SUFFOLK COUNTY DEPT. OF PLANNING
COUNCIL OF ENVIRONMENTAL QUALITY

9:30 A.M.
August 15, 2007
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, N.Y.

APPEARANCES:

R. LAWRENCE SWANSON, Chairperson
RICHARD MARTIN
DANIEL PICHNEY
GLORIA G. RUSSO
JIM BAGG
MICHAEL KAUFMAN
VIVIAN VILORIA-FISHER
MARY ANN SPENCER
RICHARD MACHTAY
THOMAS C. GULBRANSEN
CHRISTINE DE SALVO
THE CHAIRPERSON: All right.

Let's begin. I'd like to review the
minutes, and we have minutes from two
meetings; right?

MR. BAGG: Right.

THE CHAIRPERSON: One is June
20th. That was the one on the website,
and then we have one from July 18.

Anybody want to make any comments on the
June 20th one?

MR. MARTIN: I've handed
Mr. Bagg some comments after reading all
212 pages. I would defer, however, to
anyone who has expertise in building
bulkheads. I do believe it's a "whale" or
a "whaler" not a "while," that Mr. Mathers
was talking about in building the
bulkhead.

MR. KAUFMAN: You are correct,
it is called a whaler.

MR. MARTIN: The minutes said
"while," W-H-I-L-E. Other than that, it's
just a series of really understandable
mistakes that were in there. You know, exchanges of words or a word that sounded the same. A statement or two that were -- for instance: Page 74 line 20 and 21, they talk about "the unincorporated, unincorporated," should be the "incorporated."

Ms. Myles was talking about "the Village of Northport, tropicana." I don't know what that is all about -- on page 79 line 10, and other than -- Molenhoff was misspelled a few times. And I think it's the Pine Barrens "Core," not "court."

MR. BAGG: Correct.

MR. MARTIN: Or corps, C-O-R-P-S.

THE CHAIRPERSON: Yes.

MR. MARTIN: On page 123 line 22 we talked about the "counter space" not the "county space." The car rental is okay and then there's just a few other minor corrections. I would, with these amendments, move the minutes for June 20th.

THE CHAIRPERSON: Thank you.
So, we have a motion.

Let me, before we move on, I neglected to say, in order to help our stenographer, let's identify ourselves. I'll probably be the first one to forget.

My name is Swanson.

So, we have a motion. Do we have a second? Do we have a second?

MS. RUSSO: I second.

THE CHAIRPERSON: I have a second. I have one other correction on page -- I don't even know -- oh, page 2, where I was talking about the words "Long Island Sound concert." Those words should actually be "Long Island Sound Conference."

So, we have a motion to second.

Does anybody else want to make any additions or corrections?

All in favor?

(Aye.)

THE CHAIRPERSON: Opposed?

(None.)

THE CHAIRPERSON: Motion

Accurate Court Reporting Service, Inc.
(631) 331-3753
carries.

THE CHAIRPERSON: Now, moving on to July 18th. These minutes were a pleasure to read.

MR. MARTIN: I think Mr. Bagg should be applauded for that.

THE CHAIRPERSON: Do we have any additions, comments?

Do we have a motion?

MR. MARTIN: I make a motion.

THE CHAIRPERSON: I have a motion and second --

MS. VILORIA-FISHER: I have just one nitpick on page 234, where we're talking about historic trust manual -- third line down, and the paragraph that begins with Mr. Martin. It should read "Ms. Brown explained that the parks" instead of "he parks."

THE CHAIRPERSON: Any other additions, corrections?

THE CHAIRPERSON: All in favor?

(Unanimous aye.)
THE CHAIRPERSON: Opposed?
(None.)

THE CHAIRPERSON: Motion carries.

MR. KAUFMAN: I abstain.

THE CHAIRPERSON: Abstention by Mr. Kaufman.

All right. Any correspondence you want to call to our attention, Jim?

MR. BAGG: It's on your agenda, basically. We received a letter from Larry Penny in reference to proposed acquisition Town of East Hampton. He's in favor of the acquisition. It's in the folder.

THE CHAIRPERSON: Okay.

I would just like to make a note that I've asked Jim for our September meeting to lead a half hour to an hour discussion longer on the intricacies of SEQRA. I think we have -- we have some new members.

It's always good for the older members to get refreshed with what SEQRA
is about, and how we go about implementing
it in this body. So, hopefully you'll be
able to attend in later stages, the
meetings, so we can learn a little bit more
about the SEQRA process.

So, if you'll put that in the
agenda next month, I'd appreciate it.

Historic services directories
report.

MR. MACHTAY: We have a few
motions today that we --

THE CHAIRPERSON: Identify
yourself.

MR. MACHTAY: Richard Machtay.
We have a few motions that we'd like to
bring forward today. I'm going to bring
some background to them.

The first relates to we're
working towards the final contract. The
County Attorney's office has delivered a
final version of the contract of the parks
department. And the Historic Society part
of that contract is to approve their
custodianship of the park.
MS. SPENCER: I would like to make the Deep Wells Farm Historical Society to act as the custodian of Deep Wells Farm County Park.

THE CHAIRPERSON: We have a motion? A second?

MR. KAUFMAN: I'll second that.

MS. VILORIA-FISHER: I just have a couple. As you know, we have the history with friends and many activities that were held there.

What kind of plan is there with this group and how active will they be and what kind of financial stability do they have?

MS. SPENCER: They're just forming, but it's actually -- Richard, you should speak to it.

MR. MARTIN: Their programs -- they're ready to -- is established. They're just getting tax exempt status at this point.

MS. VILORIA-FISHER: Are they running acoustic?
MR. MARTIN: Yes.

MS. VILORIA-FISHER: Which by the way, they had some very good acts there. They've been very successful.

THE CHAIRPERSON: I went last weekend, it was wonderful. I've heard some very good things.

MS. VILORIA-FISHER: I haven't gone.

THE CHAIRPERSON: You ought to go.

(Whereupon, a brief recess was taken.)

MS. VILORIA-FISHER: Okay, maybe we can start now.

MS. SPENCER: So, the focus was a letter that was written to the CEQ and it was on the table, and Gordon Hall was here, and there was someone from the attorney's office.

So, what has happened since the last CEQ meeting, after three years of nothing, a draft contract appeared. I mean this is real movement. What Jim --
Larry appointed a committee with Dan and I and Jim -- to pursue this with the County Attorney's office to get this -- to get a boilerplate contract in place that these groups -- that are coming forward, in fact, live with and Jim is still on that.

This group now has a draft to look at. What's a little bit different is that this is a custodial arrangement. So, the contract is not straight forward. It isn't simple.

MS. VILORIA-FISHER: So it would be different -- I guess it would differ from a contract-vendee kind of arrangement.

MR. MARTIN: Yes, it differs from that, but this is similar to our existing contracts that we have.

MS. VILORIA-FISHER: I meant concessionaire, not contracting.

MR. MARTIN: Yes.

MS. VILORIA-FISHER: A concessionaire's agreement or a licensee.

MS. SPENCER: Right, right.
MR. MARTIN: Well, there are similarities, but it is changed a bit for the Historical Society but I think that's the point of the CEQ -- that maybe it needs some additional changes.

MS. VILORIA-FISHER: Does it require revenue to the County the way a licensee or a --

MR. MARTIN: No.

MS. VILORIA-FISHER: Okay.

MR. MARTIN: No.

MS. SPENCER: No, and you see while it was Deepwells that came on the table, there are other groups who are trying to form for other properties who are having the same contractual problem with the County.

MS. VILORIA-FISHER: What about Audubon with the -- is their contract completed?

MR. MARTIN: No. We're actually -- they had a simpler contract -- a stewardship agreement for the park.

MS. VILORIA-FISHER: Right.
MR. MARTIN: But now that they're in the building on the site, we need to do -- also, a custodial agreement. I'm going to be discussing that today. We also need to do a motion on that.

MS. VILORIA-FISHER: Okay.

MR. MARTIN: We are starting to work on that contract now.

MS. VILORIA-FISHER: That's been a long time in the works.

MR. MARTIN: Yes. Well, many of these --

MS. SPENCER: Well, yeah.

MR. MARTIN: That's the problem -- the time limits of this contract.

THE CHAIRPERSON: Mr. Kaufmann?

