was that one house could be build at the end of the cul-de-sac of Peat Hole Lane. Obviously providing a separation to the wetlands, which would be subject to review and permitting by New York State DEC. So the conclusion of the appraisal was that one house could be constructed on the property, and that was the basis evaluation. Obviously, providing separation to the wetlands, the wetlands themselves could not be developed. They would, however, also would not be opened to public access. It would be private property.

CHAIRPERSON ELKOWITZ:

Right, but they're private property now, and people from what I hear are using it. My question -- I agree with Legislator Fields, but my question really is Larry's question. I can't tell from this what we're buying. And it's kinds of interesting to me that an appraiser could make a determination if he didn't know what we were buying.

MR. ISLES:

Well, we had provided the appraiser with better definition in items of -- the aerials are based on the tax maps. That's where we get the lines from.

CHAIRPERSON ELKOWITZ:

My question to you, though, Tom, is are we really buying any upland? Because I mean, I know I'm looking at an aerial photograph, and I'm not on the ground, but none of this looks like developable upland to me.

MR. ISLES:

Well, the end of Peat Hole Lane, the one parcel there that's kind of a trapezoid is -- we would be buying that completely.

CHAIRPERSON ELKOWITZ:

But is this a tidal pond? This is a tidal pond, right?

MR. ISLES:

Yeah.

CHAIRPERSON ELKOWITZ:

So the DEC has 300 foot jurisdiction off that tidal pond.

MR. ISLES:

Right. And apparently, here again, based on the investigation that was done, there is a feasibility of one dwelling.

MR. DOYLE:

May I add also Brookhaven Town did evaluate -- did appraisals, found on the same thing, we can build one house. And one house in that part of Bellport would be actively sought out by almost anybody. It's a very exclusive part of Bellport, and the village also agrees. They would not be able to stop one house from being built there and blocking the pond.

CHAIRPERSON ELKOWITZ:

Did we have the rank on this?

MR. ISLES:

As I recall, it was about a 30. I don't know if we have it here. No, I don't.

CHAIRPERSON ELKOWITZ:

I don't have any other questions? Any other questions?

MS. MANFREDONIA:

Well, I wasn't clear on public access either. I mean, I could understand that the people in Bellport would be able to get in there, but if you had people from outside of Bellport parking on Peat Hole Lane to lead a hike or something, I have a feeling that the Village of Bellport might not be happy.

MR. KAUFMAN:

Yeah. That occasionally happens with McAllister Park up in Belle Terre in Port Jefferson, where people try and access and get ticketed. Tom, maybe I'm repeating what some of the other members have said here. I understand that the trapezoid portion of the map is the one that we're looking at, and part of it is, indeed, outside of the freshwater wetlands boundary over there, but there is the eastern rectangle property. And if I understood correctly, you said that that was going to be partly subdivided, is that accurate or?

MR. ISLES:

Yes. A portion of that property is proposed in the resolution to include it in the acquisition.

MR. KAUFMAN:

Okay. So basically we would -- the County would be purchasing, I guess, a perimeter of the pond going in so many feet and probably the freshwater wetlands to the northerly end of that.

MR. ISLES:

Right. As well as the underwater land, correct.

MR. KAUFMAN:

Is the underwater land, the pond, bifurcated the way I'm seeing it on this map? In other words, other people would also have or retain ownership?

MR. ISLES:
Yes.

CHAIRPERSON ELKOWITZ:
Larry.

MR. SWANSON:
I'd like to make a motion to table this until we see precise boundaries of what Suffolk County would be purchasing, and that we get written confirmation from the Village of Bellport that residents of Suffolk County would be entitled to use that.

CHAIRPERSON ELKOWITZ:
Larry, could I ask you to amend your resolution, because I also think that we should see something regarding parking, because I don't know that the scale of this is correct. Because if the scale of this is correct, you don't have a lot of buildable area on this property. But as I said, I don't know if the scale is correct. If it is correct, there is very little parking on the end of Peat Hole Lane.

MR. SWANSON:
I will amend it to include also identification of potential parking.

CHAIRPERSON ELKOWITZ:
Do I have a second?

MR. KAUFMAN:
I'll second that. Can we discuss for a moment?

CHAIRPERSON ELKOWITZ:
Sure.

MR. KAUFMAN:
Regarding parking, it may be an idea for the Village of Bellport if Peat Hole lane is a publically owned thoroughfare to maybe make a commitment to provide several parking spaces along there rather than disturb some of the existing land, etcetera. I mean, that may satisfy the parking. And again, that's just a suggestion, obviously, it's not part of the resolution.

MR. MALLAMO:
Perhaps make a commitment that the day after acquisition no parking signs don't go up. Because it looks like four houses on that street, I suspect they are not going to be happy if people start parking on their street and go hiking into the woods.

MR. KAUFMAN:
A perfect example of that is a place in Smithtown called Teapot Lane off of Edgewood, where people -- it's a very good access point to the Nissequogue River, and I have used it in the past. And the people in the area have complained considerably, and suddenly there's no parking, and they actively ticket. And I think it's an unfortunate situation.

MS. ESPOSITO:
Just to add a commentary, that the -- I would ask the Council members

to keep in mind that acquisitions such as this are not only good for the community character, but also this is really an area of acquisition that would comply with the recommendations in the Comprehensive Management Plan for the South Shore Estuary protection. So if this parcel was at risk of being developed, which certainly seems to be questionable in this particular case, but the broader perspective also should be that if it was, it's not only about community character and interests, it's about implementing the management plan for the South Shore Estuary, and that this pond obviously would have direct drainage and impact on the estuary. And many of the parcels that are available for estuary protection will not be the grandiose parcels that get the 85 ranking or 72 ranking, they will be very small parcels that come in with a 30 or a 40, but collectively, they'll add to estuary protection. But they may not immediately seem significant on their own, and this may or may not meet that. But I just wanted to raise that as an issue for us to keep in mind.

MR. KAUFMAN:

How do we reconcile that, though?

