

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, 725 Veterans Memorial Highway, Smithtown, New York on Wednesday June 14, 2006.

MEMBERS PRESENT:

Larry Swanson, Chairperson
Michael Kaufman
Lance Mallamo
Legislator Lynne Nowick

MEMBERS NOT PRESENT:

Legislator Lynne Nowick
Jeffrey Sneed

ALSO IN ATTENDANCE:

James Bagg, Chief Environmental Analyst/Department of Planning
Penny Kohler, Department of Planning
Richard Martin, Historic Services
Joy Squires, CAC of Huntington
Steve Brown, CAC of Brookhaven
Lauretta Fischer, Principal Planner
Kelly Roper, Environmental Analyst/Suffolk County Parks
Margo Myles, Coordinator of Open Space Conservation/Town of Huntington
Donald McKay, Director of Parks and Recreation/Town of Huntington

MINUTES TAKEN AND TRANSCRIBED BY:

Lucia Braaten - Court Stenographer

MINUTES TRANSCRIBED BY:

Kimberly Castiglione, Legislative Secretary

(The meeting was called to order at 9:35 AM)

CHAIRMAN SWANSON:

Okay. We'll call the meeting to order. Anybody check the web for the minutes?

DR. POTENTE:

I did check and I was not able to access them on the web. Actually, I called and who did I talk to -- Carol. It looks like the minutes for the CEQ are not posted for this entire year or the past six months.

MR. BAGG:

Carol Walsh came and talked to me about it and I believe that the minutes for this year have not been completed, none of the minutes for this year. So I would like to ask the Clerk's Office, please, if they could get the minutes finished and send them over so they can be posted.

MS. BRAATEN:

I'll check with them.

CHAIRMAN SWANSON:

All right. We have some correspondence from Legislator Lindsay. Essentially the message is that this room will not be available on September 20th, therefore he has made arrangements for us to have the meeting in the Clerk's conference room.

I was reminded that we've had a meeting there before and it's unsatisfactory, so one of the things, Jim, that I think that we ought to check out is going back to the Dennison Building for the September meeting. If that's possible, if you could check with the Clerk's Office and see if we could get somebody over there.

MR. BAGG:

Yes, we'll call the Clerk's Office to see if we can have our meeting across the street on the 20th in the Planning conference room and we'll get back to you and let everybody know.

CHAIRMAN SWANSON:

Thank you very much. Just to remind everybody, feel free to make comments throughout the meeting if something is of interest or pertains to you, so we would appreciate your participation. So, review of Type II Actions. Jim, anything you want to tell us?

Ratification of Staff Recommendations for Legislative Resolutions Laid on the Table - June 13, 2006.

MR. BAGG:

Basically the packet is pretty straightforward. Very many of the resolutions were previously reviewed by the Counsel on Environmental Quality. The other ones are Type II Actions.

I point out three resolutions of interest. Introductory Resolution number 1744, number 1745, and number 1746. They appoint new members to the Council on Environmental Quality. One is Gloria G. Russo. Another one is Daniel Pichney, and another one, Lauren Elizabeth Stiles. So they were laid on the table yesterday and should be voted on at the next meeting of the Legislature if those people are interviewed by the Environment, Planning and Agriculture Committee of the Legislature. I just -- that's a point of interest. They're not members now, but they have been proposed for membership.

MR. KAUFMAN:

Mr. Chairman, if I might. 1738 concerns me a little bit. That's directing the Department of Parks to cease all ongoing efforts to reopen the Trap and Skeet Shooting Range at Southaven. Previously this Council had analyzed an EAF that had been given to it regarding reopening that particular project and had looked at lead remediation and things like. And I know that the County had undertaken to do both testing and I believe also some of the remediation that was needed.

I'm aware that there's a controversy going on right now. People are alleging that there's groundwater contamination in the area from the lead shot and other issues that are going on.

I'm just curious. I understand that this is a Type II Action and we're basically just voting upon the EAF aspect of things, but, you know, we vote one way a couple of months ago or I'm sorry, it may have been a year ago, and now we're being asked to basically say that the exact opposite is also valid. I just find it to be somewhat inconsistent. I mean, I know the Legislature has its prerogatives on what it wants to do, but I'm not sure how we look at it under SEQRA.

MR. BAGG:

I think, Mike, one is an environmental issue which was before you which the Council made a recommendation on, and this is a strict policy issue based on political constituencies and

pressures on the Legislature. So, if the Legislature chooses not to reopen the Trap and Skeet Range from a policy point of view, that's strictly administrative and the other project will not go through to completion. That's all.

MR. KAUFMAN:

I hear what you're saying in terms of policy. I was looking at it more in terms of just strictly from a SEQRA perspective. I just find it to be a little bit interesting if there are allegations that there are environmental issues out there. I'm just bringing it up. I'm not going to go further on it. I just find it to be interesting. Aside from that, I'll make a motion if you don't mind.

CHAIRMAN SWANSON:

Motion.

MR. KAUFMAN:

To accept staff rec's.

DR. POTENTE:

Second.

CHAIRMAN SWANSON:

Okay, we have a second. All in favor? All opposed? Motion carries.
Proposed acquisition of land for open space. Laretta.

Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Forge River County Park Addition - Catholic Near East Property in the Town of Brookhaven.

As Laretta is setting up, I have to recuse myself on the Forge River County Park. So, Mike, would you Chair the meeting at this point?

MR. KAUFMAN:

Okay. How are you doing, Laretta? By the way, for everyone's edification, this is Laretta Fischer. She is a principal environmental analyst at the County's Department of Planning. Present your project.

