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|    | 2    | COUNCIL ON ENVIRONMENTAL QUALITY                          |
|    | 3    | Х   |
|    | 4    | BOARD MEETING   |
|    | 5    | Х   |
|    | 6    | March 21, 2007<br>9:30 a.m.                               |
|    | 7    | 100 Veterans Memorial Highway                             |
|    | 8    | Hauppauge, New York                                       |
|    | 9    |   |
|    | 10   |   |
| s. | . 11 | BEFORE  |
|    | 12   | LARRY SWANSON, Chairperson                                |
|    | - 13 |   |
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|    | 23   |   |
|    | 24   | ACCURATE COURT REPORTING SERVICES, INC.<br>6 FRANCES LANE |
|    | 25   | PORT JEFFERSON, NEW YORK 11777<br>631-331-3753            |
|    |      |   |

| 1   |                                       |
|-----|---------------------------------------|
| 2   | APPEARANCES:                          |
| 3   |                                       |
| 4   | MICHAEL KAUFMAN, Vice Chairperson     |
| 5   | LANCE MALLAMO (not present)           |
| 6   | VIVIAN VILORIA-FISHER, Legislator     |
| 7   | JIM BRAGG                             |
| 8   | JOYCE GRIGONTO (not proment)          |
| Ç   | ion appioNT (not present)             |
| 10  | BRIAN TYMAN (not present)             |
| 11  | ENRICO G. NARDONE                     |
| 12  | n gent syn i ny.<br>A man t i         |
| 10  | GLORIA G. RUSSO                       |
| 14  | DANIEL PICHNEY (not present)          |
| 15  | LAUREN ELIZABETH STILES (not present) |
| 16  | JOHN E. POTENTE                       |
| 17  | STEVE BROWN                           |
| 18  | JOY SQUIRES (not present)             |
| 19  | RICHARD MARTIN                        |
| 20  | ZED YOUNGMAN                          |
| 21  |                                       |
| 22  | ALSO PRESENT:                         |
| 23  | JAY SCHNEIDERMAN                      |
| 24  | ANTHONY CEGLIO                        |
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25 WILLIAM McSHANE

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| 2  | ROY R. FULKERSON   |
| 3  | ANDREW SPEISER   |
| 4  | CARRIE MEEK GALLAGHER                                    |
| 5  | WALTER DAWDIAK, JR.                                      |
| 6  | LIURETTA FISCHER   |
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| 24 | ACCURATE COURT REPORTING SERVICES, INC<br>6 FRANCES LANE |
| 25 | PORT JEFFERSON, NEW YORK 11777<br>631-331-3753           |

| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | MR. SWANSON: I'd like to           |
| 3  | call the meeting to order. First,  |
| 4  | I'd like to welcome Zed Youngman.  |
| 5  | Zed has been appointed by the Town |
| 6  | of Southampton to be a CAC member  |
| 7  | for CEQ, so welcome to the Board.  |
| 8  | MR. YOUNGMAN: Thank you.           |
| 9  | MR. SWANSON: Anybody check         |
| 10 | the minutes that were posted on    |
| 11 | the Web site?                      |
| 12 | MS. RUSSO: The January             |
| 13 | meeting, I read through them, and  |
| 14 | they were fine. Corrections, I     |
| 15 | found certain words that were not  |
| 16 | heard properly, I have them        |
| 17 | written up.                        |
| 18 | MR. SWANSON: Okay. We can          |
| 19 | submit them to the stenographer    |
| 20 | and they can correct them.         |
| 21 | Anybody else have any              |
| 22 | corrections, additions?            |
| 23 | (No response.)                     |
| 24 | MR. SWANSON: Do we have a          |
| 25 | motion to adopt them?              |
|    |                                    |

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| 1  | Council on Environmental Quality   |
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| 2  | MS. RUSSO: I make a                |
| 3  | motion.                            |
| 4  | MR. SWANSON: We have a             |
| 5  | motion. And a second?              |
| 6  | MR. NARDONE: Second.               |
| 7  | MR. SWANSON: We have a             |
| 8  | second. All in favor?              |
| 9  | (Whereupon, all those in           |
| 10 | favor responded, "aye".)           |
| 11 | MR. SWANSON: Opposed?              |
| 12 | (No audible response.)             |
| 13 | MR. SWANSON: The motion is         |
| 14 | carried. The minutes, with the     |
| 15 | small correction, will be          |
| 16 | accepted.                          |
| 17 | MR. KAUFMAN: I abstain.            |
| 18 | MR. SWANSON: We have one           |
| 19 | abstention.                        |
| 20 | Correspondence. Do you             |
| 21 | want to bring anything to our      |
| 22 | attention? Jim?                    |
| 23 | MR. BAGG: Yes. I might             |
| 24 | point out that the Council has     |
| 25 | received numerous letters from the |

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| 1  | Council on Environmental Quality   |
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| 2  | local community. I have copied     |
| 3  | all those letters. They're         |
| 4  | regarding Long Island Jet.         |
| 5  | They're in the packet. I might     |
| 6  | just quickly go over who they are. |
| 7  | We've placed them, also, in the    |
| 8  | stenographer's folder. One is by   |
| 9  | Mr. Menay, proposes (sic) Long     |
| 10 | Island Jet development. He said    |
| 11 | they received the Council's        |
| 12 | request for further information.   |
| 13 | However, since the packet is       |
| 14 | formidable to analyze, they would  |
| 15 | like to get their comments in to   |
| 16 | CEQ by the April 18th, 2007        |
| 17 | meeting.                           |
| 18 | There is a fax by a Robert         |
| 19 | J. Mozer, Certified Professional   |
| 20 | Geologist, regarding impacts to    |
| 21 | the ground water regarding Long    |
| 22 | Island Jet.                        |
| 23 | There's a letter in there          |
| 24 | from Gail Clyma the Council        |
| 25 | regarding Long Island Jet          |
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| 1  | Council on Environmental Quality   |
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| 2  | expansion and Gabreski, and        |
| 3  | questioning some aspects of the    |
| 4  | master plan.                       |
| 5  | There's a letter in there          |
| 6  | from HUSH Quiet Skies, Inc., which |
| 7  | is from James Siegel, also         |
| 8  | questioning the CEQ's former       |
| 9  | recommendation with respect to     |
| 10 | Long Island Jet and the aquifer.   |
| 11 | A letter in there the              |
| 12 | Council from Mr. Halsey asking the |
| 13 | Council to voluntarily re-review   |
| 14 | the Long Island Jet application    |
| 15 | based on the recommendations of    |
| 16 | the advisory panel.                |
| 17 | A letter in there from the         |
| 18 | desk of Sharon Frost also          |
| 19 | questioning the CEQ's former       |
| 20 | finding and recommendation.        |
| 21 | And a letter was sent to           |
| 22 | Mr. Levey. There probably were     |
| 23 | about 80 letters in there saying   |
| 24 | that they did not feel that the    |
| 25 | CEQ recommendation, which ran      |

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| 1  | Council on Environmental Quality   |
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| 2  | against the CAP recommendation,    |
| 3  | was the best alternative, and they |
| 4  | wanted more stringent review.      |
| 5  | In addition, there was a           |
| 6  | letter in there from Cecelia       |
| 7  | Lazarescu along the same thing     |
| 8  | regarding the Long Island Jet      |
| 9  | operation.                         |
| 10 | These are all in the packet        |
| 11 | for review and reading and         |
| 12 | consideration, as well as          |
| 13 | information from Mr. DeLuca, which |
| 14 | is quite lengthy, regarding the    |
| 15 | Long Island Jet application.       |
| 16 | MR. SWANSON: Okay, thank           |
| 17 | you, Jim.                          |
| 18 | Just remind everybody that         |
| 19 | as we go through this, if you are  |
| 20 | representing if you're in the      |
| 21 | public, feel free to speak up when |
| 22 | we reach the particular topic that |
| 23 | you're interested in. Jim, you     |
| 24 | want to bring in the Type II       |
| 25 | actions to our attention?          |

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Council on Environmental Quality

MR. BAGG: Basically, the 2 packet's fairly straightforward. 3 Either the CEQ has reviewed past 4 actions or most of them Type II. 5 One of the interesting things I 6 7 bring before your attention is introductory resolution 1171 of 8 2007, where the Suffolk County 9 Legislature is adopting a local 10 law to establish the Conservation 11 12 Assessment Committee. I believe the committee was established 13 14 through the County Executive 15 Board, and now the Legislature has qot a resolution to formally 16 formalize that committee for 17 appointment. So that is before 18 19 you in the Long Island Jet thing. 20 MR. SWANSON: Any questions of Jim concerning the staff 21 recommendations? 22 MR. KAUFMAN: That last 23 24 bill you mentioned is my bill. Ιf you want any particular 25

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| 1  | Council on Environmental Quality   |
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| 2  | information, I can certainly       |
| 3  | explain it. ACAP is an advisory    |
| 4  | panel which was created to advise  |
| 5  | this body and the Legislature and  |
| 6  | was created by executive order.    |
| 7  | That's fairly unusual. There's a   |
| 8  | separation of government in        |
| 9  | Suffolk County. There's an         |
| 10 | executive branch and a legislative |
| 11 | branch. CEQ was created by the     |
| 12 | Legislature, not by the County     |
| 13 | Executive, to advise the           |
| 14 | Legislature. Typically, the        |
| 15 | Legislature creates committees to  |
| 16 | advise it. The idea was that ACAP  |
| 17 | would be able to make              |
| 18 | recommendations that would then be |
| 19 | considered by CEQ before making a  |
| 20 | determination, as well as the      |
| 21 | Legislature, and should the        |
| 22 | Legislature disagree with those    |
| 23 | recommendations, they would have   |
| 24 | to make some kind of finding as to |
| 25 | why the recommendations of ACAP    |

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Council on Environmental Quality 1 were being set aside. Through 2 3 this legislation, there would be a statutory mechanism to do that so 4 5 we couldn't ignore those recommendations. 6 Right now, the way it's set 7 up through executive order, it's 8 9 really set up to only advise the County Executive. So there's 10 nothing that requires this 11 12 committee or the Legislature to 13 consider and make any kind of findings on that. So it would 14 15 strengthen the role of ACAP. We know in the Long Island Jet 16 17 situation, we have a situation where ACAP has recommended a 18 positive declaration. This body, 19 20 at least in the first go-round, recommended a negative 21 22 declaration. I don't know that you've made a specific finding as 23 24 to why ACAP is wrong in that situation, so my bill really would 25

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | require you to take that hard look |
| 3  | at ACAP's recommendations, and     |
| 4  | there would be really no way       |
| 5  | around it, because it would be     |
| 6  | statutory, at least for the        |
| 7  | Legislature to take that hard      |
| 8  | look. Thank you.                   |
| 9  | MR. SWANSON: Thank you.            |
| 10 | Any other comments on the Type II  |
| 11 | recommendation? Make a motion?     |
| 12 | MR. KAUFMAN: Make a motion         |
| 13 | to accept staff recommendations.   |
| 14 | MR. SWANSON: I have a              |
| 15 | second?                            |
| 16 | (No audible response.)             |
| 17 | MR. SWANSON: Second.               |
| 18 | All in favor?                      |
| 19 | (Whereupon, all those in           |
| 20 | favor responded, "aye".)           |
| 21 | MR. SWANSON: Opposed?              |
| 22 | (No audible response.)             |
| 23 | MR. SWANSON: Abstention?           |
| 24 | (No audible response.)             |
| 25 | MR. SWANSON: Motion                |

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ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

| 1  | Council on Environmental Quality   |
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| 2  | carries. If there are no           |
| 3  | objections from the Board, I am    |
| 4  | going to move up the other         |
| 5  | business item and get that out of  |
| 6  | the way. That's the discussion of  |
| 7  | the public scoping for Suffolk     |
| 8  | County shellfish agriculture lease |
| 9  | program. Are there any objections  |
| 10 | to moving that up?                 |
| 11 | (No audible response.)             |
| 12 | MR. SWANSON: Okay, Dewitt,         |
| 13 | do you want to introduce yourself  |
| 14 | and tell us what you have in mind. |
| 15 | MR. DAVIES: Thank you,             |
| 16 | Mr. Chairman. My name's Dewitt     |
| 17 | Davies, chief environmental        |
| 18 | analyst for Suffolk County         |
| 19 | Department of Planning. I'm        |
| 20 | referencing here a letter that the |
| 21 | Director of the Planning           |
| 22 | Department, Tom Iles, sent to the  |
| 23 | chairman, and it's a request       |
| 24 | it's an identification of the fact |
| 25 | that the Department of Planning is |
|    |                                    |

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Council on Environmental Quality 1 2 taking the steps necessary to conduct a public scoping hearing 3 on the preparation of the Suffolk 4 County shellfish agriculture lease 5 program, and as we speak at this 6 7 point, a draft document is in 8 preparation, draft scoping document, to be reviewed by the 9 10 Lease Program Advisory Committee tomorrow at its meeting scheduled 11 12 out in Riverhead. Tom Isles has asked the Chairman here to see 13 what role we'd like to play, the 14Council of Environmental Quality 15 would like to play in this 16 17 process. I talked to Tom yesterday, 18 and he indicated that the outback 19 will be conducting this particular 20 21 hearing, but he wanted to know if 22 CEQ would like to participate formally in that process, 23 24 co-chairing it, for example, or in any other way that we would 25

ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

| Council on Environmental Quality   |
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| accommodate the concerns here of   |
| this particular group. So that's   |
| the nature of the request.         |
| MR. SWANSON: Okay. You             |
| might explain in a little more     |
| detail what exactly the activity   |
| is. I'm not sure that everybody    |
| here on the Board is familiar with |
| what is being proposed.            |
| MR. DAVIES: Yes. In                |
| response to the passage of a State |
| law in 2004, which was codified in |
| the Environmental Conservation     |
| Law, the State of New York ceded   |
| property of underwater lands in    |
| Peconic Bays approximately 110,000 |
| acres or so to the County for the  |
| purposes of establishing           |
| implementing a shellfish           |
| agriculture lease program for this |
| area. Approximately, two years     |
| ago, the County appropriated       |
| funding for the conduct of a       |
| capital project for this effort.   |
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| 1  | Council on Environmental Quality   |
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| 2  | An Agriculture Lease Program       |
| 3  | Advisory Committee was established |
| 4  | by executive order; had 17         |
| 5  | members. Representatives from      |
| 6  | each of the five East End towns,   |
| 7  | for example, were on that          |
| 8  | committee, as well as              |
| 9  | environmental groups, fishermen,   |
| 10 | etcetera. We've been meeting, and  |
| 11 | in fact, just in January and       |
| 12 | February, we conducted two public  |
| 13 | kickoff meetings for this project, |
| 14 | one held in the north fork, one    |
| 15 | held in the south fork, attended   |
| 16 | very well in both sessions, to     |
| 17 | hear the initial comments from the |
| 18 | public, pro and con, on this       |
| 19 | program.                           |
| 20 | We have a consultant under         |
| 21 | contract to do a lot of the        |
| 22 | technical work, and they have      |
| 23 | started their work on the project. |
| 24 | There is, as you well know, an     |
| 25 | extensive environmental review     |

| 1  | Council on Environmental Quality   |
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| 2  | process required. Since this is a  |
| 3  | new program, this is something     |
| 4  | that has not been done before by   |
| 5  | the County, per se. It affects a   |
| 6  | potentially large area in terms of |
| 7  | the region in Peconic, New York,   |
| 8  | as based, and, therefore, it's     |
| 9  | really a no-brainer with respect   |
| 10 | to whether or not this is a Type I |
| 11 | action requiring an FGEIS          |
| 12 | preparation.                       |
| 13 | So we tried we                     |
| 14 | anticipated that happening. We     |
| 15 | are awaiting action on a           |
| 16 | resolution that was before the     |
| 17 | Legislature yesterday, which was a |
| 18 | positive declaration. I don't      |
| 19 | know what happened with that, I'll |
| 20 | find that out, but given the fact  |
| 21 | that once all these authorizations |
| 22 | are in place, we will then address |
| 23 | all of the required timing of      |
| 24 | notices and what have you that we  |
| 25 | have to send out to hopefully      |

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| 1  | Council on Environmental Quality   |
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| 2  | conduct a public scoping meeting   |
| 3  | on the draft document. Probably    |
| 4  | during the week of April 23rd or   |
| 5  | April 30th. That's the timing      |
| 6  | that we're looking at. We don't    |
| 7  | have a date yet, we don't have a   |
| 8  | place. Most likely, that hearing   |
| 9  | will be conducted late in the day, |
| 10 | probably in Riverhead, but we will |
| 11 | have to establish that. We will    |
| 12 | discuss those details also         |
| 13 | tomorrow, also.                    |
| 14 | I know I had a discussion,         |
| 15 | preliminary discussion, with       |
| 16 | Mr. Kaufman about some of the      |
| 17 | things that he brought up at the   |
| 18 | previous meeting concerning this   |
| 19 | project, but in any way that we    |
| 20 | can accommodate this group's       |
| 21 | involvement, we would be happy to  |
| 22 | do so. The project is              |
| 23 | approximately 18 months in         |
| 24 | duration, and we do have to follow |
| 25 | a rather rigorous time schedule in |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | order to complete the project      |
| 3  | because of the sunset date in the  |
| 4  | State law which would authorize    |
| 5  | the County to do this particular   |
| 6  | work. So we will be going through  |
| 7  | the whole process of collecting    |
| 8  | information in Peconic on this     |
| 9  | basis in terms of its              |
| 10 | characteristics, its use patterns, |
| 11 | etcetera, to define a shellfish    |
| 12 | cultivation zone within which      |
| Í3 | leasing could potentially occur.   |
| 14 | We also looked at all the          |
| 15 | administrative aspects of the      |
| 16 | leasing program in terms of how    |
| 17 | that program would occur, taking   |
| 18 | into consideration all the         |
| 19 | comments that we will receive      |
| 20 | during this process. Everything    |
| 21 | is public, everything is open.     |
| 22 | All of our work will be posted on  |
| 23 | our Web site, and again, all of    |
| 24 | the ALPAC meetings, the            |
| 25 | Agriculture Lease Program Advisory |
|    |                                    |

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| Council on Environmental Quality   |
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| Committee meetings are open to the |
| public and are advertised as such. |
| People are given the opportunity   |
| to comment at the end of those     |
| meetings.                          |
| MR. SWANSON: Do you have           |
| any strong feelings one way or the |
| other about the role of CEQ in     |
| this process?                      |
| MR. DAVIES: I think CEQ            |
| has a very important role in this  |
| process. Given, again, the         |
| structured role that we have to    |
| fulfill in terms of preparing this |
| program, vetting it and getting    |
| before the Suffolk County          |
| Legislature at the end of the      |
| project. This is again,            |
| everything that will be done in    |
| this work will be in the form of a |
| recommendation to the County       |
| Legislature. So we do have to go   |
| through the procedure, and there   |
| is nothing in an administrative    |
|                                    |

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| 1  | Council on Environmental Quality   |
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| 2  | sense that the Department of       |
| 3  | Planning will or can do prior to   |
| 4  | the adoption of whatever           |
| 5  | recommendations, whatever program  |
| 6  | stipulations that we have, again,  |
| 7  | has to be adopted by local law.    |
| 8  | So that's why we want to go        |
| 9  | through the whole process.         |
| 10 | MR. SWANSON: Okay. Any             |
| 11 | questions of Mr. Davies?           |
| 12 | MR. KAUFMAN: You have no           |
| 13 | problem having this as a joint     |
| 14 | scoping session?                   |
| 15 | MR. DAVIES: None                   |
| 16 | whatsoever. Again, it's at your    |
| 17 | discretion what you want to do.    |
| 18 | MR. KAUFMAN: The reason I          |
| 19 | bring that up with you, we have    |
| 20 | had some experience here at CEQ in |
| 21 | dealing with scoping, and frankly, |
| 22 | also the plan, when it does get    |
| 23 | developed, eventually comes to us  |
| 24 | for review before it goes to       |
| 25 | finalization at the Legislature.   |
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ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

|    | —                                  |
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| 1  | Council on Environmental Quality   |
| 2  | And I personally think that it     |
| 3  | would be better if we were         |
| 4  | involved somewhat up front in the  |
| 5  | scoping process and to have an     |
| 6  | idea where it's all going. So      |
| 7  | that's my opinion.                 |
| 8  | MR. BAGG: You asked what           |
| 9  | the role of CEQ is. CEQ plays a    |
| 10 | very important role in the         |
| 11 | administration of SEQRA, so        |
| 12 | irrespective of the scoping, once  |
| 13 | the DGIS is done, the draft will   |
| 14 | have to be submitted to CEQ, and   |
| 15 | CEQ will have to approve a draft   |
| 16 | to DGIS in compliance, and they    |
| 17 | will have to make a recommendation |
| 18 | to the Legislature. As to the      |
| 19 | next step of SEQRA, if an          |
| 20 | environmental impact statement is  |
| 21 | required, they will then come back |
| 22 | in to CEQ for review, and your     |
| 23 | recommendation will then go to the |
| 24 | Legislature before the Legislature |
| 25 | files a finding statement on that. |
|    |                                    |

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| 1  | Council on Environmental Quality   |
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| 2  | So the CEQ plays a very important  |
| 3  | role in every step of this         |
| 4  | particular process. And as Mike    |
| 5  | pointed out, members of the CEQ    |
| 6  | should also be involved in the     |
| 7  | scoping process.                   |
| 8  | And, Dewitt, you mentioned         |
| 9  | that the hearing and planning is   |
| 10 | going to be held the week of       |
| 11 | either April 23rd or April 30th?   |
| 12 | MR. DAVIES: That's                 |
| 13 | tentative, Jim.                    |
| 14 | MR. BAGG: A scope that is          |
| 15 | passed by your committee, the      |
| 16 | preliminary scope for the DGIS, I  |
| 17 | assume you can get the Council     |
| 18 | members?                           |
| 19 | MR. DAVIES: Yes. There's           |
| 20 | a meeting tomorrow to discuss a    |
| 21 | preliminary draft of the scoping   |
| 22 | document. We will then revise      |
| 23 | that, and again, pending the       |
| 24 | outcome of the resolution before   |
| 25 | the Legislature yesterday, if that |