CHAIRPERSON ELKOWITZ:

Wait. Isn't the consideration of that -- doesn't the consideration of plans such as that go into the ranking?

MR. ISLES:

Yes, it does. They'll give it five or ten points or something. But it is important too.

CHAIRPERSON ELKOWITZ:

But you know something, Tom, which would be helpful certainly more for this parcel and maybe even for the prior parcel -- I mean, the East Hampton parcel, I think, was obvious to all of us. But if you could when you come have somebody be able to describe to us what was considered in the ranking, because I think that is important.

MR. ISLES:

Okay. I didn't know that was a consideration that you were interested in.

CHAIRPERSON ELKOWITZ:

Well, we didn't either until you came here.

MR. ISLES:

Let me caution you on one thing. The ranking is good, but it's not great. It's a measure of certain criteria, and it's a good snapshot or whatever, but we take it with a grain of salt.

CHAIRPERSON ELKOWITZ:

It's helpful to know what you considered, because obviously, that's a valid point what Adrienne raised. But, you know, looking at this as not quite a layman, it's hard for me to understand if somebody retained me, how I would get them a permit to build a house there.

MR. MALLAMO:

Tom, could you -- the owner living currently, is the owner living in

this house to the east?

MR. ISLES:

I don't know. Mr. Doyle.

MR. DOYLE:

Yes, the owner lives in that house. Yes.

MR. MALLAMO:

And their access is from Rogers Lane, I suppose.

MR. DOYLE:

Correct.

MR. MALLAMO:

I think if we could get some determination -- you know, an area for parking maybe from that area on -- on their current property or an easement or something, that may solve a lot of the problems. I think the problem I'm having here is from an access perspective, that are we being asked to preserve something in the name of the People of Suffolk County that only people who could walk there from this neighborhood --

MR. ISLES:

We don't disagree with that point. We think it's a valid point too, especially on these smaller ones.

MR. MALLAMO:

So I think if they're the property sellers, the property's going to be subdivided, maybe that can be answered in the mean time if this is tabled.

CHAIRPERSON ELKOWITZ:

Did you have a point you wanted to make, Joy?

MS. SQUIRES:

Yes. I have a question, and this is in regard to the urgency issue. Being from Huntington on the other side of this, I have great sympathy for the Village of Bellport and what they're trying to do. Is there an urgency issue here, or is this if you don't acted quickly, do you lose this or is there time?

MR. DOYLE:

There is a certain urgency to it. The owner initially wanted to sell at the end of last year. And we ran some problems getting through the Legislature last year. We finally resolved that with the planning steps. I don't really know, I think we'll be able to wait until June to get to buy the property.

CHAIRPERSON ELKOWITZ:

But if there's an urgency, Joy, just like everything else, we're only advisory. If they didn't like that it was tabled, the Legislature could call it up, and they could do whatever they want to do with it. But, you know, given the -- given the long conversation we had about the Quarter Percent Program and the scrutiny on acquisitions, I don't really think that urgency should be one of our considerations. I think it's a Legislative consideration, but I don't think it's our's.

All right. I'm going to call the question. We have the motion to table. All those in favor? Opposed? Abstentions? CARRIED.

Proposed open space acquisition of Camelot/Paumanok Wetlands Property, Town of Huntington.

MR. ISLES:

We have today Margo Myles from the Town of Huntington. This is another joint acquisition, and the Town of Huntington has completed, I believe, an Environmental Assessment Form. And perhaps it would be best for Margo to take it from here.

MS. MYLES:

The Camelot acquisition has come before you before, and you have recommended a negative declaration before on an earlier resolution when we had hoped to acquire this three years ago. Our proposal is a little bit different today, because the Town of Huntington has committed a certain percentage of funding, but has committed a good deal more in terms of long term use potential. We have a proposal that we have discussed already with County officials, and we're hoping the ELAP Committee was, I believe, interested in. We are proposing an outdoor classroom. We're calling it an outdoor classroom, we're not proposing a structure on the property per se, but we do have a small gravel parking lot that can hold six cars so that we can assure access. We are going to have interpretive stations, we will have an entrance kiosk. We are looking to develop a handicapped accessible trail through the site.

What we have proposed to the County is a project that would be conducted in three set stages. The first stage being essentially our planning and engineering, where we would do a very, very thorough natural resource inventory. We'll be looking to the Long Island Botanical Society and some of the other organizations as we move through this, but we will be hiring a contracted environmental specialist to aid us with this in order to lay out a trail corridor that will least impact site resources, but will basically be placed so that it can maximize interpretive use of the site. We believe we're probably being going to have to develop one small section as a catwalk section. There is a red maple swamp, there are two ponds on the site. We'd like to have an observation platform, so we may be reaching out to you again -- we will definitely be coming back to you again once we have our plan to pass SEQRA muster once more to make sure it's acceptable to you.

CHAIRPERSON ELKOWITZ:

Okay. Just to make it clear on the record, and this is not a criticism, but we are intentionally undertaking a segmented review of the acquisition and the development. And you are proposing to us that that would be appropriate segmentation because it's no less protective of the environment, because you need to acquire it now and you're going to take all the investigations and come to us with a thorough plan. I'm not rendering an opinion on it, I'm just explaining it to everybody.

MS. MYLES:

The town is prepared to take on long term perpetual maintenance as

well as security. This is a site that adjoins Walt Whitman High School. It's immediately across a private drive, which is Paumanok Drive, that serves the high school from the West Hills Day Camp. So we really have right there captive audiences that are very willing and interested in using it. We have already committed that we will have town environmental educator on staff that will be available to aid anyone that would like to visit this. So groups from throughout Suffolk County can come and access this site. Camelot site is a very interesting site. It's only 10.6 acres. It's an area that contains dry open woods, we've got wet woods, it's got some freshwater wetlands, some of which are class one wetlands. About two acres right now are regulated area by DEC. The town has actually petitioned the DEC, because we feel that the area is a bit larger in terms of what should be regulated.