MS. FISCHER:

The first one before you today is a proposed acquisition along the Forge River called the Catholic Near East property. They are the owners of this small parcel. It's located on the west side of the river corridor, north of Montauk Highway, and it is directly on and adjacent to the Forge River itself. We're proposing to acquire this under -- excuse me, the SOS Program, Save Open Space, under open space -- the open space component.

MR. KAUFMAN:

Laretta, I'll start the questioning off for a second. Is this a separate and individually owned property?

MS. FISCHER:

Yes.

MR. KAUFMAN:

Okay. So it is theoretically a parcel that can have development on it.

MS. FISCHER:

Possibly, yes.

MR. KAUFMAN:

Okay. I'll open it up to the rest of the members. Any questions? Hearing none, I'll entertain a motion that this is an unlisted action.

MR. MALLAMO:

I'll make a motion, unlisted neg dec.

DR. POTENTE:

I'll second.

MR. KAUFMAN:

All in favor? Passed. Thank you.

CHAIRMAN SWANSON:

For the record, note that I recused myself. All right. Next is the Manos property on Great Pond.

Proposed Acquisition of a Conservation Easement for Preservation Purposes Known as Great Pond - Manos property in the Town of Southold.

MS. FISCHER:

This is a property that we're looking to acquire the conservation easement on 1.2 acres of the property, not the entire acreage of the three properties. This -- these are adjacent to our holdings at Peconic Dunes County Park to the west, and part of an area that we are trying to acquire other parcels. I've come before you on other pieces of this puzzle to acquire and this is one of the important parcels with regard to connectivity from this -- our County holdings into this sensitive habitat called Great Pond. So we are looking to acquire the conservation easement under the Multifaceted Land Preservation Program under the Open Space Preservation Program criteria.

CHAIRMAN SWANSON:

Lauretta, I know we're not supposed to be considering costs at this board, but I can't help but to note that it seems that you're paying \$700,000 an acre for a piece of property that you don't end up owning. Is that correct?

MS. FISCHER:

Yes.

CHAIRMAN SWANSON:

And the Legislature is -- has no problem with that?

MS. FISCHER:

They -- the Division of Real Estate has been encouraged to move in these directions of recent date to encourage any kind of protection if we so deem that protection to be important, and so they are using this as one of their tools. I do know that any type of easement, be it conservation easement or farmland development rights easement, tend to -- like get close to the actual full cost of the property. So it could be 90% of the value of the property and/or somewhere in that range, so it is quite high with regard to the value of the property.

CHAIRMAN SWANSON:

Well, I would argue --

MS. FISCHER:

Total value of the property.

CHAIRMAN SWANSON:

-- that cost is an environmental issue in this regard because if we invest all our money for small pieces of property, eventually we're going to run out and we might not have the options to do

other things that we want. So I think it is an environmental issue.

MS. FISCHER:

I don't disagree with you.

MR. MALLAMO:

When we have a conservation easement the land remains with the property owner. Can that be fenced?

CHAIRMAN SWANSON:

No.

MR. MALLAMO:

I mean, do they have the opportunity to fence off? I know this is contiguous to County parkland and the purpose is to preserve the land.

MS. FISCHER:

Correct.

MR. MALLAMO:

But, you know, in thinking the high price here, it may be worth just acquiring title to the property.

MS. FISCHER:

We did try that as the first --

MR. MALLAMO:

If it's that high.

MS. FISCHER:

We always try that. That was our first intent. He was not interested. So we're not trying to come in the back door, we actually made an offer for the entire parcel less his developed portion of it, but he was not interested. We also take right of first refusal on the property if it's sold.

MR. KAUFMAN:

Lance, just to let you know, a conservation easement, the title still remains on the property owner so you can't exactly fence it off from him. It is something that he actually can --

MR. MALLAMO:

No, no. I'm asking can he fence it off from us.

MR. KAUFMAN:

Actually, yes. He does retain title, he just can't develop the land.

MS. FISCHER:

Right, but we have access to the property at any time so we have to be allowed access at any time.

MR. MALLAMO:

When you say we, does that mean?

MS. FISCHER:

The County of Suffolk.

MR. KAUFMAN:

The County as opposed to normal, regular citizens.

MR. MALLAMO:

Is that public County or County officials.

MS. FISCHER:

County officials.

MR. MALLAMO:

So it's not really open to the general public.

MS. FISCHER:

No, it's not.

CHAIRMAN SWANSON:

Jim?

MR. BAGG:

I might point out that the procedure the County goes through with respect to property acquisition is the County has to get two appraisals, all right, by certified appraisers that go out and they look at the property and the purpose for which the County is buying it or the easement. Then they come back in and I think they take the median value of the appraisals in terms of the established price.

That thing goes before an Environmental Review Board, which has Legislators and various representatives of the County and real estate and the Department of Real Estate to review the proposed appraisals and the price and really make a determination as to whether or not they want to proceed with the acquisition and go before the full Legislature.

So with respect to cost, that is reviewed fairly in-depth and technically the County is not supposed to pay more than what the property is worth. So in this instance, the appraisals have said that it's worth \$700,000 for the conservation easement.

MR. KAUFMAN:

There's one other point that the Board should be aware of. As an attorney I do notice something. There's a number of tax map numbers on here. That indicates to me that there may be the possibility of separate lots that theoretically could be developed. I don't know the ownership.

MS. FISCHER:

That's correct. And that is part of the -- that's taken into consideration as part of the value of the property.