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ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

| 1  | Council on Environmental Quality   |
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| 2  | passes, then we can begin that     |
| 3  | process, and we can provide a copy |
| 4  | of that draft, which will be       |
| 5  | distributed to Council members,    |
| 6  | and everybody on the council can   |
| 7  | get that, too.                     |
| 8  | MR. BROWN: How does the            |
| 9  | Trustees represent this?           |
| 10 | MR. DAVIES: The planning           |
| 11 | area for this project extends into |
| 12 | the middle of Gardners Peconic     |
| 13 | Bay. It starts at the thousand     |
| 14 | foot line offshore from high       |
| 15 | water, so all of the underwater    |
| 16 | land involved is State owned. It   |
| 17 | does not involve any of the        |
| 18 | Trustee or Town owned bottoms      |
| 19 | within, you know, local bays,      |
| 20 | creeks, canals, what have you.     |
| 21 | It's offshore. For example, we do  |
| 22 | have some trustees on the advisory |
| 23 | committee for the Town of          |
| 24 | Southampton, for example. When     |
| 25 | the committee was formed, the East |

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ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | End supervisors were contacted,    |
| -3 | and they were given the discretion |
| 4  | to select the particular           |
| 5  | representatives on the group, and  |
| 6  | the Town of Southampton            |
| 7  | supervisor, for example, selected  |
| 8  | the trustees, John Simila and Ed   |
| 9  | Warner, Jr. The Town of East       |
| 10 | Hampton selected John Aldrid, and  |
| 11 | we also have a representative from |
| 12 | the East Hampton Bay Man's         |
| 13 | Association as a member of this    |
| 14 | committee. And similarly, the      |
| 15 | other towns were involved, also.   |
| 16 | We have the Nature                 |
| 17 | Conservancy on the committee, the  |
| 18 | State of New York, New York State  |
| 19 | DEC, several county departments.   |
| 20 | Legislator Fisher is, as chairman  |
| 21 | of the EPA Committee, a designated |
| 22 | member on this particular board.   |
| 23 | MR. KAUFMAN: Following up          |
| 24 | on Steve's question, ownership     |
| 25 | interest as owned by Town trustees |
|    |                                    |

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ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | and sometimes by the Town itself,  |
| 3  | the difference is possibly going   |
| 4  | to be an important thing when      |
| 5  | you're dealing with beaches,       |
| 6  | etcetera. I assume that you're     |
| 7  | probably going to try to take that |
| 8  | into account in your discussions   |
| 9  | as to how to design leases and     |
| 10 | also the DGEIS, if and when you    |
| 11 | end up preparing one, boundary     |
| 12 | issues and ownership interests are |
| 13 | something that has to be           |
| 14 | considered as part of this         |
| 15 | process.                           |
| 16 | MR. DAVIES: That's                 |
| 17 | correct.                           |
| 18 | MR. SCHNEIDERMAN: How far          |
| 19 | out do those leases go in terms of |
| 20 | do they go into the town of        |
| 21 | East Hampton or is it just         |
| 22 | Southampton?                       |
| 23 | MR. DAVIES: The eastern            |
| 24 | area of the area that was ceded by |
| 25 | the State of New York to the       |
|    |                                    |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | County for this purpose extends    |
| 3  | form the eastern end of Plum       |
| 4  | Island down through to Golf Point  |
| 5  | at that harbor. So everything      |
| 6  | west of that line was ceded to the |
| 7  | County for this purpose, again,    |
| 8  | including that area between high   |
| 9  | water and a thousand foot. So the  |
| 10 | thousand foot buffer along the     |
| 11 | shoreline is not part of this      |
| 12 | process. There is a portion of     |
| 13 | that area, in the town of East     |
| 14 | Hampton, which is in that          |
| 15 | particular planning area zone. We  |
| 16 | are looking at the entire area     |
| 17 | there to determine which areas     |
| 18 | should not be leased for           |
| 19 | environmental use and other        |
| 20 | reasons, conflicts, what have you. |
| 21 | And we're aware of, you know, the  |
| 22 | opinions from individuals in the   |
| 23 | town of East Hampton, for example, |
| 24 | of the importance of Gardners Bay  |
| 25 | to the draggers, etcetera.         |

ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

|    | 20                                 |
|----|------------------------------------|
| 1  | Council on Environmental Quality   |
| 2  | They've voiced that concern. In    |
| 3  | the town of Southampton, there is  |
| 4  | a lot of support for the project   |
| 5  | in terms of providing an           |
| 6  | opportunity for bay men to remain  |
| 7  | on the water and develop the       |
| 8  | skills necessary to advance, for   |
| 9  | example, oyster culturing, cages,  |
| 10 | etcetera.                          |
| 11 | MR. SCHNIEDERMAN: I might          |
| 12 | suggest that you reach out         |
| 13 | directly to the East Hampton Town  |
| 14 | trustees, because the individual   |
| 15 | you mentioned is not a trustee.    |
| 16 | So in Southampton, yes, you have   |
| 17 | trustee representations, but you   |
| 18 | may run into problems if you don't |
| 19 | involve the trustees themselves in |
| 20 | East Hampton.                      |
| 21 | MR. DAVIES: We got a               |
| 22 | letter from Norm Edwards           |
| 23 | MR. SCHNEIDERMAN: Yeah,            |
| 24 | okay.                              |
| 25 | MR. DAVIES: and I                  |
|    |                                    |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | talked to him on the phone about   |
| 3  | it. We will visit all these        |
| 4  | groups to whatever extent we need  |
| 5  | to do to make sure that they are   |
| 6  | involved. We'll be talking to      |
| 7  | individuals out on the East End.   |
| 8  | When there is involvement with a   |
| 9  | governmental group, we will make   |
| 10 | sure we're there to discuss the    |
| 11 | entire program with them, and      |
| 12 | we'll definitely make arrangements |
| 13 | to do that.                        |
| 14 | MR. SWANSON: It seems like         |
| 15 | it would be appropriate for the    |
| 16 | CEQ, actually, to participate in   |
| 17 | the scoping. Is there anybody      |
| 18 | that is particularly interested in |
| 19 | being part of that process?        |
| 20 | Mr. Nardone and Mr.                |
| 21 | Kaufman. So will you please        |
| 22 | represent the CEQ in the scoping   |
| 23 | process, along with Dewitt? And    |
| 24 | one of the questions you asked was |
| 25 | whether we wanted to co-chair it   |
|    |                                    |

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ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

| 1  | Council on Environmental Quality  |
|----|-----------------------------------|
| 2  | or not. Why don't you talk to     |
| 3  | these two gentlemen and see what  |
| 4  | you can work out rather than us   |
| 5  | just making a decision right now. |
| 6  | May be appropriate, may not be    |
| 7  | appropriate. Is that okay?        |
| 8  | MR. DAVIES: That's very           |
| 9  | good.                             |
| 10 | MR. SWANSON: One other            |
| 11 | request. There is a person in the |
| 12 | audience who I know wants to talk |
| 13 | to you about this as you leave,   |
| 14 | and that's Christine O'Connell.   |
| 15 | She's the one with the red        |
| 16 | neckerchief back there, so if you |
| 17 | could talk to Christine about the |
| 18 | overall program, I would          |
| 19 | appreciate it.                    |
| 20 | MR. DAVIES: I'll do that.         |
| 21 | MR. SWANSON: Okay.                |
| 22 | MR. DAVIES: Thank you very        |
| 23 | much.                             |
| 24 | MR. SWANSON: Thank you.           |
| 25 | All right. Going back to          |
|    |                                   |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | the agenda, proposed LEED          |
| 3  | Compliance program for Suffolk     |
| 4  | County Police Department 4th       |
| 5  | Precinct. Please identify          |
| 6  | yourself for the record. I'd       |
| 7  | appreciate it.                     |
| 8  | MR. LARSON: Okay. My name          |
| 9  | is Keith Larson. I'm the           |
| 10 | Assistant County Architect for the |
| 11 | Department of Public Works. Okay,  |
| 12 | basically, as per our meeting last |
| 13 | month, I have come in to amend the |
| 14 | LEEDs Compliance report that was   |
| 15 | resubmitted to you and show that   |
| 16 | we are complying with the intent   |
| 17 | of the legislation, which was to   |
| 18 | achieve a minimum of 26 points.    |
| 19 | Originally, we came in previously  |
| 20 | with 24 points likely and 22       |
| 21 | points possible, and we've revised |
| 22 | that to 31 points likely and       |
| 23 | 15 points additionally possible.   |
| 24 | And by doing this, we were hoping  |
| 25 | that we can get a nonconditional   |

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ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | approval.                          |
| 3  | MR. SWANSON: Thank you. I          |
| 4  | have several questions with regard |
| 5  | to your proposal, if you don't     |
| 6  | mind me going through and asking   |
| 7  | you. Are there going to be water   |
| 8  | fountains in the building?         |
| 9  | MR. LARSON: Yes.                   |
| 10 | MR. SWANSON: Okay. One of          |
| 11 | the things I think the County can  |
| 12 | do is assure that there is public  |
| 13 | drinking water in all its          |
| 14 | buildings, and that will end up    |
| 15 | helping reduce the flow of these   |
| 16 | plastic bottles that are           |
| 17 | everywhere. I also wanted to ask   |
| 18 | you, you're taking a point for     |
| 19 | alternative transportation by      |
| 20 | supplying bicycle racks and a      |
| 21 | shower. Well, I know you have no   |
| 22 | control over how many people are   |
| 23 | actually going to ride bicycles.   |
| 24 | My concern is that it's probably   |
| 25 | going to be close to zero, and I'm |
|    |                                    |

| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | really wondering if that's         |
| 3  | legitimate to take that point.     |
| 4  | Even though you're going to        |
| 5  | provide the bicycle rack and       |
| 6  | shower, I wonder what the reality  |
| 7  | of that is. Can you comment on     |
| 8  | that?                              |
| 9  | MR. LARSON: I guess it's           |
| 10 | kind of an easily achievable point |
| 11 | to implement. However, I'm not     |
| 12 | sure exactly on the numbers.       |
| 13 | There actually may be employees    |
| 14 | that are nearby that would         |
| 15 | bicycle. I agree it's probably     |
| 16 | going to be a very low number, if  |
| 17 | any. But we put it in as a likely  |
| 18 | point, and it's something that we  |
| 19 | will consider as we do the         |
| 20 | project. We will be reporting      |
| 21 | back to the Legislature as to what |
| 22 | points we are achieving at the end |
| 23 | of the project, and if this is     |
| 24 | something that, you know, we find  |
| 25 | doesn't make sense, we will        |

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| 2 consider that, you know, in all o 3 our projects, deleting that item 4 if it doesn't make any sense. 5 MR. SWANSON: Another one 6 that you take credit for is a | E |
|---|---|
| <ul> <li>4 if it doesn't make any sense.</li> <li>5 MR. SWANSON: Another one</li> </ul>   |   |
| 5 MR. SWANSON: Another one  |   |
|   |   |
| 6 that you take credit for is a   |   |
|   |   |
| 7 County recycling program, and I   |   |
| 8 think it says the fact there's a  |   |
| 9 County recycling program in place   | • |
| 10 And I've got to tell you, in   |   |
| 11 wandering around the places that   | E |
| 12 go to in Suffolk County buildings  | , |
| 13 I have never seen any recycling  |   |
| 14 stations. I asked about it here  |   |
| 15 this morning, and to the best of   |   |
| 16 the knowledge of the people that   |   |
| 17 work here, there's no recycling  |   |
| 18 going on in this building, and so  |   |
| 19 I question whether or not the  |   |
| 20 County is really implementing a  |   |
| 21 recycling program.   |   |
| 22 For example, there is,   |   |
| 23 right outside the door here, a   |   |
| 24 Coke machine and so forth, and it  |   |
| 25 seems to me that there should be   | ì |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | bottle recycling container there,  |
| 3  | there should be paper recycling    |
| 4  | bins in there. To my knowledge,    |
| 5  | this isn't, in fact, taking place, |
| 6  | so I don't see how you can take    |
| 7  | credit for this at all.            |
| 8  | MR. LARSON: Which credit           |
| 9  | number was that?                   |
| 10 | MR. SWANSON: Recycling             |
| 11 | content no, that's not it. So      |
| 12 | many of these things. Storage and  |
| 13 | collection of recycling. "County   |
| 14 | facilities do currently separate   |
| 15 | waste." It says it's required.     |
| 16 | MR. LARSON: I do know that         |
| 17 | in our building at DPW there is    |
| 18 | separation of waste products, and  |
| 19 | in general, the paper products go  |
| 20 | into everybody's waste can, and    |
| 21 | there are identified waste cans    |
| 22 | which are for plastics and metals  |
| 23 | and so on. I don't know how        |
| 24 | religiously that is done           |
| 25 | throughout the County, but I think |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | as you bring it up, it is a good   |
| 3  | idea to implement something maybe  |
| 4  | that's a bit more aggressive, and  |
| 5  | I would bring that up to our       |
| 6  | commissioner and see that we could |
| 7  | definitely implement that          |
| 8  | procedure in this building, and    |
| 9  | then see how far we can extend     |
| 10 | that to all of the County          |
| 11 | facilities.                        |
| 12 | MR. SWANSON: Okay. I               |
| 13 | would appreciate that. I think     |
| 14 | that would be very helpful.        |
| 15 | Another one that you have,         |
| 16 | which I think may be sort of an    |
| 17 | administrative nightmare, is that  |
| 18 | you're putting in waterless        |
| 19 | urinals, which are a good thing,   |
| 20 | but some of my experience has been |
| 21 | that these have been put in and    |
| 22 | within a matter of months they've  |
| 23 | been converted to regular urinals  |
| 24 | largely because there has never    |
| 25 | been an agreement cut between the  |
|    |                                    |

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> > ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | janitorial service and the         |
| 3  | plumbers as to who's actually      |
| 4  | supposed to maintain them, and I'm |
| 5  | wondering, does the County, in     |
| 6  | fact, have have they addressed     |
| 7  | that issue, if they're going to    |
| 8  | put in these waterless facilities, |
| 9  | who's going to do it? The          |
| 10 | janitorial service ordinarily      |
| 11 | says, "That ain't in my job        |
| 12 | description." And there aren't     |
| 13 | plumbers around who, you know, can |
| 14 | change the filters and so forth,   |
|    |                                    |
| 15 | to do that on a regular basis in   |
| 16 | each of the County buildings, so   |
| 17 | my question is: What is the        |
| 18 | County going to do to address this |
| 19 | so that it doesn't just get        |
| 20 | converted within a matter of a     |
| 21 | very short period of time?         |
| 22 | MR. LARSON: That is a good         |
| 23 | question. For example, at our,     |
| 24 | again, Department of Public Works  |
| 25 | building, we've actually installed |
|    |                                    |

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ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

|    | 50                                 |
|----|------------------------------------|
| 1  | Council on Environmental Quality   |
| 2  | several waterless urinals, and it  |
| 3  | seems to be working well. There    |
| 4  | are cartridges that have to be     |
| 5  | changed every so often, about      |
| 6  | every two months, and maintenance  |
| 7  | is actually doing that, so we      |
| 8  | don't feel that that's a problem   |
| 9  | at this point. It's been working   |
| 10 | very well.                         |
| 11 | MR. SWANSON: Okay. So              |
| 12 | those are the questions I had as   |
| 13 | to whether or not some of these    |
| 14 | things really are capably          |
| 15 | implemented and whether the County |
| 16 | is vigorously going after          |
| 17 | implementation.                    |
| 18 | Any other questions? Yes.          |
| 19 | MS. RUSSO: Mr. Larson, the         |
| 20 | credit number 15, Light Pollution  |
| 21 | Reduction, it says here that the   |
| 22 | high levels of lighting to be      |
| 23 | utilized for security will most    |
| 24 | likely not comply with this        |
| 25 | credit. Do you know if the County  |
|    |                                    |

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ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | will at least be using the new     |
| 3  | type of down lighting that doesn't |
| 4  | at least send up into stargaze?    |
| 5  | MR. LARSON: Absolutely.            |
| 6  | We're using Dark Sky's compliant   |
| 7  | lighting. We have made that a      |
| 8  | standard as per the local law that |
| 9  | was passed. We aggressively do     |
| 10 | that in all of our projects.       |
| 11 | MS. RUSSO: So, then, when          |
| 12 | you're saying the high level of    |
| 13 | lighting, it's just how much you   |
| 14 | need flood lighting on the parking |
| 15 | lot, and the building walls,       |
| 16 | etcetera?                          |
| 17 | MR. LARSON: Exactly.               |
| 18 | There was a requirement for some   |
| 19 | security cameras, and we were just |
| 20 | concerned with getting enough      |
| 21 | light from those types of fixtures |
| 22 | to properly, you know, operate the |
| 23 | equipment.                         |
| 24 | MS. RUSSO: Thank you.              |
| 25 | MR. KAUFMAN: I have a              |

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ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | question. This is basically        |
| 3  | toward Jim at this point in time.  |
| 4  | What are the issues under          |
| 5  | SEQRA here at this point in time?  |
| 6  | We basically, last time, did a     |
| 7  | Type I CND. I don't know if CNDs   |
| 8  | are possible in Type 1. I think    |
| 9  | we maybe did something wrong on    |
| 10 | that one.                          |
| 11 | MR. SWANSON: All right.            |
| 12 | Tell us what the initials are.     |
| 13 | MR. KAUFMAN: Okay. CND is          |
| 14 | conditional negative declaration.  |
| 15 | Basically, what do you             |
| 16 | think, at this point in time, is   |
| 17 | going on?                          |
| 18 | MR. BAGG: Well, at the             |
| 19 | last meeting, I made a             |
| 20 | recommendation that listed action, |
| 21 | and Member Styles said that with a |
| 22 | condition negative declaration     |
| 23 | there had to be a Type I action.   |
| 24 | That's improper procedure.         |
| 25 | Technically, you can only have a   |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | condition negative declaration     |
| 3  | with an unlisted action, you       |
| 4  | cannot have one with a Type I      |
| 5  | action, so the motion was          |
| 6  | procedurally incorrect. I mean,    |
| 7  | in this instance, this project     |
| 8  | involves the physical alteration   |
| 9  | of way less than ten acres, which  |
| 10 | brings it into the unlisted action |
| 11 | category. Last meeting the CEQ     |
| 12 | recommended a negative declaration |
| 13 | with a condition that they come    |
| 14 | back with the LEEDs. The           |
| 15 | Department of Public Works revised |
| 16 | their LEEDs points and brought     |
| 17 | them back to you. They clearly     |
| 18 | comply with the LEEDs              |
| 19 | certification point rating of      |
| 20 | 26 points, so, therefore, they've  |
| 21 | fulfilled that, so I would assume  |
| 22 | that the Council could go forth    |
| 23 | with an unlisted act of negative   |
| 24 | declaration at this point in time. |
| 25 | MR. SWANSON: Any other             |

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ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

| 1  | Council on Environmental Quality  |
|----|-----------------------------------|
| 2  | comments? Questions?              |
| 3  | MR. KAUFMAN: Keith, have          |
| 4  | you talked with Legislator Fisher |
| 5  | about this stuff since our last   |
| 6  | meeting?                          |
| 7  | MR. LARSON: No.                   |
| 8  | MR. SWANSON: Anything             |
| 9  | else?                             |
| 10 | Make a motion?                    |
| 11 | MR. KAUFMAN: I'll make a          |
| 12 | motion that this is an unlisted   |
| 13 | action with a negative            |
| 14 | declaration.                      |
| 15 | MR. SWANSON: Second?              |
| 16 | MS. RUSSO: Second.                |
| 17 | MR. SWANSON: Second.              |
| 18 | All in favor?                     |
| 19 | (Whereupon, all those in          |
| 20 | favor responded, "aye".)          |
| 21 | MR. SWANSON: Opposed?             |
| 22 | (No audible response.)            |
| 23 | MR. SWANSON: Abstentions?         |
| 24 | (No audible response.)            |
| 25 | MR. SWANSON: Motion               |

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ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | carries. Thank you.                |
| 3  | MR. LARSON: Okay, thank            |
| 4  | you.                               |
| 5  | MR. SWANSON: You will look         |
| 6  | into trying to follow up on some   |
| 7  | of the questions I posed to you?   |
| 8  | MR. LARSON: Absolutely.            |
| 9  | MR. SWANSON: Thank you.            |
| 10 | Again, if there's no               |
| 11 | objection to the Board, in order   |
| 12 | to accommodate Legislator          |
| 13 | Schneiderman, I'm going to move    |
| 14 | the proposed redevelopment of Long |
| 15 | Island Jet at the airport up on    |
| 16 | the agenda. So is there anybody    |
| 17 | here to speak on behalf of the     |
| 18 | airport?                           |
| 19 | MR. SCHNEIDERMAN: You              |
| 20 | want the airport itself or public? |
| 21 | MR. SWANSON: Let's start           |
| 22 | with the airport.                  |
| 23 | MR. SCHNEIDERMAN: Can I            |
| 24 | just tell you that the Legislature |
| 25 | has taken another look, as you     |
|    |                                    |

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ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

Council on Environmental Quality 1 know, at this, and the vote that 2 came out was, I believe, a three 3 4 to two vote, three for a negative 5 declaration of SEQRA, two for a positive declaration. There was 6 some discomfort in the size of the 7 vote on what is supposed to be an 8 11-member committee, though there 9 10 are only nine duly appointed members right now, but having a 11 vote based on three seemed like it 12 was -- on an issue of this 13 magnitude, I think the Legislature 14 was uncomfortable and asked to 15 basically remand it to this body, 16 take another look at it with a 17 fuller composition of the CEQ, so. 18 MR. SWANSON: 19 I appreciate 20 your comment, although just for the record, we did have a guorum, 21 22 as you know, by the rules of the CEO for that vote. 23 24 MR. SCHNEIDERMAN: Yeah. Т don't think that we were saying 25

ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | that it was an illegal vote. We    |
| 3  | were just uncomfortable with the   |
| 4  | size of it.                        |
| 5  | MR. SWANSON: I understand,         |
| 6  | but I just wanted to say that for  |
| 7  | the record.                        |
| 8  | Yes.                               |
| 9  | MR. CEGLIO: For the                |
| 10 | record, I'm Anthony Ceglio. I'm    |
| 11 | the airport manager for Gabreski   |
| 12 | Airport. The airport's run by the  |
| 13 | Department of Economic Development |
| 14 | and Workforce Housing, and I'm     |
| 15 | here to discuss the project on     |
| 16 | behalf of them. We've been         |
| 17 | through this a couple times, so    |
| 18 | I'll be brief in my overview of    |
| 19 | the project, and then we have      |
| 20 | representatives from Long Island   |
| 21 | Jet Center and a consultant, so    |
| 22 | we'll discuss some of the specific |
| 23 | questions that were asked since    |
| 24 | the last meeting.                  |
| 25 | Generally, Long Island Jet         |