This is a site that has received special use permit from our Zoning Board prior to our acquisition action as well as DEC permits, freshwater wetlands and SPEDES permit for sewage treatment in order to support a 120 bed congregate care facility. It would be a three story facility, 93,000 square feet that would result in clearing about 53% of the site. So there is -- this is a site that was funded by the IDA, and there has been a lot of research into that. It's a site that has imminent development potential and extensive development potential. We feel that this is a really nice partnership we're going to form with the County for long term use. We are going to make sure we have the resources available so the people can come and use this site. In western Suffolk as our sites become more and more pressured by the surrounding development, we feel it's absolutely imperative that we provide a means to get people into the site and make sure that they have organized use.

CHAIRPERSON ELKOWITZ:

So are you actually proposing to us that the segmented review might be more protective of the environment?

MS. MYLES:

We believe it will be. We certainly believe it will be. This was ranked 50. I always ask for the ranking forms. And if I could just share with you quickly, subject parcel contains New York State regulated freshwater wetlands, including two open ponds. The wetlands are part of an expansive watershed that extends north to Cold Spring Harbor. The site is heavily wooded red maple, oak and hickory trees. The forest includes a dense understory including several protective native plants. Of particular note is an exceptional ground cover of yellow trout lilies that is possibly the largest colony in Suffolk County.

The site is located along the terminal moraine, and is four-tenths of a mile from the West Hills-Melville special groundwater protection area. The site is adjacent to Walt Whitman High School and could be used to provide outdoor environmental learning opportunities and a possible stewardship arrangement with the school. The parcel was ranked according to the standard criteria used by the County for open space acquisition. The ranking resulted in a score of 50, ranking is one a score of one to 100 with 25 representing the usual minimum score for acquisition. Protection of this site will ensure management of a

component of a watershed property situated in a deep groundwater recharge area.

It is openly visible and one of the most heavily traveled roadways in the Town of Huntington, has frontage on Jericho Turnpike. You cannot get anymore visible than that. It was ranked two on the town's open space index, which essentially means it's essential to the future of open space needs of the town. The principal of the school and the superintendent of the school district have been down speaking in front of the ELAP Committee, and they have pledged their ongoing efforts to make sure that the site will be used for environmental education through a partnership with the town. We actually have to form an access agreement with the school, because the school is allowing us to access the site from their private drive, which will pose the least impact to the site.

CHAIRPERSON ELKOWITZ:

But you would come back to us with a plan that would show all that. Does anybody have any questions?

MR. KAUFMAN:

I do. I'm looking at the aerial photograph, and you consistently mentioned two ponds, all I see are trees, where are these ponds?

MS. MYLES:

They are very close on the northern boarder to Jericho Turnpike. Last year -- depending on when it was flown -- last year was a very dry year. The ponds are, I believe, surface water fed, but there is a perched water system that's located right beneath them. There's a very extensive claylands. But they are very close to Jericho Turnpike. And you can literally step three feet off the road edge on Jericho Turnpike and be into regulated wetlands.

MR. KAUFMAN:

Okay. Joy just passed me some dirty photos. There is water right off of the road.

MR. SWANSON:

I am curious as to why this ranked so high on Huntington's planning and it's not a particularly large site, why doesn't Huntington go ahead and purchase it?

CHAIRPERSON ELKOWITZ:

Larry, I think -- well, I think that that's wandering into a policy issue, and, you know, that's--

MR. SWANSON:

Why should Suffolk County purchase it?

CHAIRPERSON ELKOWITZ:

But then you know what? For the same comment that I started with, I think then you should go to the ELAP Committee and ask the question, because it's not a CEQ question. And you want to know something, Larry? I may or may not agree with you. I mean, I think you sensed that on the last one my personal opinion is why would the County spend any money to buy underwater land in the place where it was? But it's

not my business, nobody elected me.

MR. KAUFMAN:

Larry, there's a converse to that also. As you know as a resident of the Town of Smithtown, the town does not do very much land acquisition at all, and the County is the only one who does do it. So, you know, there's a flip side to all of it.

CHAIRPERSON ELKOWITZ:

It's a policy thing.

MR. KAUFMAN:

It's a policy decision. It's outside of our call on all of this. Given the context that this is coming to us in -- in terms of a Legislative resolution, I don't see a problem with purchasing this at all. I think this is an unlisted negative declaration. I don't see any environmental impact.

CHAIRPERSON ELKOWITZ:

Well, the issue is not is there a problem with purchasing it. The issue is is there is potential significant adverse impact, and is the segmentation, which we are doing, no less protective of the environment?

MR. KAUFMAN:

Okay. I'll adopt exactly what you just said.

CHAIRPERSON ELKOWITZ:

If you are forming a resolution --

MR. KAUFMAN:

Well, that was what I was going to try and say. I don't -- I don't see a -- I'm going to make a motion that this is an unlisted negative declaration with the following caveats; that this is going to be no less protective of the area, and that while this is segmentation, this is allowable segmentation again, in that it will be more protective of the area and of the purchase.

CHAIRPERSON ELKOWITZ:

Because the town is going to be doing extensive studies before it even promulgates a plan for recreational purposes. I have a motion, do I have a second?

MR. MALLAMO:

Second.

CHAIRPERSON ELKOWITZ:

Second. Do I have discussion? All those in favor? Opposed? Abstentions? One abstention. Larry Swanson is abstaining. CARRIED.

MS. SQUIRES:

Can you note my vote, please in the affirmative?

CHAIRPERSON ELKOWITZ:

Okay. Thank you both. Okay. Other business. Discussion concerning how to handle projects remanded back to the CEQ by the Legislative

ELAP Committee. Mr. Bagg, you had a question, I think.