MR. KAUFMAN: One quick question, Richard. As I remember most of these contracts -- and the way the County does things -- certain financial requirements of stability are required of these particular groups -- they are

Accurate Court Reporting Service, Inc.
(631) 331-3753
supposed to have a certain amount of money
and --

MR. MARTIN: Well, it's not a
definite requirement for a certain amount of
money. There's a requirement that the
County is able to supervise their fund
raisers and their accounts, but they're
not required to have a certain amount.
The basic requirement for these
contracts is to open the buildings up to
the public. There's a minimum amount of
tours and time during the summer season
that's required of these groups, but other
than that -- they're just asked to, in
good faith, raise funds toward the
restoration and the upkeep of the
property, but the majority of the
maintenance is still the County's
responsibility.

MS. VILORIA-FISHER: There was a
different kind of contract, for example,
when we had Greenways Active Parkland
contract with community groups, there was
that requirement of economic status.
You know, if you remember, with the wedge -- the Mount Sinai Heritage Group had to show that they had "X" amount of money, but because there was an infrastructure development involved --

MR. MARTIN: Right.

MS. VILORIA-FISHER: (Continuing)-- they had to build fields, etcetera. So they had to show that they were economically prepared to do that.

MR. KAUFMAN: I was also, frankly, thinking about insurance and things like that.

MS. VILORIA-FISHER: Well, insurance is a separate issue.

MR. MARTIN: Well, they all have to have insurance, there's no question on that.

So, yes, then you at least have the financial stability to pay for the annual insurance.

MR. KAUFMAN: The other thing is regarding Deepwells. There is a community support in the area aside from the

Accurate Court Reporting Service, Inc. (631) 331-3753
chamber, etcetera.

So, the people who are part of that particular group, have long standing roots in the area, shall we say. And it's my anticipation that there will be a lot of community support for them.

THE CHAIRPERSON: Mr. Machtay?

MR. MACHTAY: As I recall, when we were discussing this with Ms. Bellone and people from the County Attorney's office and others at the -- what was the last meeting -- everybody was sort of pointing in opposite directions, and one of the things that came out of that meeting was -- I think Jim or somebody -- was going to look into what the standard operating procedure was, so that when you come to loggerheads you could say "well it's -- it's here in the process," or "it's there in the process," and we really don't know -- "well, it's in the County Attorney's office." Well, I don't know -- maybe it's gone back and forth two or three times.
And I wonder if, Jim, you could enlighten us? Have you figured out what the process is? You and I discussed it afterwards, after the meeting.

MR. BAGG: Well, basically I called up the County Attorney's office -- Dennis Brown, and he's going to forward me what the boilerplate contract is, as well as, if they'll release the default contract.

We're going to go over the contract, and identify what are the issues and the sticking points -- and then once we do that -- and possibly how they might be rectified.

We're going to have a meeting with the Parks Department and the County Attorney's office. We're going to identify the process and try to streamline -- I think one of the problems with the County Attorney's office -- I may not be correct in the statement -- is that when a contract comes in, it gets assigned to a new attorney who probably doesn't
have the background with respect to historic services, and starts from scratch every time they turn around.

It may be good for the County Attorney's office to have one attorney, or couple of attorneys to be assigned to these types of contracts that understands the background, and then we can get the Parks Department to outline the process -- so that we can come up with recommendations back to CEQ -- how to expedite the process.

From what I understand, at this point in time, a lot of these contracts -- there are issues with them, because the boilerplate that has been submitted in the past, has certain requirements that the Historic Societies feel they can't live with for one thing or another. And we have to find out what those issues are.

We have to find out really what the boilerplate contract is and then what the process is and then make the recommendations to expedite and we're not
at that point. I have to receive these contracts and then we have to go through them to really find out what the key issues are, and the stick points and then we'll hold a meeting with the Parks and the County Attorney's office.

MR. PICHNEY: I would also add that if we had an attorney assigned to us, that attorney should be sympathetic towards historic preservation. I think that's quite critical.

They would be less likely then to put that contract on the bottom of the pile when they're going through their pile of work.

MR. BAGG: I think that's important. I think once we understand the process and maybe we can come into agreement with what that process is, then basically CEQ can know what step it's in and the County Attorney's office will understand that people are looking at the process and want some type of action given. All those contracts -- that they
just don't come in and sit at the bottom
of the pile for years.

THE CHAIRPERSON: Mary Ann?

MS. SPENCER: Yes.

THE CHAIRPERSON: Just for
clarification --

MS. SPENCER: Yes.

THE CHAIRPERSON: From my
understanding, now -- is there movement in
the Deepwells Contract, but it is not yet
finalized?

MS. SPENCER: That is correct.

THE CHAIRPERSON: And Gordon is
aware of the progress?

MS. SPENCER: Yes. He has a
37-page document that's stamped "final
draft," that was delivered to him last
week, and he's working on it.

He's also going to forward all
of his comments to Jim and Richard and to
me, so that we can bring them into this
boilerplate exploration.

THE CHAIRPERSON: Okay. Vivian,
just for your clarification, you should
know that Mr. Hall wrote an e-mail to the CEQ -- probably two months ago, now, stating that he was concerned about the lack of progress and the procedure and the potential harm it was doing to his organization. So, that's why this all came to the table.

MS. VILORIA-FISHER: If I may, you're not asking us to vote on anything today, are you?

MR. MARTIN: Yes.

MS. VILORIA-FISHER: Why don't we vote -- this is what's confusing me. If we don't have a contract yet, then what are we voting --

MR. MARTIN: Part of the contract.

MS. SPENCER: One of the stipulations of this contract is that we recommend to the legislature that this -- that this group be considered for custodianship because evident -- legally the legislature must pass on each of these groups.
THE CHAIRPERSON: When you say this "group," you're talking about Gordon Hall's group?

MS. SPENCER: That's right. That's how my motion was to approve the Deepwells Farm Historical Society -- to act as the custodian of Deepwells Farm County Park. There will be other motions to that effect, so, hopefully, some of these other contracts come forth.

In the draft that Gordon received, that was one of the first stipulations and Richard has also seen that final draft, and that's why we're putting it today. What we're trying to do is deal with that part of the proposed contract.

THE CHAIRPERSON: So, we have a motion on the table. Do we have a second?

MR. KAUFMAN: Second.

MR. BAGG: Mr. Kaufman seconds that.

THE CHAIRPERSON: Okay, Mr. Kaufman already did. Do we have any
further discussion?

MR. MARTIN: I would just like
to -- with a clarification. Within the
Suffolk County's Historic Trust manual it
stipulates that the Historic Trust is to
approve the organizations that are to be
the custodians of these historic sites.
So, it is our role --

MS. VILORIA-FISHER: Before they
move on to sign a contract?

MR. MARTIN: Yes. We need --
the County Attorney has asked us for a
formal resolution so they can proceed with
the signing of the contract. That is part
of the procedure.

THE CHAIRPERSON: For further
point of clarification, it is the
recommendation of the subcommittee that
was appointed last month, that we go ahead
with this? You have seen the contract,
Jim has seen the contract, and you're --

MR. PICHNEY: No.

MS. SPENCER: No. The
subcommittee has not seen it.
MR. MARTIN: This is just to approve the organization -- to be on the site -- to run that site for us. It's not approving the contract.

THE CHAIRPERSON: Right, I understand that. But on what basis are we making the determination that they are the appropriate organization to run it?

MS. SPENCER: I'm making it as a member of CEQ.

MR. MARTIN: I can give a little more background on staff. This group approached us -- like I said -- three years ago. They consist of a lot of the volunteers that ran the house for us when it was run by the French Long Island Heritage. They wanted to continue that tradition and the programs that we have there.

Also members of the Saint James Chamber of Commerce have come forward and joined these people, and again they would like to open this up to the community. They have been doing this for three years

Accurate Court Reporting Service, Inc. (631) 331-3753
under a permit basis. They have been
given a permit for a day when we have the
acoustic events. They are given a permit
for that day, but they do not have the
right to set up an office there, or do the
fundraising for the site until they have
a contract in place.

So, it's really hindering them
in moving forward and occupying the site
on a full-time basis. We are working well
with them. They are ambitious, they have
a lot of ideas that they would like to do
with that site, and I appreciate the
historic integrity of that site.

THE CHAIRPERSON: So, we have
the blessing of the Parks Department?

MR. MARTIN: Yes.

THE CHAIRPERSON: Tom?

MR. GULBRANSEN: My question was
similar to yours. Does the manual provide
for the parameters that we've used to
judge the appropriateness of a custodian?
But you asked that question already.

I guess my next question
becomes: Do we define clearly the leadership that they can provide as custodians? If they're ambitious, that's fine -- and they've had years to do this contract thing and that's been kind of bumpy. Where can they go, and how do we make sure that they sort of check with us, or check with somebody -- to have a custodian role that complies with the vision?

MR. MARTIN: That's all covered in the contract. They are to cover all the guidelines under the Historic Trust manual and, of course, the commissioner has to approve any of the programs or the work that they do there. So, they're not given a -- they have to get approvals for everything they do there.

MR. GULBRANSEN: Understood, thank you.

MR. BAGG: Richard, how long does the contract run for?

MR. MARTIN: It's a five-year contract. I think three renewables, after
that two -- I'm sorry, five-year options.

THE CHAIRPERSON: Richard, just

for the protection of the CEQ, in the

future, I think it would be helpful if we

could get a letter from the Parks

Department saying that you are -- Parks

Department is supportive of such-and-such

a group, overseeing such-and-such a

property.

MS. SPENCER: We can also bring

it through the committee, Larry -- you

know. This is all just sort of --

MR. MARTIN: We can definitely

do the letter. So everyone understands,

this is at the request of the Parks

Commissioner that we're bringing this

forward.

THE CHAIRPERSON: Mike?

MR. KAUFMAN: No.

MS. SPENCER: The other thing

that is really crucial on all of this is

that here's a group that's been working at

this for three years. They have a long

history with this property and they want

Accurate Court Reporting Service, Inc.
(631) 331-3753
to do -- they would like to bring in artifacts and start a museum. As Michael pointed out, this is really a longstanding group. They can't get a 501C3 without a contract.

MS. VILORIA-FISHER: They can't?

MS. SPENCER: No, and they can't apply for grants without 501C3. I mean this really becomes a catch-22 for them, but I think we're back to procedures again and, Richard, you and I should make sure that we follow procedures in the future when we come forward and ask that someone be appointed custodian -- that it have a letter from Parks and it has been through the trust. Okay?

MR. BAGG: Also the letter should state the supporting reasons as to why they need the criteria or good -- would be good custodian.

MS. SPENCER: Okay.

THE CHAIRPERSON: We have a motion on the table. It's been seconded.

THE CHAIRPERSON: All in favor?
(Unanimous aye.)

THE CHAIRPERSON:  Opposed?

(None.)

THE CHAIRPERSON:  The motion carries unanimously.

All right, our next --

MR. MARTIN:  The next thing I'd like to bring forward, our Historic Trust Committee has requested that we start bringing forward for final dedication the historic sites that have gone through the committee, but not have come forward to the Historic Trust.  So, we're going to plan to do that to bring one forward every meeting.

The information will be sent in earlier next time to be on the agenda in your packet, but today I thought we could take a look at the Brookside County Park -- pretty straight forward.

We met there, actually, in the year 2000 when the County purchased the property, and I can just go through the fact sheets here and explain the site to
you. First, I'll just give a broad background to the Park. The property is six acres on Brook Street on the border between Sayville and West Sayville, and it's a six-acre parcel that was part of the original 88 acre Isaac Green Estate and he was the architect from Sayville.

He built a lot of the summer estates along the south shore of Long Island and, actually, throughout Long Island. He was the architect for Meadow Croft, the Roosevelt Estate in Sayville, and is already dedicated to the Suffolk County Historic Trust.

Also did the major additions to Sagtikos Manor in West Bay Shore, which again, is a County Historic site now. Also built the Hart Estate which is the headquarters of the Suffolk County Parks Department. So, this is actually the fourth property of his work, but the County now owns it's historic program.

The work of Isaac Green, as a body of work, has been approved by the New Accurate Court Reporting Service, Inc. (631) 331-3753
York State Office of Historic Preservation as being eligible to the National Register. Each site would have to be reviewed separately and brought forward, but his work as a body of work -- as a group of architectural work, has been declared eligible to the National Register. They have not visited the site yet, that still remains to be done. Take a serious look at this one to be classified to be eligible to the national register center.

The next page with the map, you can see on Brook Street and you'll see "I.H. Green." There are two bodies of water -- two ponds there. Essentially the parkland that's within those two ponds, a bit north, and these ponds were manmade and the creeks that connect it were dredged and manmade. The main house is on the left side of the map. That building is no longer standing. That is now a residential -- a subdivision. In the center you see a small building -- the

Accurate Court Reporting Service, Inc.
(631) 331-3753
gatehouse -- that remains standing, and that's part of the dedication here and that is also proposed to be the headquarters of the Great South Bay Audubon Society.

To the next page is a site map. This is the taking-map of the property surveyed in 1999. Again, you can see the center -- the gatehouse behind it -- an early 1897 shed. There's an entrance bridge at the bottom of the map that goes over the creeks that were designed by Isaac Green, and also a larger bridge on the left side. It looks like it's a bit cut off here over the west pond, and these were two concrete bridges with stucco finish that were designed by Isaac Green as part of his landscape design here.

And basically what we're looking at is a 19th century estate water-park that was laid out by the architect and similar in design to Meadow Croft -- another water-park estate that was designed by Isaac Green.
This approach to the estates on the south shore of Long Island was very popular. Of course, we didn't have PC at that time so they were allowed to dredge these wetlands -- create islands -- create streams.

MS. VILORIA-FISHER: Don't say ponds here.

MR. MARTIN: Don't say ponds?

MS. VILORIA-FISHER: Manmade ponds.

MR. MARTIN: Okay.

MS. VILORIA-FISHER: I'm kidding.

MR. MARTIN: Now, of course, this is obviously considered a wetland. So, we are under all the DEC guidelines for anything we do here, but historically they weren't.

On the next page you'll see an early view of the gatehouse. I presume that's one of his children or relatives you see hanging off the tree.

MS. VILORIA-FISHER: Defying
gravity, I may say.

MR. MARTIN: The picture below is the gatehouse as it looks today. The Audubon Society is very interested in working with the Parks Department to restore the structure. It basically retains its original exterior configuration.

The big change has been the enclosure of the front porch, which we do have capital funds in place now to restore that porch and bring it back to the early shingles style that it had, which you'll see in the next page. So we plan to restore the gatehouse to that original look, and we are starting to do so. We replaced the wood roof on the building, and we do have funds to restore the front porch.

The next two pages is a sign there that was put up by the Audubon Society. Historic photographs of the dams on site that Isaac Green installed to create the ponds. The next page shows --
THE CHAIRPERSON: Richard, if I may interrupt?

MR. MARTIN: Yes.

THE CHAIRPERSON: This is one of the dams that we talked about some time ago that was deteriorating and what needed to be done to preserve it?

MR. MARTIN: Well, it's not that it's deteriorating -- it's not capable of taking care of all the runoff when we have extreme storm runoff at this site. So, there's a plan -- a capital plan now, to do an additional spillway to the east of this dam here. This is East Pond Dam, and there is a capital project we're working with DEC for approval to do an additional spillway next to this to accommodate the storm runoff. The dam itself will remain in place and in -- intact.

THE CHAIRPERSON: And functional?

MR. MARTIN: And functional.

There's a private property to the east of this pond that the waters overflow onto
their property during storms that we're trying to alleviate. There's complaints from the residents.

The next page, again, is a sign that's up at the park. The photograph on this sign shows the main residence was a Tudor revival style that was on the west bank of the west pond, and that's no longer standing. That property burnt down in 1970.

This side of the pond is actually owned by the Town of Islip as part of the Greenbelt -- in a sense along this Green's Creek head waters of the Green's Creek in West Sayville. So, the town and the county have been buying parcels along Green's Creek to protect the waterways.

And the last page shows the West Pond. This is the larger of the two. The top is a vintage view from about 1915, showing the decorative concrete bridge on top and the dam down below -- which is still in place.
And basically the County property line runs through the middle of the dam and the middle of the bridge. We are looking to dedicate those structures to the County Historic Trust, and below is the current view of the concrete bridge at that location.

The importance of the site is showing the landscape design, and the location of a prominent Long Island architect who is becoming more important to the sense of showing the summer architecture that was built on Long Island, especially the shingle style.

Out east he did a lot of the early homes in East Hampton in the shingle style, including the Maidstone -- the country club that was built there -- and so its influence on the architecture and the design on Long Island is great. And also especially the landscape design that we see on our south shore estates.

This is a great tool to educate the public as to his work, and also the
Audubon Society is presently giving tours of the nature trails through this property. So, it's a great benefit to the community to have this park in place, and we'd like to have the protection of the Historic Trust on this parcel.

THE CHAIRPERSON: Thank you.

MR. MACHTAY: I want to -- just get a little nitpicky here.

MR. MARTIN: Sure.