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ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | Center is one of two fixed base    |
| 3  | operators at Gabreski Airport.     |
| 4  | For those of you who don't know,   |
| 5  | an FBO is a service company. They  |
| 6  | service airplanes that fly into    |
| 7  | and out of airports. They provide  |
| 8  | fuel, parking, pilot lounges,      |
| 9  | briefing areas and other services  |
| 10 | required for aircraft to use an    |
| 11 | airport. Long Island Jet Center    |
| 12 | services about 60 percent of the   |
| 13 | jet aircraft that come through the |
| 14 | airport. Their clientele consists  |
| 15 | mainly of corporate and private    |
| 16 | general aviation aircraft. They    |
| 17 | currently occupy about four acres  |
| 18 | of property on Gabreski Airport    |
| 19 | and intend to lease approximately  |
| 20 | 9.98 acres.                        |
| 21 | They intend to construct           |
| 22 | three 15,000-square foot hangars,  |
| 23 | seven small T-hangars, and         |
| 24 | additional outdoor ramp storage    |

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areas for aircraft parking. They

| 1  | Council on Environmental Quality   |
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| 2  | also intend to relocate their      |
| 3  | existing fuel storage facility and |
| 4  | add additional fuel capacity for   |
| 5  | jetty and out gas fuel. In         |
| 6  | addition, they intend to remove an |
| 7  | underground fuel storage tank that |
| 8  | was used for heating one of the    |
| 9  | buildings at the air field.        |
| 10 | The development that they          |
| 11 | propose is consistent with the     |
| 12 | 1980 master plan, the 1990 master  |
| 13 | plan, and also the current master  |
| 14 | plan update that is currently in   |
| 15 | progress. It's also consistent     |
| 16 | with the Pine Barrens              |
| 17 | comprehensive land use plan of     |
| 18 | 1995.                              |
| 19 | Generally, that's the scope        |
| 20 | of the project. As I mentioned, I  |
| 21 | received a letter from Jim Bagg    |
| 22 | from the Council asking some       |
| 23 | specific questions that can really |
| 24 | only be answered by Long Island    |
| 25 | Jet Center. With your permission,  |
|    |                                    |

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| 1  | Council on Environmental Quality |
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| 2  | I'd like to ask them to come up  |
| 3  | and just go through their        |
| 4  | presentation in responding to    |
| 5  | those questions.                 |
| 6  | MR. SWANSON: You're going        |
| 7  | to                               |
| 8  | MR. CEGLIO: I'll be here         |
| 9  | for, yeah, additional questions, |
| 10 | sure.                            |
| 11 | MR. FULKERSON: Good              |
| 12 | morning. I'm with the firm L.K.  |
| 13 | McLean Associates. We're the     |
| 14 | consultants, design engineers of |
| 15 | this project. Unless the         |
| 16 | Committee has other intents, the |
| 17 | Council has other intents, we    |
| 18 | intend to respond to the         |
| 19 | questions. We weren't going to   |
| 20 | give another presentation, as    |
| 21 | we've already done that. You     |
| 22 | agree with that?                 |
| 23 | MR. SWANSON: Well, let's         |
| 24 | go through the questions.        |
| 25 | MR. FULKERSON: The first         |
|    |                                  |

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| 1  | Council on Environmental Quality   |
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| 2  | question is: Is the Applicant      |
| 3  | willing to increase the recharge   |
| 4  | capacity for storm water to        |
| 5  | accommodate more than a two-inch   |
| 6  | storm event? The answer is that    |
| 7  | yes, we will increase it if        |
| 8  | necessary. However, to date, we    |
| 9  | haven't been able to get any       |
| 10 | standards from Suffolk County as   |
| 11 | to what is required. And the       |
| 12 | reason we used the two inches is   |
| 13 | that's what's required by the Town |
| 14 | of Southampton and the Town of     |
| 15 | Brookhaven for this type of site   |
| 16 | development. The Town of           |
| 17 | Brookhaven also considers a        |
| 18 | two-inch design to have an         |
| 19 | effective storage of five inches   |
| 20 | when pools are in soil with good   |
| 21 | leeching capability as the water   |
| 22 | will be leeching during the event. |
| 23 | This is the case at Gabreski       |
| 24 | Airport where the sandy soil has   |
| 25 | excellent leeching                 |

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| 1  | Council on Environmental Quality   |
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| 2  | characteristics. Additionally,     |
| 3  | any drainage not accommodated by   |
| 4  | the pools will infiltrate on       |
| 5  | existing grass areas and will be   |
| 6  | directed in such a way as to       |
| 7  | prevent harm or damage to any      |
| 8  | buildings onsite and any           |
| 9  | neighboring properties. There      |
| 10 | will be no direct discharge to any |
| 11 | surface waters.                    |
| 12 | However, as I said in the          |
| 13 | beginning, we will be willing to   |
| 14 | increase the design capacity if,   |
| 15 | in fact, it is required during the |
| 16 | design phase of this project.      |
| 17 | MR. SWANSON: Mr. Kaufman.          |
| 18 | MR. KAUFMAN: I understand          |
| 19 | that you're using the numbers and  |
| 20 | where they are coming from. I      |
| 21 | would suggest to you, though       |
| 22 | and this is probably a             |
| 23 | recommendation that I myself will  |
| 24 | be making that you possibly        |
| 25 | have some storage capacity,        |

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| 1  | Council on Environmental Quality  |
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| 2  | basically, a minimum of three     |
| 3  | inches, possibly even more. What  |
| 4  | it boils down to is, weather      |
| 5  | patterns have been changing all   |
| 6  | around. You used to get           |
| 7  | rainstorms. Nowadays you get      |
| 8  | gully washers. The storms come    |
| 9  | in, in a couple of hours, they    |
| 10 | simply overwhelm the systems.     |
| 11 | I've learned that sitting on some |
| 12 | coastal management groups and     |
| 13 | dealing with storm water, we      |
| 14 | generally go up to a higher       |
| 15 | number. The County of Suffolk,    |
| 16 | when it's building roads,         |
| 17 | generally tries to adhere to a    |
| 18 | higher number, also. They're not  |
| 19 | always successful, depending upon |
| 20 | where the basins might be, and if |
| 21 | it sits in, basically, right near |
| 22 | the ground water then you're not  |
| 23 | going to be able to store that    |
| 24 | much. But it is very important,   |
| 25 | in my opinion, to try and be      |

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| 1  | Council on Environmental Quality   |
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| 2  | proactive, to try and catch the    |
| 3  | storm water runoff and not, if you |
| 4  | will, settle for what a standard   |
| 5  | is.                                |
| 6  | Just as an example, where I        |
| 7  | personally live, we're going up to |
| 8  | four and five inches of            |
| 9  | containment. We admit that the     |
| 10 | first quarter inch generally       |
| 11 | carries the most pollutants, but   |
| 12 | we are trying to cut off what we   |
| 13 | can, and so I think you should be  |
| 14 | cognizant of that particular fact, |
| 15 | that the standards that you have   |
| 16 | notated might be outdated and      |
| 17 | might need some updating, shall we |
| 18 | say.                               |
| 19 | MR. FULKERSON: Okay. As I          |
| 20 | indicated, they would be willing   |
| 21 | to increase the capacity as        |
| 22 | directed.                          |
| 23 | Second question was a list         |
| 24 | of all toxic and hazardous         |
| 25 | materials that may be used at the  |
|    |                                    |

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> > ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

| 1  | Council on Environmental Quality   |
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| 2  | facility, including the            |
| 3  | operations, and how they will be   |
| 4  | handled and stored. I'd like to    |
| 5  | defer that one to Mr. McShane.     |
| 6  | MR. McSHANE: Good morning.         |
| 7  | Bill McShane, Long Island Jet      |
| 8  | Center. And just about everything  |
| 9  | that we have in our households,    |
| 10 | for the most part, has some level  |
| 11 | of toxicity, so to that extent,    |
| 12 | per OSHA standard, we maintain a   |
| 13 | list of MSDS sheets on every       |
| 14 | single product that we have on the |
| 15 | facility. To the extent that we    |
| 16 | have anything that is in bulk      |
| 17 | storage or that is regulated or    |
| 18 | permitted by the Suffolk County    |
| 19 | Department of Health, or the DEC,  |
| 20 | or the EPA, we have disclosed      |
| 21 | those items. We certainly are      |
| 22 | willing to provide to this Board,  |
| 23 | or to anybody else, for their      |
| 24 | review, a copy of our MSDS         |
| 25 | records, which clearly identify    |

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| 1  | Council on Environmental Quality   |
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| 2  | everything we have, everything     |
| 3  | from dry gas to Lysol, you know.   |
| 4  | Most of these products are in cans |
| 5  | or gallon containers or things     |
| 6  | along those lines, which in most   |
| 7  | cases will have "Flammable"        |
| 8  | written on it and will have        |
| 9  | regulatory requirements for fire   |
| 10 | cabinets and things along those    |
| 11 | lines. They're not necessarily     |
| 12 | regulated in the quantity that we  |
| 13 | have under the County Health       |
| 14 | system. So that would be quite     |
| 15 | lengthy, of course, if everything  |
| 16 | were in it that we have, and, of   |
| 17 | course, anything could be          |
| 18 | considered hazardous material in   |
| 19 | certain quantities.                |
| 20 | So I look for guidance on          |
| 21 | that in terms of what you would    |
| 22 | like us to present you with, but   |
| 23 | we have presented you with all of  |
| 24 | the hazardous materials that we    |
| 25 | have in bulk storage that are      |

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| 1  | Council on Environmental Quality   |
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| 2  | regulated by the County or the     |
| 3  | Health Department.                 |
| 4  | MR. SWANSON: Okay. I               |
| 5  | would suggest that that list be    |
| 6  | submitted to the Health Department |
| 7  | as part of their overall review of |
| 8  | the project.                       |
| 9  | MR. McSHANE: I think               |
| 10 | that's perfectly acceptable.       |
| 11 | Looks like I have another          |
| 12 | thing to answer. The question on   |
| 13 | the more detailed description of   |
| 14 | the hangars and their proposed     |
| 15 | uses, are they simply large,       |
| 16 | shed-type structures used to store |
| 17 | aircraft, or do they include       |
| 18 | offices, bathrooms and maintenance |
| 19 | areas. The primary purpose for     |
| 20 | the hangar is for storage of       |
| 21 | aircraft. We do not intend to set  |
| 22 | up a retail maintenance facility.  |
| 23 | We do intend to heat the hangars   |
| 24 | with natural gas using radiant     |
| 25 | heaters in the most efficient form |

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| 1  | Council on Environmental Quality   |
| 2  | available today, that is           |
| 3  | practical. We expect there to be   |
| 4  | light maintenance to be performed  |
| 5  | on aircraft while these aircraft   |
| 6  | are parked in the hangars; that it |
| 7  | is typically things like replacing |
| 8  | tires or replacing brake lines or  |
| 9  | avionics. They have radios and so  |
| 10 | forth on the airplane that may     |
| 11 | need repairs, those types of       |
| 12 | things. Navigation equipment and   |
| 13 | minor interior repairs, etcetera.  |
| 14 | All major engine or                |
| 15 | airplane work is typically done at |
| 16 | manufacturers' authorized          |
| 17 | maintenance centers or some other  |
| 18 | retail maintenance facility, which |
| 19 | we will not have there. We expect  |
| 20 | there to be a small bathroom and   |
| 21 | office in each of these hangars.   |
| 22 | Any questions on the               |
| 23 | hangars?                           |
| 24 | (No response.)                     |
| 25 | MR. McSHANE: How many              |
|    |                                    |

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| 1  | Council on Environmental Quality   |
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| 2  | existing clients have requested or |
| 3  | expressed an interest in storing   |
| 4  | planes in a hangar? And I have     |
| 5  | two answers for this. At one       |
| 6  | point, we have had probably about  |
| 7  | a dozen people on our waiting      |
| 8  | list, but every request that we've |
| 9  | received comes from existing       |
| 10 | customers of ours. We haven't      |
| 11 | gotten any requests from people    |
| 12 | that we don't know or don't        |
| 13 | currently do business with.        |
| 14 | A more detailed description        |
| 15 | of the proposed fuel storage; what |
| 16 | is existing, where it will be      |
| 17 | moved, as well as location and     |
| 18 | description of the facility tanks  |
| 19 | that will be disconnected and how  |
| 20 | they will be disposed of.          |
| 21 | You might know a little bit        |
| 22 | more about that, but I'll start    |
| 23 | it, all right? We expect the       |
| 24 | tanks themselves to be what is     |
| 25 | known as arrow power tanks. Arrow  |
|    |                                    |

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| 1  | Council on Environmental Quality   |
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| 2  | power tanks are tanks that         |
| 3  | essentially sit in a vault, if you |
| 4  | will. So it's a if you picture     |
| 5  | a Dumpster, for instance, there    |
| 6  | are 30-yard Dumpsters, some are    |
| 7  | 50-yard Dumpsters. If that was an  |
| 8  | impervious structure, the tank     |
| 9  | would sit inside that structure,   |
| 10 | and then there are range shields   |
| 11 | that go on the tank. This          |
| 12 | particular tank is one of those    |
| 13 | that's already pre-approved in the |
| 14 | Suffolk County Department of       |
| 15 | Health Service as a tank that they |
| 16 | prefer to see for above-ground     |
| 17 | fuel or hazardous material         |
| 18 | storage, and it has a very unique  |
| 19 | system on it whereby if there is   |
| 20 | an overfill on the tank, the       |
| 21 | venting system for the tank is     |
| 22 | actually captured in a sort of     |
| 23 | a tubular design on top of the     |
| 24 | tank, and it pipes over and around |
| 25 | back into that containment.        |

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| 1  | Council on Environmental Quality   |
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| 2  | The containment itself             |
| 3  | holds 110 percent of the maximum   |
| 4  | capacity of the tank. So if you    |
| 5  | were to have an overfill of the    |
| 6  | tank, it'll go in the secondary    |
| 7  | containment. Suffolk County        |
| 8  | doesn't really like double wall    |
| 9  | tanks per se, unless they're put   |
| 10 | in the ground. The above-ground    |
| 11 | tanks they prefer not to be        |
| 12 | double-walled, because from an     |
| 13 | inspection perspective, you can    |
| 14 | actually lift those shields up and |
| 15 | take a look inside and see exactly |
| 16 | what's going on versus having a    |
| 17 | tank within a tank, which is a     |
| 18 | double-walled tank, where you      |
| 19 | don't know precisely what's        |
| 20 | happening inside the walls of the  |
| 21 | tank and you have to rely solely   |
| 22 | upon the interstitial monitoring   |
| 23 | devices that are now available.    |
| 24 | So with our systems what           |
| 25 | happens is, we have the same       |
|    |                                    |

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| 1  | Council on Environmental Quality   |
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| 2  | interstitial or jet fuel sensors   |
| 3  | or adjunct sensors, fuel           |
| 4  | hydrocarbon sensors that sit       |
| 5  | inside that open containment area  |
| 6  | in the tanks so that if there is   |
| 7  | an overfill of the tank that       |
| 8  | filters into that containment      |
| 9  | area, it sounds off alarms, shuts  |
| 10 | down systems and does all of those |
| 11 | various things that we like to     |
| 12 | have happen if there is a problem. |
| 13 | As far as the was there a          |
| 14 | question?                          |
| 15 | MR. SWANSON: There is no           |
| 16 | question.                          |
| 17 | MR. McSHANE: As far as the         |
| 18 | relocation of where the tanks are  |
| 19 | going, I think we have the         |
| 20 | pictures, and we'll probably show  |
| 21 | you exactly where they're going to |
| 22 | go. The existing tank that we      |
| 23 | have, a 12,000-gallon tank, will   |
| 24 | be craned into position where the  |
| 25 | new tanks are proposed to be. If   |
|    |                                    |

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Council on Environmental Quality 1 2 that particular tank, if the 3 engineers get into it and they look at it and say that particular 4 tank does not fit in with the 5 current design or it's not new 6 7 enough to use in what we're developing, or something along 8 those lines, depending on their 9 recommendations, we may not use or 10 reuse the 12,000-gallon jet tank 11 that we currently have, and we'll 12 just sell that off and buy three 13 14 brand-new tanks for that system. 15 I should point out that there's been enough talk about the 16 increase in our capacity in terms 17 18 of fuel storage at the airport. 19 We are bringing the capacity up to 20 what we consider to be the 21 absolute bare minimum required for 22 an FBO to operate efficiently at 23 an air field. Ideally, you want 24 to have at least two tanks for jet fuel. They could be smaller 25

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | tanks, but the reality of it is,   |
| 3  | at a 12,000-gallon level with a    |
| 4  | 10 percent area at the top of the  |
| 5  | tank that doesn't fill, you really |
| 6  | only have about 11,000 or so       |
| 7  | available gallons that you can put |
| 8  | into that tank, and so you want to |
| 9  | be able to run the tank down to a  |
| 10 | certain level and get an           |
| 11 | 8,000-gallon delivery into the     |
| 12 | system. The other thing you want   |
| 13 | to have the ability to do is to be |
| 14 | able to have some settling time    |
| 15 | for the fuel so that it can sit in |
| 16 | one tank while you pump out of the |
| 17 | other.                             |
| 18 | And finally, with regards          |
| 19 | to our redundancy of systems, we   |
| 20 | have a responsibility to the air   |
| 21 | field and to the aircraft that     |
| 22 | operate there to make sure that we |
| 23 | have available fuel services so    |
| 24 | those airplanes can depart.        |
| 25 | Having the dual tanks provides us  |
|    |                                    |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | some redundancy in our systems and |
| 3  | the capability to isolate storage  |
| 4  | and so forth. The out-of-gas       |
| 5  | tank, we simply do not have an     |
| 6  | out-of-gas tank, per se. We have   |
| 7  | a 2,000-gallon out-of-gas tank     |
| 8  | that is really kept in our plans   |
| 9  | as a potential self-service        |
| 10 | system, and we may or may not use  |
| 11 | that tank as a self-service system |
| 12 | in the end of the day, but it is   |
| 13 | our responsibility to this Board   |
| 14 | and to anybody else looking at     |
| 15 | this environmentally, to explain   |
| 16 | to you the absolute maximum        |
| 17 | development that we intend to put  |
| 18 | on that site, and that's why we    |
| 19 | need that 2,000-gallon tank there  |
| 20 | and add the 12,000-gallon          |
| 21 | out-of-gas tank. Another reason    |
| 22 | for the aviation gasoline tank to  |
| 23 | be 12,000 gallons is consistency   |
| 24 | in systems. You know, you buy      |
| 25 | three exactly identical tanks that |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | all match up, it all looks good,   |
| 3  | they all tie together, it makes    |
| 4  | management systems safer and       |
| 5  | easier for our team.               |
| 6  | All right. That's what I           |
| 7  | have on that. As far as removal    |
| 8  | of the tanks, I'll let Andy talk   |
| 9  | about that.                        |
| 10 | MR. SWANSON: We did have a         |
| 11 | question here.                     |
| 12 | MR. McSHANE: Okay. Go              |
| 13 | ahead.                             |
| 14 | MR. KAUFMAN: I'm not               |
| 15 | worried about the removal at this  |
| 16 | point in time. What I am           |
| 17 | concerned about is the containment |
| 18 | system that you're talking about.  |
| 19 | Essentially, with that looping     |
| 20 | system, if you will, it's almost   |
| 21 | like a still, where the vapors     |
| 22 | come in contact with the           |
| 23 | overpiping, whatever material it   |
| 24 | is, goes back into the pipe,       |
| 25 | essentially is going back in as a  |
|    |                                    |

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ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

Council on Environmental Quality

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3 MR. McSHANE: That's not accurate. I'm sorry. Once that 4 fuel overfills from a vent, if the 5 high level systems on the tank б failed and the system did not shut 7 8 down, this is a secondary backup. So what we have is a backup -- we 9 10 have a system in there right now that will sound an alarm at 11 80 percent, at 90 percent it will 12 shut down, after 90 percent it 13 will pump into this containment 14 15 area. That fuel is waste fuel once it goes in there. We can 16 17 never use it again, we can never do anything else with it. We have 18 to have it removed as hazardous 19 waste at a cost of 50 cents a 20 gallon. We call in Environmental, 21 they come in, they pump it out if 22 that ever happens. So, yeah. No, 23 that does not go back into the 24 system at all. 25

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| 1  | Council on Environmental Quality   |
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| 2  | MR. KAUFMAN: It doesn't            |
| 3  | get recycled.                      |
| 4  | MR. McSHANE: No, not at            |
| 5  | all.                               |
| б  | MR. KAUFMAN: The second            |
| 7  | question, the containment          |
| 8  | structure that you're talking      |
| 9  | about, the vault, that's going to  |
| 10 | be above ground, correct?          |
| 11 | MR. McSHANE: That is               |
| 12 | correct.                           |
| 13 | MR. KAUFMAN: Is it enough          |
| 14 | in capacity, in terms of gallons,  |
| 15 | to handle a puncture of that tank  |
| 16 | or is the tank fully emptied out?  |
| 17 | MR. McSHANE: Yes.                  |
| 18 | 110 percent of it. 10 percent      |
| 19 | more than the total volume of the  |
| 20 | tank.                              |
| 21 | MR. KAUFMAN: One other             |
| 22 | thing that I have learned in my    |
| 23 | years here is sometimes you want   |
| 24 | to have a little bit additional to |
| 25 | protect the environment, if you    |

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| 1  | Council on Environmental Quality   |
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| 2  | will. I have seen tanks like this  |
| 3  | sometimes laid in a bed of         |
| 4  | bentonite, which is impervious     |
| 5  | clay, as an extra safety feature.  |
| 6  | Basically, they go in and scoop    |
| 7  | out, say, a five- or six-foot dip, |
| 8  | down, they put bentonite at the    |
| 9  | bottom of the trench, throw some   |
| 10 | sand back onto it, and then put    |
| 11 | pin structure up there. Would you  |
| 12 | have a problem doing something     |
| 13 | like that?                         |
| 14 | MR. McSHANE: I'll let the          |
| 15 | engineers talk about it a little   |
| 16 | bit. Let me talk a little bit      |
| 17 | more about the design of these     |
| 18 | tanks and how it works. These      |
| 19 | tanks will sit on top of an        |
| 20 | impervious concrete pad. That      |
| 21 | concrete pad will be pitched       |
| 22 | towards a transfer pad, which is   |
| 23 | the location where we have the     |
| 24 | transport trucks pull up to load   |
| 25 | the tanks. That transport pad      |
|    |                                    |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | will also hold 110 percent of the  |
| 3  | capacity of the truck that we      |
| 4  | bring onto that pad, so,           |
| 5  | therefore, you have not only the   |
| 6  | containment backup of the tank     |
| 7  | system in its own secondary        |
| 8  | containment, if it fails. If the   |
| 9  | secondary containment itself       |
| 10 | fails, it will then go on to a     |
| 11 | rack which is also impervious and  |
| 12 | contained, and will then capture   |
| 13 | it in that as well.                |
| 14 | So there are at least three        |
| 15 | different levels of protection     |
| 16 | before this fuel could ever make   |
| 17 | it outside of the fuel storage     |
| 18 | area, per se. I know the systems   |
| 19 | you're talking about, and I've     |
| 20 | seen those. Typically, those are   |
| 21 | above-ground, single-wall tanks,   |
| 22 | and they do that, and then that    |
| 23 | becomes their secondary            |
| 24 | containment. We've got already     |
| 25 | three levels of protection on this |
|    |                                    |