MR. BAGG:

Well, basically, the Council is advisory to the Legislature. And your recommendations are required to go directly to the County Executive and the Presiding Officer. ELAP requests that a representative from CEQ attend their meetings to present what CEQ's recommendations are. And in two instances this past thing too, basically the Council's recommendations on the upgrading of Building 50 here in Hauppauge, the question was raised as to whether or not the HVAC system or the air conditioning system was energy efficient. Clearly the action is a Type II action, on the list which says no further environmental review necessary, and yet they remanded it back to CEQ.

CHAIRPERSON ELKOWITZ:

Jim, did you advise them that it was a Type II action, and that CEQ's role is to make advisory recommendations to the Legislature pursuant to SEQRA?

MR. BAGG:

Yes, I did. But it still was remanded.

CHAIRPERSON ELKOWITZ:

Jim, what I'd like to do is I'd like an audience with ELAP, and I'd like anybody from the CEQ who would be available to come. Because I think there all of a sudden is some confusion about what our role is. And if the Legislature and the County Executive want to change what our role is, they should change the charter. But it is absolutely absurd to me for a Type II action to come back here because a Legislator has a question as to whether a piece of equipment is energy efficient. Because in a world other than this world, if somebody had a question like that, when the applicant came before the decision making body -- and I don't know how it's done here, whether the applicant first comes to ELAP and then goes to the Legislature, but someone would look at that person and say, is the HVAC system energy efficient. It has nothing to do with the SEQRA classification. And in many cases, it has nothing to do with the significance of the action when one applies the criteria for determining significance.

So I mean, regarding these things that are remanded back, as I said in the 12 years that I've been on the Council, I've never seen anything remanded back except these two things. And there was some question that, I think, Legislator Guldi had about a recommendations that we made which was something that had to go in Executive Session, so we suggested that if he wanted to come, it was a legal issue to come. But I think -- I think that there's some confusion about what the procedure is.

LEG. FIELDS:

I think you are reacting personally, and this is not something that you should be doing that with.

CHAIRPERSON ELKOWITZ:

Well, I'm not reacting personally.

LEG. FIELDS:

It's my opinion that you are. So what I'm trying to explain to you as I did before is that in the Environment Committee, there were questions that were all over the place the last meeting, and I think, Jim, you were there, where the body felt that it was the role of the CEQ Committee to ask all of the questions that have anything to do with the environment. That's -- that was demonstrated time and time again in many of the discussions was, well, did CEQ did ask this, and did CEQ ask that. And when there was a response, well, no, I don't think that question did come up, there was a lot of discussion within the committee saying, well, why would CEQ not ask if something was energy efficient when their role is to look at environmental impacts. So --

CHAIRPERSON ELKOWITZ:

No. Well, on the Building 50 issue, what was being proposed is a Type II action, clearly, no question. Type II actions by definition on the list have no significant impact on the environment. That's CEQ's role, to make that recommendation to the Legislature. But if the Legislature wants to make sure that the HVAC equipment is as energy efficient as possible, they can ask the sponsor -- the applicant. But that's not our role.

LEG. FIELDS:

I think, as I said before, they were thinking that when -- when resolutions come before you, that you are asking all of those questions that have any impact on the environment. And maybe the decision of the Chair and others to recommit it back to CEQ may not have been the way that they have should have gone, maybe they should have just at that point said, well, we don't want to take the advice of CEQ, and we will act. So that's what I'm saying.

CHAIRPERSON ELKOWITZ:

There's also a misunderstanding with what you just said. Because you just said it's the job of CEQ to investigate where there's any impact on the environment --

LEG. FIELDS:

I didn't say that.

CHAIRPERSON ELKOWITZ:

Yes, you did.

LEG. FIELDS:

I said they said that, okay? They said.

CHAIRPERSON ELKOWITZ:

But the law says significant adverse impact, not any impact.

LEG. FIELDS:

But that's my point. That's what they brought up, and that's why the questions went around, and that's why I said, don't take it personally, they have questions. And that's simply how it came out. Perhaps what you should do is have another -- because even after the first visit with the -- with the Chair, he's not totally content with all of the discussion, and maybe there should be some more open

communication between you and the Chair.

CHAIRPERSON ELKOWITZ:

Well, that's why I suggested that we come.

LEG. FIELDS:

So that was -- I wanted to give you what happened at the meeting.

CHAIRPERSON ELKOWITZ:

Any other discussion about this?

MR. BAGG:

I think in the future, though, some departments have not been going to the meetings to answer, you know, critical design and specification questions about projects before CEQ. They should be requested to attend the ELAP meeting to answer --

CHAIRPERSON ELKOWITZ:

We don't have the ability to request them. I think ELAP should say, we're not -- and this is a policy thing, it has nothing to do with me.

But I think ELAP should require if they're going to entertain a project, that the sponsor be there.

MS. ESPOSITO:

I think that's true, but maybe what Jim's saying is when you appropriately speak to them, you could maybe suggest that.

CHAIRPERSON ELKOWITZ:

I'm happy to do that. Because, you know, there are questions that, you know -- the energy efficiency of the windows may be a question, does that really go to the significance pursuant to SEQRA? No. But is it a reasonable question for a decision making body like the Legislature ask? Absolutely. But why would we ever ask it? We wouldn't.

MR. BAGG:

As a follow up of the ELAP's questions with respect to energy efficiency, I've asked the County architect to send me the County's energy policy with respect to, you know, air conditioning and retrofits, and I'm going to relay that back to the ELAP Committee. Basically, it's the County's policy that when they replace anything or they upgrade, that they upgrade with the latest technology available and the most energy efficient.

MS. ESPOSITO:

Does the County have such a policy?

MR. BAGG:

Well, according the Department of Public Works, they have a policy. Our department prepared a report that I found, I wasn't privy to it, that went to the County Exec's Office and the Departments of Public Works, and we're receiving copies, and it will be transmitted to the ELAP Committee.

MR. KAUFMAN:

For whatever it's worth, when Ralph Borkowski has been here, he has

talked about this kind of stuff, that any time they try and upgrade, whenever possible they try to go with energy efficient as good technology as they can get. Obviously, you know, constrained by budget, but they do try to make an effort that way.