MR. MACHTAY: I know Mr. Mallamo made the motion and I know Ms. Manfredonia seconded the motion. I know ten people voted on it, but I don't know who they are. The resolution should probably list everybody that was present.

MR. MARTIN: Okay.

MR. MACHTAY: Just to keep us informed.

MR. MARTIN: I can make that correction and submit it again.

MR. MACHTAY: No, I'll take it the way it is, and I'll even make a motion to approve it. In the future, it should
list who's who.

MR. MARTIN: Okay.

THE CHAIRPERSON: So, a motion has been made to include this property in the Historic Trust?

MR. MARTIN: Well, I think -- by the committee: The committee has made a motion and approved it, and now it's coming forward to the Historic Trust.

MR. BAGG: Someone has to make a motion here.

THE CHAIRPERSON: Didn't he just do that?

MR. MARTIN: I think I just did.

MS. SPENCER: May I -- this motion according to the manual has to include -- put it in a category, and so forth. May I just read this into the --

MR. MARTIN: You certainly may.

MS. SPENCER: All right.

THE CHAIRPERSON: Let's second it and then amend the motion.

MS. SPENCER: Okay.

THE CHAIRPERSON: Do we have a
second?

MS. RUSSO: I second.

THE CHAIRPERSON: Ms. Russo seconded it. Now, you wish to amend the motion?

MS. SPENCER: Yes. That the Brookside County Park be dedicated under the following preservation categories:

Number one: Architectural, and that it include the following buildings and or structures:

A. c. 1897 Gatehouse.
B. c. 1897 shed
C. c. 1897 entrance bridge
D. c. 1897 pond bridge
E. c. 1897 east pond dam, and
F. c. 1897 west pond dam.

That's the first condition. The second category would be "T" in parentheses -- capital "T" which is: The Preservation of Trees and Shrubs. The third in parenthesis, capital "T", capital "N" is: Terrain, and the fourth is capital "E", or exceptional.

MS. VILORIA-FISHER: Wait a minute, the fourth was not --
MS. SPENCER: I'm making a correction.

MS. VILORIA-FISHER: Oh, I see.

MS. SPENCER: In addition -- so those are the Preservation Categories. There is "Functional use category," and the initial recommendation of the Historic Trust committee is for museum or cultural organizational use. Under the manual, you have "preservation," but also use categories.

THE CHAIRPERSON: Everybody okay with that amendment?

MR. GULBRANSEN: Can I raise a question at this time to Richard's earlier point?

THE CHAIRPERSON: Yes.

MR. GULBRANSEN: You mentioned that the neighbors had been complaining that runoff or flooding was occurring.

MR. MARTIN: Yes.

MR. GULBRANSEN: Could you connect that concern with the terrain and preservation that will occur? Is there
something that the county is now
understanding how to take care -- to
mediate that problem, or are we becoming
the owners of that problem? How does the
runoff situation relate to what we're
taking?

MR. MARTIN: We are trying to
accommodate the concerns of the residents,
and we have a DEC review on this for the
design to put in additional spillway to
the west of the existing East Pond Dam,
and that would just be used for overflow
for storm runoff.

MR. GULBRANSEN: So, we're going
to redirect?

MR. MARTIN: Well, the existing
dam will still function, but because we're
viewing it as a historic property we don't
want to rebuild that. We rather just add
a smaller run-off next to it, and that
should alleviate the problems that we're
having with the resident to the east of
the pond.

MR. GULBRANSEN: Okay. Thank
THE CHAIRPERSON: Just to follow up on that. I think, Tom, sort of asked the question does this involve any liability issue that puts the County or the Historic Trust at further risk than it already is?

MR. GULBRANSEN: Or opportunity?

There are things called bioengineering systems, where you actually put certain kinds of plantings in and they're a great thing. They absorb nutrients, and they help the runoff that we have to struggle with in a lot of places.

MR. KAUFMAN: They may not be appropriate in a historic sense for this particular park. For example, there's a tree from Australia which sucks up water quite nicely and they use it for flood control in many places. I forget the name of it -- I want to say "Acacias," but I will not swear that that's the proper name.

MR. PICHNEY: Is that the one
they have in Florida, the "Maleleuca?"

MR. KAUFMAN: No, different tree.

MR. PICHNEY: Different tree.

MR. KAUFMAN: That's often used, but that is not historically compatible with what we have here. It's not native and things like that. These particular properties have a certain ambience to them in terms of the water park aspect of it.

MR. GULBRANSEN: So, that's off the table with regard to how this property --

MR. MARTIN: I don't know what DEC approves. I know they've been on site and reviewed this in detail, and this is their recommendation.

MR. BAGG: Basically, what's before the CEQ today is the recommendation for dedication to the Historic Trust. I believe the entire site plus the structures as dually noted in here.

The site currently has a runoff problem which is being looked into and

Accurate Court Reporting Service, Inc.
(631) 331-3753
some type of recommendation to handle that back before the CEQ, I assume and if the property is dedicated to the Historic Trust, then I assume the council will have to review the proposed runoff mitigation project, and its impact on the historic integrity of the site.

MR. GULBRANSEN: Thank you.

MS. VILORIA-FISHER: I thought we did look at this.

MR. MARTIN: I think we did.

MS. VILORIA-FISHER: I believe I remember looking at this, because we already do own the property and we have looked at this a number of months ago because of the problem with the mitigation of overflowing into the neighbor's property. We looked at it a while ago.

MR. KAUFMAN: In other words, we're not buying into a situation. We already own the property as a county. So, this is just a dedication aspect of it.

If this was a purchase of the property, that issue might come up, but this is a
separate situation.

THE CHAIRPERSON: Okay. Is the mitigation done in the context of the historic site?

MR. MARTIN: Yes, and it was reviewed that way. I mean -- it was known when it came to the committee that the Historic Committee had reviewed it for historic status. That was part of the review.

THE CHAIRPERSON: Okay. Any other comments? Call a motion as amended.

THE CHAIRPERSON: All in favor?

(Aye.)

THE CHAIRPERSON: Opposed?

(None.)

THE CHAIRPERSON: Motion carries, unanimously.

THE CHAIRPERSON: Anything else?

MR. MACHTAY: Does designating this to the Historic Trust, in any way, affect any mitigation that might come about later on? For instance, if the DEC
comes in and says put a sluiceway in --
diverting the water to go over here as a
site that's on a Historic Trust -- maybe
we don't want to see that.

MS. SPENCER: By dedicating it
to the Historic Trust -- we are the
Historic Trust, the CEQ is the Historic
Trust. Once a property is dedicated, then
that means that any changes will come
through Richard's office, the Trust
Committee and the CEQ for review.

MR. MACHTAY: Did not somehow
inhibit or effect what the outcome --

MR. MARTIN: I think to respond
to that -- just the design of it. If
there was a problem there I think we try
to accommodate it but just how it was
designed and the materials used we would
have a voice on it and that would be our
number one concern.

THE CHAIRPERSON: It's my
understanding what Vivian Viloria-Fisher
recalls, and what Richard recalls is that
we actually did that before it came before
us sometime ago.

MR. MARTIN: So, it usually prohibits this kind of work or taking care of problems at the site, but just the design of it we would have an input on the design.

MR. KAUFMAN: To put it another way, Richard. Any projects or mitigation -- as you were saying -- that come up would have to have a certain -- reviewed under the Historic Trust manual procedures as Mary Ann was saying, and there would have to be a consideration of retention of the historic -- again, ambience -- or the historic aspects over here as part of any decision we would be making.

In other words, we would have to review it from the historic perspective. We also have to review it from the environmental perspective. Sometimes we can accommodate both of those. Most of the time we've even been able to. I'm not going to say it always happens that we are
able to accommodate, but those interests
are supposed to be part of the discussion.
It will not necessarily limit us.

Say DEC wants to put in some
bypass systems or something like that --
as you were saying. We, obviously, have
to do work with DEC -- they have their
regulatory authority. We can make,

obviously our concerns known to them and
try to impact the process that way.

We would basically have to look

at it from the historical perspective.

That shifts things a little bit.

MR. MACHTAY: A designated
site -- historically a designated site.
It rises to a certain level, certain
threshold in secret, okay -- and that puts
another burden on trying to mitigate.

THE CHAIRPERSON: Anything else,
Richard?

MR. MARTIN: Just on this
property -- I was looking to bring forward
the motion to approve the Great South Bay
Audubon Society, but if you would like to
wait until you get the letter and
supporting information that would be fine.
We're just starting the process now --

MS. VILORIA-FISHER: On the
Scully House?

MR. MARTIN: On the Brookside
House. So, that would be a problem. I
can come back next month with that
supporting information for you.

THE CHAIRPERSON: I think that
would be best. Jim, you had a comment?

MR. BAGG: Yes. Just to give
the Council a little background. The
Historic Trust Committee is a committee of
the CEQ, all right. So the people
understand that. And I would like to ask,
Richard, to please prepare a list of the
current members on the committee and their
backgrounds so we can send it to all the
council members who know who these
individuals are.

In addition, anybody in the CEQ
can make recommendations for new members
for the Historic Trust Committee. So,
MR. MARTIN: I just would like to announce that September 11 is our next Historic Trust Committee meeting. This will take place at the Suffolk Lodge at the Southaven County Park, and that's to be at 9:30 at that location.

At the last meeting, Larry, you mentioned that you'd like to see a CEQ meeting at one of our historic sites as we did years ago. I just would like to recommend at this point that we maybe look to meet at the Scully Estate. There's work going on there now to create the County Environmental Center and also it's a LEED project.

So, I think it would be interesting and educational for all of us to take a tour of that site. I could have the architects give us a tour and Enrico Nardone from Seatuck that is planning to do the programs there -- that also chose to do the programs there.

THE CHAIRPERSON: Are you
recommending this for September?

MR. MARTIN: I'm leaving that to the CEQ. I'm just recommending that site.

THE CHAIRPERSON: I think that would be a good idea. My only concern is that we have a requirement that we have a stenographer at the meetings, but if we hold a meeting at a remote location can we waive that?

MS. VILORIA-FISHER: I don't know, you have to ask counsel.

THE CHAIRPERSON: Jim, could you check up on that? Because I think it's as important to have us understand what these properties are as it is to have verbatim minutes. That's my personal point of view.

MS. VILORIA-FISHER: Every now and then committees of the legislature are held at remote locations, and I believe a stenographer just comes to the location.

THE CHAIRPERSON: Okay.

MR. MARTIN: We do have a key to the site, so we have time to decide.
THE CHAIRPERSON: I remember one of our meetings at Deepwells, when we wore gloves.

MR. KAUFMAN: One quick question -- I may have missed something just here. Didn't we have a motion on the floor dedicating the county park to the Historic Trust? We had a first and we had a motion --

MR. BAGG: We voted on it, unanimously.

MS. VILORIA-FISHER: Yes, we voted on it.

MR. KAUFMAN: Never mind.

MS. VILORIA-FISHER: I just wanted to clarify something. Because there are new members, and Richard mentioned "LEED" and that's Leadership Environmental and Energy Design. I always get the acronym wrong, but it is LEED.

I sponsored legislation that county buildings -- new buildings or renovations that exceed over a million dollars have to be done according to

Accurate Court Reporting Service, Inc.
(631) 331-3753
LEED's criteria. So, that's what Richard was referring to.

THE CHAIRPERSON: Are you --

MR. MARTIN: That's all I have.

Mary, do you have anything else?

MS. SPENCER: That's it.

THE CHAIRPERSON: I just want to remind everybody that this is a public meeting, and if you have any comments, that you're certainly free to make them. We usually have the public make the comments as we move through the agenda rather than to have them all at the end or any -- or at the beginning or anything else. So, feel free to raise your hand and participate.

MR. BRADY: Is it possible for me to get a copy of that site on Brook Street?

MR. KAUFMAN: Yes.

MR. BRADY: I have a personal interest -- live over there and I grew up in that area, and I spent a lot of time in that pond area as a child -- so I'm just
interested in it.

THE CHAIRPERSON: Recommended Type II Actions. Jim, what do you have?

MR. BAGG: We're expecting a packet -- laid on the table on August 7, 2007 which is before you the list of all the resolutions. I've gone through them, and basically everything in the packet is Type II Actions or SEQRA has been completed. It was in the process of being completed on them so there's really nothing to point out of interest in the packet.

THE CHAIRPERSON: Do we have a motion?

MR. KAUFMAN: I will make a motion to accept staff recommendations.

MR. MARTIN: I second that.

MS. RUSSO: I second that motion.

THE CHAIRPERSON: Seconded by Ms. Russo. Any comments, questions?

THE CHAIRPERSON: All in favor of the motion?
(Unanimous Aye.)

THE CHAIRPERSON: Opposed?

(None.)

THE CHAIRPERSON: Motion carries unanimously.

Sewer District number 7, Pump Station number 2, Renovation/Upgrade. Do you have a presentation?

MR. BRADY: I have a --

THE CHAIRPERSON: Please identify yourself for the record.

MR. BRADY: Bill Brady, Suffolk County DPW.

I have a couple of aerial photographs of the two sites that are in question. The plan is to replace existing equipment at those two sites. Each place has two pumps for lifting wastewater to the treatment facility, and our plan is to replace both pumps at both locations and the controls for that. They're just old and they're in need of replacement -- pretty standard.

THE CHAIRPERSON: Anybody have
any questions?

MR. KAUFMAN: I'll make a motion, Type II Action.

THE CHAIRPERSON: A motion; you second?

MS. RUSSO: I second that.

THE CHAIRPERSON: All in favor?

(Aye.)

THE CHAIRPERSON: Opposed?

(None.)

THE CHAIRPERSON: Motion carries.

Sewer District number 11, Pump Station number one, Renovation and Upgrade.

MR. BRADY: Same situation. That place we're putting a building in also. The pumps will be a slightly different design. The lift for those pumps is such that we're able to use them, and then we'll put pumps inside of the building. The site is the largest so we have room for a building. So, that's why we elected to put a structure up so the
THE CHAIRPERSON: So the building, in fact, is new -- it's not replacement?

MR. BRADY: That's correct.

THE CHAIRPERSON: But the building is only 225 square feet?

MR. BRADY: Yes, it's relatively small.

MR. MACHTAY: Type II.

THE CHAIRPERSON: We have a motion by Mr. Machtay. We have a second by Legislator Viloria-Fisher.

THE CHAIRPERSON: All in favor?

(Aye.)

THE CHAIRPERSON: Opposed?

(None.)

THE CHAIRPERSON: Motion carries.

Improvements to County Road 83, Patchogue-Mt. Sinai Road.

MR. MACKEY: My name is Russ Mackey, M-A-C-K-E-Y. Engineer with the Accurate Court Reporting Service, Inc.
(631) 331-3753
Suffolk County DPW.

This is just overall area of the area in question. Basically, what we're doing for this project is we're resurfacing County Road 83 from the LIE to New York State 25, Middle Country Road.

Basically, we're also going to be doing some spot fill -- depth pavement repairs in areas where the pavement is -- existing pavement has failed. We're also adding a left-turn lane from the southbound 83 going eastbound onto Route 25.

Basically, just to increase safety in the area, because right now the Q-length goes from the turn-lane into the travel-through lane, and there have been accidents caused by that. There's also going to be some minor drainage modifications along the way. Probably just putting a leaching basin to alleviate spot drainage flooding.

All work will be done within the existing right-of-way, and the addition of
the left-turn lane -- I believe, is less than 3500 square feet.

THE CHAIRPERSON: That was one of my questions. On your form -- in the Environmental Assessment form, you say that "the amount of land affected is 37 and-a-half acres," and your cover letter it says, "it will not exceed 4000 square feet." So, which is it?

MR. MACKEY: The acreage I believe, is the resurfacing area from the lanes, but the new addition -- left-turn lane is the approximate 3500 square feet.

MR. MACHTAY: So you're taking it from the median --

MR. MACKEY: Yes.

MR. MACHTAY: (Continuing) -- in the middle to make the left-turn lane?

MR. MACKEY: Yes.

MR. MACHTAY: Jim, would that be considered --

MR. BAGG: I think if we look at the list --

MR. MACHTAY: (Continuing) --
adding new lanes?

MR. BAGG: Well --

MS. VILORIA-FISHER: They're travel lanes. They said travel lanes?

MR. BAGG: Repaving of an existing highway -- not long -- in addition to a travel lane is considered Type II. It says here, "construction or expansion of a primary or excess rate of non-residential structure facility involving less than 4000 square feet."

And then also "traffic -- installation of traffic control devices on existing streets are also considered Type II."

So, one of those two things -- I think this qualifies for Type II actions, because technically the left-hand turn lane could be considered a traffic control device.

MR. MACHTAY: And also, it's pertinent, too.

MR. BAGG: Yes, and it's less than 4000 square feet.

THE CHAIRPERSON: Can you locate Accurate Court Reporting Service, Inc. (631) 331-3753
where your leaching facilities are going to be?

MR. MACKEY: Right now, it's in the beginning phase. There's going to be isolated areas where there's probably isolated things, but approximately -- if I had to assume here (indicating) it probably would be maybe -- somewhere in the median as far as -- because the slope of the road is angled toward the median as it is right now.

THE CHAIRPERSON: Leaching pools will not be damaging wetland areas?

MR. MACKEY: There are no wetland areas located in this area here.

THE CHAIRPERSON: Legislator Viloria-Fisher?

MS. VILORIA-FISHER: I was making a motion of Type II Action.

THE CHAIRPERSON: We have a motion.

MR. MACHTAY: I'll second that.

THE CHAIRPERSON: We have a second by Mr. Machtay. Any further
MR. GULBRANSEN: In the construction process in paving, is there anything that's more careful or necessary to request with regard to protections in the road? It's an honest question. I actually have no idea.

MS. RUSSO: It's construction, basically. They got to do stormwater protections more than one acre.

MR. GULBRANSEN: That's just always --

MS. RUSSO: Five acres based on stormwater protection with construction activities.

MR. MACKEY: With this kind of -- with mostly the overlay areas they do take -- it's written in the contract plans that they protect the existing leaching basins and drainage structures so that no asphalt or any of the other chemicals -- not chemicals, or materials that they use get into the leaching areas.

As far the construction areas
there's -- they have to do basically --
you know protect the runoffs so that again
none of the soil disturbed goes into
these -- runs off the site.

MR. GULBRANSEN: Thank you.

THE CHAIRPERSON: Thank you.

We have a motion. We have a
second.

THE CHAIRPERSON: All in favor?

(Aye.)

THE CHAIRPERSON: Opposed?

(None.)

THE CHAIRPERSON: Motion
carries. Thank you very much.

Proposed Acquisition of Land for
Open Space. Please identify yourself for
the --

MS. FISCHER: Lauretta Fischer,
Principal Environmental Analyst for the
Suffolk County Planning Board.

The first acquisition before you
today is the Carlls River County Park
Addition -- Red Enterprises is the owner.
This is a small, approximately one-tenth
of an acre parcel in the watershed of Carlls River that we've been trying to obtain a numerous -- parcels within. It's a low-lying wetland area. This is just north -- this property is north of the tributary to Carlls River in Babylon -- the Wyandanch hamlet area.

All properties within -- all vacant properties within this area have been highlighted to be acquired. In the green are those properties that we already own. So we're continuing to amass our holdings to protect this watershed.

MR. MACHTAY: You seem to be a little bit more fortunate than myself, that they got the aerials and I don't.

MS. FISCHER: Oh, I thought I gave you one (handing).

MR. MACHTAY: I believe you.

THE CHAIRPERSON: Lauretta, I had a question that -- probably not really. It looks like the DEC freshwater wetlands line boundary goes through a lake. How can that be?
MS. FISCHER: Yes. Actually, because of the fact that New York State DEC wetland maps are mapped at one inch equals a thousand feet, the accuracy of those lines is very questionable when you get down to a parcel specific level.

So, we do our best to approximate where those lines are, obviously, New York State DEC -- their final evaluation of any wetland boundary is going out in the field and verifying it, but we're trying to give you just as best information as we can from a graphic point of view. You have to understand that that's -- you know, the best we can provide for you with what we get from here New York State DEC.

THE CHAIRPERSON: I thought Mike Kaufman mapped this.

MR. BAGG: Larry, if I might point out -- a GIS system is a computer based system, and they are given coordinates.

THE CHAIRPERSON: Okay.
MR. BAGG: Each layer is mapped out separately, and then try to be brought into the GIS coordinate system and overlay. So, some -- the aerials, the tax parcels to some extent are fairly accurate, but when you bring in another layer such as the DEC Wetlands, they don't overlay exactly the way they're supposed to in the existing maps.

So, you see to some extent wetland boundaries where you would determine -- would not find them.

THE CHAIRPERSON: Okay. So, we have a motion?

MR. KAUFMAN: I'll make a motion.

THE CHAIRPERSON: We have a motion by Mr. Kauffman.

MS. RUSSO: Second.

MR. MACHTAY: Second.

THE CHAIRPERSON: Second by Mr. Machtay. Any further discussion?

THE CHAIRPERSON: All in favor?

(Aye.)
THE CHAIRPERSON: Opposed?
(None.)

THE CHAIRPERSON: Motion carries.

MS. FISCHER: Thank you.

The next proposed acquisition is another Carlls River County Park Addition. The Swiss Asset Recovery Service LTD Property. Again, same area, same issues. This is another master list due property that we've identified -- two of them, actually -- that we've identified just north of the one that you've just previously approved.

THE CHAIRPERSON: Okay.

MS. VILORIA-FISHER: Same motion.

THE CHAIRPERSON: Same motion by legislator Viloria-Fisher. A second by Mr. Machtay.

THE CHAIRPERSON: All in favor?
(Unanimous Aye.)

THE CHAIRPERSON: Motion carries, unanimously.
MS. FISCHER: Thank you.

The third one is the Beaverdam Creek County Wetlands Addition, the Rose Giambalvo property. This involves overlay parcels on top of other parcels that are owned by -- I mean, overlay parcels on top of County owned parcels.

So, we're trying to kind of clean this area up with regard to ownership, and we're acquiring these -- they have been determined as having superior interest in the property over our interest. So, our interest came secondary to the Giambalvo's interest, therefore, we're acquiring their interest in this overlay area.

THE CHAIRPERSON: Lauretta?

MS. FISCHER: Does that make sense?

MR. GULBRANSEN: No.

MS. FISCHER: Or did I confuse you all?

MS. RUSSO: I don't understand.

MS. VIIORIA-FISHER: Just
explain "overlay."

MS. FISCHER: An overlay district is an area where there's competing ownership issues with properties. In other words, there are two people, or two interests, that are competing with the same property or a near or similar property. There's some overlay either directly -- parcel-for-parcel or one parcel can be a part of one parcel and part of another parcel.

It gets very confusing as to ownership. What ultimately decides who has superior ownership is a court decision. Wherein, the individual who has the best title to the property, is determined to have superior interest.

MS. VILORIA-FISHER: Is this tax default -- involved in this?

MS. FISCHER: Yes. In this we took some tax default on our portion. We were -- did not have clear title and, therefore, the individual who is also saying they own it were given superior ownership.
interests, and they are being given the right to say that they own the property.

So, legally they own the property and we are absolving our interest in it and we will then be merging these parcels together creating one, and we will no longer have these overlay issues that has been determined.

MR. KAUFMAN: Just to let everyone know, this is not an unusual problem in undeveloped areas. This actually happened quite a lot in the 1800s. You often had badly drawn deeds and when people started to draw deeds better, they would find these kinds of problems.

It used to be deeds were drawn "go to this tree, go to that tree." If the tree fell down, nobody knew where it was, and they just started putting the lines on maps and things like that. You also had maps -- subdivision maps which often would overlap with each other.

You also, frankly, had people
sometimes squatting on claims, and trying
to acquire property that they had no
ownership rights to and you would end up
with problems with titles. So, in
undeveloped areas like this you will see
this. Especially, in the central areas of
Long Island.

You used to see this in parts of
Smithtown and Babylon. That was again in
the 1800s. So, it's not unusual to have
these kind of things pop up and have
these, as I call them "dancing deeds" --
Where you're not sure who has first
position; who has second position, and
essentially need to tear everything apart
and possibly sometimes have a court action
or a RPAPL15 Action to acquire title.
It's not unusual, it happens Upstate,
also.

THE CHAIRPERSON: Jim, you had a
comment?

MR. BAGG: I was just going to
say that these overlay -- what they're
called tax default overlays are in the
past -- you know, the deeds were confusing, and then they plotted the tax maps and they found out they overlaid each other conflicting with each other. So, therefore, the true owner is in question.

THE CHAIRPERSON: Lauretta, on the map -- the dark purple "pending actions," those are the ones that we voted last month or the month before?

MS. FISCHER: Yes, exactly.

THE CHAIRPERSON: Very good. Do we --

MR. GULBRANSEN: I have a two-part question. The yellow areas shown here are tax map basin. Am I interpreting them properly to be essentially -- these are virtual roads, with virtual developable plots; is what they are?

MS. FISCHER: Actually it's two maps in one, and you've got -- what we tried to do in this aerial is to merge the two maps onto an aerial. Quite honestly, you're seeing two maps. One overlay map over the base map over an aerial. So,
calling it virtual, I don't know what --

MS. VILORIA-FISHER: Are they
paper streets, maybe?

MS. FISCHER: They are paper
streets, obviously, but they do exist on
one map, but you have another map that
overlays that map and, therefore, there's a
question of title.

MR. KAUFMAN: But Tom's question
was I think more directly oriented towards
what do these yellow things show?

MS. FISCHER: They are one
map --

MR. KAUFMAN: Yes, I
understand --

MS. FISCHER: One base map and
then the overlay is the red and purple.

MR. KAUFMAN: To answer Tom's
question, the way I think he's trying to
ask you: These are paper streets and old
paper developments on an old tax map
concept -- someplace on there. So, you
are seeing paper streets -- the little
narrow things. So, my second question is:
If we were seeking to protect from
development an area or if we have a master
plan that really wants to take care of
headmans or headwaters -- trying to
surround with this little parcels that we
purchased or we could conceivably find
some way to obtain the rights or change
the rights --

MR. KAUFMAN: That's one way of
doing it.

MR. GULBRANSEN: Let me just
finish asking the question.

If we were to do that, someone
would object and say "you've devalued the
parcel that I own, now I can't develop
it," and they would take us to court or
something to that effect.

My real question is the reverse
of that: If we are purchasing
properties -- in some cases surrounding
existing homes with now undevelopable
land -- they become wonderful homes
surrounded by a park -- the opposite of
taking. We are now adding value to their
parcels.

Is there any consideration about -- is there anything in the evaluation process?

MS. VILORIA-FISHER: Can I just answer that, because that's been a source of debate.

MR. GULBRANSEN: Thank you.

MS. VILORIA-FISHER: We have gone back and forth on that which is as you acquire land, are you creating a market which adds value to property because of simple supply and demand and -- sometimes creating parkland around existing properties -- and that's been a great debate in the legislature for the last couple of months as we're talking about the extension of the quarter percent -- Water Program and the Open Space Program.

And to tell you the truth, we've had economists come before us. In fact, Pearl Camer was speaking yesterday at one of our committees regarding this, and so
has Marty Canter. There doesn't seem to
be a consensus on this, because we have
such a robust land acquisition program --
not just our county -- governmental
acquisition program, but our housing
market is so robust that what the County
is in fact adding to that really
constitutes a small percentage.

So, the impact on the entire
market really doesn't rise to the level of
saying "As we continue with our Open Space
Program, we're creating a housing market
that's counter to affordable housing and
affordability and artificially raises the
value."

But that is a question that
we've been struggling with in the
legislature, and it's been a subject of
discussion.

MR. GULBRANSEN: Thank you.

MR. KAUFMAN: One other point
you should know is a lot of these paper
lots cannot be developed under the present
zoning. This is in Brookhaven they
have -- if I'm not mistaken -- they have rezoned part of this area. You don't see that on here. So, you may have some sort of vested right under the tax map.

The town will often prevent you from doing things. So, what you see with these little yellows doesn't really mean that we're stopping development -- that we're promoting development, etcetera. You just have to look at the entire collection of laws, and what you're allowed to do in the area.

For example, Stony Brook is a ton of little tenth-of-an-acre properties, yet the zoning will not allow most of those properties to be developed. So, people have Fifth Amendment issues and things like that, but no development is allowed in that area.

MR. BAGG: If I might point out the issue before CEQ today is: What is the environmental impact if you purchase this property -- if you leave it open space?
MR. KAUFMAN: Council does not consider value -- does not consider associated economic impacts -- considering what is the environmental impact about placing a piece of property in parks if the County acquires it.

MS. FISCHER: If I can just add one more thing, and it did not show up on this map -- is that about 90 percent of this area is owned by the County at the present time.

So, we are -- you know, this area is not developed to any great degree and we've ear-marked this for years. This is on our Green Ways Open Space list about -- maybe five, seven years ago, and we've been trying to consolidate our holdings in this area.

Holdings that are in this area are owned by the Post-Morrow Foundation. So, there's very little left here that is privately owned.

MS. SPENCER: There was a question that in some of these yellow
lines that those were --

MS. VILORIA-FISHER: Paper streets.

MS. SPENCER: (Continuing) -- paper streets. As we look -- the area in red and purple, it looks to me like there are two horizontal paper streets being preserved.

MR. KAUFMAN: That's not unusual.

MS. FISCHER: Again, the same issue. Two maps going --

MS. SPENCER: Is that true?

MS. FISCHER: Yes.

MS. SPENCER: Those are deliberately to be paper streets? That's why there are so --

MS. FISCHER: It's just conflicting maps, and obviously --

MS. SPENCER: But do you understand my question, that it does appear to the naive eye that you're trying to preserve some kind of a paper street between --

Accurate Court Reporting Service, Inc. (631) 331-3753
MS. FISCHER: Yes, yes.

MS. SPENCER: Okay. Okay.

THE CHAIRPERSON: We have a motion? We have a motion by Mr. Machtay.

MR. BAGG: Second.

MR. KAUFMAN: Second.

THE CHAIRPERSON: Second by Mr. Kaufman. All in favor?

(Aye.)

THE CHAIRPERSON: Opposed?

(None.)

THE CHAIRPERSON: Motion carries.

MR. BAGG: I believe the motion is unlisted action, negative declaration.

MS. FISCHER: Next proposed acquisition is Mastic/Shirley Conservation Area Addition, the Dittmer property.

Again, this is an area that we're trying to amass our holdings.

MR. KAUFMAN: Motion unlisted in that.

MS. SPENCER: Second.

THE CHAIRPERSON: All in favor?
(Aye.)

THE CHAIRPERSON: Opposed?

(None.)

MR. BAGG: Who was the second on that?

MS. SPENCER: I was.

MR. BAGG: Okay.

MS. FISCHER: Thank you.

The next proposed acquisition is the Montauk Downs State Park Acquisition. The Edna Capurso Property. This one is the last lot in our proposed acquisition area in red. This is a very under-lying low-lying, wet, marsh Montauk Downs property and just north of the Montauk Downs State Park Golf Course. It's an area that is environmentally very sensitive, and this is our last piece of the puzzle that we wanted to acquire in this.

MR. KAUFMAN: I'll make a motion unlisted --

MR. MACHTAY: Second.

THE CHAIRPERSON: That was second by Mr. Machtay.
How close is this to the county park out there?

MS. FISCHER: Which county park?

THE CHAIRPERSON: The Roosevelt County Park.

MS. FISCHER: The Roosevelt is on the other side of Lake Montauk.

THE CHAIRPERSON: All right, thank you.

MS. FISCHER: If you look at the detail -- area of detail, you can see that the Montauk -- other holdings are on the other side of the lake.

MR. GULBRANSEN: This is --

THE CHAIRPERSON: Thank you. I have a motion and second. All in favor?

(Unanimous Aye.)

THE CHAIRPERSON: Opposed?

(None.)

THE CHAIRPERSON: Motion is unanimous.

MR. GULBRANSEN: That depiction of wetlands -- that's a pretty tough one to accept as is.
MS. FISCHER: That's another tough one, yes.

MR. KAUFMAN: Tom, the lesson I have learned from these maps, etcetera unless you learn the tax map designation -- a tax map designation is not necessarily contiguous with the property line. The County is trying to guess and sometimes they don't always pick up things. It's, a general representation.

MS. FISCHER: Quite honestly, it's not rectified. So, therefore, we're doing our best guess of putting that on an aerial or a tax map --

MR. GULBRANSEN: I'm in the environmental business that does a whole lot of jazz -- there are just times when you have to check, and I wouldn't put on the record a depiction of title wetlands like that last one --

MR. KAUFMAN: This is Government.

MR. GULBRANSEN: Sometimes it's

Accurate Court Reporting Service, Inc. (631) 331-3753
worth it to peel that out to say, "it's just a sensitive area," as you said.
"That's enough -- it's a sensitive area."

MS. VILORIA-FISHER: Tom, can you just explain what you said.

MS. FISCHER: We do try to do that, everyone always wants a little more.

MR. GULBRANSEN: The blue delineations overlay from the state, which is a different source.

MS. VILORIA-FISHER: But which part of it defies by --

MR. GULBRANSEN: Take a look at the blue circles. Particularly the one that circles the home and the driveway.

MS. VILORIA-FISHER: The home, yes.

MR. GULBRANSEN: That's certainly a tough one to call fresh water wetlands -- and the rest of the lines. It raises more question than it's worth is my point. Sometimes it's better not to have a feature -- if it compounds the issue and doesn't add to the statement.
MS. VILORIA-FISHER: The reason I was asking you to explain that -- and Lauretta knows that I brought this up Monday at the Environment Committee -- is that sometimes we're actually buying property that is DEC Wetland, and we're also seeing property that is actually DEC Wetland where homes have been built right in the middle of them.