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| 1  | Council on Environmental Quality  |
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| 2  | particular system.                |
| 3  | MR. KAUFMAN: Didn't you           |
| 4  | have a rain event?                |
| 5  | MR. McSHANE: Rain in the          |
| 6  | containment area is considered a  |
| 7  | hazardous material, and it        |
| 8  | denigrates the integrity of the   |
| 9  | storage capacity. It has to be    |
| 10 | monitored continuously. We have   |
| 11 | monitors in those containment     |
| 12 | areas and pump that water out     |
| 13 | through our environmental every   |
| 14 | time it rains. And we will not    |
| 15 | MR. KAUFMAN: If you have a        |
| 16 | spill during a rain, a major rain |
| 17 | event, what happens?              |
| 18 | MR. McSHANE: There will be        |
| 19 | a canopy over the system. So the  |
| 20 | amount of rainwater that will     |
| 21 | accumulate during any particular  |
| 22 | time will be environmental. You   |
| 23 | always get some, you know, amount |
| 24 | of sideways rain or something     |
| 25 | along those lines, but this will  |

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| 1  | Council on Environmental Quality   |
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| 2  | have a full canopy over it.        |
| 3  | MR. SWANSON: Just as a             |
| 4  | comment before I forget, I hope    |
| 5  | that you're going to answer these  |
| 6  | questions in writing so that our   |
| 7  | Health Department will be able to  |
| 8  | see your responses.                |
| 9  | MR. McSHANE: We can                |
| 10 | certainly do that.                 |
| 11 | MR. SWANSON: Thank you.            |
| 12 | Yes?                               |
| 13 | MS. RUSSO: Mr. McShane,            |
| 14 | you mentioned earlier an           |
| 15 | environmental overflow in the      |
| 16 | containment area.                  |
| 17 | MR. McSHANE: Right.                |
| 18 | MS. RUSSO: Again, going            |
| 19 | back to any rain event or          |
| 20 | rainwater accumulation in that pad |
| 21 | area, do you have a regular        |
| 22 | agreement with Environmental to    |
| 23 | flush out rainwater?               |
| 24 | MR. McSHANE: That is               |
| 25 | correct.                           |

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| l  | Council on Environmental Quality   |
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| 2  | MS. RUSSO: Do you have a           |
| 3  | contract or agreement?             |
| 4  | MR. McSHANE: Yes. We call          |
| 5  | whenever it rains, and we tell     |
| 6  | them to come down. It's            |
| 7  | preprogrammed into all of our work |
| 8  | at the three airports.             |
| 9  | MR. SPEISER: I'm with L.K.         |
| 10 | McLean & Associates. In regards    |
| 11 | to the disposition of any tank     |
| 12 | onsite that would not be reused,   |
| 13 | this will go to some typical       |
| 14 | procedures where a contractor, a   |
| 15 | licensed contractor will come and  |
| 16 | clean out the tanks, remove all    |
| 17 | product inside, remove the sludge, |
| 18 | and then would be cutting up the   |
| 19 | tanks for removal offsite, and     |
| 20 | generally, that cleaned-out,       |
| 21 | cut-up tank then goes in as scrap  |
| 22 | material.                          |
| 23 | MS. RUSSO: Mr. Speiser,            |
| 24 | are you doing this through all the |
| 25 | guidelines of the New York State   |

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| 1  | Council on Environmental Quality   |
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| 2  | EEC regulations for removing       |
| 3  | MR. SPEISER: Absolutely.           |
| 4  | All right. Next question was       |
| 5  | a description of how aircraft are  |
| 6  | fueled, hence is why I brought the |
| 7  | training video. There are,         |
| 8  | essentially, two ways that         |
| 9  | aircraft are fueled from our       |
| 10 | operations. It's always by truck   |
| 11 | or by well, I should say           |
| 12 | probably three if you consider our |
| 13 | self-service system for the        |
| 14 | airplanes. It's either by truck    |
| 15 | or by self-service. But with       |
| 16 | regards to the two basic           |
| 17 | fundamental ways that we fuel      |
| 18 | airplanes are either over wing or  |
| 19 | single point. The over wing fuel   |
| 20 | is very much like fueling your     |
| 21 | car. It's a nozzle just like       |
| 22 | that. Truck pulls up, you open up  |
| 23 | the cap on the wing of the         |
| 24 | aircraft, you fill it up, you      |
| 25 | bring it to a certain point,       |

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| 1  | Council on Environmental Quality   |
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| 2  | whatever the pilot may request for |
| 3  | their fuel load, you finish that   |
| 4  | job, you roll up the hose, drive   |
| 5  | the truck away.                    |
| 6  | What I've brought with me          |
| 7  | here today is something that I     |
| 8  | think is a little bit more of      |
| 9  | interest to the Board because      |
| 10 | there's a lot of discussion about  |
| 11 | the jet aircraft and so forth, and |
| 12 | I was able to take an excerpt from |
| 13 | some of our training videos. This  |
| 14 | kind of gives you a little bit of  |
| 15 | a background on the single point   |
| 16 | fueling process for jet aircraft.  |
| 17 | And I'll give you a little bit of  |
| 18 | a picture. This is about a         |
| 19 | four-minute run, so if it's okay,  |
| 20 | I'll go and flip that on, and then |
| 21 | answer any questions you may have  |
| 22 | about that. Is that okay?          |
| 23 | MR. SWANSON: Yes.                  |
| 24 | MR. SPEISER: It'll take me         |
| 25 | a second. I'm going to fast        |
|    |                                    |

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| 1  | Council on Environmental Quality   |
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| 2  | forward through the music.         |
| 3  | (Whereupon, the video is           |
| 4  | being watched.)                    |
| 5  | MR. SPEISER: It repeats            |
| 6  | this refueling procedure over and  |
| 7  | over and over again for every type |
| 8  | of business jet that we'll handle, |
| 9  | and it goes through all the        |
| 10 | different control panels on the    |
| 11 | various airplanes, so if anybody   |
| 12 | would like a copy of this at any   |
| 13 | time and I sat through it to       |
| 14 | make the DVD, because it was a VHS |
| 15 | tape, and it's about 45 minutes.   |
| 16 | But I wanted you to get a general  |
| 17 | understanding of exactly what goes |
| 18 | on in a single point fueling       |
| 19 | operation.                         |
| 20 | MR. SWANSON: Thank you.            |
| 21 | And can you tell us what spill     |
| 22 | prevention actually occurs in this |
| 23 | operation?                         |
| 24 | MR. SPEISER: The spill             |
| 25 | prevention is covered in our spill |

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| 1  | Council on Environmental Quality   |
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| 2  | prevention control counter measure |
| 3  | plan, which is currently being     |
| 4  | updated for our Gabreski Airport   |
| 5  | operation, and what we have onsite |
| 6  | is capable of handling directly a  |
| 7  | 50-gallon spill at all times. We   |
| 8  | have a spill cart, and on that     |
| 9  | spill cart is enough material      |
| 10 | we use a product that is able to   |
| 11 | be incinerated. We have a          |
| 12 | relationship with the incinerator  |
| 13 | over in Islip so that any time     |
| 14 | that we would need to clean up jet |
| 15 | fuel, if there were a spill, and   |
| 16 | from time to time you will have an |
| 17 | aircraft dent or something along   |
| 18 | those lines, and you'll have a     |
| 19 | couple of gallons you have to      |
| 20 | clean up, and then we will         |
| 21 | document the manifest and delivery |
| 22 | of product to, I think it's        |
| 23 | Montpelier or somebody that        |
| 24 | manages the incinerator at Islip.  |
| 25 | As far as what's on the            |

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| 1  | Council on Environmental Quality   |
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| 2  | cart, there are pails, protective  |
| 3  | gear, gloves, material for the     |
| 4  | clean-up itself, nonferrous        |
| 5  | shovels and the other equipment,   |
| 6  | and fire extinguishers. Our first  |
| 7  | course of action in the event of   |
| 8  | any spill is we run out with the   |
| 9  | mat. We have this large rubber     |
| 10 | mat that covers any drain that     |
| 11 | might be in the nearby area. This  |
| 12 | is provided by the Hague           |
| 13 | Corporation, and the mat itself is |
| 14 | impervious to fuel, and seal the   |
| 15 | drain. So that's the first step.   |
| 16 | Second step would be if            |
| 17 | it's a full spill that is          |
| 18 | traveling, it will be it will      |
| 19 | run out there will be material,    |
| 20 | a bag of the absorbent material,   |
| 21 | and create sort of a berm around   |
| 22 | it, prevent it from spreading, and |
| 23 | then clean it up.                  |
| 24 | In that process, the first         |
| 25 | actions, the next thing that will  |

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| 1  | Council on Environmental Quality   |
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| 2  | happen is the airport will be      |
| 3  | contacted to let them know that we |
| 4  | have a fuel spill that we're       |
| 5  | cleaning up. In many cases         |
| б  | they'll send out the fire rescue   |
| 7  | teams to stand by and monitor the  |
| 8  | clean-up. As far as other          |
| 9  | requirements, there is a limit of  |
| 10 | when we have to notify the DEC. I  |
| 11 | believe that limit is five         |
| 12 | gallons. As soon as it hits that   |
| 13 | number, we will contact, and we    |
| 14 | have done on a number of occasions |
| 15 | over the last several years, we    |
| 16 | contact the DEC, let them know we  |
| 17 | have a spill, they give us a spill |
| 18 | number, we monitor and maintain    |
| 19 | that spill number and keep track   |
| 20 | of those records. Any spill that   |
| 21 | goes beyond that scope, if they're |
| 22 | massive in quantity we haven't     |
| 23 | had one, but if there were one     |
| 24 | that would happen, you know        |
| 25 | we'd go out there, do the best we  |

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| 1  | Council on Environmental Quality   |
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| 2  | could to contain it, contact the   |
| 3  | airport and we'd get the local     |
| 4  | fire department out to help take   |
| 5  | care of that, and then the         |
| 6  | environmental company would come   |
| 7  | out and do all their work.         |
| 8  | MR. SWANSON: How volatile          |
| 9  | is the jet fuel?                   |
| 10 | MR. SPEISER: The jet fuel          |
| 11 | itself is not very volatile. It    |
| 12 | has the same flash point as        |
| 13 | heating oil, about 120 degrees     |
| 14 | Fahrenheit. It's actually not a    |
| 15 | flammable product, it's actually a |
| 16 | combustible product.               |
| 17 | MS. RUSSO: Mr. McShane?            |
| 18 | MR. McSHANE: Yes.                  |
| 19 | MS. RUSSO: You said                |
| 20 | earlier you had had some spills.   |
| 21 | Could you give us a quantity of    |
| 22 | how many spills and a timeframe?   |
| 23 | MR. McSHANE: I don't have          |
| 24 | that record with me. It happens    |
| 25 | from time to time. I would have    |
|    |                                    |

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| 1  | Council on Environmental Quality   |
| 2  | to say in the course of a year, in |
| 3  | any given year, we probably have a |
| 4  | few, I mean, two or three maybe.   |
| 5  | You know, what happens is          |
| 6  | sometimes an aircraft will come in |
| 7  | and they'll be filling up the      |
| 8  | airplane, and they have a valve on |
| 9  | the aircraft called the volume     |
| 10 | top-off valve or something like    |
| 11 | that, and what happens is that if  |
| 12 | that fails for any reason or lets  |
| 13 | some fuel spill out, you will have |
| 14 | a small spill that may occur. We   |
| 15 | have a complete record of any      |
| 16 | spills that occurred at the        |
| 17 | facility. Certainly we can         |
| 18 | present that to the Board.         |
| 19 | MS. RUSSO: And these were          |
| 20 | small spills, under five gallons,  |
| 21 | or were they over?                 |
| 22 | MR. McSHANE: Anything              |
| 23 | that's under five gallons would be |
| 24 | on our log; anything that's over   |
| 25 | five gallons would have the DEC    |
|    |                                    |

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| 1  | Council on Environmental Quality   |
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| 2  | number attached to it.             |
| 3  | MS. RUSSO: But I'm saying,         |
| 4  | most of these small spills, they   |
| 5  | were under the five gallons?       |
| 6  | MR. McSHANE: Oh,                   |
| 7  | absolutely. Absolutely. We very    |
| 8  | rarely have any significant spills |
| 9  | on the site.                       |
| 10 | MR. KAUFMAN: Most of these         |
| 11 | small spills are from fuel coming  |
| 12 | out of the tanks while they're     |
| 13 | there?                             |
| 14 | MR. McSHANE: Yeah, that            |
| 15 | type of thing. Generally           |
| 16 | speaking, you know, we don't have  |
| 17 | any equipment failures or anything |
| 18 | to speak about or any of those     |
| 19 | kinds of you know, aircraft        |
| 20 | venting, typically what happens on |
| 21 | Learjets, for instance, on the old |
| 22 | style, we don't see too many of    |
| 23 | these older airplanes anymore.     |
| 24 | Most of the operators have been    |
| 25 | bringing in the newer Beech 3      |
|    |                                    |

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| 1  | Council on Environmental Quality   |
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| 2  | airplane, much quieter, much more  |
| 3  | efficient and have much better     |
| 4  | systems on them. The older         |
| 5  | airplanes, really, is where you    |
| 6  | run into trouble. These guys, on   |
| 7  | the older Lears, for example, have |
| 8  | to transfer their fuel from the    |
| 9  | wing tanks into what they call     |
| 10 | their center or auxiliary tank in  |
| 11 | the fuselage, so when they're      |
| 12 | doing their transfer, you know, if |
| 13 | the captain doesn't have a valve   |
| 14 | set properly, this was done by     |
| 15 | line service in our operation. I   |
| 16 | think nearly 100 percent of the    |
| 17 | spills that occur on the facility  |
| 18 | are not the fault of the operation |
| 19 | but, in fact, the failure of the   |
| 20 | aircraft itself or the captain not |
| 21 | having set a valve properly, so    |
| 22 | they're usually very small in      |
| 23 | nature.                            |
| 24 | MR. YOUNGMAN: When you're          |
| 25 | putting a full load of fuel and    |

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| 1  | Council on Environmental Quality   |
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| 2  | these older planes overfill, is it |
| 3  | a common occurrence?               |
| 4  | MR. McSHANE: No, it's not          |
| 5  | a common occurrence. Fuel spills   |
| .6 | are not a common occurrence,       |
| 7  | period. The more likely situation  |
| 8  | is that and I bring up the         |
| 9  | Learjet as an example, because     |
| 10 | I've seen it happen where          |
| 11 | they're transferring fuel from the |
| 12 | wing tap and then all of the       |
| 13 | sudden see something coming out of |
| 14 | the vent. So what we'll do in      |
| 15 | that situation, quickly throw a    |
| 16 | bucket under the vent and then     |
| 17 | clean up whatever may have hit the |
| 18 | ground. And we're out there with   |
| 19 | the airplane. If it happens,       |
| 20 | we'll see it.                      |
| 21 | MS. RUSSO: One more                |
| 22 | question, Mr. McShane. You         |
| 23 | mentioned earlier the SBCT plan,   |
| 24 | and you said you were going to     |
| 25 | update it or                       |

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| 1  | Council on Environmental Quality   |
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| 2  | MR. McSHANE: We're in the          |
| 3  | process of updating it right now.  |
| 4  | We should have it shortly. All of  |
| 5  | the audits were done over the last |
| 6  | few weeks.                         |
| 7  | MR. SWANSON: Will you              |
| 8  | provide that to us?                |
| 9  | MR. McSHANE: Absolutely.           |
| 10 | MR. SPEISER: Okay. The             |
| 11 | number of jet propeller aircraft   |
| 12 | that use the airport and Long      |
| 13 | Island Jet. I think we can speak   |
| 14 | certainly to Long Island Jet's     |
| 15 | operations. Our 2005 numbers show  |
| 16 | that we handled roughly 2,580      |
| 17 | departures over the course of the  |
| 18 | year. A good portion of that, of   |
| 19 | course, coming through the summer  |
| 20 | months. A best estimate on the     |
| 21 | breakdown of those departures, the |
| 22 | 2 percent are civilian             |
| 23 | helicopters, 43 percent what we    |
| 24 | refer to as light aircraft and     |
| 25 | I'll explain that momentarily      |

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| 1  | Council on Environmental Quality   |
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| 2  | 35 percent in the mid or medium    |
| 3  | size business jet class,           |
| 4  | 10 percent of what we refer to as  |
| 5  | the large business jet class for   |
| 6  | general aviation. And the          |
| 7  | remaining 10 percent covers the    |
| 8  | military, the Coast Guard and the  |
| 9  | Suffolk County Police Department's |
| 10 | Medevac helicopter unit.           |
| 11 | MR. SWANSON: That is               |
| 12 | somewhat less than ten flights a   |
| 13 | day?                               |
| 14 | MR. SPEISER: 7.1 flights           |
| 15 | per day on an annualized basis.    |
| 16 | MR. SWANSON: You're also           |
| 17 | talking about the entire airport   |
| 18 | use or                             |
| 19 | MR. SPEISER: Only our              |
| 20 | facility. I can't really speak to  |
| 21 | the entire airport. Although it    |
| 22 | has been said that we are handling |
| 23 | 60 percent of those departures on  |
| 24 | the general aviation side. I       |
| 25 | guess we could do some math there. |

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| 1  | Council on Environmental Quality  |
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| 2  | The Suffolk County PD Medevac     |
| 3  | helicopter runs roughly twice a   |
| 4  | day, the Coast Guard comes in on  |
| 5  | fairly routine missions, in here  |
| б  | every other day. We see military  |
| 7  | trainers and various aircraft     |
| 8  | throughout the year. Most         |
| 9  | everything else is civilian or    |
| 10 | corporate. The designation,       |
| 11 | general aviation, that they're    |
| 12 | using are standard and typical    |
| 13 | small aircraft that we're         |
| 14 | referring to are either           |
| 15 | reciprocating or small business   |
| 16 | jet airplanes which would hold,   |
| 17 | let's say, up to six people or so |
| 18 | passengers. The medium or         |
| 19 | mid-size jet would have a seating |
| 20 | capacity of, perhaps, eight, and  |
| 21 | what really distinguishes the     |
| 22 | mid-size jet is that they have a  |
| 23 | larger cabin and more room. So if |
| 24 | you're out on, let's say, a Lear  |
| 25 | or a Citation 1 like Cessna or by |

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Council on Environmental Quality 1 Bombardier, when you're sitting in 2 3 that airplane, you're going to be leaning over like this when you're 4 sitting in the seat. When you're 5 б sitting in the mid-size aircraft, 7 you're going to be sitting up nice, and you're going to have a 8 9 little bit of extra head room and so forth. And then in the larger 10 aircraft, typically, you can just 11 about stand up, unless, of course, 12 you're 6'4", and then there isn't 13 14 a business jet aircraft out there that allows you to stand. 15 I'm not 6'4", so I don't have that problem 16 nor do I get to travel in these 17 jets. 18 In terms of our numbers, I 19 20 don't have the complete numbers 21 for 2006, but we're off about 6 percent over 2005 in terms of our 22 sales and so forth. So the 23 estimation, though, would be that 24 when we do get to looking at the 25

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Council on Environmental Quality 1 hard numbers for '06, that we'll 2 have seen about a 6 percent 3 reduction in the number of flights 4 5 overall. But per hour operation, what I would like to say there, 6 though, is I think that the mix is 7 changing somewhat, because we're 8 seeing some increases in volume of 9 fuel, and if we can go back to 10 when Long Island Jet Center 11 12 initially arrived at Gabreski Airport, and this goes all the way 13 back to 1995, and the most telling 14 15 situation was that the air traffic 16 declined throughout those next two years, but the fuel volume and 17 revenue to the airport actually 18 increased, and that's a result of 19 bringing services to the airport 20 that weren't previously available, 21 22 and airplanes being able to stay 23 there, which is a good part of our argument with regards to our 24 current development plan, and I 25

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| Council on Environmental Quality   |
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| think the similar thing is         |
| happening right now. We're seeing  |
| a slightly different twist in the  |
| mix, so what we may see is lower   |
| numbers for 2006 and I'm only      |
| speculating on it at the moment    |
| because the volume was fairly      |
| flat, you know, in terms of        |
| gallons. We didn't see much of a   |
| change in the volume, but our      |
| revenue was off, which would       |
| indicate to me that we were        |
| operating less flights, but        |
| perhaps slightly larger airplanes. |
| So perhaps slightly larger         |
| airplanes, so maybe more of it has |
| mixed into the medium or the large |
| versus most of it currently being  |
| in the small aircraft. And I       |
| don't know that for sure, but I've |
| been in the business now 24 years, |
| and when I look at these numbers,  |
| that kind of tells me that story.  |
| MR. KAUFMAN: Basically,            |
|                                    |

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| 1  | Council on Environmental Quality  |
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| 2  | you're saying, if I'm reading the |
| 3  | numbers correctly, a little under |
| 4  | 2600 departures for 2005 and      |
| 5  | somewhat down I think             |
| 6  | 60 percent down for 2006.         |
| 7  | MR. SPEISER: That's               |
| 8  | correct.                          |
| 9  | MR. KAUFMAN: If you build         |
| 10 | these structures that you're      |
| 11 | talking about and increase your   |
| 12 | tank farm and things like that,   |
| 13 | what is the capacity level that   |
| 14 | your going to be ending up with?  |
| 15 | In other words, can you service   |
| 16 | more jets and other aircraft than |
| 17 | you presently use in the airport  |
| 18 | at this point in time? Upgrade of |
| 19 | existing service?                 |
| 20 | MR. SPEISER: We can               |
| 21 | service any volume of jets that   |
| 22 | come through that airport. The    |
| 23 | involvement of our site certainly |
| 24 | gives us the capability of        |
| 25 | handling more of those airplanes  |
|    |                                   |