MR. KAUFMAN:

So basically we're looking at a potential three houses, for example, on here unless, for example, there's been a -- I forget the technical word for it -- a recombination of title. If these are held in certain ways, they're considered to be a single lot as 1.2 acres, but looking at the tax map numbers, you could have three theoretical lots over there and they could be theoretically developed as three properties and as such the price that we see, the appraisal may have a bearing upon that.

MR. MALLAMO:

That's a very good point.

MR. KAUFMAN:

Basically you may have say, for example, two acre zoning in certain areas. For example, in my home village we have two acre zoning everywhere, but there are a number of lots that can be developed that are smaller than two acres. They are basically grandfathered in or

nonconforming, etcetera. And depending upon the ownership structure you could have a three-quarter acre property, could be developed, and the price might be higher because it's in a two acre area but it still could be developed.

DR. POTENTE:

I have a question. Is there -- since the -- who is purchasing? The County will own the conservation rights?

MS. FISCHER:

Correct.

DR. POTENTE:

The development rights to this.

MS. FISCHER:

Yes.

DR. POTENTE:

Does the County then have either access or ability to supervise that this is remaining?

MS. FISCHER:

Yes. It has to be left in its natural state.

DR. POTENTE:

But is there -- does supervision take place?

MS. FISCHER:

Yes, yes. The supervision of the property is transferred to the Parks Department as if it was outright ownership and they are the overseers of our conservation easement.

DR. POTENTE:

And they have entitlement to access.

MS. FISCHER:

And they have rights to access that property at any time.

CHAIRMAN SWANSON:

Any other questions or comment?

MR. MALLAMO:

I'll make a motion, unlisted neg dec.

MR. KAUFMAN:

I'll second.

CHAIRMAN SWANSON:

All in favor? Opposed?

DR. POTENTE:

I'll abstain.

CHAIRMAN SWANSON:

Motion passes.

MR. KAUFMAN:

It's two-one-one.

MR. BAGG:

What was the vote on that again, Larry?

CHAIRMAN SWANSON:

Two-one-one.

MR. BAGG:

Who was the --

MR. KAUFMAN:

Two yeses by Lance and myself, one no by Larry, and one abstention by John Potente.

CHAIRMAN SWANSON:

All right. Next I believe is Brick Kiln Road.

Proposed Acquisition of Land for Open Space Preservation Purposes Known as Noyac Greenbelt - 357 Brick Kiln Property in the Town of Southampton.

MS. FISCHER:

Yes. This is another acquisition under the SOS Save Open Space Program for the open space component. This consists of 9.87 acres in the Noyac Greenbelt area where the County and the Town of Southampton has been very involved in acquiring properties. This is an important groundwater area protection area. This is in the South Fork SGPA and one of the areas that we've highlighted for protection, particularly for groundwater protection.

CHAIRMAN SWANSON:

Any questions?

MR. MALLAMO:

Motion.

CHAIRMAN SWANSON:

We have a motion by Lance.

MR. KAUFMAN:

Second.

CHAIRMAN SWANSON:

Second by Mr. Kaufman. All in favor?

MR. MALLAMO:

Motion is unlisted neg dec. I didn't really finish.

CHAIRMAN SWANSON:

Opposed? Motion carries.

MS. FISCHER:

Thank you.

CHAIRMAN SWANSON:

Town of Smithtown, Lucyshyn property.

Proposed Acquisition of Land for Open Space Preservation Purposes Known as Hauppauge Springs - Lucyshyn Property in the Town of Smithtown.

MS. FISCHER:

This is in our Hauppauge Springs area and we are acquiring this in two portions. The first portion is a 4.8 acre portion of this property. The second is for the remaining 1.5 acres. The reason that we have conducted this acquisition in two parts is due to the fact that a portion of the property is a residential use at the present time and the individual owner wanted to stay in her home until she dies. So -- or the property is sold. And -- or could have been sold I should say.

We are acquiring the first 4.8 acres at this time, and that's basically the back portion of this lot. And as you can see, there's a home in the center on the east side of the property. One point five acres of this will remain in a life estate and upon her death we will take ownership of it.

CHAIRMAN SWANSON:

This is a flag lot it looks like?

MS. FISCHER:

Yes, somewhat. An odd shaped flag lot.

CHAIRMAN SWANSON:

And this is adjacent to two other properties that we recently --

MS. FISCHER:

Yes. We just acquired the piece to the north of there, and we also own obviously the piece in pink, and we are looking to acquire the piece to the south of there with -- as you can see there are -- this is a very low lying wetland area and these pieces make up that watershed area.

DR. POTENTE:

I'm very familiar with this property, and it may not appear so, but the water here is actually springs that do feed directly into the Nissequogue River. There are culverts that go south next to the Dennison Building and then north again through Vets Highway into the Nissequogue.

MR. KAUFMAN:

If I might. I also know this property. I've actually walked it. And I think it would be a very good acquisition for the County to undertake.

Just to let you know, I was on another phone call with the Town of the Smithtown Environmental Director, Russ Barnett, and this happened to come up in conversation. He asked me to relay his, I don't want to say concerns, but he thought it would be a good acquisition for the County also. He didn't see any environmental problems with it. So I'm basically relaying that concern and I agree with John, that it is one of the tributary headwaters of the Nissequogue. It is an important property.

MS. FISCHER:

Yes. This whole area, what we call Hauppauge Springs, is that part of the Nissequogue River watershed system. I'm sorry I didn't bring that up in the very beginning. That's one of the reasons why we're so concerned about this -- these areas, these low lying wetland areas.