MS. ESPOSITO:

Which I know. I was just -- that's different then having an actual written policy, which I was unaware of, so just asking.

MR. BAGG:

I've also requested that from now on when those types of actions are presented to CEQ that the energy policy be included.

CHAIRPERSON ELKOWITZ:

But that's interesting, Jim, but what does it have to do with SEQRA necessarily? I don't want to get into telling DPW how they should build and upgrade buildings. That's the Legislature's job, it's not our's. And we're going to get into that very muddy place that we were in when I first joined this County.

MR. KAUFMAN:

Where we were micromanaging. I think one of the things that you might -- or one of the tacks that might be effective is SEQRA is basically looking at significant impacts, not every impact. And that's something that we should very much emphasize. Again, dealing with windows, we're trying to get something -- we're not going to try and micromanage. We're looking at the overall impact of say reconstruction of a County jail or whatever, etcetera. We're looking at is there going to be runoff, is there going to be major air pollution, is there going to be, you know, light pollution from light poles and things like that. We're not necessarily -- we're looking for something of some significance. A window, whether it's -- I'm going to use the wrong standard -- but whether it's 5.2 seer or -- that's s-e-e-r -- or 5.7. That's one thing, you know? If it's a difference of five and 100 seer, that's something else, that's -- and we're looking and focused upon that project, that's where you can get significance, you know, if the County is saying downgrading or something like that.

CHAIRPERSON ELKOWITZ:

But can I ask you a question? What is the significant adverse impact to the environment associated with that window?

MR. KAUFMAN:

Well, that's just exactly my point. I don't see it, and that's the way we're judging it. It may be that --

CHAIRPERSON ELKOWITZ:

But the Legislature is perfectly appropriate in saying, we want a better, better efficiency, because we're cutting cost, we're minimizing --

MR. KAUFMAN:

But that's the Leg's call. That's the Leg's call.

CHAIRPERSON ELKOWITZ:
Absolutely.

MR. KAUFMAN:
All I'm saying is they have to be made a way -- aware that we are looking at these issues in a slightly different factor. We're looking at it from a --

CHAIRPERSON ELKOWITZ:
Our role is different.

MS. ESPOSITO:
I just think that we shouldn't necessary belabor the discussion, but there seems to be some sincere confusion on maybe some Legislator's part the difference between SEQRA and implementation and implementation of County policy. And maybe -- it seems to me some of them probably think we're doing both and clarification would be in order. You should be careful, because the may then ask us to do both and change the charter.

MR. KAUFMAN:
Well, we're just great people, we could do it.

CHAIRPERSON ELKOWITZ:
If they change the charter, that's fine. But I -- you know, that's their business.

LEG. FIELDS:
I do believe that -- first of all, the ELAP Committee meetings last from minimally four, five, six hours. We are oftentimes here until 7:00 at night. I believe that what the Chair and some of the other members of that committee are hoping for is that this committee be the filter, and that this committee get all of information, because they don't want to have to go through all of that. I believe that is a communication that you need to be able to share and discuss with them or with the Chair to determine what your role is, what your role isn't -- I don't mean you, I mean you as the Chair -- to explain to them, you know, with Jim, I think Jim should be there too, because he has the ability to hear both sides of it. And there were questions, and you know, when that question came up about didn't they ask, the committee actually felt that it was a question that CEQ should ask. You know, that it does have an adverse impact in energy if you have one or another. It's just something I think you need to simplify and you need to communicate.

MR. SWANSON:
I guess, Terry, I'm having a problem understanding why energy efficiency is not a significant environmental problem. Let me finish.

We sit here and we sometimes argue about whether a tree should be cut, and, you know, we've made some decisions about that. Energy efficiency is something that I'm pleased to know is a County-wide concern, but it seems to me the overall impact of energy efficiency is in many cases far more important than debating whether a tree is cut or not cut.

CHAIRPERSON ELKOWITZ:

Well, I'll tell you this. It doesn't have any effect whatsoever on whether or not that Building 50 was a Type II action or not, and that's what was getting remanded back here. That was -- I got several phone calls about this, nobody else did, I don't think. I mean, maybe you did, but I got several phone calls about it. And it was clearly a Type II action because it was a building upgrade. So it wasn't within our purview to ask whether the HVAC -- what -- what the HVAC system was. It's Type II, that's it. It doesn't have a significant adverse impact, okay?

If we were doing a major construction project and you had a concern as a member about the energy efficiency because you were concerned about use and conservation of energy, which is a SEQRA issue, you have the absolute right to ask that. Just like Lance asks about windows that can form with the historic character of a building. I think, I hope that that's why some of us get appointed because of our particular expertise. And I'll tell you something, Larry, and you know it, and this is no slight to anybody else. But I don't have the same concern about the significance of cutting down one tree that other people might have. And, you know, we've had debates here when DPW wanted to come and cut down a very substantial tree, but there were how many accidents there. Clearly, I was not particularly sympathetic to the tree, but there are different people with different interests here. But, you know, I have always been sensitized to policy versus SEQRA recommendations.

MR. KAUFMAN:

First off, I believe you were referring to the 7-Eleven tree in Ronkonkoma.

CHAIRPERSON ELKOWITZ:

Yes.

MR. KAUFMAN:

Yeah, that's one of our favorite incidents over here. I was going to say and repeat basically what you said. If this is a Type I action or an unlisted action, that's where you can get into the significance of an impact. That's maybe where energy comes in, etcetera. Obviously, in a Type II, if it's a planning or, you know, replacement in kind, etcetera, it either is or it isn't. It's like, for example, Larry, when we're dealing with houses in Nissequogue or Head of the Harbor, it used to be that you could pose a house going in. Nowadays a house is a Type II action, and you can't really do anything to it. So there's a procedural context that we're looking at here also. And if this -- if this stuff comes in as a Type II, we may not have the discretion, we may not have the ability beyond just asking a question to really do anything. And that's something also that the Legislature and ELAP should be made aware of.