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| 1  | Council on Environmental Quality   |
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| 2  | on our property instead of         |
| 3  | divvying them up all over the      |
| 4  | airport and towing them across     |
| 5  | taxiways and runways and so forth, |
| 6  | to park them when we're prowling.  |
| 7  | I think if you take a look, and    |
| 8  | I'll try to bring it up on the     |
| 9  | screen I brought my laptop here    |
| 10 | at the property out east, which    |
| 11 | is the other FBO on the airport,   |
| 12 | it's interesting to see, it's been |
| 13 | said that we're currently handling |
| 14 | 60 percent of the departures on    |
| 15 | the general aviation side, that if |
| 16 | you look at the property layout,   |
| 17 | Meloy is currently operating       |
| 18 | 26,000 square feet of hangar       |
| 19 | space, has six acres of transient  |
| 20 | ramp, but traditionally for        |
| 21 | tie-downs, handling 40 percent,    |
| 22 | and if you look at the comparative |
| 23 | analysis and say that they're      |
| 24 | operating a facility that is, I    |
| 25 | would say, at least three to four  |

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| 1  | Council on Environmental Quality    |
|----|-------------------------------------|
| 2  | times the size of what we have and  |
| 3  | still going to be larger than what  |
| 4  | we're proposing, and we're          |
| 5  | handling 60 percent of the          |
| 6  | traffic, you can understand our     |
| 7  | dilemma. We really need a place     |
| 8  | to put these airplanes when they    |
| 9  | arrive, and essentially, we're      |
| 10 | looking to establish what we        |
| 11 | consider a baseline size FBO        |
| 12 | facility.                           |
| 13 | So right now, we're                 |
| 14 | operating out of a 1940 facility,   |
| 15 | which is completely rundown, and I  |
| 16 | report to you that the face of the  |
| 17 | community is very much said by      |
| 18 | what the airport looks like         |
| 19 | because people fly into it, and     |
| 20 | . it's one of the first things that |
| 21 | they're going to see, and what      |
| 22 | we're showing about our community   |
| 23 | is really not a very pretty sight.  |
| 24 | So in terms of increasing           |
| 25 | capacity, we will not do anything   |
|    |                                     |

| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | that's going to increase capacity  |
| 3  | for the airport. We will           |
| 4  | definitely be able to increase the |
| 5  | capability, as in our ability to   |
| 6  | handle our current customers, no   |
| 7  | question.                          |
| 8  | MR. KAUFMAN: Do you think          |
| 9  | you're going to be attracting      |
| 10 | people from outside of the area?   |
| 11 | For example, Westchester always    |
| 12 | has overflow, and apparently       |
| 13 | sometimes sends off to Teterboro.  |
| 14 | LaGuardia this is the past         |
| 15 | now sometimes when they've had     |
| 16 | overflow they send to Westchester. |
| 17 | Are you anticipating a situation   |
| 18 | like this where you may be a       |
| 19 | receiving zone?                    |
| 20 | MR. SPEISER: We get those          |
| 21 | now. I mean, when there are        |
| 22 | diversions out of East Hampton     |
| 23 | because of weather and its         |
| 24 | capacity, we get absolutely        |
| 25 | slam-dunked. We get jets landing   |
|    |                                    |

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| 1  | Council on Environmental Quality  |
|----|-----------------------------------|
| 2  | in East Hampton. When East        |
| 3  | Hampton and West Hampton used to  |
| 4  | shut down because there wasn't an |
| 5  | instrument approach at Gabreski   |
| 6  | Airport, Islip was booming in     |
| 7  | terms of the amount of traffic    |
| 8  | that came there on a particular   |
| 9  | weekend. So all airports in the   |
| 10 | region will become relievers, to  |
| 11 | some extent, of over capacity at  |
| 12 | other airports regardless of our  |
| 13 | development. We just want to      |
| 14 | bring the place into the 21st     |
| 15 | century, of course.               |
| 16 | MR. KAUFMAN: What you're          |
| 17 | basically saying, if you look at  |
| 18 | it in a converse way, is you're   |
| 19 | establishing a certain level of   |
| 20 | service. You hope to service, if  |
| 21 | you will, the traffic that you    |
| 22 | already have at this point off of |
| 23 | the facility tie-downs, whatever. |
| 24 | But at the same time, you are     |
| 25 | admitting, if I'm not mistaken,   |

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> > ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | that you could handle surges in    |
| 3  | aircraft.                          |
| 4  | MR. SPEISER: The airport           |
| 5  | has the capability today to handle |
| 6  | surges in aircraft, and it has.    |
| 7  | The U.S. Open is a perfect example |
| 8  | of that. I think there was         |
| 9  | something in the neighborhood of   |
| 10 | 65 or 70 additional business jets  |
| 11 | parked on that air field during    |
| 12 | that event. We also had several    |
| 13 | thousand automobiles there as      |
| 14 | well. I think that it's fair to    |
| 15 | say that airports, once the        |
| 16 | runways are in place, can handle   |
| 17 | whatever the capacity that         |
| 18 | runway's capabilities are. The     |
| 19 | demand and the growth of the air   |
| 20 | field itself is driven, in large   |
| 21 | part, by the development of the    |
| 22 | east end of Long Island. It was    |
| 23 | in the paper again today,          |
| 24 | actually, that the Long Island     |
| 25 | Power Authority says that the Long |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | Island population is increasing,   |
| 3  | not decreasing. In the ACAP        |
| 4  | minutes, it was said clearly by    |
| 5  | the members of that Board that     |
| 6  | there has been tremendous growth   |
| 7  | on the east end of Long Island in  |
| 8  | terms of development of housing.   |
| 9  | We have wonderful golf courses,    |
| 10 | we've put in the Tanger Mall.      |
| 11 | We've done all of these things     |
| 12 | which have increased automobile    |
| 13 | traffic, ferry traffic, train      |
| 14 | traffic and, yes, airplane traffic |
| 15 | as well.                           |
| 16 | The interesting thing about        |
| 17 | an airport is that the airport can |
| 18 | accept that aircraft traffic with  |
| 19 | or without the facilities, so the  |
| 20 | development of facilities at the   |
| 21 | air field will not encourage or    |
| 22 | develop or grow air traffic. It    |
| 23 | is a part of the economic engine   |
| 24 | in the region because people will  |
| 25 | live here, but they say, "Wow, I   |
|    |                                    |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | can get out of here or I can park  |
| 3  | my airplane there and I can fly my |
| 4  | airplane to Gabreski Airport."     |
| 5  | MR. KAUFMAN: But you also          |
| 6  | have to understand what we have to |
| 7  | look at, here at this Board,       |
| 8  | there's apparently a lot of        |
| 9  | community opposition to this,      |
| 10 | which I think everyone on this     |
| 11 | Board here is aware of. We've      |
| 12 | been flooded with letters, lots of |
| 13 | information going back and forth,  |
| 14 | etcetera. And one of the things    |
| 15 | we have to deal with in assessing  |
| 16 | this from a State Department       |
| 17 | Audit & Review Act standpoint is,  |
| 18 | what are we looking at, basically, |
| 19 | in terms of possible traffic?      |
| 20 | That is one of our charges here.   |
| 21 | Admittedly, it's an airport. I     |
| 22 | understand that airports generally |
| 23 | have planes landing on them.       |
| 24 | There are no limits on lot traffic |
| 25 | in a lot of the master plans and a |
|    |                                    |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | lot of land use plans for in the   |
| 3  | area.                              |
| 4  | What I'm trying to drive at        |
| 5  | is, you guys, as part of Long      |
| 6  | Island Jet, what are we looking at |
| 7  | in terms of possible increased     |
| 8  | usage? You're basically saying     |
| 9  | that there's a large capacity,     |
| 10 | you're going to have more bells    |
| 11 | and whistles, if you will,         |
| 12 | available to service the aircraft, |
| 13 | etcetera. Realistically, how much  |
| 14 | might we be looking at in terms of |
| 15 | a percentage? I do see the fact    |
| 16 | that you're down 6 percent. But,   |
| 17 | again, is this going to bring in   |
| 18 | more aircraft?                     |
| 19 | MR. SPEISER: We are                |
| 20 | wanting to build the hangar        |
| 21 | facilities for several reasons,    |
| 22 | not the least of which is that we  |
| 23 | can base airplanes, we have a high |
| 24 | demand for overnight hangar space. |
| 25 | Initially, we're hopeful that      |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | we'll be able to utilize that      |
| 3  | demand for overnight space, which  |
| 4  | is helpful for air traffic, of     |
| 5  | course, because people don't have  |
| 6  | to leave the airport to go to      |
| 7  | other locations and house their    |
| 8  | airplanes, so we're hoping to use  |
| 9  | that capability to help generate,  |
| 10 | of course, revenue, because that's |
| 11 | the business we're in, for the     |
| 12 | facility, and it will be helpful   |
| 13 | for keeping us profitable perhaps, |
| 14 | or at least pay our bills during   |
| 15 | the off-season if we could have    |
| 16 | some of these people who now come  |
| 17 | and go from the airport based with |
| 18 | us.                                |
| 19 | Again, I reiterate that the        |
| 20 | development of Long Island Jet     |
| 21 | Center simply brings us to an      |
| 22 | equal and level playing field with |
| 23 | the existing operator on the field |
| 24 | in terms of the ability to park    |
| 25 | airplanes safely and so forth, we  |

| 1              | Council on Environmental Quality  |
|----------------|---|
| 2              | will not be bringing in additional                                      |
| 3              | aircraft. Remember, we do not own                                       |
| 4              | airplanes, we do not charter  |
| 5              | airplanes, and we're not bringing                                       |
| 6              | them in. We're a service company.                                       |
| 7              | We are the local gas station.   |
| 8              | When you go to the local gas  |
| 9              | station and you stop by and you're                                      |
| 10             | going to fill your car up, that's                                       |
| 11             | who we are, and what we try to do                                       |
|                |   |
| 12             | is provide a comfortable facility                                       |
| 13             | for the pilots and crews to come  |
| 14             | into, provide a good face to the  |
| 15             | community and provide the minimum                                       |
| 16             | required storage capability for   |
| 17             | airplanes to keep them on the   |
|                |   |
| 18             | airport and help our economy  |
| 18<br>19       | airport and help our economy there.                                     |
|                |   |
| 19             | there.  |
| 19<br>20       | there.<br>So there will be growth at                                    |
| 19<br>20<br>21 | there.<br>So there will be growth at<br>Gabreski Airport. There will be |

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continuing to grow, but it is not

ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | going to be as a result of the     |
| 3  | development that Long Island Jet   |
| 4  | Center is proposing here today.    |
| 5  | MR. SWANSON: Thank you             |
| 6  | very much. Will you remain in      |
| 7  | case there's questions?            |
| 8  | MR. McSHANE: I think we            |
| 9  | have one more thing for you. No?   |
| 10 | MR. SWANSON: I think you           |
| 11 | answered it.                       |
| 12 | MR. FULKERSON: I just have         |
| 13 | a couple of things I'd like to, if |
| 14 | I could, read into the record. Is  |
| 15 | that okay?                         |
| 16 | MR. SWANSON: Yes.                  |
| 17 | MR. FULKERSON: In Newsday          |
| 18 | on March 13th, referring mainly to |
| 19 | the sewer problem on Long Island,  |
| 20 | the County Executive indicated     |
| 21 | that Suffolk County's policies     |
| 22 | focused more on future planning    |
| 23 | decisions than on undoing past     |
| 24 | mistakes. "Future development      |
| 25 | corridors should be concentrated   |

| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | in areas already served by sewers, |
| 3  | such as Yaphank and Gabreski       |
| 4  | Airport in West Hampton and Stony  |
| 5  | Brook." I've already said what     |
| 6  | APAC has to say about the          |
| 7  | development on the East End and    |
| 8  | LIPA said that the population is   |
| 9  | increasing. At the ACAP meeting,   |
| 10 | there's been some discussion about |
| 11 | the record, and I've offered to    |
| 12 | provide our records to County      |
| 13 | Health Department with regard to   |
| 14 | spills and so forth. There's a     |
| 15 | lot of discussion about our record |
| 16 | on compliance with regard to our   |
| 17 | storage facilities there, and I'll |
| 18 | quote the inspector for Suffolk    |
| 19 | County Department of Health        |
| 20 | Services. "We looked for           |
| 21 | technical compliance and then we   |
| 22 | look at operational compliance,    |
| 23 | and I think all the tanks here are |
| 24 | technically compliant, which means |
| 25 | they meet standards. There is one  |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | tank that's operated by Malloy     |
| 3  | that will be out of compliance in  |
| 4  | 2010. All single wall tanks have   |
| 5  | been replaced with above ground    |
| 6  | tanks. All Long Island Jet's air   |
| 7  | tanks are in compliance. The       |
| 8  | violations, that we did note were  |
| 9  | operational compliance issues,     |
| 10 | paperwork issues they required     |
| 11 | them to do as part of the          |
| 12 | management to inspect their tank   |
| 13 | and ancillary equipment and make   |
| 14 | sure it's in operating order.      |
| 15 | They have to keep track of records |
| 16 | of those self-inspections on a     |
| 17 | monthly basis and they were not in |
| 18 | compliance with that, but they are |
| 19 | now."                              |
| 20 | The amount of regulatory           |
| 21 | oversight that an airport receives |
| 22 | and that an aviation supplier      |
| 23 | company like ours receives is      |
| 24 | fairly intense, and it is          |
| 25 | important, I think, for people to  |
|    |                                    |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | understand that unlike some        |
| 3  | businesses or garages that are off |
| 4  | airport or in the neighborhood     |
| 5  | where things could be going on     |
| 6  | that may not be caught, we are     |
| 7  | literally in the fishbowl when it  |
| 8  | comes to regulatory compliance,    |
| 9  | and we are required to respond to  |
| 10 | the Suffolk County Department of   |
| 11 | Health Services, the Environmental |
| 12 | Protection Agency, the New York    |
| 13 | State Department of Environmental  |
| 14 | Conservation, the Federal Aviation |
| 15 | Administration, the United States  |
| 16 | Department of Agriculture, the     |
| 17 | Food and Drug Administration and   |
| 18 | OSHA made safety first, which you  |
| 19 | saw a piece of today. Our people   |
| 20 | go through part 139 fire training, |
| 21 | and we have to comply with AFTA    |
| 22 | 407 and 409 with regard to         |
| 23 | handling of fuel and hangar        |
| 24 | facilities.                        |
| 25 | In addition to that, I just        |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | want to note that all of our       |
| 3  | employees are fingerprinted,       |
| 4  | federally background checked,      |
| 5  | criminal background checked,       |
| 6  | random drug screening under the    |
| 7  | New York State DOT drug screening  |
| 8  | program, and very intensely        |
| 9  | trained about their environmental  |
| 10 | responsibilities at an airport.    |
| 11 | I have a letter which I'll         |
| 12 | read into the record, and then     |
| 13 | I'll leave you a copy of it from   |
| 14 | the airport manager at the         |
| 15 | Republic Airport. "To whom it may  |
| 16 | concern: Republic Airport is the   |
| 17 | third busiest general aviation     |
| 18 | facility in the State of New York. |
| 19 | To manage it successfully requires |
| 20 | a level of professional teamwork   |
| 21 | and competence. Long Island Jet    |
| 22 | Center joined that team as one of  |
| 23 | two first class FBO operators at   |
| 24 | Republic Airport in late 1999.     |
| 25 | Since that time they have directly |
|    |                                    |

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 $\sum_{j=1}^{N}$ 

ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | contributed to Republic's          |
| 3  | considerable operational success.  |
| 4  | Long Island Jet Center             |
| 5  | manages 25 acres of facility with  |
| 6  | approximately 100,000 square feet  |
| 7  | of hangar space. They manage a     |
| 8  | 60,000 gallon above ground         |
| 9  | aviation fuel storage facility at  |
| 10 | the airport. Since their tenancy,  |
| 11 | they have invested in              |
| 12 | state-of-the-art monitoring        |
| 13 | systems and video surveillance of  |
| 14 | their entire facility that         |
| 15 | underscores their adherence to     |
| 16 | Republic's commitment to           |
| 17 | operational excellence.            |
| 18 | They have a solid record on        |
| 19 | the environmental compliance and   |
| 20 | have always resolved any questions |
| 21 | regarding regulatory issues in a   |
| 22 | prompt and professional manner.    |
| 23 | I have had the pleasure of         |
| 24 | working with their professional    |
| 25 | management team since their        |
|    |                                    |

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ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | arrival at the Airport. Since      |
| 3  | Long Island Jet Center assumed     |
| 4  | their role as a Republic FBO       |
| 5  | previously voiced concerns from    |
| 6  | aviation tenants (sic) have        |
| 7  | steadily declined. While we are    |
| 8  | fortunate to have two very         |
| 9  | professional FBO's at Republic     |
| 10 | there is no question the LI Jet    |
| 11 | Center's leadership has been a     |
| 12 | significant factor in helping to   |
| 13 | create a positive relationship     |
| 14 | with the other airport tenants     |
| 15 | (sic) and the community as a       |
| 16 | whole.                             |
| 17 | They have been very                |
| 18 | supportive of initiatives to       |
| 19 | reduce noise in the community      |
| 20 | surrounding the airport by helping |
| 21 | to encourage pilots to use our     |
| 22 | voluntary noise abatement          |
| 23 | procedures and by encouraging sub  |
| 24 | tenancies for aircraft operators   |
| 25 | that operate the newest Stage 3    |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | aircraft.                          |
| 3  | In addition, Long Island           |
| 4  | Jet Center has been a true partner |
| 5  | with the Airport by helping to     |
| 6  | educate the general public about   |
| 7  | the role of general aviation and   |
| 8  | its ability to strengthen the      |
| 9  | region's economy. In particular,   |
| 10 | last year they helped create,      |
| 11 | support, and project the region's  |
| 12 | first "Aviation Career Fair" in    |
| 13 | cooperation with the Aerospace     |
| 14 | Education Corporation and Republic |
| 15 | Airport.                           |
| 16 | Given my perspective, with         |
| 17 | years as an airport professional,  |
| 18 | it would be safe to say that there |
| 19 | are very few FBO operators that    |
| 20 | spend the financial resources that |
| 21 | Long Island Jet Center has         |
| 22 | provided in giving back to the     |
| 23 | industry and the community.        |
| 24 | The most dramatic example          |
| 25 | of their charitable work is their  |
|    |                                    |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | leadership role in supporting the  |
| 3  | American Airpower Museum at        |
| 4  | Republic Airport. Museum           |
| 5  | officials would tell you in a      |
| 6  | separate affidavit that their      |
| 7  | nationally honored institution     |
| 8  | would not exist today without the  |
| 9  | direct support and financial       |
| 10 | underwriting of Long Island Jet    |
| 11 | Center. There is no small irony    |
| 12 | that the museum has received much  |
| 13 | positive publicity in The New York |
| 14 | Times, Newsday, The Daily News,    |
| 15 | New York City broadcast outlets    |
| 16 | and News 12, but it is the quiet,  |
| 17 | unheralded efforts of Long Island  |
| 18 | Jet Center that has given them the |
| 19 | economic power they needed to put  |
| 20 | their historic aircraft into the   |
| 21 | air.                               |
| 22 | Long Island Jet Center's           |
| 23 | management team, employees and     |
| 24 | track record speak to a standard   |

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of excellence. They are an asset

ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

| 1  | Council on Environmental Quality  |
|----|-----------------------------------|
| 2  | to our industry as well as our    |
| 3  | airport. Please feel free to      |
| 4  | contact me if I can be of further |
| 5  | assistance in providing you with  |
| 6  | any insight you may require       |
| 7  | regarding their role at Republic  |
| 8  | Airport. Sincerely, Shelley       |
| 9  | LaRose Arken, Airport Manager."   |
| 10 | MR. SWANSON: Is that it?          |
| 11 | MR. McSHANE: Thank you.           |
| 12 | MR. SWANSON: Mr. Ceglio,          |
| 13 | could we ask you to come back to  |
| 14 | the table?                        |
| 15 | MR. KAUFMAN: Mr. Ceglio, I        |
| 16 | have some questions that I'd like |
| 17 | to ask you. What I'm going to be  |
| 18 | trying to drive at is contrasting |
| 19 | information you might give with   |
| 20 | what we've heard from Long Island |
| 21 | Jet. You're a Suffolk County      |
| 22 | employee, as I understand.        |
| 23 | MR. CEGLIO: Yes.                  |
| 24 | MR. KAUFMAN: And as such,         |
| 25 | I would ask you to give complete  |
|    |                                   |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | candor to the questions that I     |
| 3  | will be asking you.                |
| 4  | One, do you have experience        |
| 5  | in the aviation field in managing  |
| 6  | an airport facility?               |
| 7  | MR. CEGLIO: Yes.                   |
| 8  | MR. KAUFMAN: How many              |
| 9  | years have you been doing that?    |
| 10 | MR. CEGLIO: I've been at           |
| 11 | Gabreski Airport for almost three  |
| 12 | years.                             |
| 13 | MR. KAUFMAN: Oh, okay.             |
| 14 | The present ground capacity at the |
| 15 | airport, in terms of numbers of    |
| 16 | the aircraft that can be based     |
| 17 | there, in your opinion, is         |
| 18 | Gabreski overcrowded at this point |
| 19 | in time?                           |
| 20 | MR. CEGLIO: I'm just               |
| 21 | trying to formulate an answer, but |
| 22 | during the peak season, summer     |
| 23 | season, it can be considered       |
| 24 | overcrowded. There are aircraft,   |
| 25 | as was mentioned before, that have |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | to be towed from ramp areas,       |
| 3  | across runways and taxiways to     |
| 4  | remote parking areas.              |
| 5  | MR. KAUFMAN: In your               |
| 6  | opinion, is there a deficit in     |
| 7  | hangar space for existing aircraft |
| 8  | use at this point in time?         |
| 9  | MR. CEGLIO: There                  |
| 10 | currently are a hundred based      |
| 11 | aircraft at the airport. Several   |
| 12 | of them I would say at least       |
| 13 | half of them have requested        |
| 14 | parking inside of hangars that     |
| 15 | are, right now, not available.     |
| 16 | There is no available hangar space |
| 17 | on the airport right now.          |
| 18 | MR. KAUFMAN: Given your            |
| 19 | experience with pilots and         |
| 20 | aircraft owners, is a hangar       |
| 21 | something that they really do want |
| 22 | to try and access or hope to have  |
| 23 | built in the area?                 |
| 24 | MR. CEGLIO: If possible,           |
| 25 | yes. A lot of the aircraft, even   |
|    |                                    |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | small, single-engine aircraft, can |
| 3  | cost now upwards of over a hundred |
| 4  | thousand dollars. The aircraft     |
| 5  | that currently are serviced by     |
| 6  | Long Island Jet are several        |
| 7  | million dollars, so, yes,          |
| 8  | considering the type of damage you |
| 9  | can get from leaving an aircraft   |
| 10 | out in the weather, typically, the |
| 11 | storm that we had last week or out |
| 12 | in the sun for several days, if a  |
| 13 | pilot or an aircraft owner can get |
| 14 | a hangar, he's usually looking     |
| 15 | to and especially an affordable    |
| 16 | hangar, looking to put his         |
| 17 | aircraft inside rather than leave  |
| 18 | it outside.                        |
| 19 | MR. KAUFMAN: What do you           |
| 20 | think is the present service level |
| 21 | at the field right now, in terms   |
| 22 | of repairs, storage, things like   |
| 23 | that? Do you think it's adequate   |
| 24 | at the airport? Do you think it    |
| 25 | needs some additional help, if you |

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> > ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

| 1  | Council on Environmental Quality   |
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| 2  | will, to service the existing      |
| 3  | units?                             |
| 4  | MR. CEGLIO: Again,                 |
| 5  | seasonal, the wintertime it's      |
| 6  | certainly adequate. Summertime, I  |
| 7  | would say it's inadequate. There   |
| 8  | is definitely a need for           |
| 9  | additional space.                  |
| 10 | MR. KAUFMAN: Have you had          |
| 11 | a problem with or issues with      |
| 12 | planes going elsewhere to be       |
| 13 | fueled or being serviced elsewhere |
| 14 | because the facilities are lacking |
| 15 | here?                              |
| 16 | MR. CEGLIO: I don't know           |
| 17 | if I could answer that a           |
| 18 | hundred percent. I know that       |
| 19 | excuse me?                         |
| 20 | MR. KAUFMAN: Or something          |
| 21 | that you've simply noticed in your |
| 22 | capacity.                          |
| 23 | MR. CEGLIO: Well, our              |
| 24 | maintenance facility is very       |
| 25 | small, but it's based on demand.   |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | We don't have a large demand for   |
| 3  | aircraft maintenance at the field  |
| 4  | right now. So there are aircraft   |
| 5  | that, for instance, need to get a  |
| 6  | radio repaired. There's no         |
| 7  | facility at the airport to do that |
| 8  | right now, so they'll go someplace |
| 9  | else, Connecticut, New Jersey,     |
| 10 | some other place.                  |
| 11 | MR. KAUFMAN: And that              |
| 12 | actually will add aircraft traffic |
| 13 | to the mix, if you will. If        |
| 14 | somebody has to leave to get       |
| 15 | repaired elsewhere, they have an   |
| 16 | extra trip.                        |
| 17 | MR. CEGLIO: That's                 |
| 18 | certainly a possibility, sure.     |
| 19 | MR. KAUFMAN: Do you                |
| 20 | believe that the possible          |
| 21 | expansion of service facilities    |
| 22 | here will increase jet traffic or  |
| 23 | aviation traffic, and in your      |
| 24 | opinion and I'm not asking for     |
| 25 | hard numbers or anything like      |
|    |                                    |

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| 1  | Council on Environmental Quality  |
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| 2  | that. In your opinion, how much   |
| 3  | do you think that might happen if |
| 4  | this project is approved?         |
| 5  | MR. CEGLIO: I think, as           |
| 6  | was stated, that the traffic at   |
| 7  | this airport is driven by the     |
| 8  | number of people that live in the |
| 9  | surrounding communities. Just     |
| 10 | because we have a fixed base      |
| 11 | operator there or some hangars,   |
| 12 | Gabreski Airport is not a         |
| 13 | destination airport. People       |
| 14 | aren't flying in here because we  |
| 15 | have a wonderful airport. They're |
| 16 | flying in here because of the     |
| 17 | community. Especially in the      |
| 18 | summertime, the beaches, the      |
| 19 | tourism, that kind of thing.      |
| 20 | MR. KAUFMAN: Related to           |
| 21 | general population trends, as the |
| 22 | people from Long Island Jet were  |
| 23 | saying.                           |
| 24 | MR. CEGLIO: Correct.              |
| 25 | MR. KAUFMAN: It's not a           |
|    |                                   |

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| 1  | Council on Environmental Quality  |
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| 2  | situation where if you built it,  |
| 3  | they will come, to quote a movie  |
| 4  | line?                             |
| 5  | MR. CEGLIO: They're coming        |
| 6  | already, and, again, it's not     |
| 7  | because the airport is doing      |
| 8  | anything different. The airport's |
| 9  | been there, it was stated before, |
| 10 | since 1943. So whatever we do,    |
| 11 | it's not going to draw more       |
| 12 | traffic in here unless there is a |
| 13 | reason for the traffic to come    |
| 14 | here. Like I said, whatever's     |
| 15 | going on in the local community   |
| 16 | and the East End and the          |
| 17 | population increase on Long       |
| 18 | Island.                           |
| 19 | MR. KAUFMAN: Knowing              |
| 20 | airport operation, do you think   |
| 21 | that expansion of this FBO will   |
| 22 | need outside traffic to help it   |
| 23 | work? I know the question has     |
| 24 | basically been asked before and   |
| 25 | it's been brought up, but I'm     |
|    |                                   |

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| 1  | Council on Environmental Quality   |
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| 2  | asking you your opinion at this    |
| 3  | point. Do you think that they      |
| 4  | will basically be handling what is |
| 5  | over there now as opposed to       |
| 6  | attracting?                        |
| 7  | MR. CEGLIO: From what I've         |
| 8  | seen over the past three years     |
| 9  | there, there is enough traffic     |
| 10 | and I don't know the business      |
| 11 | situation of Long Island Jet, but  |
| 12 | there's enough traffic in the      |
| 13 | summertime during the season, the  |
| 14 | in season at the airport, to       |
| 15 | sustain what they're intending to  |
| 16 | do. As Long Island Jet mentioned,  |
| 17 | there's a need for parking         |
| 18 | aircraft indoors overnight.        |
| 19 | Currently, some aircraft, the      |
| 20 | larger aircraft, will come in,     |
| 21 | drop off passengers, fly to        |
| 22 | Teterboro Airport or Westchester   |
| 23 | Airport, where they can park their |
| 24 | airplane overnight, and then come  |
| 25 | back on Sunday to pick up their    |
|    |                                    |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | passengers.                        |
| 3  | MR. KAUFMAN: Basically,            |
| 4  | you're saying it's adding traffic  |
| 5  | that they can't really be based    |
| 6  | there.                             |
| 7  | MR. CEGLIO: It's certainly         |
| 8  | a possibility, yeah.               |
| 9  | MR. KAUFMAN: One final             |
| 10 | question. I've come up with this   |
| 11 | independently, but I'm noticing a  |
| 12 | letter from Forest Markowitz in    |
| 13 | here, which kind of ties in. In    |
| 14 | your experience, have you seen     |
| 15 | FBOs at other comparable airports  |
| 16 | that have expanded in this range   |
| 17 | or when they have expanded in this |
| 18 | type of a range, have they created |
| 19 | more incoming traffic or have they |
| 20 | just increased service of the      |
| 21 | existing level?                    |
| 22 | MR. CEGLIO: That's kind of         |
| 23 | a hard question to answer only     |
| 24 | because I think it's different at  |
| 25 | every airport. Depending on where  |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | an airport is, it certainly could  |
| 3  | draw traffic from an airport that  |
| 4  | doesn't have adequate or as        |
| 5  | adequate facilities as the type of |
| 6  | development that we're talking     |
| 7  | about. I don't know that there's   |
| 8  | any airport that has the type of   |
| 9  | facilities that we have which      |
| 10 | could be considered inadequate.    |
| 11 | I've been told that Gabreski       |
| 12 | Airport is the most underutilized  |
| 13 | facility in the northeast United   |
| 14 | States only because of the number  |
| 15 | and types of hangars. So I don't   |
| 16 | think that by building these       |
| 17 | hangars we're going to draw        |
| 18 | airplanes from East Hampton,       |
| 19 | Brookhaven, MacArthur, that kind   |
| 20 | of thing.                          |
| 21 | I don't know if that               |
| 22 | answers your question or not.      |
| 23 | MR. KAUFMAN: It does.              |
| 24 | I have no further                  |
| 25 | questions.                         |

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| 1  | Council on Environmental Quality   |
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| 2  | MR. SWANSON: Any other             |
| 3  | questions?                         |
| 4  | (No response.)                     |
| 5  | MR. SWANSON: Thank you             |
| 6  | very much.                         |
| 7  | Now why don't we take a            |
| 8  | break so our stenographer can rest |
| 9  | her fingers. Five minutes.         |
| 10 | (Whereupon, a short recess         |
| 11 | was taken.)                        |
| 12 | MR. SWANSON: I would like          |
| 13 | to ask everybody's forbearance of  |
| 14 | trying to accommodate a number of  |
| 15 | people's schedules, and I'm going  |
| 16 | to stop the debate and discussion  |
| 17 | now on the airport temporarily so  |
| 18 | that we can try to accommodate     |
| 19 | several other people that have to  |
| 20 | leave here by noon                 |
| 21 | MR. POTENTE: Mr. Chair?            |
| 22 | MR. SWANSON: Yes.                  |
| 23 | MR. POTENTE: I have to             |
| 24 | leave at 11:30.                    |
| 25 | MR. SWANSON: Okay. So              |

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| 1  | Council on Environmental Quality   |
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| 2  | we're going to go to the           |
| 3  | resolution appropriating funds in  |
| 4  | connection with the restoration of |
| 5  | wetlands. Is there anybody here    |
| 6  | that would like to speak to that?  |
| 7  | MS. GALLAGHER: Yes. We             |
| 8  | actually have a presentation to    |
| 9  | give you. I'm going to suggest to  |
| 10 | you that given the large agenda to |
| 11 | do an abbreviated version, so I'll |
| 12 | be skipping through a number of    |
| 13 | the slides to get to what I see is |
| 14 | maybe four of the key slides. We   |
| 15 | do have handouts of the            |
| 16 | presentation, as well as a         |
| 17 | one-page overview of the proposed  |
| 18 | stewardship committee, and         |
| 19 | hopefully, you'll find that        |
| 20 | information useful. I think that   |
| 21 | this particular item in front of   |
| 21 | you is an appropriations bill.     |
| 22 | It's to appropriate funds from a   |
|    |                                    |
| 24 | capital project to prepare a plan. |
| 25 | So it is meant to be and,          |

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| 1  | Council on Environmental Quality    |
|----|-------------------------------------|
| 2  | hopefully, it will only take a      |
| 3  | moment, purely an administrative    |
| 4  | function just to appropriate the    |
| 5  | money in order to collect data and  |
| 6  | conduct some studies in order to    |
| 7  | conduct a strategy for better       |
| 8  | management of our 17,000,           |
| 9  | approximately, of tidal wetlands.   |
| 10 | In this year, it would be \$220,000 |
| 11 | and                                 |
| 12 | MS. VILORIA-FISHER: Ms.             |
| 13 | Gallagher, would you yield for      |
| 14 | just a moment?                      |
| 15 | MS. GALLAGHER: Sure.                |
| 16 | MS. VILORIA-FISHER: I               |
| 17 | asked CEQ to review this, although  |
| 18 | it hadn't gone through CEQ, it      |
| 19 | came directly to the Legislature,   |
| 20 | because I had questions about some  |
| 21 | of the whereases, and I was         |
| 22 | concerned that the implications     |
| 23 | were more than just budgetary.      |
| 24 | And this is why this is unusual     |
| 25 | that it would come to CEQ at this   |
|    |                                     |

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| 1  | Council on Environmental Quality   |
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| 2  | juncture, but I just wanted more   |
| 3  | eyes to look at it who had         |
| 4  | familiarity with the entire        |
| 5  | program and because CEQ has been   |
| 6  | looking at the long-term           |
| 7  | management plan for so long and is |
| 8  | so familiar with it, I thought     |
| 9  | that it should be this body that   |
| 10 | looks upon it.                     |
| 11 | MS. GALLAGHER: Thank you,          |
| 12 | Commissioner.                      |
| 13 | MS. VILORIA-FISHER: Sure.          |
| 14 | MS. GALLAGHER: And we              |
| 15 | thought that when we put in the    |
| 16 | appropriations bill that it was    |
| 17 | written in such a way that it      |
| 18 | would be a Type II status because  |
| 19 | it refers to data collection and   |
| 20 | studies, and you'll see that we    |
| 21 | put up here a section of SEQRA     |
| 22 | that would be applicable in that   |
| 23 | case. I was going to do an         |
| 24 | abbreviated version. If you want   |
| 25 | I can go through all the slides,   |
|    |                                    |

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| 1  | Council on Environmental Quality   |
| 2  | but they're all in your handouts.  |
| 3  | I just figure it would be better   |
| 4  | to do a quick, ten-minute          |
| 5  | discussion than the full           |
| 6  | 20 minutes of slides. We have      |
| 7  | examples of what was done, so I    |
| 8  | thought what I would try to do is  |
| 9  | explain a little bit more of the   |
| 10 | program itself.                    |
| 11 | This is kind of a flow of          |
| 12 | how the over-arching wetlands      |
| 13 | stewardship program would work.    |
| 14 | The applicant would have to submit |
| 15 | their proposal, and it would go to |
| 16 | what we're proposing as a wetland  |
| 17 | stewardship committee. This whole  |
| 18 | program actually came out as a     |
| 19 | recommendation for the long-term   |
| 20 | plan, and that steering committee  |
| 21 | would be made up of the            |
| 22 | representatives you see listed     |
| 23 | along the bottom of the slide      |
| 24 | there. It would have 18 members.   |
| 25 | Members from the Long Island Sound |
|    |                                    |

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| 1  | Council on Environmental Quality   |
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| 2  | study, the Estuary Program, the    |
| 3  | South Shore Estuary Reserve, DEC   |
| 4  | two different units within         |
| 5  | DEC Department of State, the       |
| 6  | Legislature, the County            |
| 7  | Executive's office, Department of  |
| 8  | Energy, which will serve as chair, |
| 9  | Health Services, Public Works,     |
| 10 | Planning, Parks, CEQ, and then     |
| 11 | four nonprofits, two to be         |
| 12 | appointed by the Legislature, two  |
| 13 | to be appointed by the County      |
| 14 | Executive's office, with the idea  |
| 15 | that the steering committee would  |
| 16 | really be the policy makers. They  |
| 17 | would be supported by technical    |
| 18 | experts in the Wetlands Management |
| 19 | Work Group that then would review  |
| 20 | and make recommendation in an      |
| 21 | advisory capacity to the           |
| 22 | Legislature, who would then        |
| 23 | approve or disapprove the actual   |
| 24 | project.                           |
| 25 | The projects would occur           |

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| 1  | Council on Environmental Quality   |
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| 2  | only after we had already          |
| 3  | developed this stewardship plan.   |
| 4  | So the money, again, that we're    |
| 5  | asking to be appropriated is to    |
| 6  | develop the plan, to do the data   |
| 7  | collection studies necessary to    |
| 8  | develop a strategy and a plan for  |
| 9  | managing the wetlands.             |
| 10 | So this provides a little          |
| 11 | more detail about what we're       |
| 12 | hoping to do with this funding.    |
| 13 | It's really not for restoration at |
| 14 | this point, it's for planning      |
| 15 | purposes at this point. It would   |
| 16 | be used to support the stewardship |
| 17 | program strategy. It does have a   |
| 18 | relationship long-term plan since  |
| 19 | it supports the stewardship        |
| 20 | strategy. And we can go ahead      |
| 21 | with this stewardship strategy     |
| 22 | irrespective of the long-term      |
| 23 | plans. Now, since the plan passed  |
| 24 | last night, that's no longer an    |
| 25 | issue, but there was some concern  |
|    |                                    |

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| 1  | Council on Environmental Quality    |
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| 2  | that maybe that would continue to   |
| 3  | drag out. There is a draft work     |
| 4  | plan that's been developed as part  |
| 5  | of the long-term plan, and the      |
| б  | funding, the total funding, is      |
| 7  | \$500,000. That's a capital         |
| 8  | project that exists right now, and  |
| 9  | we're asking for \$220,000 for this |
| 10 | stage 1.                            |
| 11 | So, again, to go through            |
| 12 | kind of this flow chart of how the  |
| 13 | program would work, the funding     |
| 14 | would be used for the lower half    |
| 15 | of the slide, having consultants    |
| 16 | who would do field work and         |
| 17 | develop strategy, and then work     |
| 18 | with the County to refine that      |
| 19 | plan, that wetlands stewardship     |
| 20 | plan, in conjunction with           |
| 21 | Department of Energy, Health        |
| 22 | Services, Public Works, Planning    |
| 23 | and Parks. And after that plan      |
| 24 | was developed, we would start       |
| 25 | really utilizing the technical      |
|    |                                     |

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| 1  | Council on Environmental Quality   |
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| 2  | experts and the stewardship        |
| 3  | committee for approving any        |
| 4  | projects that might be recommended |
| 5  | as part of that plan. And then     |
| б  | eventually, this will be           |
| 7  | incorporated into the long-term    |
| 8  | plan update, the triennial plan    |
| 9  | update.                            |
| 10 | And I think those are the          |
| 11 | key points. Walt, do you want to   |
| 12 | add anything or jump back to       |
| 13 | anything at this point?            |
| 14 | MR. DAWYDIAK: No, I think          |
| 15 | that was an excellent overview.    |
| 16 | Again, just to recap, there's a    |
| 17 | project review function of this    |
| 18 | wetland stewardship committee,     |
| 19 | which is contingent upon the       |
| 20 | long-term plan. But if any part    |
| 21 | of the long-term plan isn't        |
| 22 | validated for any reason           |
| 23 | whatsoever, this planning function |
| 24 | is independent, then we actually   |
| 25 | help the County Executive draft    |
|    |                                    |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | this resolution accordingly.       |
| 3  | There's some whereases about how   |
| 4  | this grew out of long-term plan    |
| 5  | recommendations. The only ones     |
| 6  | that count in this resolution are  |
| 7  | that the Department of Environment |
| 8  | will oversee development of the    |
| 9  | strategy, and the strategy         |
| 10 | approach has been deemed to be the |
| 11 | most appropriate way to preserve   |
| 12 | and restore our wetlands. That in  |
| 13 | response to Chairman Swanson's     |
| 14 | point about adding preservation    |
| 15 | and to charge.                     |
| 16 | And again, it's a simple           |
| 17 | appropriating resolution for a     |
| 18 | planning study which is related to |
| 19 | the long-term plan, but not        |
| 20 | contingent in any way upon it.     |
| 21 | MR. KAUFMAN: Do you have           |
| 22 | more slides?                       |
| 23 | MS. GALLAGHER: I do.               |
| 24 | Would you like me to continue or   |
| 25 | go back to some?                   |
|    |                                    |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | MR. SWANSON: I think we            |
| 3  | ought to strike the review and the |
| 4  | resolution.                        |
| 5  | MS. GALLAGHER: If you have         |
| 6  | any questions on the entire        |
| 7  | presentation, which you have a     |
| 8  | summary of there, or you have all  |
| 9  | the slides, feel free to contact   |
| 10 | myself or Walt.                    |
| 11 | MR. DAWYDIAK: I'm sorry,           |
| 12 | we don't have the presentation or  |
| 13 | handout of the resolution.         |
| 14 | MS. VILORIA-FISHER: We             |
| 15 | don't have the slides.             |
| 16 | MR. DAWYDIAK: I'll wander          |
| 17 | around and see if I can track down |
| 18 | three manila envelopes. Oh, I      |
| 19 | think they've been found. Yeah,    |
| 20 | there were three folders with sets |
| 21 | of each of the handouts floating   |
| 22 | around up there.                   |
| 23 | MR. KAUFMAN: While Viv is          |
| 24 | handing the rest of the folders    |
| 25 | out, I was reviewing the bill a    |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | couple of days ago. I'm looking    |
| 3  | at the seventh and last clause,    |
| 4  | and this gives me a little bit of  |
| 5  | a pause. I know the intent of      |
| 6  | this particular reso is to have a  |
| 7  | Type II action applied to it or    |
| 8  | add a Type II as, basically, a     |
| 9  | planning function. But if you      |
| 10 | look at some of the language in    |
| 11 | number 7, it worries me a little   |
| 12 | bit. "Whereas Cornell Cooperative  |
| 13 | Extension of Suffolk County has    |
| 14 | developed a workplan (sic), in     |
| 15 | cooperation with the NC (sic), for |
| 16 | the development of the Wetlands    |
| 17 | Stewardship Strategy, wherein      |
| 18 | (sic) you will coordinate          |
| 19 | activities among estuary programs" |
| 20 | that's the first problem           |
| 21 | "develop indicators of wetlands    |
| 22 | health" that's okay "assess        |
| 23 | wetland health, establish          |
| 24 | preservation and restoration       |
| 25 | priorities, and design and         |
|    |                                    |

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| 1  | Council on Environmental Quality   |
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| 2  | implement pilot projects."         |
| 3  | Those are two areas that           |
| 4  | give me pause, and I think that    |
| 5  | that is what Legislator Fisher     |
| 6  | also responded. First off, when    |
| 7  | you're talking about coordinating  |
| 8  | activities among estuary programs, |
| 9  | that might throw this into a       |
| 10 | Type 1, and it might require some  |
| 11 | sort of coordinated review and     |
| 12 | might also involve having Suffolk  |
| 13 | County attempt to clear itself as  |
| 14 | lead agency. Again, you're         |
| 15 | dealing with Federally and State   |
| 16 | recognized estuary programs. I     |
| 17 | assume you're talking about        |
| 18 | Peconic, Long Island Sound.        |
| 19 | The second thing is "design        |
| 20 | and implement pilot projects."     |
| 21 | The word "implement" is very       |
| 22 | dangerous to me. As I understand   |
| 23 | the long-term plan and the GEIS,   |
| 24 | which apparently passed yesterday, |
| 25 | there's basically a three-year     |

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| 1  | Council on Environmental Quality   |
|----|------------------------------------|
| 2  | freeze on actual implementation of |
| 3  | anything. Their design can         |
| 4  | forward, but there's a three-year  |
| 5  | freeze on implementation of a      |
| 6  | pilot project.                     |
| 7  | MR. DAWYDIAK: If I could           |
| 8  | correct, with the exception of     |
| 9  | minor projects.                    |
| 10 | MR. KAUFMAN: That's where          |
| 11 | we get into verbiage. That makes   |
| 12 | me a little bit jumpy in terms of  |
| 13 | this particular res. While the     |
| 14 | GEIS and the master plan may have  |
| 15 | that small exception in there, I'm |
| 16 | not sure we're at the stage yet in |
| 17 | this res where we can say          |
| 18 | "implement." It does come very     |
| 19 | close to that three-year looking   |
| 20 | or planning process. So I wanted   |
| 21 | to throw both of those things out  |
| 22 | to you. There are other ways to    |
| 23 | coordinate activities with the     |
| 24 | estuary program, the legal         |
| 25 | language. The word                 |
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| 1  | Council on Environmental Quality   |
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| 2  | "implementation" does give me      |
| 3  | pause. I think that that might     |
| 4  | throw it outside of the activity.  |
| 5  | MR. DAWYDIAK: All right.           |
| 6  | Thank you, Mr. Kaufman. I mean,    |
| 7  | that's a good point. I can tell    |
| 8  | you how we've historically dealt   |
| 9  | with these sorts of planning study |
| 10 | appropriations through programs    |
| 11 | like the Peconic estuary program.  |
| 12 | The language of SEQRA specifically |
| 13 | states that if you're not          |
| 14 | committing to a specific course of |
| 15 | action, it's still in the realm of |
| 16 | planning. Once there's a           |
| 17 | commitment to a course of action,  |
| 18 | then SEQRA kicks in. So we have    |
| 19 | had appropriations for planning    |
| 20 | studies, for example, the Peconic  |
| 21 | estuary program, that have         |
| 22 | culminated in wetlands restoration |
| 23 | and wastewater treatment plant     |
| 24 | upgrade. Until you're at a point   |
| 25 | where all have agreed that a       |

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| 1   | Council on Environmental Quality   |
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| - 2 | project should be at a point where |
| 3   | we're thinking about committing to |
| 4   | it, SEQRA doesn't kick in. So,     |
| 5   | you know, again, if CEQ is more    |
| 6   | comfortable changing the language, |
| 7   | we're fine with that, but I can    |
| 8   | tell you in the past, we have      |
| 9   | considered this to be a commitment |
| 10  | to a course of action, and we've   |
| 11  | treated it as a Type II.           |
| 12  | Mr. Bagg.                          |
| 13  | MR. BAGG: If I might point         |
| 14  | out, Walt, I mean, in this         |
| 15  | resolution, all the whereases kind |
| 16  | of give an overview of what's      |
| 17  | taken place to date, but it's the  |
| 18  | resolve that really deals with     |
| 19  | what the project is at hand. And   |
| 20  | these resolves only simply say     |
| 21  | "wetlands restoration." I mean,    |
| 22  | you are actually funding the       |
| 23  | development of this wetland        |
| 24  | strategy and the compiling of      |
| 25  | databases, which is clearly a      |

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| 1  | Council on Environmental Quality   |
| 2  | study, and you have to state that, |
| 3  | that that is what the Legislature  |
| 4  | is funding, and that's funding     |
| 5  | wetland restoration.               |
| 6  | MR. DAWYDIAK: The funding          |
| 7  | is, by definition, within          |
| 8  | planning, and a capital program,   |
| 9  | all the money is in the planning   |
| 10 | except object code. I don't know   |
| 11 | if it's listed here. Maybe it      |
| 12 | used to be. We have not done       |
| 13 | that. It's a planning              |
| 14 | appropriation by the nature of     |
| 15 | where the capital funding sub      |
| 16 | object code is.                    |
| 17 | MR. BAGG: Well, it might           |
| 18 | be misleading, but here it says    |
| 19 | "wetlands restoration." It         |
| 20 | doesn't say anything here about    |
| 21 | planning, it doesn't say anything  |
| 22 | in here that                       |
| 23 | MR. DAWYDIAK: The actual           |
| 24 | title of the capital program is    |
| 25 | "Restoration of Wetlands."         |
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> > ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

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| 1  | Council on Environmental Quality   |
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| 2  | Initial appropriations are         |
| 3  | proclaimed. After the three-year   |
| 4  | window, there will be a major      |
| 5  | appropriation for restoration      |
| 6  | implementation. That doesn't       |
| 7  | happen any demonstration           |
| 8  | projects, they're called pilot     |
| 9  | projects because they would be in  |
| 10 | the nature of study, just like     |
| 11 | wetlands, you test it and watch    |
| 12 | the results.                       |
| 13 | MR. SWANSON: I think we're         |
| 14 | concerned, you know, monies can be |
| 15 | reprogrammed, and I would suggest  |
| 16 | that this actually go back to the  |
| 17 | Legislature to be recast.          |
| 18 | MS. VILORIA-FISHER: Well,          |
| 19 | actually, it came from the County  |
| 20 | MR. SWANSON: Okay.                 |
| 21 | MS. VILORIA-FISHER: The            |
| 22 | County Executive. But if I may     |
| 23 | just interject something. Walter,  |
| 24 | and I have sometimes been at       |
| 25 | ground zero of accusations         |
|    |                                    |

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Council on Environmental Quality 1 2 regarding a lack of oversight, and so I would rather err on the side 3 of caution, looking at this and 4 having the wording and the parsing 5 of words be very, very clear 6 because my commitment to the 7 process is that there will be very 8 9 close oversight of any wetlands 10 management. And so the word "administration" did give me 11 12 pause. The lack of parallel language in the whereases and the 13 14 resolve clauses, also, I'm concerned with. And although the 15 16 capital program is entitled 17 "Planning Process," as Larry just 18 said, the implementation of funds, sometimes some wiggle room occurs, 19 and we just want to make sure that 20 in the resolution itself the 21 22 language is very tight. MR. DAWYDIAK: I appreciate 23 that, but I have a proposal, if I 24 might, that might address the 25

Council on Environmental Quality 1 concerns I've heard today. I 2 3 think it would be relatively trivial to file an amended or a 4 corrected copy. We're trying to 5 б get a stewardship committee meeting going, and it would be 7 good to have this in place. If we 8 9 took out the clause, Mr. Kaufman, in whereas which says "which will 10 coordinate and design and 11 implement pilot projects," that 12 takes that out of the mix. 13 And to address Mr. Bagg's 14 concern, we can indicate that in 15 the third resolved clause, "the 16 17 proceeds of \$220,000 in Suffolk County serial bonds be and hereby 18 19 appropriated for wetlands planning activities, as follows." I think 20 that would take "implementation" 21 out and make clear that it's 22 23 planning. 24 MR. SWANSON: The title also needs to be changed. 25

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| 1  | Council on Environmental Quality   |
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| 1  | Council on Environmental Quality   |
| 2  | MS. VILORIA-FISHER: Right.         |
| 3  | MR. KAUFMAN:                       |
| 4  | "Appropriating funds in connection |
| 5  | with planning for restoration of   |
| 6  | wetlands." I think that would      |
| 7  | throw it entirely into a Type II,  |
| 8  | and then it wouldn't be a problem. |
| 9  | MR. BAGG: If I might               |
| 10 | recommend, Walt, you might change  |
| 11 | the title.                         |
| 12 | MR. KAUFMAN: Yes.                  |
| 13 | MR. DAWYDIAK: Okay. That           |
| 14 | would be the third change, then.   |
| 15 | Thank you.                         |
| 16 | MR. SWANSON: Legislator            |
| 17 | Viloria-Fisher, does that answer   |
| 18 | your question? Or would you be     |
| 19 | more comfortable                   |
| 20 | MS. VILORIA-FISHER: If             |
| 21 | those are the recommendations of   |
| 22 | CEQ and nobody else has a problem  |
| 23 | with any of the language, then I   |
| 24 | will go with the recommendations   |
| 25 | of CEQ.                            |

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| 1  | Council on Environmental Quality   |
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| 2  | MR. SWANSON: Any other             |
| 3  | questions of Commissioner or       |
| 4  | Mr. Dawydiak?                      |
| 5  | (No audible response.)             |
| 6  | MR. SWANSON: A motion?             |
| 7  | MR. KAUFMAN: I'll make a           |
| 8  | motion that as amended, that this  |
| 9  | be classified as a Type II action. |
| 10 | MR. SWANSON: Second?               |
| 11 | MR. BAGG: Yes.                     |
| 12 | MR. SWANSON: County wide?          |
| 13 | MR. KAUFMAN: Yeah, County          |
| 14 | wide.                              |
| 15 | MR. SWANSON: Okay. Any             |
| 16 | further discussion?                |
| 17 | (No audible response.)             |
| 18 | MR. SWANSON: All in favor          |
| 19 | of the motion?                     |
| 20 | (Whereupon, all those in           |
| 21 | favor responded, "aye".)           |
| 22 | MR. SWANSON: Opposed?              |
| 23 | (No audible response.)             |
| 24 | MR. SWANSON: Abstentions?          |
| 25 | (No audible response.)             |

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| 1  | Council on Environmental Quality   |
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| 2  | MR. SWANSON: Motion                |
| 3  | carries. Thank you very much.      |
| 4  | MS. GALLAGHER: Thank you.          |
| 5  | MR. DAWYDIAK: Thank you.           |
| 6  | MR. SWANSON: Now we'll go          |
| 7  | back to the airport. I'd like to   |
| 8  | open the discussion right now as   |
| 9  | to what type of action we might    |
| 10 | have for the airport, and then     |
| 11 | after that discussion, we'll open  |
| 12 | it to the public.                  |
| 13 | MR. KAUFMAN: So we're back         |
| 14 | on the airport?                    |
| 15 | MR. SWANSON: We're back on         |
| 16 | the airport.                       |
| 17 | MR. KAUFMAN: I originally          |
| 18 | thought that this might have been  |
| 19 | an unlisted action because I was   |
| 20 | looking at the overall acreage,    |
| 21 | which is, apparently, under ten,   |
| 22 | as most recently amended. But I    |
| 23 | believe Jim has looked at the      |
| 24 | regulations and has come up with   |
| 25 | something that might throw it into |

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| 1  | Council on Environmental Quality  |
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| 2  | a Type 1 regardless of the        |
| 3  | acreage. There was an issue,      |
| 4  | normally, under SEQRA you don't   |
| 5  | look at the actual leased area,   |
| 6  | you look at the area that's going |
| 7  | to be reconstructed, if you will, |
| 8  | and that was under ten acres, as  |
| 9  | far as I was concerned, but there |
| 10 | are some other regulations which  |
| 11 | Jim has looked at and may change  |
| 12 | my opinion on it, and I'd like to |
| 13 | hear what he has to say.          |
| 14 | MR. BAGG: When you look at        |
| 15 | the SEQRA regulation, I mean,     |
| 16 | SEQRA really deals with what is   |
| 17 | the physical alteration of a      |
| 18 | proposed project. Not the size of |
| 19 | the lease but the actual physical |
| 20 | alteration of the project. And    |
| 21 | the project has always been a     |
| 22 | physical alteration of less than  |
| 23 | ten acres. However, the SEQRA     |
| 24 | rules and regulations then go on  |
| 25 | to say that, basically, the       |
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> > ACCURATE COURT REPORTING SERVICES, INC., 631-331-3753

| 1  | Council on Environmental Quality   |
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| 2  | expansion of an existing           |
| 3  | nonresidential facility by more    |
| 4  | than 50 percent of any of the      |
| 5  | following thresholds, which is ten |
| 6  | acres, which brings it to five     |
| 7  | acres of physical alteration on    |
| 8  | expansion of more than five acres  |
| 9  | bring it into a Type 1 action      |
| 10 | category. Now, if it's             |
| 11 | recommended or whatever the        |
| 12 | classification is, Chapter 279     |
| 13 | says the initiating unit is        |
| 14 | supposed to submit what they feel  |
| 15 | the initial classification is to   |
| 16 | the CEQ with the reasons           |
| 17 | associated with that               |
| 18 | classification for the Council to  |
| 19 | consider. To date, that hasn't     |
| 20 | been done. Although it's           |
| 21 | marginal, the EAS states that the  |
| 22 | physical alteration is going to    |
| 23 | involve 5.18 acres, which exceeds  |
| 24 | the threshold and makes it a       |
| 25 | Type 1.                            |
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| 2Now, if that's the case,3and the Council makes a4recommendation and that's what the5action actually is, then6technically, SEQRA requires that7the County has to have a8coordinated review of all involved9agencies. So if it is, in fact,10Type 1 action, the initiating unit11is going to have to seek SEQRA12lead agency on behalf of the13County for this particular14project. And they're going to15have to seek it from the New York16State DEC, which is an involved17agency, with respect to storm18water and possibly restore and19they're probably going to have to20seek it from the Pine Barrens21Commission. Because although it's22in the CGA, the Pine Barrens23Commission does not relinquish its24authority on anything in the Pine25Barrens. So they could request | 1  | Council on Environmental Quality   |
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| 4recommendation and that's what the5action actually is, then6technically, SEQRA requires that7the County has to have a8coordinated review of all involved9agencies. So if it is, in fact,10Type 1 action, the initiating unit11is going to have to seek SEQRA12lead agency on behalf of the13County for this particular14project. And they're going to15have to seek it from the New York16State DEC, which is an involved17agency, with respect to storm18water and possibly restore and19they're probably going to have to20seek it from the Pine Barrens21Commission. Because although it's22in the CGA, the Pine Barrens23commission does not relinquish its24authority on anything in the Pine  | 2  | Now, if that's the case,           |
| 5action actually is, then6technically, SEQRA requires that7the County has to have a8coordinated review of all involved9agencies. So if it is, in fact,10Type 1 action, the initiating unit11is going to have to seek SEQRA12lead agency on behalf of the13County for this particular14project. And they're going to15have to seek it from the New York16State DEC, which is an involved17agency, with respect to storm18water and possibly restore and19they're probably going to have to20seek it from the Pine Barrens21Commission. Because although it's22in the CGA, the Pine Barrens23Commission does not relinquish its24authority on anything in the Pine   | 3  | and the Council makes a            |
| 6technically, SEQRA requires that7the County has to have a8coordinated review of all involved9agencies. So if it is, in fact,10Type 1 action, the initiating unit11is going to have to seek SEQRA12lead agency on behalf of the13County for this particular14project. And they're going to15have to seek it from the New York16State DEC, which is an involved17agency, with respect to storm18water and possibly restore and19they're probably going to have to20seek it from the Pine Barrens21Commission. Because although it's23Commission does not relinquish its24authority on anything in the Pine  | 4  | recommendation and that's what the |
| 7the County has to have a8coordinated review of all involved9agencies. So if it is, in fact,10Type 1 action, the initiating unit11is going to have to seek SEQRA12lead agency on behalf of the13County for this particular14project. And they're going to15have to seek it from the New York16State DEC, which is an involved17agency, with respect to storm18water and possibly restore and19they're probably going to have to20seek it from the Pine Barrens21Commission. Because although it's23Commission does not relinquish its24authority on anything in the Pine   | 5  | action actually is, then           |
| 8coordinated review of all involved9agencies. So if it is, in fact,10Type 1 action, the initiating unit11is going to have to seek SEQRA12lead agency on behalf of the13County for this particular14project. And they're going to15have to seek it from the New York16State DEC, which is an involved17agency, with respect to storm18water and possibly restore and19they're probably going to have to20seek it from the Pine Barrens21Commission. Because although it's22in the CGA, the Pine Barrens23Commission does not relinquish its24authority on anything in the Pine  | 6  | technically, SEQRA requires that   |
| 9agencies. So if it is, in fact,10Type 1 action, the initiating unit11is going to have to seek SEQRA12lead agency on behalf of the13County for this particular14project. And they're going to15have to seek it from the New York16State DEC, which is an involved17agency, with respect to storm18water and possibly restore and19they're probably going to have to20seek it from the Pine Barrens21Commission. Because although it's23Commission does not relinquish its24authority on anything in the Pine   | 7  | the County has to have a           |
| 10Type 1 action, the initiating unit11is going to have to seek SEQRA12lead agency on behalf of the13County for this particular14project. And they're going to15have to seek it from the New York16State DEC, which is an involved17agency, with respect to storm18water and possibly restore and19they're probably going to have to20seek it from the Pine Barrens21Commission. Because although it's22in the CGA, the Pine Barrens23Commission does not relinquish its24authority on anything in the Pine   | 8  | coordinated review of all involved |
| 11is going to have to seek SEQRA12lead agency on behalf of the13County for this particular14project. And they're going to15have to seek it from the New York16State DEC, which is an involved17agency, with respect to storm18water and possibly restore and19they're probably going to have to20seek it from the Pine Barrens21Commission. Because although it's23Commission does not relinquish its24authority on anything in the Pine   | 9  | agencies. So if it is, in fact,    |
| 12lead agency on behalf of the13County for this particular14project. And they're going to15have to seek it from the New York16State DEC, which is an involved17agency, with respect to storm18water and possibly restore and19they're probably going to have to20seek it from the Pine Barrens21Commission. Because although it's22in the CGA, the Pine Barrens23Commission does not relinquish its24authority on anything in the Pine   | 10 | Type 1 action, the initiating unit |
| 13County for this particular14project. And they're going to15have to seek it from the New York16State DEC, which is an involved17agency, with respect to storm18water and possibly restore and19they're probably going to have to20seek it from the Pine Barrens21Commission. Because although it's22in the CGA, the Pine Barrens23Commission does not relinquish its24authority on anything in the Pine   | 11 | is going to have to seek SEQRA     |
| 14project. And they're going to15have to seek it from the New York16State DEC, which is an involved17agency, with respect to storm18water and possibly restore and19they're probably going to have to20seek it from the Pine Barrens21Commission. Because although it's22in the CGA, the Pine Barrens23Commission does not relinquish its24authority on anything in the Pine   | 12 | lead agency on behalf of the       |
| 15have to seek it from the New York16State DEC, which is an involved17agency, with respect to storm18water and possibly restore and19they're probably going to have to20seek it from the Pine Barrens21Commission. Because although it's22in the CGA, the Pine Barrens23Commission does not relinquish its24authority on anything in the Pine  | 13 | County for this particular         |
| 16State DEC, which is an involved17agency, with respect to storm18water and possibly restore and19they're probably going to have to20seek it from the Pine Barrens21Commission. Because although it's22in the CGA, the Pine Barrens23Commission does not relinquish its24authority on anything in the Pine   | 14 | project. And they're going to      |
| 17agency, with respect to storm18water and possibly restore and19they're probably going to have to20seek it from the Pine Barrens21Commission. Because although it's22in the CGA, the Pine Barrens23Commission does not relinquish its24authority on anything in the Pine  | 15 | have to seek it from the New York  |
| <ul> <li>water and possibly restore and</li> <li>they're probably going to have to</li> <li>seek it from the Pine Barrens</li> <li>Commission. Because although it's</li> <li>in the CGA, the Pine Barrens</li> <li>Commission does not relinquish its</li> <li>authority on anything in the Pine</li> </ul>   | 16 | State DEC, which is an involved    |
| 19they're probably going to have to20seek it from the Pine Barrens21Commission. Because although it's22in the CGA, the Pine Barrens23Commission does not relinquish its24authority on anything in the Pine   | 17 | agency, with respect to storm      |
| 20seek it from the Pine Barrens21Commission. Because although it's22in the CGA, the Pine Barrens23Commission does not relinquish its24authority on anything in the Pine  | 18 | water and possibly restore and     |
| 21Commission. Because although it's22in the CGA, the Pine Barrens23Commission does not relinquish its24authority on anything in the Pine   | 19 | they're probably going to have to  |
| <ul> <li>in the CGA, the Pine Barrens</li> <li>Commission does not relinquish its</li> <li>authority on anything in the Pine</li> </ul>  | 20 | seek it from the Pine Barrens      |
| 23Commission does not relinquish its24authority on anything in the Pine  | 21 | Commission. Because although it's  |
| 24 authority on anything in the Pine   | 22 | in the CGA, the Pine Barrens       |
|  | 23 | Commission does not relinquish its |
| 25 Barrens. So they could request  | 24 | authority on anything in the Pine  |
|  | 25 | Barrens. So they could request     |

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| 1  | Council on Environmental Quality   |
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| 2  | SEQRA agencies themselves.         |
| 3  | So the initiating unit and         |
| 4  | Economic Development, and the      |
| 5  | Workforce and Housing, if it is,   |
| 6  | in fact, a Type 1 action, going to |
| 7  | have to go out, coordinate the     |
| 8  | reviews, send out the EAF.         |
| 9  | There's involved agencies that     |
| 10 | should also send to interested     |
| 11 | parties and request that they want |
| 12 | to be SEQRA lead agency, request   |
| 13 | their environmental concerns and   |
| 14 | the County has to be designated    |
| 15 | the SEQRA lead agency before it    |
| 16 | can act and make a determination   |
| 17 | one way or the other, which is     |
| 18 | either a negative declaration or a |
| 19 | positive declaration. So at this   |
| 20 | particular point, if, in fact, the |
| 21 | action is a Type 1 action, then    |
| 22 | technically, the project is going  |
| 23 | to have to be tabled until the     |
| 24 | County is designated the lead      |
| 25 | agency.                            |

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| 1  | Council on Environmental Quality  |
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| 2  | In addition, I think the          |
| 3  | Applicant has said they're going  |
| 4  | to provide additional information |
| 5  | in writing, in detail, similar    |
| 6  | presentation they've given today. |
| 7  | That material is going to have to |
| 8  | be transmitted to the Health      |
| 9  | Department for their review with  |
| 10 | respect to Article 6, 7 and 12,   |
| 11 | and any of their other            |
| 12 | jurisdictions, so when they come  |
| 13 | back to the CEQ for their         |
| 14 | comments, they have that material |
| 15 | in hand. The Health Department is |
| 16 | going to request at the airport,  |
| 17 | among a number of other things    |
| 18 | that they have requested that the |
| 19 | County Council defer the project  |
| 20 | until at least April so that they |
| 21 | can come in with a response.      |
| 22 | MR. SWANSON: Okay. Any            |
| 23 | comment on Jim's analysis?        |
| 24 | Questions?                        |
| 25 | (No response.)                    |
|    |                                   |