MR. MALLAMO:

I also think it is a great acquisition. But I just want to clarify something, Laretta, because I know we've had issues with this in the past. The life estate is for this owner and this owner only.

MS. FISCHER:

Correct.

MR. MALLAMO:

Not her relatives, not her children.

MS. FISCHER:

No.

MR. MALLAMO:

That upon her death --

MR. KAUFMAN:

It can't be a life estate. It violates the rule against perpetuities if you do that.

MS. FISCHER:

Correct.

MR. MALLAMO:

I'll make a motion, unlisted neg dec.

MR. KAUFMAN:

And I'll second.

CHAIRMAN SWANSON:

All in favor? Opposed? Motion carries.

MS. FISCHER:

Thank you.

CHAIRMAN SWANSON:

All right. Town of Brookhaven, the Overton Preserve/Pinelli property.

Proposed Acquisition of Land in Partnership with the Town of Brookhaven for Open Space Preservation Purposes Known as the Overton Preserve - Pinelli Property, Town of Brookhaven.

MS. FISCHER:

This is a 20.3 acre parcel in the Overton Preserve area on the northeast corner of the preserve which is approximately 400 acres in size. This is to be a partnership with the Town of Brookhaven for open space purposes under the Multifaceted Land Preservation Program. So we will be going into partnership on this 50-50 with the Town of Brookhaven.

CHAIRMAN SWANSON:

Any questions?

MR. KAUFMAN:

If I might. Laretta, has an environmental phase one assessment been done on this particular property?

MS. FISCHER:

Jim, you might be able to answer that.

MR. KAUFMAN:

I mean, I think that they normally are. I'm just curious about this one.

MR. BAGG:

Yes.

MR. KAUFMAN:

No problems found with it?

MR. BAGG:

No.

CHAIRMAN SWANSON:

Is that a horse track that's to the west of it?

MS. FISCHER:

Yes.

CHAIRMAN SWANSON:

And have you checked the runoff and leaching from that horse farm over onto property?

MS. FISCHER:

Again, this would have come up in the environmental assessment and Jim might be able to better direct that answer to you.

MR. BAGG:

Yeah. There are no apparent problems in terms of water quality or anything else in this particular area. There are a couple of sheds and a garage in the southern portion of the site, which we've requested because we're requiring it for parks be removed. We don't want any attractive nuisances and so on on the site. Council -- the County's requirement also is that any debris on the site be cleaned up prior to acquisition so we get a clean piece of property.

CHAIRMAN SWANSON:

Will the property be used for horseback riding? I mean, will people come over or is it now being used?

MS. FISCHER:

No, not to our knowledge, and it would be for -- our resolution is for passive recreational purposes only.

CHAIRMAN SWANSON:

Okay. Any other questions?

MR. KAUFMAN:

I make a motion, unlisted neg dec.

CHAIRMAN SWANSON:

Do we have a second?

MR. MALLAMO:

Second.

CHAIRMAN SWANSON:

All in favor? Opposed? Motion carries. Okay. Now we have the joint purposes -- purchase of Town of Huntington, it's the Mohlenhoff property.

Proposed Acquisition of Land with the Town of Huntington as Joint Purchaser for the Purpose of Developing a New Active Recreational Complex, Town of Huntington.

MS. FISCHER:

If I may request that Margo Myles from the Town of Huntington come up and give you her description of the activities that are proposed for this active recreation site. We are going into

partnership with the town on this acquisition and the town will then take over the development and management of the site.

CHAIRMAN SWANSON:

Okay. Welcome, Margo.

MS. MYLES:

Thank you. I'm here today representing the Town of Huntington. My name is Margo Myles. I'm the coordinator of open space conservation for the town. I work in the Town Department of Planning and Environment.

We are here to discuss the joint acquisition with Suffolk County of the 10.2 acre Mohlenhoff property. Mohlenhoff property sits on the corner of West Rogues Path and Oakwood Road in Huntington, surrounded technically on three sides by the County's Froelich Farm Preserve and the protected Wicks Farm as well. So there are over 300 acres of adjoining protected open space. Directly across Oakwood Road is William Chevrolet, so there is commercial and industrial development in the area.

The site is proposed for acquisition specifically for active recreational use. This is a site that has been the home of the Mohlenhoff Nursery for over 60 years. There's a great deal of infrastructure on the property that will have to be removed to accommodate the proposed use. Right now, there are 23 buildings on the property. Three houses, several greenhouses, garage, flower shop, pole barns, sheds. It is the town's responsibility to remove all the infrastructure and it is the town's responsibility to improve the property, maintain it and program it.

I have with me today Don McKay, who is our Director of Parks and Recreation. As we go forward with our presentation, if you have any specific questions about the future use and programming, Don will be the resource person.

The County has contracted both a phase one environmental site assessment and a phase two. The phase two involves sampling of not just on-site soils, but leaching pools, drainage structures. For the most part everything came up with no significant levels, the exception being the actual soils came up showing certain levels of residual arsenic and deeldrin.

CHAIRMAN SWANSON:

What was the last one?

MS. MYLES:

Deeldrin.

CHAIRMAN SWANSON:

Okay.

MS. MYLES:

The town has already -- we've already been in contact with the County Division of Drinking Water and have requested their assistance in moving forward with this. We have reached out to the consultant, Cashin Associates, who has prepared the -- both the phase one and phase two and have asked them to give us a quote on working with us over the next several months to prepare a proper protocol for soils management on the site.