And my question is: We're using taxpayer money to protect land that should be protected by the designation of being wetland and because of constitutional property rights -- the taking of the property and the compensation of the owner puts the Town in the position -- I think of allowing the development in DEC -- you know it's very confusing.

MS. FISCHER: It's very difficult.

MS. VILORIA-FISHER: I don't necessarily believe that the demarcation of that wetland is incorrect. I just believe that the allowing of development
in a wetland is the problem, and I'm not
certain which is which in this.

So, that's been a real
frustration -- as I said in ETRB, the
Environmental Trust Review -- where we're
not looking at the environmental issue,
we're looking more at the economic
appraisal issue and I'm saying, "but why
are we buying wetland where we should be
allowing to build?" Unfortunately, it
happens.

THE CHAIRPERSON: I think you
both have good points, and probably what
you ought to do is try do a better job of
properly doing the overlays. If you --
the legislature --

MS. VILORIA-FISHER: I'm not
criticizing the job. I think it's a great
job.

MR. KAUFMAN: But look at this,
okay --

MS. VILORIA-FISHER: But I'm
talking about the map that we're looking
at. I really think they do a great job.
I think sometimes -- the question that Tom raised is more the question of policy that has allowed the building -- you know, you have DEC wetlands marked out, and yet development is allowed.

   MR. KAUFMAN: There's a further point, if I might -- one of the problems has been in -- government around here is frequently -- government is not aware of the resources that are out there.

   There are DEC maps and you have to go to one source and you have to go to another source to find the Federal maps and you have to go to a local village to find a setback map, etcetera.

   Part of this overlay has been an effort by County planning to basically build a GIS system, a Geographic Information System. It's all the rage of the towns, it's all the rage of the county -- to try to and put all this information together in a layered way so that people could see what they're looking at in one source.
As a real estate attorney, I know -- I know what I have to do to find these things out prior to the GIS systems -- but I haven't had to go to six or seven systems -- and frequently Government -- you ask them, they wouldn't necessarily know.

I'm a local village official in my home village, and I can tell you most of my people do not know where the DEC Wetlands are. If we had a GIS system layered like this, we can identify things a lot more quickly. Even if there are some errors built-in -- because a lot of the stuff is not a hundred percent accurate you're going to see that in the next map.

We look at Flanders, they have a lake partly outside of a wetland. It's still a very, very good resource to have for people who are trying to make a quick decision.

MR. GULBRANSEN: What we do

sometimes in industry -- I don't mean to
delay --

MR. KAUFMAN: I know, I have the
same problem.

MR. GULBRANSEN: A line is
drawn with a real tight font size.

Sometimes it's better to call it a zone --
to make it sort of a grayish area.

MR. KAUFMAN: It's like dealing
with a -- you have to know that it's a
little bit off.

MR. GULBRANSEN: Plus or minus a
lot and that's okay. Plus or minus a lot
is fine, as long as you remember that. In
that case, that's what we have here --
it's just some place in that area.

MR. BAGG: I think it has to be
pointed out, too, that the DEC Wetlands maps
are not necessarily that accurate, and in
order for you to really find out where the
wetlands are or are not present, you have
to combine it with a topographic map --
you have to combine with a soil. Soils
are more accurate than the DEC wetlands
map.
DEC has put a lot of effort into surveying title wetlands and putting them on a map, but they have not done a whole lot of work with respect to the fresh water wetlands. Those maps were really done fairly quickly, inaccurately --

MS. FISCHER: At a scale that was very difficult --

MR. BAGG: (Continuing) -- based on account information to begin with that have never been updated --

MS. FISCHER: (Continuing) -- on a topographical map -- two thousand feet.

MR. BAGG: (Continuing) -- they are on USGS quadrangles with your 1G equals two thousand feet.

MS. FISCHER: And they were trying to transpose that onto a map that equals two hundred feet. You're going to get inaccuracies -- that's why the caveat with New York State DEC Wetlands is based on field verification, and that's what I had indicated in the beginning of the discussion. This information is just --

Accurate Court Reporting Service, Inc. (631) 331-3753
you know, information available, but it is
not verified and it would have to be
verified in the field.

We don't have the time or the
staffing time to go out and actually
physically verify all of this information.
It's just for your information. It's a
very general, very difficult line that's
put on -- two different types of scales
and it's just for your information. We're
not reporting that this is, or is not, a
wetland specific to DEC information and
verification.

THE CHAIRPERSON: Let's move
ahead, Lauretta.

MS. FISCHER: Okay. The next --

MR. BAGG: We didn't do a motion

on this.

MS. FISCHER: Did you? Yes.

MS. VILORIA-FISHER: On Montauk Downs?

MR. GULBRANSEN: On Montauk --
completed. I think I held my comment

until after.
MS. FISCHER: Yes.

MR. GULBRANSEN: It was not a question, it was a comment.

MS. FISCHER: Yes, I think it was after.

The next one is the donation of land in the Flanders County Nature Reserve area. As you can see we're continuing to pick up parcels in this area -- old file map area as best we can -- either through donation, acquisition. The portion of this property is actually in the core, Pine Barrens Core area on the southern portion of it, and a portion is a compatible growth area.

We've acquired a number of large lots here and we're continuing to acquire this wetland area here, there and everywhere. The whole topography of this area is interspersed with wetland ponds and its underlaying topography. So, you've got a whole host of issues from a development point of view, and we've been trying to acquire all the remaining
open vacant land in this area. So, this
is a nice way for us to get a third of an
acre and two parcels -- and four parcels
actually.

THE CHAIRPERSON: We have a
motion? Motion by Legislator
Viloria-Fisher.

MR. MACHTAY: Second.

THE CHAIRPERSON: Second by Mr.
Machtay.

THE CHAIRPERSON: All in favor?
(Aye.)

THE CHAIRPERSON: Motion carries
unanimously.

MS. FISCHER: Thank you.

And the final one is a donation
of property as part of a Suffolk County
Department of Health Services Board of
review TDR. And the property that we are
looking to have donated to us is in our
Mastic/Shirley conservation area and,
obviously, is in line with what our
efforts are to acquire those parcels in
that area.
MR. KAUFMAN: Motion unlisted make that.

THE CHAIRPERSON: Motion by Mr. Kaufman.

MS. RUSSO: Second.

MS. VILORIA-FISHER: I have a question for Jim.

THE CHAIRPERSON: Just second by Ms. Russo. Go ahead.

MS. VILORIA-FISHER: Jim, we don't need to consider here where we're sending or where they're receiving this?

MR. BAGG: The Department of Health Services -- when they review a variance and an application in an area -- suppose -- an example, somebody wants to expand a restaurant on their property. So, therefore, a mitigation measure -- they require that the applicant go out and purchase a piece of property -- donate it to the county, and transfer that development right to the project area for expansion.

However, the Health Department
reviews that from a SEQRA point of view, and they issue their own Neg. Declaration based on their variance or sanitary system. So, that has been previously done. What is before the CEQ now is the donation of this property to the County to remain in this --

MS. VILORIA-FISHER: So, we don't have to look at density increase?

MR. BAGG: No. Everything is conforming -- zoning and the town also looks at it.

MS. VILORIA-FISHER: Thank you.

THE CHAIRPERSON: We have a motion? And a second.

THE CHAIRPERSON: All in favor?

(Aye.)

THE CHAIRPERSON: Opposed?

(None.)

THE CHAIRPERSON: Motion carries. Thank you, Lauretta.

Is there any other business?

Nobody from the CAC here today?

So, we're through the agenda.
We have a motion to adjourn?

MR. MACHTAY: Motion to adjourn.

THE CHAIRPERSON: We have a motion from Mr. Machtay. Second?

MS. RUSSO: Second.

THE CHAIRPERSON: Second by Mr. Russo. All in favor?

(Unanimous Aye.)

(Whereupon, the meeting was concluded at 11:07 a.m.)
RE: Suffolk County Department of Planning Council on Environmental Quality
AT: H. Lee Dennison Building Veterans Memorial Highway Hauppauge, NY
ON: August 15, 2007

CERTIFICATE

I, Samaria Maldonado, a Shorthand Reporter and notary public within and for the State of New York, do hereby certify;

That I reported the proceedings in the within-largest entitled matter, and that the within transcript is a true and accurate record of such proceedings.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of August, 2007

Samaria Maldonado

Accurate Court Reporting Service, Inc.
(631) 331-3753