CHAIRPERSON ELKOWITZ:

But I think that's what Legislator Fields is saying. That there has to be a dialog so that everyone understands what everybody's role is.

MR. KAUFMAN:

Exactly my point.

LEG. FIELDS:

May I just ask also, if you are going to talk to the Chair, I would ask that you talk to the entire committee.

CHAIRPERSON ELKOWITZ:

I have no interest in talking to the Chair alone. I want to come to an ELAP committee. And I think that other people from CEQ should come when we find out a date that I can come, because if I have public hearings, I can't obviously come.

MR. KAUFMAN:

Terry, I think it's probably best if the telephone chain occurred, you know, Jim calls us up when that is established.

MR. BAGG:

We have a list of all the ELAP meetings. I will check with Terry, and then we will do the poll as to who can attend the meeting.

CHAIRPERSON ELKOWITZ:

Do we have historic services?

MR. MARTIN:

Okay. Today I just wanted to report on the activities at the Elwood School House in Elwood on Cuba Hill Road. The -- I don't know if the members have seen that building. And there's some change of occupancy that is being planned right now, so I just wanted to bring everyone up to speed on the background to the building and what -- what's being proposed there. The building was purchased in 1987, and it was -- with the acquisition resolution, it was put into the Historic Preservation Program. At that time, there was no parks use for the building. So it immediately put into the Friends for Long Island Heritage Landmark program. And at that time it was rented to what is now called the Long Island Art League, and they were been on the site since 1987, '88. They are now leaving the building by the end of this year, 2003. They are building a new building for themselves, and so we're looking for a new tenant.

There's a new library district that's been established in Elwood, and they have approached us to use this building as their first library, with the possibility that they build new in the future. So they've approached us on that. We think it's a great idea. It would stay within the Friends for Long Island Heritage Landmark Program, but they would put in the funds needed to upgrade the building and bring it to code for that public use. They have hired {DD Harvey} Architects to come to the building and give them a report. I have met with the County architect Tedd Godek on-site, and he is writing up a review of all the work that needs to be done to bring it to code for this use. And we will then -- he will then submit that information to the architects, who will put that in their proposal and their plans, which will be submitted to the CEQ for review. And I think it's a great project. And what we're looking to do is restore the interior space as a configuration to what it was originally. The school district that owned the building prior to the County purchase put drop ceilings in, partition walls, and the interior really lacks the historic integrity that you would like to see in historic buildings. So we are hoping to bring that back. The County has already put a new wood roof

on the building as part of the preservation process. I don't know if anyone has any questions on that project.

MR. SWANSON:

Maybe all of us got a call from --

MR. MARTIN:

That's why I'm addressing this right now.

MR. SWANSON:

I guess she talked to me for -- well, she instructed me for 45 minutes.

MS. SQUIRES:

Larry, who's she?

MR. SWANSON:

I forget her name.

LEG. FIELDS:

Janet Goltz.

MR. SWANSON:

She had a lot of serious concerns about the intended use that's being proposed. Furthermore, she had some scathing comments on the Friends of Long Island Heritage. And I gather she intends to be here for the May meeting to make a presentation. And it seems to me for us to do our job right that we would benefit from some sort of assessment of not only the use of the school but perhaps of the role that the Friends is playing and whether the Friends are, in fact, doing their job.

MR. MARTIN:

Okay. I didn't know she was coming to do that presentation. I hopefully will have a report from the County architect.

CHAIRPERSON ELKOWITZ:

Why is she coming? And how is she coming? And is there a projection pending?

MR. MARTIN:

No. That is the question. I thought actually that was going to be here today. And she's called everybody that could be involved with this project in the County.

CHAIRPERSON ELKOWITZ:

Why would she come here? Why would we entertain her speaking if we didn't have a project before us?

MR. BAGG:

I think, Terry, this is a public meeting public, and it's a public forum. The Little Red School House is a historic building under the purview of the Historic Trust. And she has concerns with respect to the proposed use, which is currently being looked into by the Parks Department.

CHAIRPERSON ELKOWITZ:

I don't know the -- I honestly don't know the answer to this question.

So I'm going to ask and I'd like somebody to get me the answer, whether it's -- whether it's through the County Attorney or whomever it is. Yes, this is a public meeting, but we're not a Legislative body. It's my understanding that a Legislative body like a town board or a Suffolk County Legislature has an open public session where people can come and talk about anything in the world, and they have to listen. My understanding of our role, and I really want this clarified before I go the ELAP, okay. I don't know who clarifies it, but somebody has to. My understanding of our role is when there are projects that we're considering, anybody from the public can come and talk -- talk about those projects, and I'm happy to hear them. But I'm not happy to open a door that if somebody wants to come here and talk about stormwater runoff on a County Road in Brookhaven, that they're going to come here and do that.

MR. MALLAMO:

Terry, can I comment here. I kind of got into this with Janet's calls as well. I haven't had a chance to speak to Richard. But I think she brings up a number of major issues that we do have to consider. The issue that, number one, I see is that the use of this building should be determined by this body. It's a historic building. I believe a resolution was done, and I would like this check, Rich, I'm sure we have a file on it, that when the Art League went in there, there was a resolution here authorizing that. It was put in the Friends Program because that was a temporary 30 day license agreement and could be cancelled at any time, and that was going to carry the building through until Historic Preservation could proceed on the building. This seems to be a lot more permanent arrangement. There may be alienation of parkland issues. There are a lot more to this than just what are we going to do with the Red School House.

CHAIRPERSON ELKOWITZ:

Is it first a Historic Trust issue?

MR. MALLAMO:

I can't even remember if it was dedicated to the Historic Trust.

MS. ESPOSITO:

She said no. Janet.

MR. MARTIN:

I have the resolutions here. It was incorporated to the Historic Preservation Program with the acquisition resolution.