CEQ may be aware that the Health Department in February sent a directive out to the towns saying that they would no longer be reviewing soils management programs for agricultural properties. A letter from Supervisor Petrone to County Executive Levy was just sent this week requesting that (a), the County seriously re-review that policy directive because it's significant that the town rely upon and receive the assistance of the Health Department, who has technical expertise, particularly in groundwater matters that the town does not have. And (b), specifically

to assist us with this review, Mohlenhoff, since this is both a town and County acquisition to make sure that we absolutely minimize the potential for contact, recognizing how this site is going to be used in the future.

We have prepared a conceptual site plan that I'd like to talk to you about, but I want to start by saying that this plan may be subject to modification based on the input that we receive from the Health Department and the consultants working with us as we move forward. Should there be additional testing that shows any further adverse conditions, we may want to make further adjustments to our plan, but we will certainly keep CEQ apprised as we go forward.

We've already sent a letter over indicating that while we considered the acquisition of the property an unlisted action, we believe the County would probably classify this as a Type I Action for the development and that we have -- the town board has no objection to the County Legislature being lead agency on this matter. If I could come around.

CHAIRMAN SWANSON:

Margo, you mentioned getting Suffolk County Health Department assistance in evaluating the soils and so forth. You haven't mentioned -- is there the money available with the town or the County to actually remediate the site?

MS. MYLES:

It will be part of the town's burden in terms of development of the property. The town has already -- by resolution the town board has said that they accept that responsibility, but we want to be absolutely certain that we know going forward what those costs are going to be and that we have the most prudent approach to mitigate the site.

The site right now has, as I said, 23 structures on it. While this is a blowup of an aerial, you can see very clearly that most of the infrastructure lies on the western component of the site. The town's proposed use plan involves two large regulation soccer/lacrosse fields. We're looking at synthetic turf fields here. We would be looking at synthetic turf that would extend through both fields, but also the median, providing parking up front. Again, this entire area, if you look back to the aerial, is the area that has the improvements on it now for the most part.

We're looking at two smaller fields that would be grass fields for also youth lacrosse and soccer play. Children's playground. Playground would have a solid surface. Now we're using that -- the recycled like rubber tile that would also form a barrier. We've got a lot of walkways, a lot of pavement, actually, on the site. The area out along Oakwood Road would remain in natural cover. Where we haven't determined yet if that's going to be landscaped, if that will stay in meadow cover, but in all likelihood it will not be allowed to revert to woodland. It will be more of an open view into the site.

The area along the western border we're holding as future parking area. We're thinking of it in terms of land bank parking should we require additional parking once this facility is built. This is the area that we would extend our parking into.

MR. MALLAMO:

We're actually just deciding today the acquisition, is that correct?

MR. BAGG:

Well, no. Everything.

MR. MALLAMO:

Everything? The proposal and --

MR. KAUFMAN:

There are segmentation issues in here like you wouldn't believe, given all of that.

MR. BAGG:

That's why the County presents it for active recreations. You have to review the whole project, that includes the acquisition with the proposed build out.

MR. KAUFMAN:

Can I ask a couple of questions?

CHAIRMAN SWANSON:

Yes.

MR. KAUFMAN:

Okay. Thank you. The Chairman has given me permission to ask a couple of questions. Margo, this project is worrisome to me in that there are a lot of questions that are unresolved. I'm not talking about the active use portion of it and the conceptual development aspect of it. I think it's good to have those kinds of activities over here and I think it's -- this would be a good use for that particular property.

But I am worried about circular liability and the fact that no one is certain at this point in time what we're looking at in terms of, you know, pollution on the property basically. We've got arsenic on there, we've got that other chemical that I don't know anything about.

CHAIRMAN SWANSON:

Deeldrin.

MR. KAUFMAN:

Deeldrin, whatever it is. While I understand that you've just said that the Town of Huntington will assume that responsibility, we're -- I'm not sure about that at this point in time. We don't know how much it's going to cost, we don't have any kind of -- an idea yet what kind of remediation might be necessary.

I point out, for example, there's a project in St. James, The Hamlet, which is right across from Smithaven Mall. The property was heavily contaminated with arsenic and they basically removed a lot of that soil. That may well be the best remediation, I don't know. But, you know, I've got questions at this point in time and I think Jim jumped to the microphone and has something to say.

MR. BAGG:

Yeah. I think that they did a phase one and a phase two assessment. The contaminants are of an agricultural nature which deals with pesticides. Quite obviously Long Island has this problem throughout.

MR. KAUFMAN:

Oh yeah, it's not something that we haven't seen before.

MR. BAGG:

SEQRA exempts agricultural operations from review and the town has stepped up to the plate here to say they will remediate this site. Normally with chemicals of this nature it is either removed, the top six inches of soil, bring in some new soil and encapsulate the rest, or in this particular instance, the town is proposing putting in artificial turf, which encapsulates. And they will adhere to what the Health Department requirements are in order to make this site safe for active recreational use. I mean, they are committed to that. They are signing off on that.

So as Margo said, if the Health Department says we don't want you to develop this particular area, which I severely doubt, they would modify the plan accordingly. But at this point in time the town is committed for -- to remediation in order to make this site safe for agricultural active

use -- I mean for active recreational use.

MR. KAUFMAN:

So what you're basically saying is from your review of the project, the County of Suffolk will not be necessarily buying into an environmental remediation. The Town of Huntington will be undertaking all environmental remediation.

MR. BAGG:

That's correct.

MR. KAUFMAN:

Is that accurate from your perspective, Margo?

MS. MYLES:

There are other sites as well that the town has acquired with the County that have required a good deal of remediation, one of which being the Benjamin property in Northport. The town, actually our town board, required that three million dollars of the purchase price be held in escrow until at that point it was the developer, Alvin Benjamin, that held the property, until the site was satisfactorily mitigated. And that was a condition that they did not create, that was a condition created by the Federal government when they held it.

The town has been very aggressive in terms of soils testing. When we are looking at subdivision site plans throughout the town, we have required soils testing on virtually every site that has been an agricultural property. Arsenic turns up everywhere. I can't tell you of any site that we've looked at in the last five years that hasn't shown arsenic.

MR. KAUFMAN:

Any previously farmed site will have arsenic. I mean, that was just the chemical of choice from the 40's through the 60's.

MS. MYLES:

Exactly. And of the samples that were taken, only four actually on this site came up in levels that exceeded the County's -- the Health Department standard of 25 parts per billion, and the samples were at between 33 and 42. So they weren't excessively high on this site in terms of arsenic. Deeldrin is also not at an extremely high level. The standard is four parts per billion. We're seeing a range between 6.1 and 15. We have one high sample of 22, which is why, as I said, we'll probably be doing some additional testing.

The synthetic fields require a base of 14 inches of material and that's between the drainage system that you have to lay, the different levels of aggregate, and what we've been talking about in house is rather than excavate those soils and go down 14 inches, we build up.

MR. KAUFMAN:

Cap it basically.

MS. MYLES:

Yes, essentially. But we'll certainly be absolutely open to whatever guidance we get from the Health Department.

MR. KAUFMAN:

I'm just looking at it from a County perspective. I mean, again, I think I said up front I thought it would be a very interesting use and I think it would be a good use for the area. I'm just, again, looking at it from a circular perspective and avoiding any liability on my end of things representing the County.

MS. MYLES:

The County owns 300 acres of agricultural properties that completely surround these and I have the soil sampling for that property. If you'd like I'd be happy to share it with you. I didn't bring it today.

MR. KAUFMAN:

Not a problem.

CHAIRMAN SWANSON:

Do we have a letter from the Supervisor saying that he is committed to renovation of the property?

MS. MYLES:

You have a -- well, we have a town board resolution, which -- I think I have it with me.

MS. FISCHER:

Is this it? Is this the one?

MS. MYLES:

Yes. In our resolution it commits to remove all structures, develop and maintain the park, authorizes us to enter into other agreements with the soccer club over there, to aid site preparation development and maintenance. We state within it that the County planning steps resolution indicated the Town of Huntington will demolish and remove any existing structures and will be responsible for the management and maintenance of the athletic fields to be constructed.

I know it's within the contract itself, the contract of sale specifies that the town is required to assume all burden of responsibility for any remediation that might be required on the site.

MR. KAUFMAN:

You know, we can put that kind of stuff, if we're not sure about the language and if we haven't seen it, we can put that into a recommendation.

CHAIRMAN SWANSON:

Jim, did you want to --

MR. BAGG:

Margo is correct in that when the County enters into the contract of sale with the town, that all those provisions are placed within the contract in terms of what the County -- the town is required to do. In this particular instance, the County is coming up with funding to help purchase the property and in the contract it specifies that the town will be responsible for demolition of the various structures and remediation of the site, as well as construction and management of the facilities.

CHAIRMAN SWANSON:

Thank you. Any other questions?

MR. KAUFMAN:

Yeah, I've got a couple. One, are there any historic buildings in this particular site that we're purchasing?

MS. MYLES:

No, no.

MR. KAUFMAN:

Has there been an historic analysis done at all? I'm just curious.

MS. MYLES:

The buildings -- I know I stated in the EAF the dates on the buildings. They were specified as well in the environmental assessment phase one.

MR. MALLAMO:

Do you remember basically what they were, Margo? I've been by this about a million times and I don't remember anything distinctive there. But I'd say mid-50?

MS. MYLES:

They date to -- yeah. 1937, 1950 and 1984. Those are the three structures.

MR. KAUFMAN:

Okay. It works for me. Now, this is a critical question from the CEQ perspective. The Town of Huntington I believe you said is going to be managing these properties once they're developed. Are they going to be restricted only to Town of Huntington residents or are they going to be available to Countywide citizens?

MS. MYLES:

It's my understanding that whenever the County enters into an agreement with the town for development of active facilities on properties that the County owns or co-owns that they cannot be restricted simply to the Town of Huntington. However, all programming will be coordinated fully through the town. They would have to request and take out a permit for the fields and/or coordinate any league play through the Department of Parks and Recreation.

MR. KAUFMAN:

Good enough. Thank you.

MS. SQUIRES:

Larry?

CHAIRMAN SWANSON:

Yes. Joy?

MS. SQUIRES:

I just wanted to say, Mike, in regard to this question, there isn't a town in Suffolk County that doesn't know those restrictions and those requirements when we do a shared acquisition. That you get right up front. Every Director of Parks and Recreation, every planning person knows that if you acquire anything that's going to be a park facility with shared County funds, whether it be active or whether it be passive, it's open to all of Suffolk County. You know, of course, Mr. McKay would do the programming on that, but we know and we've known through all of these acquisition programs that anything the County shares in, in terms of finances, the town must share with everyone in Suffolk County.

CHAIRMAN SWANSON:

Thank you.

MR. KAUFMAN:

Well, I hope you're right.

MS. MYLES:

This is actually the most expensive acquisition the town has entered into to date. Our share is \$2,055,562. We have already received a pledge of a minimum of \$500,000 from the Cold Spring Harbor Huntington Soccer Club. We've been speaking with the Huntington Lacrosse Club. We expect several of the user groups in the area to be assisting us with the development of the facility as well. And we have already begun discussion with Patricia Jordan on the

management agreement because we've been told that we have to have a draft management agreement in place before we can close.