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| 1  | Council on Environmental Quality   |
| 2  | MR. SWANSON: Okay.                 |
| 3  | Mike.                              |
| 4  | MR. KAUFMAN: Mr. Chairman,         |
| 5  | I do believe that it is a Type 1.  |
| 6  | I think John Potente was correct   |
| 7  | last month when he thought it was  |
| 8  | a Type 1.                          |
| 9  | MS. SPENCER: Have you set          |
| 10 | a motion?                          |
| 11 | MR. SWANSON: No. It's my           |
| 12 | recommendation, actually, that we  |
| 13 | table this until next month,       |
| 14 | because we want to hear from the   |
| 15 | Health Department. We also need    |
| 16 | some answers in writing, as Jim    |
| 17 | indicated, to the Health           |
| 18 | Department by opposers to the      |
| 19 | action, and so it seems to me that |
| 20 | it's best if we table it.          |
| 21 | MR. KAUFMAN: We also,              |
| 22 | frankly, need to table it because  |
| 23 | Type 1 coordinator.                |
| 24 | MR. BAGG: The Council, in          |
| 25 | the past, has recommended an       |
|    |                                    |

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| 1  | Council on Environmental Quality   |
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| 2  | unlisted action, and so for the    |
| 3  | Department of Economic Development |
| 4  | and Workforce Housing to proceed,  |
| 5  | somebody has to intimate that it   |
| 6  | at least is a Type 1 action and    |
| 7  | the County's going to coordinate   |
| 8  | the SEQRA lead agency . At this    |
| 9  | point, it's still in limbo.        |
| 10 | MR. KAUFMAN: Mr. Chairman,         |
| 11 | would you entertain a sense of the |
| 12 | Board as a directive to Economic   |
| 13 | Development that this is probably  |
| 14 | a Type 1, without necessarily      |
| 15 | voting on it at this point?        |
| 16 | MR. SWANSON: Yes.                  |
| 17 | MR. NARDONE: Why can't we          |
| 18 | vote on it?                        |
| 19 | MS. VILORIA-FISHER: Yes.           |
| 20 | MR. BAGG: You don't make a         |
| 21 | determination. Classification has  |
| 22 | nothing to do with determination.  |
| 23 | You don't have to make them both   |
| 24 | at the same time. I mean, you      |
| 25 | look at the rules and regulations, |
|    |                                    |

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| 1  | Council on Environmental Quality   |
| 2  | you look at the Type 1 list and    |
| 3  | you classify this action based on  |
| 4  | the materials presented. You make  |
| 5  | a determination. If it is a Type   |
| 6  | 1 action, then that means Economic |
| 7  | Development Workforce Housing will |
| 8  | have to do a perennial review and  |
| 9  | send it to the involved agencies.  |
| 10 | And the question before the CEQ    |
| 11 | is, is it a Type 1 action based on |
| 12 | the list of actions and the SEQRA  |
| 13 | rules and regulations?             |
| 14 | MR. KAUFMAN: After                 |
| 15 | consultation with the Chairman,    |
| 16 | I'm going to withdraw my sense of  |
| 17 | the Board idea. I'm going to make  |
| 18 | a motion that this be classified   |
| 19 | as a Type 1 action so that we can  |
| 20 | get moving on this thing.          |
| 21 | MR. SWANSON: A second?             |
| 22 | MS. SPENCER: I second it.          |
| 23 | MR. SWANSON: Any                   |
| 24 | discussion?                        |
| 25 | MS. RUSSO: Do we have to           |
|    |                                    |

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| 1  | Council on Environmental Quality   |
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| 2  | rescind last month's goals that we |
| 3  | set as far as financing? Or do it  |
| 4  | again or is that not technically   |
| 5  | correct?                           |
| 6  | MR. SWANSON: Well, the             |
| 7  | Legislature essentially sent it    |
| 8  | back to reconsider.                |
| 9  | MS. RUSSO: Okay. So we're          |
| 10 | already just changing it again.    |
| 11 | MR. SWANSON: So we have a          |
| 12 | motion that's been seconded. All   |
| 13 | in favor?                          |
| 14 | (Whereupon, all those in           |
| 15 | favor responded, "aye".)           |
| 16 | MR. SWANSON: Opposed?              |
| 17 | (No audible response.)             |
| 18 | MR. SWANSON: Abstentions?          |
| 19 | (No audible response.)             |
| 20 | MR. SWANSON: Motion                |
| 21 | carries.                           |
| 22 | Now, so that the public is         |
| 23 | not denied, if you feel so         |
| 24 | inclined, you're more than welcome |
| 25 | to make presentations. However,    |
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| 1  | Council on Environmental Quality   |
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| 2  | you may want to hold off on those  |
| 3  | presentations until it comes back  |
| 4  | possibly next month, after the     |
| 5  | Department of Economic Development |
| 6  | considers what we have said. So    |
| 7  | is there anybody here that would   |
| 8  | like to speak at this point?       |
| 9  | Please identify yourself,          |
| 10 | and you have three minutes.        |
| 11 | MR. HALSEY: I'm Beecher            |
| 12 | Halsey, and I'm chairman of ACAP,  |
| 13 | and I really just want to thank    |
| 14 | you for reconsidering this. I      |
| 15 | think it was a very smart move. I  |
| 16 | have a lot of comments here that   |
| 17 | I'm not going to make because of   |
| 18 | what's just transpired, but        |
| 19 | sincerely, I think speaking for    |
| 20 | the community, thank you very      |
| 21 | much.                              |
| 22 | MR. SWANSON: Thank you.            |
| 23 | Anybody else like to               |
| 24 | comment at this time?              |
| 25 | Yes.                               |
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| 1  | Council on Environmental Quality   |
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| 2  | MR. DeLUCA: Thank you,             |
| 3  | Mr. Chairman and members of the    |
| 4  | CEQ. My name is Bob DeLuca, and I  |
| 5  | serve as president of Group of the |
| 6  | South Fork. As with the prior      |
| 7  | speaker, I'd just like to express  |
| 8  | my appreciation for CEQ's desire   |
| 9  | to take another well, CEQ          |
| 10 | taking another look at this and    |
| 11 | the EPA committee's desire to send |
| 12 | it back for another look. We also  |
| 13 | felt it was a Type 1 action and    |
| 14 | certainly concur with your         |
| 15 | findings, and we'll look forward   |
| 16 | to further comment when the        |
| 17 | opportunity is right. Thanks.      |
| 18 | MR. SWANSON: Thank you.            |
| 19 | Anybody else?                      |
| 20 | (No response.)                     |
| 21 | MR. SWANSON: Okay. We'll           |
| 22 | move on.                           |
| 23 | Liuretta?                          |
| 24 | MS. FISCHER: Good morning.         |
| 25 | Liuretta Fischer, Suffolk County   |
|    |                                    |

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| 2Planning Department. I have3before you, actually, the list of4proposed acquisition for the5County Park property, and I would6also like to bring up the tabled7proposed acquisition from last8meeting regarding the Tut Hill9Marina property, if I may, after10we present this one.11This property is a12five-acre lot adjacent to the13County holding 250-acre County14Park called Terrells River County15Park. These two parcels that are16before you today are proposed to |
|---|
| 4proposed acquisition for the5County Park property, and I would6also like to bring up the tabled7proposed acquisition from last8meeting regarding the Tut Hill9Marina property, if I may, after10we present this one.11This property is a12five-acre lot adjacent to the13County holding 250-acre County14Park called Terrells River County15Park. These two parcels that are16before you today are proposed to   |
| 5County Park property, and I would6also like to bring up the tabled7proposed acquisition from last8meeting regarding the Tut Hill9Marina property, if I may, after10we present this one.11This property is a12five-acre lot adjacent to the13County holding 250-acre County14Park called Terrells River County15Park. These two parcels that are16before you today are proposed to  |
| 6also like to bring up the tabled7proposed acquisition from last8meeting regarding the Tut Hill9Marina property, if I may, after10we present this one.11This property is a12five-acre lot adjacent to the13County holding 250-acre County14Park called Terrells River County15Park. These two parcels that are16before you today are proposed to  |
| 7proposed acquisition from last8meeting regarding the Tut Hill9Marina property, if I may, after10we present this one.11This property is a12five-acre lot adjacent to the13County holding 250-acre County14Park called Terrells River County15Park. These two parcels that are16before you today are proposed to   |
| <ul> <li>meeting regarding the Tut Hill</li> <li>Marina property, if I may, after</li> <li>we present this one.</li> <li>This property is a</li> <li>five-acre lot adjacent to the</li> <li>County holding 250-acre County</li> <li>Park called Terrells River County</li> <li>Park. These two parcels that are</li> <li>before you today are proposed to</li> </ul>  |
| <ul> <li>Marina property, if I may, after</li> <li>we present this one.</li> <li>This property is a</li> <li>five-acre lot adjacent to the</li> <li>County holding 250-acre County</li> <li>Park called Terrells River County</li> <li>Park. These two parcels that are</li> <li>before you today are proposed to</li> </ul>  |
| 10we present this one.11This property is a12five-acre lot adjacent to the13County holding 250-acre County14Park called Terrells River County15Park. These two parcels that are16before you today are proposed to  |
| 11 This property is a<br>12 five-acre lot adjacent to the<br>13 County holding 250-acre County<br>14 Park called Terrells River County<br>15 Park. These two parcels that are<br>16 before you today are proposed to  |
| 12five-acre lot adjacent to the13County holding 250-acre County14Park called Terrells River County15Park. These two parcels that are16before you today are proposed to  |
| 13County holding 250-acre County14Park called Terrells River County15Park. These two parcels that are16before you today are proposed to   |
| 14Park called Terrells River County15Park. These two parcels that are16before you today are proposed to   |
| 15Park. These two parcels that are16before you today are proposed to  |
| 16 before you today are proposed to   |
|   |
|   |
| 17 be acquired under the Save Open  |
| 18 Space Hamlet Parks component.  |
| 19 There are two structures on the  |
| 20 property, on the west side of the  |
| 21 property, one being a residential  |
| 22 structure and the other being a  |
| 23 garage. It was actually used as a  |
| 24 bicycle shop possibly six to eight   |
| 25 months ago. It is presently  |

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Council on Environmental Quality 1 vacant. The intent of the 2 acquisition is to actually create 3 a cultural center for this area. 4 The Ketchum Inn is a historic site 5 on the northern side of Montauk 6 Highway across the street, and 7 Burt Sides is here today from the 8 Ketchum Foundation. It's a 9 10 nonprofit organization that will 11 be our partners in creating this 12 cultural center. At this point in time, we 13 are just acquiring the property. 14 We will come back to you when a 15 master plan is created, hopefully 16 17 within the next few years if there are any changes to any of the 18 19 existing structures and lands associated with it. We're hoping 20 21 to create, in the future, a 22 historic and cultural focal point 23 for this community. There's not a lot of public spaces that can be 24 25 used for this kind of use, and

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| 1  | Council on Environmental Quality   |
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| 2  | this has been a project that's     |
| 3  | been going on for over a decade of |
| 4  | interest by Mr. Sides and his      |
| 5  | group in Center Moriches, and we   |
| 6  | would like to move this forward    |
| 7  | first as an acquisition, and then  |
| 8  | we will come back to you when      |
| 9  | future plans exist for the site as |
| 10 | a cultural center.                 |
| 11 | MR. SWANSON: Thank you.            |
| 12 | Any questions?                     |
| 13 | MR. BROWN: I have a                |
| 14 | motion, I think.                   |
| 15 | MR. KAUFMAN: You think.            |
| 16 | (Whereupon, a discussion           |
| 17 | was held off the record.)          |
| 18 | MR. KAUFMAN: I think Steve         |
| 19 | is trying to make a motion for     |
| 20 | unlisted negative declaration.     |
| 21 | MS. VILORIA-FISHER: I'll           |
| 22 | second that.                       |
| 23 | MR. SWANSON: We have a             |
| 24 | second. Any discussion?            |
| 25 | (No response.)                     |

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| 1  | Council on Environmental Quality   |
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| 2  | MR. SWANSON: All in favor?         |
| 3  | (Whereupon, all those in           |
| 4  | favor responded, "aye".)           |
| 5  | MR. SWANSON: Opposed?              |
| 6  | (No audible response.)             |
| 7  | MR. SWANSON: Abstentions?          |
| 8  | (No audible response.)             |
| 9  | MR. SWANSON: Motion                |
| 10 | carries.                           |
| 11 | MS. FISCHER: Thank you.            |
| 12 | The second one I'd like to         |
| 13 | bring before you today was the Tut |
| 14 | Hill Marina property in East       |
| 15 | Moriches. That was before you at   |
| 16 | your last meeting where we tabled  |
| 17 | it. It is presently going through  |
| 18 | a Phase II environmental           |
| 19 | assessment, so we're looking to    |
| 20 | just approve the acquisition at    |
| 21 | this time. Obviously, the          |
| 22 | assessment, if there are any       |
| 23 | environmental conditions onsite,   |
| 24 | impacts that have to be addressed, |
| 25 | it will be addressed before we     |

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Council on Environmental Quality 1 acquire them. This was a former 2 marina site with bulkheaded area 3 4 and wetland. The Town of Brookhaven will be our partner, 5 our 50/50 partner, wherein we'll 6 7 be buying a half of the acreage and the other the Town will be 8 9 buying. The other portion of this, actually the undeveloped 10 11 wetland area, we are actually buying the physical former marina 12 site. 13 So at this point in time, 14 our proposed use of the site will 15 include a kayak access point. The 16 Parks Department will have to 17 evaluate and assess the property 18 when we acquire it, and then we'll 19 obviously come back to you at that 20 point when plans are made to 21 utilize the site more actively, 22 then, at that point. 23 24 MR. SWANSON: And you're asking us today to? 25

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Council on Environmental Quality 1 2 MS. FISCHER: Just approve the acquisition at this point. 3 MR. SWANSON: I'm a little, 4 personally, reluctant to do that. 5 Given the character of the site, 6 it seems to me like we should have 7 the environmental assessment. 8 9 Marinas aren't exactly the cleanest places in the world, and 10 11 that should be the first step. MS. FISCHER: That would be 12 fine with me. I do understand 13 14 your position. It has been derelict for quite some time, and 15 there are structures on it that 16 17 are being assessed. MR. KAUFMAN: There's 18 another way to handle it if we 19 want to, and this is, I think, a 20 lesson we just learned last month, 21 22 which is we can say it's okay 23 subject to no problems being found in Phase II, or any other phase 24 that it might be going through. 25

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| 1  | Council on Environmental Quality   |
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| 2  | Classically, that would go in as   |
| 3  | an unlisted CND, conditional       |
| 4  | negative declaration. Though that  |
| 5  | doesn't exactly fit.               |
| 6  | MS. VILORIA-FISHER: Didn't         |
| 7  | it have to do with Type 1?         |
| 8  | MR. BAGG: Well, if I may           |
| 9  | clarify, the minute you go to a    |
| 10 | conditional made deck, you have to |
| 11 | have a coordinated review from all |
| 12 | agencies involved. So the County   |
| 13 | can't act on a condition made deck |
| 14 | until they receive lead agency     |
| 15 | status, and the Town of Brookhaven |
| 16 | is an involved agency in this      |
| 17 | particular case.                   |
| 18 | MR. BROWN: Just let me say         |
| 19 | one thing, and I kind of agree     |
| 20 | with Larry in regards to this      |
| 21 | site. And in reviewing the site,   |
| 22 | I had some second thoughts at that |
| 23 | time, but when it was explained to |
| 24 | me, it was pretty much the only    |
| 25 | area where you really can access   |
|    |                                    |

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| 1  | Council on Environmental Quality   |
| 2  | and use the river. And how it      |
| 3  | would help out the actual          |
| 4  | community overall for Suffolk      |
| 5  | County, I changed my thoughts and  |
| 6  | I thought at that stage, the open  |
| 7  | space acquisition as part of it.   |
| 8  | I agree that some of the areas     |
| 9  | that we have talked about was that |
| 10 | if there were any problems with    |
| 11 | the land with regard to spills or  |
| 12 | that nature, it would be subject   |
| 13 | to that review.                    |
| 14 | MS. VILORIA-FISHER:                |
| 15 | Ms. Fischer, I agree, and when I   |
| 16 | saw this presentation at the       |
| 17 | Park's trustees' meeting, that was |
| 18 | where there are several points of  |
| 19 | access. This has been              |
| 20 | traditionally a point for fishing. |
| 21 | MS. FISCHER: I'm not sure.         |
| 22 | MS. VILORIA-FISHER: I              |
| 23 | thought that was mentioned at the  |
| 24 | Park trustees' meeting, and so it  |
| 25 | seems like an appropriate use for  |
|    |                                    |

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| 1  | Council on Environmental Quality   |
| 2  | the public to have this kind of    |
| 3  | access. I would like to do the     |
| 4  | acquisition; I would like to see   |
| 5  | this move forward. And because     |
| 6  | we're required to go through the   |
| 7  | Phase 1 before we have the         |
| 8  | acquisition and then Phase II, if  |
| 9  | it's called for, I think that      |
| 10 | process delays review.             |
| 11 | MS. FISCHER: Actually, we          |
| 12 | won't acquire it unless that       |
| 13 | information and those remediations |
| 14 | have been undertaken. It will not  |
| 15 | actually occur unless those issues |
| 16 | are addressed.                     |
| 17 | MR. SWANSON: Do we have a          |
| 18 | motion?                            |
| 19 | MR. BAGG: You can make             |
| 20 | that point of/in negative          |
| 21 | declaration that if there were any |
| 22 | toxic hazards they will remediated |
| 23 | prior to the acquisition.          |
| 24 | MS. VILORIA-FISHER: I'll           |
| 25 | make a motion to unlist it.        |
|    |                                    |

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Council on Environmental Quality 1 MR. BROWN: I'll second it. 2 3 MR. SWANSON: Any discussion? 4 MR. KAUFMAN: Yeah. We 5 6 just simply should include in the motion language the language that 7 Jim just said. 8 9 MS. FISCHER: Thank you very much. 10 MR. SWANSON: All in favor? 11 12 (Whereupon, all those in favor responded, "aye".) 13 14 MR. SWANSON: Opposed? (No audible response.) 15 16 MR. SWANSON: Abstentions? 17 (No audible response.) MR. SWANSON: Motion 18 carries. 19 MS. FISCHER: Thank you. 20 MR. SWANSON: Thank you. 21 Historic Services. 22 23 MR. MARTIN: Good 24 afternoon. We're continuing the stabilization project at the 25

Council on Environmental Quality 1 2 Blideberg Bell, and we realized at this point when we were awarded 3 the site that the under the mill 4 also needed to be rebuilt. In 5 order to do that work, we're 6 working with Dunn Engineering as 7 consultants on the job, and they 8 9 have recommended that Davis House Movers actually install six steel 10 I-beams under the first floor of 11 the building in order to support 12 it while we remove these piers to 13 14 rebuild it. That's the point we're at now, and we'll be doing 15 an ongoing study, also, of the 16 spillway of that location to see 17 what alterations we might need to 18 19 do to have an operating windmill. MR. KAUFMAN: Rich, I'm 20 21 running the meeting right now. 22 Larry had to step out for a minute. 23 A quick question on that. 24 Are you going to jack the house 25

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| 1  | Council on Environmental Quality  |
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| 2  | up?                               |
| 3  | MR. MARTIN: Not exactly           |
| 4  | jack it up. It's just to support  |
| 5  | the building and removing the     |
| 6  | pier.                             |
| 7  | MR. KAUFMAN: Okay. So             |
| 8  | you're basically creating a crib. |
| 9  | MR. MARTIN: Yes. Right.           |
| 10 | MR. KAUFMAN: It's probably        |
| 11 | too early to tell, at this point  |
| 12 | in time, what you're going to be  |
| 13 | actually doing to replace the     |
| 14 | support structure, but are you    |
| 15 | going to be using wood or steel,  |
| 16 | or any ideas at this point?       |
| 17 | MR. MARTIN: We will be            |
| 18 | rebuilding the stone piers and    |
| 19 | also probably adding some but     |
| 20 | cement piers below that, on the   |
| 21 | ground.                           |
| 22 | MR. KAUFMAN: All right.           |
| 23 | Continue.                         |
| 24 | MR. MARTIN: And just to           |
| 25 | announce the next meeting of the  |
|    |                                   |

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| 1  | Council on Environmental Quality   |
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| 2  | Historic Trust Committee will be   |
| 3  | April 17th, and that will be at    |
| 4  | 9:30 at the Suffolk Lodge at South |
| 5  | Haven County Park.                 |
| 6  | MR. KAUFMAN: Beautiful             |
| 7  | place if anybody hasn't been       |
| 8  | there.                             |
| 9  | Is that it for Historic            |
| 10 | Services?                          |
| 11 | MR. MARTIN: Yes.                   |
| 12 | MR. KAUFMAN: In which case         |
| 13 | even though we don't have a quorum |
| 14 | right now, I will nonetheless      |
| 15 | breach protocol and ask, is there  |
| 16 | any other business, CAC concerns,  |
| 17 | etcetera? If so, none being        |
| 18 | heard, Jim, I'm going to ask for a |
| 19 | motion to adjourn at this point.   |
| 20 | Anyone want to make that           |
| 21 | motion?                            |
| 22 | MR. BROWN: Second.                 |
| 23 | MS. SPENCER: I'll make a           |
| 24 | motion.                            |
| 25 | MR. KAUFMAN: Okay. Made            |
|    |                                    |

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| 1  | Council on Environmental Quality   |
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| 2  | by Mary and seconded by Mr. Brown. |
| 3  | We're adjourned.                   |
| 4  | (Whereupon, the proceeding         |
| 5  | was concluded at 12:07 p.m.)       |
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| 1  |  |
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| 2  | CERTIFICATE                                    |
| 3  |  |
| 4  | I, MICHELLE SCOTTI, a Notary Public in         |
| 5  | and for the State of New York, do hereby       |
| 6  | certify:                                       |
| 7  | THAT the witness whose testimony is            |
| 8  | hereinbefore set forth, was duly sworn by me;  |
| 9  | and  |
| 10 | THAT the within transcript is a true           |
| 11 | record of the testimony given by said witness. |
| 12 | I further certify that I am not related,       |
| 13 | either by blood or marriage, to any of the     |
| 14 | parties in this action; and                    |
| 15 | THAT I am in no way interested in the          |
| 16 | outcome of this matter.                        |
| 17 | IN WITNESS WHEREOF, I have hereunto set        |
| 18 | my hand this 21st day of March, 2007.          |
| 19 |  |
| 20 | Michelle Setti                                 |
| 21 | Machan Jacob                                   |
| 22 | MICHELLE SCOTTI                                |
| 23 |  |
| 24 |  |
| 25 |  |
|    |  |