MR. MALLAMO:

Okay. But that would be different than a Historic Trust dedication. It should have been brought up for Historic Trust dedication by the Legislature so that a decision could be made. We did have public hearing on this when this property was acquired. I attended several of them, and commitments were made to the community that this arrangement was going to be temporary until the building could be restored as the school house for the children of Elwood. And I think that's why that was also presented to the voters of the Elwood School District to approve.

CHAIRPERSON ELKOWITZ:

So then maybe something should be put on our agenda.

LEG. FIELDS:

I think the concern here, and it is absolutely a major concern, is once this contract actually goes forward, it's then going to be before you. And they've already made those arrangements. I'm not saying that you have already.

MR. MARTIN:

No. No. We just -- only discussions --

LEG. FIELDS:

No. I'm not saying that you have already. In other words, she is concerned that it's going to go, and it's going to happen, and then it's too late. And she has a valid concern. She's -- she's asking about an alienation of parkland, and I've spoken to our Legislative Attorney who said it could very well be an alienation of parkland. And so -- and there are some major questions within the Parks Committee and the Parks Department had some discussion. We have asked an audit for the Friends of Long Island Heritage. There are some major -- somebody came and presented photographs of the Little Red School House. And the fact that -- the fact that Friends had has this building and has allowed it to go to disrepair. So I do believe that this is something that should come before this body and that you should know what's going on with our park properties.

MR. KAUFMAN:

First off, I agree with Legislator Fields. I think that if there is a concern from the public regarding specific projects or something that's within the Historic Trust, that those people can come in and talk with us or present their case. We don't necessarily have to reply or anything like that. But it -- obviously our tact to has been we're only dealing with the specific project, you know, coming out of DPW, coming out of the County Exec, coming out of the Leg., etcetera. That's generally been our role, but Historic Trust is a different role for us.

CHAIRPERSON ELKOWITZ:

Is this in the Historic Trust?

MR. KAUFMAN:

Well, that's -- that's obviously one of the questions we have right now. So I don't think that we should shut someone off simply because of a technical --

CHAIRPERSON ELKOWITZ:

I'm not talking about shutting her of. What I'm talking about is having her here when there is something on the agenda.

MR. KAUFMAN:

I understand, but obviously what's going is even before it gets on the agenda this person is questioning what is occurring. I think that it wouldn't hurt us to listen to it. Now, I didn't get a phone call, which is very fortunate.

CHAIRPERSON ELKOWITZ:

I did get -- I did get phone calls, but I referred her to --

MR. KAUFMAN:

And I have one other point that I should bring up. I just got elected to the Board for Friends of Long Island Heritage, so that's going to be an interesting one.

CHAIRPERSON ELKOWITZ:

Well, you will just recuse yourself from anything that has -- go ahead.

MS. SQUIRES:

This has nothing to do with -- with Janet, it has to do with this is a huge -- I happen to live in Elwood in addition to living in Huntington. And when I first started teaching, I taught in the Little Red School House as a substitute teacher. And the place was falling down, that was a whole lot of years ago. But the fact is there is a significant issue. And you are going to have many people who are coming in. You are going to have the Elwood Library Board who is one who is going to want to address the SEQRA determination or whatever it's going to do for the reconstruction of this site. So that I think this is going to be an issue that will be -- will require a great deal of looking into. So my only comment is to alert you that there will be Elwood Library people, there will be people for and against. There may, in fact, be the Elwood School District. It is adjacent, you can go through the back lot to James Boyd School. There will be parking issue. There's a curve on the road, it's across from a town park. So there will be questions about is the parking lot -- and the only reason I'm saying it is it will end up being a significant issue that CEQ must look at all aspects of it including alienation of parklands.

MR. SWANSON:

Going back to the Friends, I don't know whether it's out role or not, but perhaps it is under Historic Trust. If her allegations are true, it's really alarming. I mean, as I recall, one of their allegations was that they were illegally renting spaces in County parks. And maybe the audit that the Legislature is asking for is the proper place. But I found it very disturbing particularly considering some of the discussions that we had four or five years ago.

CHAIRPERSON ELKOWITZ:

You're right.

MR. MALLAMO:

I think that that's a whole different issue that also has to be looked at. She brought up other issues with me that -- not just the Friends Program, any program that puts private individuals in publically owned houses. She indicated what -- her research had indicated it was illegal under the state constitution --

MR. KAUFMAN:

That's wrong.

MR. MALLAMO:

-- and I said, well, I know the state parks does it as well, and she said, well, that's not right. Somebody has to look at that.

MR. MARTIN:

So do the national parks.

MR. MALLAMO:

So do the national parks. That's a separate issue. But, Terry, to get back to you point. Even if it isn't in the Historic Trust, I believe our policy has always been if a property is on the National Register or has been designated in some form indicated that it is a historic building -- I see this one was acquired in the History Preservation -- Historic Preservation Fund -- it says Historic Preservation Program, that we would consider it historic until the decision is made that it isn't. And we have several properties like that; the Motor Parkway, the County Farm -- not the County Farms, the Arms House.

CHAIRPERSON ELKOWITZ:

But then what I suggest, because I really don't want to use my example, have at every meeting anybody that wants to talk about anything that has anything to do with the environment to come here unless --

MR. MALLAMO:

Oh, I agree.

CHAIRPERSON ELKOWITZ:

So my suggestion -- my suggestion is either we wait until we have a project and talk about it, because a lot of the things that I'm hearing about improprieties, to me that belongs to the Parks Trustees or the Legislature. It doesn't have to do with significant adverse impacts on the environment from a proposed action. But if there are people here at the Council who want to put this on an agenda to talk about the Little Red School House as a potential project and have opportunity for people to come, I don't have a problem with that. I think it's a good thing.

LEG. FIELDS:

I think the first question of finding out from the County Attorney's Office what it is that we have to do as a body is probably a good way to go to see if -- if we are open to anyone wanting to speak to us at any time about any subject.

MS. ESPOSITO:

Okay. I just would recommend also that if for some reason this woman will not be able to speak at the May meeting, we should give her a courtesy call and let her know that. Because currently we know she is coming to plan down and speak -- come down here and speak, and I wouldn't want to --

CHAIRPERSON ELKOWITZ:

Absolutely. I think that that's only -- that's only decent to do. Absolutely.