CHAIRMAN SWANSON:

Any other questions?

MR. KAUFMAN:

One question. This chemical, I personally am not aware of. I've heard of it, deeldrin?

CHAIRMAN SWANSON:

It's a breakdown of DDT.

MR. KAUFMAN:

The Chairman just answered the question for me. Withdrawn.

CHAIRMAN SWANSON:

Anything else?

MR. KAUFMAN:

I'll make a motion that this is a Type I Action, negative declaration, with some recommendations that, as we've discussed over here, the board -- that the remediation plan basically meet the County's Department of Health requirements and also the Town of Huntington's requirements in that area. Does anyone else have any other recommendations that we think should go on? Okay.

MR. MALLAMO:

I'll second.

MR. KAUFMAN:

And that any remediation plan be carefully considered to take these things into account.

CHAIRMAN SWANSON:

We have a second. All in favor? Opposed?

MS. SQUIRES:

Please note my affirmative vote.

CHAIRMAN SWANSON:

The motion carries. Thank you, Margo.

MS. MYLES:

Thank you.

CHAIRMAN SWANSON:

Let's see. I guess that's all we have from you, Laretta. Is that correct?

MS. FISCHER:

Yes. I'm completed, thank you.

CHAIRMAN SWANSON:

Thank you. All right. Moving on to other business. A week or so ago I was supposed to attend a meeting with the County concerning the sewage treatment plant and the incineration facility. I got a call the day before saying that that meeting was not going to take place and that I guess the proposal to modify and construct the facility has been determined by the County Exec not to go forward. Jim, can you enlighten us any more on what is going on?

MR. BAGG:

I don't even know what the meeting is about.

CHAIRMAN SWANSON:

Okay. Anyway, there was a proposal, I guess you've seen it in the paper, where they were going to build a facility to incinerate sewage sludge as I recall and apparently that's -- will not go forward.

The other thing that you should be aware of is that Mike Kaufman attended, because I could not, a building -- a meeting with the Gabreski Airport Committee. Mike, could you fill us in briefly about what happened?

MR. KAUFMAN:

Yeah. For the Council's edification, a while back there was a proposal made to expand Jet Long Island or Jet East, I can't remember the exact name, facilities at Gabreski Airport and I believe we voted that to not -- to be a Type II Action because it was in an industrial park area of the airport. There were a number of different master plans that indicated that that kind of use and expanded use would not be a problem.

Basically it's inside a -- okay, lets see. There's a 1990 Suffolk County Airport Master Plan which indicated that industrial expansion in that particular area would be -- would be not a problem. There was the Pine Barrens Act which specifically exempted the -- that particular area of the airport from non-development, basically. It was designated as a receiving area for Pine Barrens credits. The area's zoned light industrial by the Town of Southampton. There's an SGPA plan, if I remember correctly, stating that a development in that area would not necessarily impact the groundwater in that area. There were basically a number of indicators that we were aware of. We gave a neg dec on it.

The Presiding Officer has asked us to basically take another look at it. There's -- apparently the application for Jet East is right now sitting at Economic Development.

There was a meeting wherein the Chairman was asked to attend, I attended in his stead, by the Gabreski Airport Citizens Advisory Board asking us basically what CEQ does, how we looked at the particular application, trying to make some of their concerns known to us and we tried to make some of our concerns known to them. We identified, again, some of these master plans and things like that. So Jim and I attended and we basically talked back and forth.

It was a very interesting meeting. Tom Isles was there, Jim Morgo. One or two people from Economic Development, etcetera. And so I think we all are sort of on the same wavelength at this point in time.

The application itself, again, is at Economic Development and it will eventually come back to CEQ and I guess we'll look at it with fresh eyes when it does come back. And we did ask that any of the Citizens Advisory Board if they had any concerns to try and attend the CEQ meeting that would be considering the project.

CHAIRMAN SWANSON:

Thanks, Mike. Also, I'd like to remind CEQ members that on the 29th I believe it is, there will be the first public hearing. I think the -- it's in Riverhead, correct?

MR. BAGG:

That's right. Six to nine.

CHAIRMAN SWANSON:

Six to nine and we'll make sure we know where to go.

MR. BAGG:

It's at the Legislative auditorium there.

CHAIRMAN SWANSON:

Okay. It's at the Legislative auditorium. At that meeting we will basically be hearing the public's view of the mosquito control plan. It's not our role to interact with the public. We are there to listen. Only in the case of clarification would we get involved in any dialogue with somebody speaking in the public.

We will probably work it so that each speaker, depending on the number of speakers we have, has between three and five minutes to speak. I wouldn't be surprised if there's a relatively large turnout, so we will have a major job of trying to keep everybody on task and on time, and that will be basically our role for that evening.

MS. SQUIRES:

Will there be a presentation?

CHAIRMAN SWANSON:

I have asked Cashin about that, and I think if there is a presentation it will be exceedingly brief.

MR. BAGG:

Larry, I also might point out there are two public hearings to be held on the draft generic environmental impact statement for the Vector Control operations. The other one is going to be July 6th here at Hauppauge at ten o'clock. So there's going to be one in the east end in Riverhead and one here in Hauppauge concerning that document.

CHAIRMAN SWANSON:

Okay. Any questions? All right. Historic Services.

MR. MARTIN:

Okay. We had a Historic Trust Committee meeting June 8th over at the Van Bourgondien House in West Babylon. At that meeting the new Babylon Town Historic Society gave a presentation on their organization, and also the fact that they would like to use the Van Bourgondien House for their new headquarters. We are just starting preliminary negotiations with the County Parks Department on the contract for that organization. That will probably take a while. They're just organizing themselves at this point. We do think -- the committee thought it was a good idea that the Historic Society could use that site.

This is a house that dates to 1929 and it was -- is the only building left from the nursery there, the Van Bourgondien Nursery on that property. And the house is a good example of a Tudor revival style from that time period.

MR. KAUFMAN:

Wait up one second.

MR. MARTIN:

Sure.

MR. KAUFMAN:

Are there -- is there anyone living in there at this point in time? I remember there was --

MR. MARTIN:

At this point it's vacant. It was under a landmark program or a rental program which we have not been able to fill. There's nobody that's approached the County to use that site, so now we're opening up for other ideas and this would be one of the ideas.

MR. KAUFMAN:

I'm just trying to remember. Wasn't there talk about housing some nurses in there or something or that fell apart.

MR. MARTIN:

That fell apart, yes.

MR. KAUFMAN:

Okay.

MR. MARTIN:

It was used for housing in the past through the County. At this meeting we also reviewed it formally to dedicate it to the Historic Trust and that was approved by the committee and also was announced at the Babylon Landmark Commission and was preparing a nomination to list this house on the town's landmark list within the Town of Babylon, which of course with our properties is basically honorary, but we do welcome those -- that recognition.

MR. KAUFMAN:

Is it -- could this go on to the national register at all?

MR. MARTIN:

We are going to take a look at that and have the State review the property, yes.

There were a lot of questions at this meeting on the new accounting procedures that have been put into the agreements to -- as we go forward with the new organizations and historic societies that go out of our Historic Trust sites. The Commissioner will be addressing the committee on these procedures in the near future. He is still trying to get the answers on how this is to work and the documentation that is going to be needed from these groups on their accounting.

And the next meeting is scheduled to be at Third House in Montauk at Theodore Roosevelt County Park. That will be the week of July 10th and that is to review the restoration projects that's now in progress and the date has not been set for that meeting.

CHAIRMAN SWANSON:

You'll let us know?

MR. MARTIN:

Yes.

CHAIRMAN SWANSON:

Who is our designee, Lance?

MR. MARTIN:

Lance Mallamo.

CHAIRMAN SWANSON:

But we all can attend.

MR. MARTIN:

Yes. If you'd like, I can send out a notice to everybody.

CHAIRMAN SWANSON:

Okay. Thank you. Are you having Shakespeare in the Park out there this summer?

MR. MARTIN:

As of now, no. The cabins and the motel unit there were offered to the construction contractor because of the difficulty in traveling out there on a regular basis, and it's also being used for Park office space now. All of Third House has been vacated because of the work going on. So we need to move the County Park Offices into the motel units.

CHAIRMAN SWANSON:

Okay. Is that it?

MR. MARTIN:

Yes.

CHAIRMAN SWANSON:

Okay. CAC concerns.

MS. SQUIRES:

Yes, I have two things I'd like to bring up. Mr. Kaufman came over to me after I had voted on the Mohlenhoff property and he suggested that it might not have been appropriate for me to vote. So let me clarify and I would like clarification from somebody as to whether in these cases I should and I'm permitted to vote.

I am Chair of the Town of Huntington's Open Space Committee. Therefore, I look at all projects as Chair. The Open Space Committee votes, makes the recommendation to the town board. I am not a decision making person, except in terms of making the decision as to whether we're going to acquire or not. The recommendation goes to the town board.

Mike, it's the town board that is the voting body that decides yes or no and makes all the commitments. So in regard to what you suggested, I don't see how it's inappropriate for me to vote, but I certainly have no legal experience and Mike does. So maybe, Jim, you could -- you could find out for me what's appropriate since Mike raised a question.

MR. BAGG:

Basically, I mean, you're also on the CAC, which is Citizens Advisory Committee. I mean, all these boards are citizens and that's why you come to CEQ as a citizen to alert them of the fact as to what your board and what your thinking is in the Town of Huntington and you're allowed a vote. I mean, unless you're getting paid to review one of these projects or you are actually the proposer where you are planning it out and building it for one reason or another, I don't see any reason why you cannot vote on CEQ as a Citizens Advisory Member to the Council.

MS. SQUIRES:

Okay. Thank you very much. Mike, does that satisfy you?

CHAIRMAN SWANSON:

I thought that was your role, quite frankly.

MR. BAGG:

It is.

DR. POTENTE:

I would like to agree with that, with Jim. I think that's the very reason that you're here.

CHAIRMAN SWANSON:

You had another question?

MS. SQUIRES:

I just -- the CEQ is part of NYSAEM, the New York State Association of Environmental Management Councils, and there is a meeting on Monday. It is a DEC update meeting on

various issues. I will attend that meeting as president of the other organization. And I'll bring back -- I don't know if anyone from CEQ is attending, but I will bring back any information that I think is, you know, might be interesting to you.

MR. KAUFMAN:

Where is it going to be located?

MS. SQUIRES:

It's in Albany at 9:30.

CHAIRMAN SWANSON:

We appreciate that, Joy. Any other business? If not, we have a motion to adjourn.

DR. POTENTE:

I'll make the motion to adjourn.

CHAIRMAN SWANSON:

Second?

MR. KAUFMAN:

I'll second such a motion.

CHAIRMAN SWANSON:

All in favor? Motion passes. Thank you very much and we'll see you on the 29th in Riverhead.

(The meeting was adjourned at 10:36 AM)