MS. SQUIRES:

Is there a proposal? Has anybody offered a proposal.

MR. MARTIN:

This is only meetings. The only reason this came to light is that there was discussions at the Library Board meeting on this idea. And I guess to obviously voted to explore this, and they approached us. And because we're losing the tenant there, you know, we said we'd look -- we'd take a look at it. And this is, you know, for next year at this time.

MR. BAGG:

I have a question. A number of issues have been raised, and I know they've been raised to Lance who's the Suffolk County Historian, and they've been raised to Richard. In terms of this Little Red School House property what is the status? I mean, is this alienation -- has anybody touched based with the County Attorney's Office to find out if pursuing this proposed lease with the library, is it even legal?

CHAIRPERSON ELKOWITZ:

Parks Trustees are looking at that, right?

LEG. FIELDS:

No. My Parks Committee is looking at it, and we've been looking at Friends of Long Island Heritage for almost a year because there are some major problems, we think

MR. KAUFMAN:

Can I interject just for a second? There's no prohibition.

CHAIRPERSON ELKOWITZ:

You probably should recuse yourself and not interject. You -- I'm cautioning you, not as the Chairman. I'm just cautioning you for your own personal benefit.

MR. KAUFMAN:

Okay.

MR. MALLAMO:

I think the issue that I see come to my mind, the Huntington Art League has accepted this provision that you have a 30 day license agreement. I suspect the Elwood Library isn't going to accept that provision. They would be crazy to accept that. So I think before somebody goes down this road of having all these plans done and a lot of effort go into this, you know, some basic things have to be researched and looked at. I know that the Parks Committee has issues with the Friends for Long Island Heritage. I would also think we should look at what's the impact of taking the buildings out of that program, because if these buildings are going to be vacated, they're going to be left vulnerable. And that's also a History Trust issue. So I think this is a lot bigger. I have talked to Janet. I really think the Parks Department should see where they're going with this, and then if they want to come back to authorize another use or tenant there, that's the time that we can have an extensive thing. But I think behind the scenes here some of us should be talking about this.

CHAIRPERSON ELKOWITZ:

I think you are right. And I think that I would suggest because I can't make a motion, but I would suggest that there be an appropriate motion and that there be two questions asked to the County Attorney. One is the general question that you and I asked, but the second question is is this an alienation of parkland. And until we get those two answers -- because if it is an alienation of parkland, then, you know, to me the game is over and it doesn't have anything to do with us. So if we have those two questions answered, then we could go forward with whatever.

LEG. FIELDS:

Would we ask the County Attorney of the Legislative Attorney? Who do we act on behalf of, the Legislature or the County.

CHAIRPERSON ELKOWITZ:

I've been told in the past that we go to the County Attorney's Office.

And as recently as the litigation with the mosquitos, I asked that specific question, if you remember, and got a legal opinion that the County Attorney's Office acts as the attorney for the CEQ. So that's what I was told.

LEG. FIELDS:

You act as -- that's a good questions. You know, I mean, I don't know. Maybe we can ask both, because I think this is difficult to answer.

CHAIRPERSON ELKOWITZ:

I think you are right. But before we start talking about the Little Red School House as a project, maybe we should find out if it's alienation of parkland, because if it is, we're wasting everyone's time.

MR. KAUFMAN:

Bluntly, if it goes too far, it is alienation. I mean, just as a legal opinion. Obviously, a County is allowed to utilize its lands and to give it to private contractors. And again, I'm not saying anything in terms of Friends or whoever rents, etcetera, it's how far that alienation goes. That's the critical question.

CHAIRPERSON ELKOWITZ:

Mike, I'm warning you now. I'm warning you that you should not be speaking on anything that has to Friends. And you are no different than representatives from other entities here that have interests in other applications, you are no different. Just like when I represent private clients, I am no different.

MR. BAGG:

I think it probably should be pointed that the Historic Trust met at the Little Red School House. I don't know if it was ten or 15 years ago, and that the temporary use was because they were -- the County was going to look into upgrading and everything else of this building.

CHAIRPERSON ELKOWITZ:

That's exactly what Lance whispered in my ear.

MR. BAGG:

Fifteen years and the Parks Department has yet to ask the County Attorney's Office or anybody else what the legality is.

CHAIRPERSON ELKOWITZ:

I'm asking you. I'm asking you to prepare a letter on behalf of me asking the County Attorney those two questions. All right? And I'm going to -- yes.

MS. SQUIRES:

I was just going to say if there was -- if there is alienation of parkland now, there was 15 years ago when HTAL was given it. So we still need to know. And the Elwood Library Board has to be told this is not a possibility.

MR. MALLAMO:

Joy, I don't believe you're correct there, because the alienation issue comes up when you are leasing parkland. This was not a lease, it was a license agreement, it could be cancelled at any time, it was always temporary. The Elwood Library is not going to invest hundreds of thousands of dollars into something that they could be thrown out next week.

MS. SQUIRES:

Got it.

LEG. FIELDS:

Let me just -- the other alienation, I believe -- I have the book, and I didn't bring it with me today -- is preventing all County residents from utilizing a facility. But then it gets into leases versus contracts versus licenses. So I think we really need a very, very good analysis of alienation.

CHAIRPERSON ELKOWITZ:

Legislator Fields, could I ask you a question? Could the Parks Trustees, because we know who your counsel is, ask Sabatino, and could CEQ ask the County Attorney? Then we have two legal opinions, and we can actually see -- we hope we get one answer.

CHAIRPERSON ELKOWITZ:

Okay. I'm going to entertain a motion to adjourn.

MS. MANFREDONIA:

Motion.

MS. ESPOSITO:

Second.

CHAIRPERSON ELKOWITZ:

Second. All right.

(*THE MEETING WAS ADJOURNED AT 11:30 A.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY