DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

Legislative Auditorium
North County Complex
725 Veterans Memorial Highway
Hauppauge, New York

November 21, 2007
9:30 a.m.

BEFORE:

R. LAWRENCE SWANSON, Chairperson

ACCURATE COURT REPORTING, INC.
6 FRANCES LANE
PORT JEFFERSON, NEW YORK 11777
631-331-3753
APPEARANCES:

MICHAEL KAUFMAN, Vice Chairperson
JAMES BAGG, Chief Environmental Analyst
VIVIAN VILORIA-FISHER
THOMAS GULBRANSEN
RICHARD MACHTAY
DANIEL PICHNEY
GLORIA G. RUSSO
MARY ANN SPENCER

ALSO PRESENT:

RICHARD MARTIN
KARA HAHN
CHRISTINE DESALVO
CHAIRPERSON SWANSON: All right, I'd like to call the meeting to order. This is the November 21st meeting of the Suffolk County Council on Environmental Quality.

Do we have any comments about the minutes?

I notice Mr. Machtay gave us comments on -- written comments on the August 15th meeting and the September 19th meeting, which I'd like to enter for the record.

Do we have any other comments about the October minutes, which we just got notification of yesterday or the day before?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: Okay. Do I have a motion to approve the August minutes, with Mr. Machtay's corrections?

MS. RUSSO: (Indicating)

CHAIRPERSON SWAN: Okay.

MR. MACHTAY: (Indicating)

HON. VILORIA-FISHER: (Indicating)
CHAIRPERSON SWANSON: Okay, I have a second.

All in favor?

(WHEREUPON, the Council members voted.)

CHAIRPERSON SWANSON: The September minutes, do I have a motion?

MS. RUSSO: I make a motion to accept, with Mr. Machtay's corrections.

CHAIRPERSON SWANSON: We have a motion to accept, with the corrections of Mr. Machtay, minutes.

Do we have a second?

MR. KAUFMAN: Second.

CHAIRPERSON SWANSON: Second.

All in favor?

(WHEREUPON, the Council members voted.)

CHAIRPERSON SWANSON: Opposed?

(WHEREUPON, the Council members voted.)

CHAIRPERSON SWANSON: Do we have any comments on the October minutes?

(WHEREUPON, there was no response.)
CHAIRPERSON SWANSON: I have a couple of corrections.

I don't know if everybody else has read them, I'll just do it on the record.

On page 3, line 16, the word is "fly," as in dragonfly.

On page 4, line 7, the name "Paul," as in Mr. Paul, actually should be Mr. Hall.

Anybody else have any other corrections?

MR. GULBRANSEN: Christine, I believe I -- I e-mailed five or six to you?

MS. DESALVO: Okay, I probably -- I didn't get them this morning.

CHAIRPERSON SWANSON: So we'll leave those minutes open, but --

MR. GULBRANSEN: That's okay.

CHAIRPERSON SWANSON: -- but you have the pages of these corrections.

All right. Jim, is there any correspondence you want to call to our
- Council on Environmental Quality -

attention?

MR. BAGG: Yes, there are a number

of things in your folder.

There's a letter from Woodlands

Wildlife Association regarding the noise

berm -- I assume you'll pick these up

when you consider the project

individually, in support of the noise

berm at Gabreski Airport;

There is a letter from the

Supervisor of the Town of East Hampton,

in support of GATR Facility at

T. Roosevelt Park;

There is a letter from Margarite

Wilshown (phonetic), Planning Director

from the Town of East Hampton, in

support, to some extent, of the GATR

Site Transmission Facility;

And there is a letter from the New

York State Lawn Care Association,

regarding the fertilizer legislation

that is before you.

CHAIRPERSON SWANSON: All right.

Thank you, Jim.
We'll move on to the Historic Trust Document.

Rich, do you have any comments?

MR. MARTIN: Good morning.

The list of buildings that we're reviewing today are to be added to our -- what we're still calling our New Historic Structures List. That would be supervised by the Historic Trust and the CEQ for any changes to the building.

And, there's three groupings, I guess, of the buildings here:

The first is what we're calling the Southaven House on River Road in Southaven County Park. This building was actually moved into the park near the -- the Mill Site, that was the Mill -- the -- at Southaven. That was taken down when Sunrise Highway was extended in that area in the 1950s. And that was moved into the Park and used as the foreman's home for the Hunting Preserve that existed at Southaven County Park.
The next grouping, all the Davis buildings, were also moved buildings. They were originally north of Grumman Avenue in Manorville, and they were moved just south of Swan Pond. And the reason for the move is that the U.S. Navy had condemned that property. And this farmstead, where all these buildings come from, was purchased by Mr. Davis in the 1870s, actually, when he established a cranberry bog and a cranberry business in the Manorville area. He was from Massachusetts and saw the opportunity of establishing a cranberry business in Suffolk County. And he bought an existing farmstead which dates back to about 1820, and also used that, in a sense, as a summer residence. His full-time, year-round business was a stockbroker on Wall Street. And so, those buildings do retain their early design and significance, even though they have been moved, so we're looking to add them to
- Council on Environmental Quality -

this list.

And, the last two buildings are
originally part of a farmstead, a --
actually it was a pig farm, and was
later bought by Mr. Stemmler, and used
for his bow and arrow company that he
had established in Manorville. And,
this is an early 19th Century barn and
the farmhouse that accompanied it. So,
we're looking for an approval to add
this to our Historic Structures List.

CHAIRPERSON SWANSON: Do we have
any questions of Mr. Martin?

MR. KAUFMAN: If I'm not mistaken,
Rich, you're basically taking whatever
buildings are associated with the Davis,
if you will, homestead, and you're
taking them as a group. So that, for
example, is why you're having the garage
placed in this particular list also.

MR. MARTIN: Yes.

MR. KAUFMAN: And, you think that
it has equal significance to the rest of
the houses, especially to the extent
- Council on Environmental Quality -

that it's part of an ensemble?

MR. MARTIN: Exactly. They all
relate and they all retain their
original character.

MR. KAUFMAN: I was basically
trying to figure out the criteria that
you were using for any kind of a
grouping. I mean, it makes sense, I've
seen some of these buildings. About
five years or so ago, I think some CEQ
members were down in the area, and we
were taking a look at them, and it did
make sense to do it.

MR. MARTIN: Yes. I should have
prefaced my comments that the Historic
Trust Committee has visited all these
sites, and -- you know, walked around
these buildings at least, gotten in the
buildings that they're able to, like the
barn structure. So, this is their
estimation from site visits.

MR. KAUFMAN: One other question,
and this would be directed probably to
Mary Ann and to you, what is the general
condition of most of these buildings?
Some of them look like they're
habitable, some of them look like they
need a fair amount of work, some of
them, obviously, are not habitable.

MR. MARTIN: Yes. In this grouping
there, they cover the full range. Most
of them are being utilized. The Davis
House -- the main house, actually,
Seven Oaks, is in poor condition and
needs a new roof. So, that is the
most -- the building that's in the most
danger. And, the Stemmler Barn is also
in need of some structural repairs. But
the Committee thought that they still
deserve the recognition, at least, to be
on the Historic List so some attention
could be paid to them for repairs.

CHAIRPERSON SWANSON: Richard, on
Item No. 6, which is Davis House No. 3,
could you explain to me what a
Vernacular House is?

MR. MARTIN: Vernacular is just a
basic contractor design, I guess you
might call it also, there's different
words that are used for it. But for
simple design that's -- usually there's
not an architect involved or anyone with
any high style design to it, just a
basic. That's actually -- that's more
of a -- like a Cape Cod designed house,
I guess you could say.

CHAIRPERSON SWANSON: And it says
it was built in 1945?

MR. MARTIN: Yeah. That's --

CHAIRPERSON SWANSON: Why are we
worried about that?

MR. MARTIN: Well, I think, as we
discussed, as a grouping, this was all
buildings that were part of this
farmstead. And that is right on the
road, it does fit into our 50-year
criterion for review for historic
status. And to have that building
changed dramatically, while the others
would fit right behind it, keeping its
historic integrity would -- would not be
for that place. I think they should all
be viewed as a group, and any work or structural repairs that are done to those buildings should be with similar materials.

CHAIRPERSON SWANSON: All right.

Thank you.

Any other questions?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: Can I have a motion for including these new additions to the Historic Trust?

MR. KAUFMAN: Yeah,

Mr. Chairman, I'll make that motion.

MS. VILORIA-FISHER: And I'll second.

CHAIRPERSON SWANSON: Gloria Fisher seconded.

Any other comments or questions?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: All in favor?

(WHEREUPON, the Council members voted.)

CHAIRPERSON SWANSON: Opposed?

(WHEREUPON, the Council members...
CHAIRPERSON SWANSON: Abstentions?
(WHEREUPON, the Council members voted.)

CHAIRPERSON SWANSON: Motion carries.

MR. MARTIN: Thank you.
And just a couple of announcements:
Our Big Duck lighting is scheduled this year for November 28th. That will be at 7 o'clock at its new old location, that is, the Town of Southampton Big Duck Park, and that is in Flanders on Route 24. And we are working with the Southampton Parks Department to run this event this year, and we're hoping for a good turnout. So if you're able to make it, the ceremony starts at 7 o'clock -- the entertainment, I should say, starts at 7 o'clock.

And, otherwise, we are having our Historic Trust Committee meeting, the next meeting is December 4th, and we'll be meeting at Smithers' property in

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- Council on Environmental Quality -  

Hubbard County Park, again on Route 24 in Flanders. That's at 9:30, and we'll be touring that site and the building for possible dedication to the Historic Trust for listing on the Historic List.

CHAIRPERSON SWANSON: Thank you very much.

Just before I forget it, Christine, you said the next meeting is scheduled to be the 19th?

MS. DESALVO: I am not sure.

CHAIRPERSON SWANSON: Okay. Can we get some clarification --

MS. DESALVO: Yes.

CHAIRPERSON SWANSON: -- on that? And, also, it's important that you let Jim know, whether he can be here or not, because in all likelihood, I won't be here because I've gotten the pleasure of serving on the grand jury, so I may see you this time next year.

Okay. So, please, let's confirm that.

Jim, do we have any comments on
- Council on Environmental Quality - 16

Type II Actions?

MR. BAGG: Well, the recommendations on the packets -- two packets, one of November 7th, and the other of November 20th, 2007, are before you. Everything is either Type II Actions, or SEQR has been completed, and they're all fairly straightforward. I believe the Legislature is trying to summarize this (inaudible) a lot of administrative resolutions in there and whatnot.

CHAIRPERSON SWANSON: Okay. Do we have a motion to accept the staff's recommendations?

MR. MACTHAY: I'll make the motion.

CHAIRPERSON SWANSON: We have a motion from Mr. Machtay.

Do we have a second?

MR. KAUFMAN: Second.

CHAIRPERSON SWANSON: Any comments?

MR. KAUFMAN: I'll just point out 2102, which is Appointee Peter Alcowitz (phonetic). He's the Regional Planning
- Council on Environmental Quality -  
Board -- he's the husband of our former chairperson over here, Terri Altowitz (phonetic). Just pointing that one out, I thought that was interesting. And there's also a possible other CEQ member being appointed from East Hampton, that's 2119, Miss Eva Growney -- G-R-O-W-N-E-Y.

CHAIRPERSON SWANSON: Okay, any other comments?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: We have a second.

All in favor?

(WHEREUPON, the Council members voted.)

CHAIRPERSON SWANSON: Opposed?

(WHEREUPON, the Council members voted.)

CHAIRPERSON SWANSON: Abstentions?

(WHEREUPON, the Council members voted.)

CHAIRPERSON SWANSON: Motion carries.
All right. Improvements to the DPW Trade Shop, Building C-318 Hauppauge.

(WHEREUPON, Mr. Ralph Borkowski approached the podium, and addressed the Council members.)

CHAIRPERSON SWANSON: Good morning.

MR. BORKOWSKI: Good morning.

Ralph Borkowski, Suffolk County Department of Public Works. I'm here for the Trade Shop Building.

We submitted a letter to you, describing the work involved. It's very straightforward. HVAC, updating in the lighting, energy efficiency lighting, new installation. It's all interior Type II Action type of work. It's a building that we haven't really done work on for years, so we need to.

MR. KAUFMAN: Ralph, if you would, would you identify exactly where this building is in the complex? I assume it's North County complex.

MR. BORKOWSKI: Yeah, it's North County behind Building 158, Civil
- Council on Environmental Quality -

Service. It's the old blue, metal-clad building, the shop.

MR. KAUFMAN: It's about two doors down from Consumer Affairs, on the site?

MR. BORKOWSKI: It's the north -- the northwest, behind 158. 158's here (indicating), it's the northwest behind it. There's a parking lot there, there's an old dilapidated storage structure adjacent to it. It's an old -- it looks like it's been there since the 50s, it's very old. It's a shop, they usually repair things there.

MR. KAUFMAN: It looks like it could use some improvement.

MR. BORKOWSKI: Yeah.

MS. VILORIA-FISHER: (indicating)

CHAIRPERSON SWANSON:

Legislator Viloria-Fisher?

MS. VILORIA-FISHER: Thank you,

Mr. Chair.

Ralph, you mentioned energy efficient lighting, but regarding the HVAC system improvements, what kind of
Council on Environmental Quality -

energy efficiency components are
involved there? Are you improving
energy efficiency there? What kind of
equipment will be used?

MR. BORKOWSKI: I don't have the
specs or the details on that, but I
would pretty much -- I mean, what we're
doing today is -- all new equipment
we're putting in is higher efficiency,
to meet the new energy guidelines. So
we're not --

MS. VILORIA-FISHER: So --

MR. BORKOWSKI: -- going to put
in (inaudible) equipment in, it's going
to be a higher-efficiency-type of HVAC
equipment.

MS. VILORIA-FISHER: Right, because
all of the County policy is to move
toward highest efficiency.

MR. BORKOWSKI: And we will be
doing that, yes.

CHAIRPERSON SWANSON: So, you're
going to follow the standard -- what is
now standard County policy?
MR. BORKOWSKI: That's correct.

MS. VILORIA-FISHER: And the same with the installations?

MR. BORKOWSKI: That's correct.

MS. VILORIA-FISHER: Thank you.

CHAIRPERSON SWANSON: Any other questions?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: Do we have a motion?

MR. KAUFMAN: Motion Type II, I would make that.

MR. MACHTAY: Second.

CHAIRPERSON SWANSON: Second from Mr. Machtay.

Any other questions at this time?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: All in favor?

(WHEREUPON, the Council members voted.)

CHAIRPERSON SWANSON: Opposed?

(WHEREUPON, the Council members voted.)

CHAIRPERSON SWANSON: Abstentions?
- Council on Environmental Quality -

(WHEREUPON, the Council members voted.)

CHAIRPERSON SWANSON: Motion passes.

Thank you, Ralph.

(WHEREUPON, Mr. Ralph Borkowski stood down.)

CHAIRPERSON SWANSON: All right, Gabreski Airport.

(WHEREUPON, Mr. Tony Ceglio approached the podium, and addressed the Council members.)

CHAIRPERSON SWANSON: Good morning.

MR. CEGLIO: Good morning. Tony Ceglio, Gabreski Airport Manager.

I'm here today because the County has applied for, and received, the New York State Department of Transportation grant, for construction of an earth berm along a portion of the airport boundary, to help mitigate perceived noise problems in an adjacent neighborhood by the airport.

The project consists of
- Council on Environmental Quality -

constructing and earth berm on the
northeast side of the airport, to
provide relief from ground noise
generated by aircraft using Runway 624
at the airport. The berm will be
approximately 1,000 feet long by 15 feet
high, and located along a 0.78 acre area
where residential homes are closest to
the airport. Plantings on the berm will
contain indigenous species.

In your package is a revised
sketch, and it's been revised since it
was originally submitted to the New York
State Department of Transportation,
based on conversations I had with Jim
Bagg, and it slopes in the area and --
also, some drainage. It shows the
approximate location.

As stated, the berm is going to be
15 feet high and 1,000 feet long. It's
about 40 feet wide at the base, and
4 feet wide at the top, conforming to a
4 to 1 slope as recommended by the
Department of Public Works.
The final berm will be designed by DPW and will consider Federal Aviation Administration requirements for runway setbacks, and instrument landing system criteria for the ILS critical area at the airport.

As Mr. Bagg mentioned, there's also a letter of support that you received from local community member, Jamie Siegel, who lives in the adjacent neighborhood, who actually recommended our requesting this grant money to help provide relief for the ground noise generated at the airport in the neighborhood.

If you have any questions about the project, I'll be happy to answer them.

CHAIRPERSON SWANSON: So, this is less than 4 acres?

MR. CEGLIO: Yeah, it's 0.78 acres.

CHAIRPERSON SWANSON: Any questions?

MR. PICHNEY: I have a question.

CHAIRPERSON SWANSON: Mr. Pichney?
MR. PICHNEY: I recall reading in a horticultural journal how vegetation, in and of itself, is a poor barrier against noise. So, consequently I would imagine it's the earth barrier itself, the berm, that's going to mitigate most of the noise.

Have you done studies to know that the berm is of the proper height and so forth, to reduce the noise to a level that would be accepted by the local community?

MR. CEGLIO: Well, we haven't -- no, we have not done any studies, to answer your question. And, it's a perceived noise problem.

The studies that we do have on record, which show noise contours around the airport, do not show the level of noise considered by the FAA to be a problem for residential neighborhoods, does not extend into the neighborhood that we're trying to help.

So, what we're trying to do is --
it's a perceived noise problem. It's based on aircraft that are running up before they takeoff on that main runway at the airport.

It also won't help for aircraft that are landing on the runway. Because, obviously, it's only going to be about 15 feet high. Aircraft landing are probably going to be about 50, 60 feet high in that area.

So, it will help for the aircraft that are getting ready to takeoff or running up at the end of the runway before they take off, but not for landing.

MR. KAUFMAN: Two quick questions for you.

Jamie Siegel, the name rings a bell, he's on the APAC Committee?

MR. CEGLIO: Yes, ACAP, Airport Conservation Assessment panel. He's also, I believe, the president of a local community group called Hush Quiet Skies, which is trying to help mitigate
noise generated at the airport.

MR. KAUFMAN: The second question is with the ILS system. ILS generally needs a straight line of sight, as I understand it. And any kind of obstruction, basically, will bounce the signals or absorb them. I'm looking at the design that you've got over here. It looks like it's a straight run in for the aircraft that are landing, and it doesn't look as if the noise berm is going to be in the location where it will bounce any signals.

Do you see any problem with the location?

MR. CEGLIO: Well, the new location, in the drawing that you have, considered that ILS critical area. It's shown as a red boxed area out in front of the ILS antenna. That will be confirmed, of course, before the berm's installed, but it should not pose any problem with the ILS system.

MR. KAUFMAN: That answers the
- Council on Environmental Quality -

third question I was going to ask.

    Thank you.

    MR. MACHTAY: (Indicating)

    CHAIRPERSON SWANSON: Rich?

    MR. MACHTAY: I'm just curious. No objection to the project, but I notice here in your letter -- in your memo, you say, "The County has applied for, and received, the New York State Department of Transportation Air 99 Grant for the construction."

    Did New York State DOT do SEQR, before issuing the grant?

    MR. CEGLIO: They request us to make the SEQR recommendation.

    MR. MACHTAY: So, the County is doing a coordinated SEQR with New York DOT, after the grant is issued?

    MR. CEGLIO: Maybe it's -- that's probably worded wrong. It's not a grant, it's a grant offer at this point. It's not a grant until it's signed and returned back to New York State DOT.

    MR. MACHTAY: So it's a conceptual
grant at this point?

MR. CEGLIO: Correct.

MR. MACHTAY: Thank you.

CHAIRPERSON SWANSON: I'd like to go back a little bit.

MR. CEGLIO: Surely.

CHAIRPERSON SWANSON: If you haven't considered engineering this thing appropriately, it seems to be like busywork. I mean, you know, you've got a perceived problem, so you're just going to do something -- you're going to throw up a dirt mound. You haven't engineered it to see if it's going to actually accomplish the goals and -- why are we wasting money doing something that we don't have any reason to believe will benefit us?

MR. CEGLIO: Well, it certainly will benefit the neighborhood from the ground noise, as I said.

There is FAA documentation, in one of their noise advisory circulars, that say noise berms do help for noise
generated by aircraft on the ground.
Being this will shield the homes -- the closest homes to the runway, there will be some benefit, again, from the aircraft that are taking off, but not the ones that are landing.

CHAIRPERSON SWANSON: What are the proper slopes to the berm in order to achieve noise abatement? What is the proper height for ground level noise?

MR. CEGLIO: Department of Public Works recommends the 4 on 1 slope, 40 foot at the base, 4 feet at the top, basically, to be at least 15 feet higher than the edge elevation of the runway, which is what we're hoping for.

CHAIRPERSON SWANSON: For noise.

MR. CEGLIO: For noise.

CHAIRPERSON SWANSON: Just for stability of the berm.

MR. KAUFMAN: Actually, both.

MR. CEGLIO: It should -- yeah, it should be -- it should be both. I mean, we're shielding the homes from noise
from the runway, and actually like a visual, the sight of the runway, so it should be -- it should be adequate.

I mean, you think of the berms that we installed along the Expressway. It's a similar situation, only those are concrete-constructed berms, this is going to be an earth berm.

MR. KAUFMAN: Actually, Larry, the more appropriate area to look at is maybe, for example, Kennedy and also LaGuadia Airports. At the ends of the runway, where the planes taxi preparatory to takeoff, there are jet blast deflectors in that area. And if you look at the angles, the way it's coming in, this is clearly designed to try and deflect that kind of noise coming in to those houses, as opposed to the striping on 24 that you can see.

CHAIRPERSON SWANSON: Any other questions?

MS. RUSSO: Yes, I have one, Tony.

Did they look into and consider just
- Council on Environmental Quality - using the buffers that Michael had just mentioned as far as other airports, just as physical barriers, and then on the exterior side of those, plant trees to hide the barriers from the neighbor, instead of putting in this huge construction berm.

MR. CEGLIO: I know what kind of berms that Mr. Kaufman's talking about. They are very expensive, they're made of metal. They're more for jet-blast deflection, rather than noise.

CHAIRPERSON SWANSON: Any other questions?

MR. PICHNEY: Yes.

I just wanted to address that remark. I grew up near LaGuardia Airport. As a matter of fact, in Newsday, two weeks ago, there was an article in the Sunday paper about jet noise at LaGuardia, and there was a picture of the house I grew up in there. But those jet deflectors were located easily a mile, a mile and a half from
any house, and you could hear the noise, it was not a problem. Like the gentleman said, it -- it's really meant more for jet blasts than --

MR. KAUFMAN: They do have some impact in terms of --

MR. PICHNEY: They do have some, but like I said, I was pretty far away from that, and I could hear it all the time.

CHAIRPERSON SWANSON: Okay, do we have a motion?

MR. KAUFMAN: I'll make a motion, unlisted negative declaration.

MR. MACHTAY: (Indicating)

CHAIRPERSON SWANSON: We have a second.

And any other comments?

MS. RUSSO: One more.

That grant back from New York State DOT will fully pay for this whole margin, Tony?

MR. CEGLIO: Based on the estimates of the Department of Public Works, yes.
CHAIRPERSON SWANSON: All in favor?

(WHEREUPON, the Council members voted.)

CHAIRPERSON SWANSON: Opposed?

(WHEREUPON, the Council members voted.)

CHAIRPERSON SWANSON: Motion carries.

Okay.

MR. CEGLIO: Thank you.

CHAIRPERSON SWANSON: Thank you.

(WHEREUPON, Mr. Tony Ceglio stood down.)

CHAIRPERSON SWANSON: Adaptive Reuse of the GATR Facility at Roosevelt County Park, Town of East Hampton.

(WHEREUPON, Mr. Nick Gibbons approached the podium, and addressed the Council members.)

MR. GIBBONS: Good morning.

CHAIRPERSON SWANSON: Good morning.

MR. GIBBONS: Nick Gibbons, County Parks Department.

I just wanted to go back in time a
little bit for the benefit of the new memberships since the project was first brought to the Council.

The original Shorty-AF was submitted in October of 2006. It was then heard and subsequently tabled by CEQ in December of '06. Parks Department then Commissioner Ron Foley received correspondence from Jim Bagg in January of '07, better explaining additional information that the Council had requested. Now, I'm here today, November of 2007.

I submitted for the Council's review a package of materials, and I want to explain what those are, and then if there is questions that pertain to some of the things we've already been over, especially from the new membership, I'm happy to revisit that here this morning.

But, in reference to the most recent correspondence, November 5th of '07, I've included for the Council
several attachments:

The first being the State 1 A and B Archeological Survey of the site. This request specifically came from the Historic Trust Committee, and it was financed by the Montauk Fire District. The survey, which you've got a copy of, essentially has returned. That's not a surprise to us. You'll recall that the site was a federal communications facility, 50 or 60 years ago. And it's more likely than not that the entire place was leveled, significant footings were put in in support of the facility.

The second attachment is a letter from Motorola. You've heard from Motorola in the past, and there's representatives here today to discuss any issues that might come up later on, specific to the need for space on one of the two poles proposed for each of the private carriers. That was an issue that we spent a significant amount of time on last time around.
And, the final attachment is an updated site plan. And this is something that, by rights, you should have had right at the onset. This brings together all the different things that are happening up at GATR, and there are at least two. They're not related, but they're immediately adjacent to one another. And the Council has already reviewed the other project, that was for an adaptive reuse of two existing structures on the site for the Parks Department's own maintenance facility, for the park. We, up until recently, operated out of Third House, which was totally unacceptable and inadequate for the park.

The proposal and project that was approved by the Council was a capitol program that's moving forward. The contract's already been awarded. Some of the preliminary site work has begun.

So, that site plan shows those two buildings. They're immediately to the
right, or the north of the proposed site that we would license over to the Montauk Fire District. On that site plan, it shows the approximately 3,300 square foot area to be licensed to them. Inside it represents five cabinet structures. The configuration of those could change, but it will not exceed that 3,300 square foot fenced area.

So, you know, that's the best representation that we had today of how those cabinets would be situated, in relation to the two poles that would go up.

And again, you'll recall that the poles -- one has to do with the emergency communications capabilities, that would include the Parks Department, where we have a great need for our own -- radio communication does not work in this park. And they would also serve the East Hampton Town emergency communications facility, including the Montauk Fire District emergency radio
- Council on Environmental Quality -
capabilities.

The other pole, it's primary purpose is to facilitate efficient handling of 9-1-1 emergency calls from the general public, which currently, more often then not it appears, are routed by way of either Connecticut or Rhode Island, what have you, and there is a significant loss of time in getting that information back to the people that need to get it. This pole would serve to efficiently handle those calls locally, and get that critical information to emergency service personnel that much sooner. And again, the -- that pole will have to serve five or six private carriers that each handle 9-1-1 calls on their own.

So, I did bring a sheet from our plan, the Parks Department's project, for GATR, I'm going to bring that up just to show you a little more clearly than the site plan that was provided, what our project is in relation to the
- Council on Environmental Quality - proposed emergency communications facility to be licensed over to the District. (Indicating)

CHAIRPERSON SWANSON: Nick, I'd just like to say, I want to thank you for the thoroughness with which you responded speaking to concerns of about a year ago, and also thank all the people that were involved in helping to gather that information.

MR. KAUFMAN: Adding to that for a moment, Nick, this is one of the best archeological site reports that I've ever seen. And whoever prepared it, and whatever guidance you were able to give to it, I'm very happy that it occurred.

MR. GIBBONS: Very little guidance on my own. I'll extend that appreciation to the district who made it happen. And this is the type of thing that we should probably be doing more of and not less, so -- we certainly would have done so for our own maintenance facility, had it involved any
significant ground disturbance, which it
doesn't because we're using existing
structures up there. So I --

CHAIRPERSON SWANSON: Nick, while
this is being passed around and looked
at, you made a comment about the
inadequacy of Third House.

MR. GIBBONS: Yes.

CHAIRPERSON SWANSON: Could you
explain what's going on out there? I
haven't kept up with it, but the last --
I thought we were going to try to make
it into more of a site that people would
want to visit. Now you're saying you
tried to make it into a Parks Department
office, and that didn't work out?

MR. GIBBONS: No, I'm just -- yeah,
I -- maybe I misspoke.

The Third House facility was
inadequate as it existed two or three
years ago. That is, the -- it's okay
for office space, but, for instance, we
had flammable materials being stored
down below, on the ground level. And
occasionally we had a tractor and other equipment being stored in this historic structure. It's not appropriate, and it's certainly not adequate. We're moving that equipment and keeping it up at GATR. It's better. It's central to the entire park operation, where the guys have more work actually out in the interior park than they do immediately around Third House. What -- with our license for the equestrian use there and what have you.

So, there will be office space at Third House. The Parks Department has continued to work with DPW for a temporary CO to occupy the building. I'll defer to Richard for any additional information or updates on what the status of that is. But for now they're working out of our -- if you're familiar with the site, out of our motel unit. They've taken over one of the rooms there, and that's where their office space is temporarily.
CHAIRPERSON SWANSON: So Richard,
is this going to go back into use,
eventually, as sort of a place where
people can -- the public can visit?

MR. MARTIN: At the moment, that's
the plan. And just to support what
Nick's saying, the fire marshall really
requested that we move all these
activities of the Parks Maintenance
Division out of Third House. It was
there for a number of years, of course
as the County Parks' property, but to
continue to use the building for public
assembly, we really had to move this out
and into a new maintenance facility.

Otherwise, we've done extensive
restoration to the exterior of the
building, upgraded most of the interior
of the building, but we still need to
complete the interior work to -- for
full public assembly. We will be able
to have -- move our offices back into
the building with an office use -- a CO
that includes office use, but the Parks
- Council on Environmental Quality -

Department needs to do additional work
for public assembly approval.

CHAIRPERSON SWANSON: Thank you.

Do we have any --

MS. VILORIA-FISHER: (Indicating)

CHAIRPERSON SWANSON: Yes,
Legislator Viloria-Fisher?

MS. VILORIA-FISHER: One of the
questions addresses to you Nick, or to
Christine, because I -- I just read the
letter from Motorola, and as you know,
our last discussion was about the cell
towers -- there was a lot of discussion
regarding a universal 9-1-1, and I'm
seeing this letter, that there is no
such thing that's highlighted. And this
information, did we get this only from
Motorola, or from a number of different
sources? I know the letter from
Motorola says that, but there were
questions regarding the fact that it was
actually -- actually, you know, a
private entity that was giving us that
information --
MR. GIBBONS: Right.

MS. VILORIA-FISHER: -- and, I just wanted to know whether the information we have substantiates that.

MR. GIBBONS: I don't. I didn't seek additional -- or confirmation of that opinion from Motorola. The -- I believe -- is that from Mr. Potter, that letter from Motorola? He's in -- he's --

MS. VILORIA-FISHER: I don't remember who it's from.

MR. GIBBONS: He's in attendance this morning, we can direct that question to him if you'd like. I don't have any -- he's only going to confirm the content of his own letter.

MS. VILORIA-FISHER: Right, and that's my question.

MR. GIBBONS: I don't have anything official.

MS. VILORIA-FISHER: I think Christine --

MS. MALAFI: I can answer --
- Council on Environmental Quality -

Christine Malafi, County Attorney.

I've spoken extensively with Joe Williams, Commissioner of Fire Rescue Emergency Services of Suffolk County, and there is no way to ensure that anyone with a cell phone who dials 9-1-1, in the park area, will get through, unless each of the cell phone carriers have a place on the tower. There is no universal 9-1-1 for cell phone carriers. And the only way to ensure safety of people in the park, who go in with their cell phones, thinking if something happens, I can call 9-1-1, is to have every carrier on the tower.

MS. VILORIA-FISHER: Okay, thank you, Christine. That's what I was looking for, because that was an extensive discussion that we had the last time you came.

MS. MALAFI: Yes. We've had many meetings on this, for over -- I think it's approaching two years, and I know -- I've spoken to Joe Williams, and
I believe that at some of the meetings, somebody from the Montauk Fire Department has been present. And there's been other emergency services people at the meeting --

MS. VILORIA-FISHER: I've received some correspondence --

MS. MALAFI: -- and that's all I've ever heard, is that they -- there's no way to do 9-1-1 without each private cell phone carrier having a place on the tower.

MS. VILORIA-FISHER: Thank you.

MR. KAUFMAN: I'm not sure that I necessarily agree with what I've been hearing here regarding that.

I understand that there is no universal 9-1-1 system. I understand that in terms of signal propagation characteristics of each individual carrier -- I've litigated, as an attorney, some cell phone carrier situations. I've gone up to the Second Circuit Court of Appeals and things like
that, and I've learned a few things over the years.

I believe that there is one way for one carrier to receive 9-1-1 calls from other carriers. And, I may not say this all that elegantly, but essentially, if you have one carrier who's a primary, say, he's at 800 megahertz, and say AT&T is at, say, 900 megahertz, something like that, you can put individual antennas connected to that one carrier.

In other words, one carrier would have, say, five different antennas covering the bandwidth that 9-1-1 operates under. That way you don't necessarily have to have five carriers on there.

I'm well aware of the regulations out there, saying that if you -- if one carrier comes on to a pole, that you can't necessarily impose it. That also often will force poles higher and higher and higher.
We've got height limitations in this area in terms setting -- setup. So my basic question is, and this would be directed both to you and to the Motorola people, if there is one carrier on there, can that carrier receive 9-1-1 calls by tweaking its equipment or essentially placing other antennas up there, that can -- from other systems, without necessarily having other carriers on there?

MS. MALAFI: I can't answer that question. I can just tell you that, at none of the meetings that I was in was that considered a possibility. And, I believe that they have -- the way the drawings have been done, the pole is high enough to accommodate what the emergency services people say need to be done.

I'm not an expert, by any means, on cell towers or cell phone carriers. So I can't answer any questions that deviate from what I was told.
MR. GIBBONS: Michael, before I turn over to Mr. Potter, I just want to add that, the two poles we're proposing are similar construction, site and appearance to the poles that are already on site. They're both proposed to be 80 foot tall, and would fit in with the existing conditions on the site.

MR. KAUFMAN: I don't want to see them going up to 90, 100, 120, et cetera.

MR. GIBBONS: Understood.

MR. KAUFMAN: I fully support the fact of 9-1-1 necessity -- I fully support protection for the people of the County, in that park. I'm not trying to stop 9-1-1 communications or anything like that. I've seen the signal propagation maps for the area, I am well aware that this is an appropriate site. I'm well aware that there are drop-outs in the area, and that you do need this site. So, I'm not trying to stop that in any way, shape or form. I am,
however, concerned, because I have seen this with cell towers before, where you start getting one height in there and suddenly people start coming in saying, well, you know, we need to put new equipment on there, or every carrier in the area has to be allowed on there, and it starts pushing towers higher and higher.

To the extent that this is a County Park, my concern is both protecting the aesthetics and providing utility for 9-1-1 operations. So, that's where I'm coming from.

MR. GIBBONS: Right.

MR. KAUFMAN: Again, I'm not trying to stop anything, I'm trying to very closely question because I have some specialized knowledge of this.

MR. GIBBONS: Well, it's always been our understanding that the Council's endorsement, should we get it, is predicated on these poles conforming to existing conditions on the site.
That is, they will be painted in a nonreflective way, so that they appear from a not to great distance to the -- like the others on the site.

MR. KAUFMAN: Part of the antenna farm?

MR. GIBBONS: Which is -- there's an existing one to begin with. There's 14 poles. Removal of some that are required for our project, one or two that may be required for theirs. How placement of those new poles will conform as best as possible to recreate the appearance prior to construction of where the poles had existed.

So, the endorsement of the CEQ is -- and the appearance of those poles, they're -- they're inseparable. That is, the poles will not exceed that height, as stated in the -- in the documents that have been provided to you. And their appearance, to the best of our ability, will conform to and match those that are there right now.
That being said, I'll turn it over to Mr. Potter just to discuss a little bit further your issue specifically with the arrays and how they might creep up to that 90, 100 foot.

MR. POTTER: Good morning. Tom Potter, Motorola, Senior Account Manager, Long Island.

I guess the best way to do this is to answer your question two ways:

First of all, the pole that's being proposed, all of the antennas are encased in the pole, and there's no reason to ever go higher than the 80 foot that's already proposed.

As we explained in our letter, each carrier uses a different set of frequencies, needs a different antenna. It also needs a different base station, operating on a different frequency. And the carriers use different modulation schemes and data schemes. So, although it is possible to have just one company support all of these in one way, it
- Council on Environmental Quality -
still requires all of the antennas, all
of the base stations and all of the
computer hardware to interpret the data
that's being transmitted.

So once we have all the same number
of antennas, base stations and
computers, you know, I -- If we're not
going to gain anything, if it could be
done, and I'm not saying that it could,
but nothing would be gained by having
just one carrier. The footprint remains
the same. It's still one 80-foot pole,
with all the antennas in the pole,
X-number of buildings to house the
equipment, including the computers to
process it.

I hope that answers your question.

MR. GULBRANSEN: I think my
question extends that same line, with
regard to the capacity of the facility
being proposed now. And I'm one of the
new people, so I don't have the history
of that configuration. But when you
designed this type of antenna implanted
inside of it, are you designing in excess capacity for years to come?

The State has a single network that it's talking about putting in, which I don't think Motorola is the vendor for, but I -- I just wonder, Coast Guard and other people have opportunities to benefit from such poles, is it part of your plan to enable to that, or is that -- my question is --

MR. POTTER: Yes.

MR. GULBRANSEN: -- related to the aesthetics, and the need for another pole someday in the future.

MR. POTTER: Actually, what we're asking --

MR. GULBRANSEN: (Continuing) -- it has to do with the footprint, the power of the facility and on-the-ground flow. Is it -- how much can you envision in the future, at this point, that we can be prepared to take on in producing the most?

MR. POTTER: Actually, the proposal
is for two poles. One for the cellular
carriers, for the emergency 9-1-1
communication; and the second pole is
for public safety, which is kind of all
encompassing, town police, county park
police, fire, EMS, including county
services, county press. That pole will
support communications on all of those
systems, and was designed to do that.

Now, that pole, the antennas cannot
be mounted inside the pole, they must be
mounted outside. But we've been in
contact with all of the agencies that
operate in the Montauk area that are
suffering from poor communications, to
ensure that we can accommodate each and
every one on the design as submitted.

MR. GIBBONS: The emergency -- I'm
not sure if staff had sent out to you
some of the correspondence from the
original proposal, but in that, there
are some representative photos that show
the potential visual impact of the
installation of the two poles.
The widths, they're not really an array to speak of, that you might see on a conventional cell phone tower. The emergency communications pole is -- is barely visible from -- I think the -- the distances from that road is 2- or 300 yards in those photos, and there really isn't much public access any closer to the site than that. So the widths that will have to be externally mounted to the emergency communications pole are, in my opinion, not a significant visual impact. It's really just that pole itself that we're talking about.

MR. GULBRANSEN: As Michael has mentioned, I fully appreciate your efforts. As a firefighter on the North Shore, you know, I understand what it's like to be in a hole and not be able to communicate out. So, it's the right thing to do.

In the course of making these plans elsewhere, there's been quite a lot of
talk about revenues coming from each of these different companies. Is that part of a consideration that's put forward in the plan?

MR. GIBBONS: It may not be part of the Council's consideration, but we have talked about it. The agreement -- and I'm speaking from memory, but I believe it's roughly 8 percent of what's generated, comes back to the County, and 20 percent goes back to the district for their maintenance and upkeep and overhead of the site.

MR. GULBRANSEN: Thank you.

MR. BAGG: I have a question.

It's my understanding that Motorola is not a service provider, you're an equipment provider.

MR. POTTER: That's correct.

MR. BAGG: So, in essence, you're not going to be supplying this 9-1-1 service.

MR. POTTER: No.

MR. BAGG: So, your recommendations
and comments only deal with equipment pursuant to these poles?

MR. POTTER: Yes. I'm here actually representing the Town of East Hampton, in the Town's desire to establish emergency communications.

Motorola has nothing to do with the cell carriers, I'm here as the radio expert, having been in the business for 30 years. We have nothing to do with the cell site.

MS. VILORIA-FISHER: Again, this is for Ms. Malafi.

When we last deliberated on this, there were some Council members that brought up the issue of alienation of car phones. I believe that that's been addressed, but I -- would you just recap that for us, regarding that issue?

MS. MALAFI: Sure.

It's my legal opinion that the placement of this cell phone tower and emergency -- these two powers, with all the equipment on it, is not an
impermissible alienation of parkland, because it is to enhance the safety of the people in the park. And, from the stories I've heard, it's critical that the people in the park be safer than they've been. I've heard stories of, you know, an emergency worker in the park wondering aimlessly looking for someone who needed help, and because they couldn't communicate back with their base, there were problems.

So it is -- the main purpose of these towers is for park safety, which is not -- anything that you do for park safety does not impermissibly alienate parkland.

The fact that there are some private carriers - the cell phone carriers, and Motorola, the equipment carrier - who might profit from this as a revenue stream that will come back to the County, they're incidental to the purpose of the towers, which is safety.

If someone was coming before you saying,
listen, we'd like to make some money, let us put a tower in the park, that would be impermissible. But the purpose of this here, and the overriding major purpose is safety to the public, and the users of the park, and the employees of the park, and everyone who goes into that park. So, it is not an impermissible use of -- alienation of parkland.

There is Court of Appeals cases that talk about the incidental benefits to private companies to -- does not impermissibly alienate parklands. And by analogy, I can give you -- some of our parks have concessionaires running different areas of the parks. Those people are out to make a profit. That is not an impermissible use of our County parkland.

We have spoken with the State as to whether or not this would be an impermissible use of alienation of parkland, and they say they do it. So,
the State has told us that they have
towers like this on State parkland, and
they do not consider it an impermissible
alienation of parkland.

I sent a memo last year, I didn't
realize it was so old, December 4th,
2006, in which I'm a little bit more
specific. If anyone has any questions,
I'm more than willing to answer them.

MS. VILORIA-FISHER: Again, I
wanted to just put that on the record,
because most of our correspondence from
the local emergency services providers
state the need for this. But, it was
quite a discussion last December, and I
wanted to make sure that we had it on
the record again. Particularly for
people who were new, and this might not
have occurred to them, who question
right now, and want to put it on the
record again.

MS. MALAFI: And I do want to
apologize, the attorney that had come to
the EQ meetings, where this was
discussed, never told me that this was such an issue. The memo would have been given earlier, and I would have been here earlier, so I apologize for that.

MR. KAUFMAN: One more question for you, from the legal aspect of things. You've essentially said that the purpose here in Montauk Park is for health and safety and welfare of the residents of the County, and I do understand that in this particular situation.

The justification that you just gave forth, obviously, does apply in this situation. But it also, to my mind, says that sometimes this is going to be situational. As you yourself just said, if someone comes to the County and says, we want to put up a tower someplace, and our primary purpose is commercial profit, then it's going to be looked at differently. I just wanted to make sure that that isn't your viewpoint at this point in time.

MS. MALAFI: It's not only my
- Council on Environmental Quality -

viewpoint, it's the viewpoint of the administration. The County Executive's office does not consider applications for cell phone towers in parks, that are being made solely for profit. They would never get to this point, to be before the CEQ.

MR. KAUFMAN: Knowing a little bit about signal propagation characteristics in the County, it occurs to me that sometimes people are going to come in and say that there is a safety problem, and that might not be the paramount issue. I just want to make sure that you're cognizant, and the administration is cognizant of that particular issue. I could come in representing a carrier, and say, hey, you know, we have a small gap on two streets, and we have to cover that. But in reality, they're going to be covering -- it's going to be a commercial project more than anything else.

MS. MALAFI: What I can assure
you -- I can assure you, in 2004 up until 2005, the County did an RFQ for placement of cell phone satellite receivers -- I don't know what they're called -- not just the towers, throughout the County, to find out where we could make an additional revenue for the County by allowing additional placement of cell phone towers, satellites, whatever it is. And we had numerous requests for placement of -- and what we did in the RFQ is ask the cell phone providers, tell us where in the County you think you would like to put these towers. And, we had numerous requests for placement in County parks, none of which were ever considered because of the fact that we do not want to even suggest that we would alienate parkland for just commercial use.

MR. KAUFMAN: Thank you, that's a very good answer.

CHAIRPERSON SWANSON: Thank you.

Is there anybody in the audience
who would like to speak to this matter?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: Okay. Any other questions?

MR. KAUFMAN: We have the letter from East Hampton of Margarite Wilshown. Reading down on the third paragraph, wherein she requested that the visual impact to the project be softened, where possible, without eliminating the project. "Some examples of elements I would like to see attended to, include the colors of the equipment cabinets" --

CHAIRPERSON SWANSON: We covered that already.

MR. KAUFMAN: We did cover that already?

MS. VILORIA-FISHER: Yes.

MR. KAUFMAN: Okay.

CHAIRPERSON SWANSON: Do we have a motion?

MR. MACHTAY: (Indicating)

CHAIRPERSON SWANSON: Yes,

Mr. Machtay.
MR. MACTHAY: I make a motion that this is Unlisted, and it's (inaudible).

MS. DESALVO: Speak into the microphone, please.

MR. BAGG: (Indicating)

CHAIRPERSON SWANSON: Jim.

MR. BAGG: The regulations say that anything involving wireless transmissions, telecommunications will not be considered Type II. So, therefore, it would be considered an Unlisted Action and a Negative Declaration.

MR. MACTHAY: Okay, I'll make a motion for an Unlisted Action, Type II.

CHAIRPERSON SWANSON: A Negative Declaration.

MR. MACTHAY: A Negative Declaration.

CHAIRPERSON SWANSON: Do we have a second?

MS. VILORIA-FISHER: (Indicating)

CHAIRPERSON SWANSON: The motion has been seconded.
Any further discussion?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: All in favor?

(WHEREUPON, the Council members voted.)

CHAIRPERSON SWANSON: Opposed?

(WHEREUPON, the Council members voted.)

CHAIRPERSON SWANSON: Abstentions?

(WHEREUPON, the Council members voted.)

CHAIRPERSON SWANSON: Okay, the motion carries.

MS. VILORIA-FISHER: We've gotten used to the term GATR Facility, and what it refers to. Can you tell us what the acronym is again?

MR. GIBBONS: Ground to Air Transmission Received.

MS. VILORIA-FISHER: Thank you.

MR. GIBBONS: Happy Thanksgiving.

CHAIRPERSON SWANSON: Thank you.

(WHEREUPON, Mr. Nick Gibbons, Ms. Christine Malafi and Mr. Tom Potter
- Council on Environmental Quality - stood down.)

CHAIRPERSON SWANSON: Note of verification of our discussion of the December meeting. It is on December 12th, and it will be in the Dennison Building at 9:30.

Okay. The Hauppauge Municipal Recharge Improvement Project.

(WHEREUPON, Mr. Ben Wright approached the podium, and addressed the Council members.)

MR. WRIGHT: Good morning. Ben --

CHAIRPERSON SWANSON: Good morning.

MR. WRIGHT: I'm Ben Wright with the Department of Public Works, and I want to provide some information aside from the environmental assessment form that was submitted on the Sewer District 22 Recharge issues.

A little bit of background on the facility itself. It was constructed in the early 1970s, and it's located across the parking lot, behind the gas or fueling system, and it's adjacent to the
Council on Environmental Quality - 70

headwaters from the Nissequogue River.

The facility has a permissible flow
of 202,000 gallons per day, and it meets
New York State DEC and Health Department
standards. And, in fact, some of the
samples that were taken of the
groundwater in the area, it shows that
the facility itself has a better
quality.

We've had some issues with the open
recharge beds that are on the site.
There's four of them, and the normal
sequence is to operate one, have one as
standby, dry one out, and be cleaning
one. So you're only using one at a
time.

We've experienced some difficulties
in the -- in the past couple of years,
not just because of groundwater
elevation, but because of the soil
that's in the area that's always been
somewhat questionable. Some of the beds
only last for a week or two before we
have to take them off line, it takes a
long time to dry out before we can clean
them and get them back into service.
And we're concerned that, you know, over
time, we may run into a problem where
whatever we do is not going to be
sufficient to keep it on the site, and
we wouldn't want it to go to the
headwaters of Nissequogue River.

We've got a filter on the end of
the facility, very good quality
effluent. We clean the beds, we replace
materials. We've put a defusion well in
to try to get through some of the
layers, but it hasn't worked. So, we're
looking for solutions that may be away
from the treatment plant itself.

And I know Mike might jump out of
his seat, but one letter we wrote was to
DEC requesting, what additional
treatment do we provide if we go to the
headwaters of the Nissequogue. We
haven't got a response from that yet,
but it's one of the options that we're,
you know, exploring.
Other off-site issues, we -- we did save space in soil boring in the area, north of the plant site, and they were not -- not good enough.

There's been some other information from the North Complex, as well as the Dennison Building area, where between groundwater levels and soil, it's not sufficient. It's not that we investigated in as much detail as I would like, but it still indicates that they're not really going to be adequate for this type of recharge.

The means that we have are about two and a half acres, and the basis of that two and a half acres is through underground leaching pools. And, the Health Department standards for a leaching pool is that, from the top to bottom, it's about a 25 feet maximum, it has to be two foot above groundwater. You have a cover, that is to grade, as a distribution leaching pool. Then there's usually, in -- distributed to
five other pools around it. So, for every five pools, there's a distribution pool with a cover to grade. The other covers are below grade, between, you know, zero and a foot below grade.

They're all traffic bearing. Some of the strip shopping centers that are around, and even some of the sewage treatment plants of -- in the County have these underground pools that are in parking areas.

The design of the system is for eight or ten foot diameter leaching pools. And depending on where groundwater is, determines how deep the leaching pools would be, and that determines how many pools there would be.

We have laid out a sequence of 55 pools, that would be adequate for 200,000 gallons per day, but we always require redundancy. So the -- the plan that we've developed is for 110 pools, meeting Health Department standards.
The options I mentioned, just briefly looking at the North County Complex -- is there any other land available? The Dennison Building. And then we became aware of some County land that's about 3,500 feet up Veterans Highway. And, we did do some soil exploration there, where it was determined that the soil below four feet -- the top four feet was not adequate to do leaching. But below four feet, the groundwater, which was about 15 feet below the surface, was adequate.

Looking at that particular site, about two and a half acres could be fit into the -- but over 16 acres of that particular parcel, which was dedicated for County highway purposes sometime in the past, back in the 1950s -- that's where we came up with the 110 pools.

Environmentally, an issue that's there, is that there's approximately 1,500 trees that would have to be taken down. And we recognize that that's a
significant number of the trees. When I requested our staff to take a look at them, the number included some which were less than four inches, some that were as small as one inch. And they may not have even been trees, but, in any event, there is a significant number of trees that would have to be taken down.

So, the plan that we're proposing to get some guidance on is:

That we would have a pumping station and a force main going to this particular site.

The pools would be laid out in the area that's indicated in the environmental assessment form.

We realize that there's a -- maybe three or four homes that would be impacted by this, and landscaping, you know, would be necessary to mitigate any of the reduction in trees.

We also looked at the plume that's coming from the industrial park, just to ensure that it wasn't under the site.
And it's -- it's to the east of the site, and it indicates that groundwater is in the northwest direction.

So, in summary on the environmental assessment form, the issues that -- you know, basic issues that we're looking at are, using two and a half acres of a 16 acres site; access to the area by an existing access through a Town of Smithtown stormwater sump; removing 1,500 trees; landscaping for the number of houses that would be impacted; and just as a -- as an indication of the quality of the effluent, I did take a sample of the effluent this morning, just to show that it's -- it's really -- it's got a little discoloration, but you can see that there is really no solids or anything. As long as the soil is in good condition, this certainly would percolate.

CHAIRPERSON SWANSON: It doesn't tell us what's dissolved in that; right?

MR. WRIGHT: No, I -- and I -- I
would indicate that our -- when I said it meets Health Department and State standards, that's -- the basic criteria is to remove nitrogen to less than ten milligrams per liter, and we are typically in the five or less on that particular plant. So I agree with you that, yes, there might -- and you can always look for something dissolved, but the point here is that, you know, recharge of this particular material would be fine if we didn't have groundwater in the area, and we had adequate soil.

CHAIRPERSON SWANSON: Do you have any idea what viruses are -- that are in it?

MR. WRIGHT: No, we -- we do tests for bacterial content, it's not required to test for viruses.

CHAIRPERSON SWANSON: I understand --

MR. WRIGHT: I'm assuming it would be a lot less than the homes that are in

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Council on Environmental Quality -

the area, that are not on sewers.

CHAIRPERSON SWANSON: What's the

closest distance to a home?

MR. WRIGHT: Well, to the property

line -- oh, that's one thing I didn't

mention, the Health Department's

standard for leaching pools is 25 feet

to property lines, and there's one house

that's in that vicinity, but it -- it

could be easily contoured; the facility

itself.

(WHEREUPON, Mr. Wright moved out of

audible range of the court reporter.)

MR. KAUFMAN: There's a question of

procedure, Mr. Chairman. Do you want to

ask questions, or let us ask questions

of each individual witness, or do you

want to have everyone talk individually?

CHAIRPERSON SWANSON: Do we want to

have the opportunity for Council to be

able to talk to Mr. Ben Wright?

MS. RUSSO: (Indicating)

CHAIRPERSON SWANSON: Yes.

MS. RUSSO: Mr. Wright, has the
- Council on Environmental Quality -  79

current Suffolk County Sewage Treatment
Plant that's going to, hopefully, use
this new place, and continue to
discharge more effluent, has it ever
exceeded the County's sewage effluent
discharge limits on any parameter?

MR. WRIGHT: I'm assuming it has,
there are a number of parameters. It
could be something as little as, you may
have read in the paper lately, Nassau
County, where the sewage coming in, is
so weak that there's a percentage --
85 percent, you're supposed to remove,
and you can't do that, because even
though what's going out is very low, it
may -- you know, the percentage,
relative to weakness, is coming in. You
know, so I -- you know, something like
that. It could be -- it could be there
are other examples, but I would assume
that 35 years of operation would have
some violations. I can't tell -- I know
recently, because I've looked at the
last year, and it's been very excellent
- Council on Environmental Quality -  

quality. But I -- I'm sure there's been
something that's been in violation.

MS. RUSSO: All right, I'd feel
more comfortable if we had some data
showing what the limitations exceeded
have been, let's say, in the last
several years.

MR. WRIGHT: Okay.

MS. RUSSO: Also, I notice on the
application, you have not notified any
of the residents in that -- in the
neighborhood that would be directly
impacted by this.

MR. WRIGHT: No.

MS. RUSSO: Well --

MR. WRIGHT: No, we did recognize
that that would be necessary.

MS. RUSSO: Yeah.

MR. WRIGHT: And, I know there's a
resident here today that -- who have
some comments, probably, to be made.

MS. RUSSO: But I'd like to see a
record of the discharge limits --

MR. WRIGHT: Okay.
MS. RUSSO: -- that have been exceeded.

MR. GULBRANSEN: (Indicating)

CHAIRPERSON SWANSON:

Mr. Gulbransen.

MR. GULBRANSEN: Mr. Wright, I believe in your introductory words, you stated the capacity of the existing facility. Can you tell us again, for context, the capacity of the existing facility, and then the capacity that would be enabled by this proposed field, and how that relates to the grow-out, or the build-out that would occur within this sewer shed.

MR. WRIGHT: The permitted capacity's 202,000 gallons per day. The design of -- and -- and this -- this recharge area, we're considering as a backup. You know, we would only do that if we had severe problems on the site, because, you know, we're not going to waste energy pumping something 3,500 feet away, if we didn't have to.
But the -- the area that we've identified with the 110 leaching pools, would really be good for the 202,000, plus redundancy as a backup. And that's something required of any development through our -- the sewer agency contracts, who are private developers, and -- and even on County facilities. If you're building something, you have to have land set aside for 100 percent expansion. Because sooner or later, you know, it could develop into the soil not having that recovery capacity that it had, you know, 30 or 40 years before.

MR. GULBRANSEN: So, maybe to ask the question a little bit differently, because I think you answered part of it, but I still don't quite understand.

The sewer shed that's served by the plant has a growth potential -- has a development potential; correct?

MR. WRIGHT: Well, we're not --

MR. GULBRANSEN: Do you know how much more --
MR. WRIGHT: -- we're not discharging 200,000 gallons per day at this time. You know, there are still some -- some modifications that are being made on the County Center. You know, the 4th Precinct, for example. Maybe some other improvements as -- as part of a -- whether it's adopted or not, some kind of a master plan or a long-range plan on what to do with the County Complex. If there is available capacity, then, you know, that's, you know, utilized for, you know, whatever the growth would have to be.

MR. KAUFMAN: (Indicating)

CHAIRPERSON SWANSON: Mr. Kaufman.

MR. KAUFMAN: Several questions for you, Mr. Wright.

One, I have a groundwater map here. It was prepared a few years ago, but at the -- at a similar stage in terms of groundwater depth. And it clearly shows that the existing Sewer 22 leaching basins are very, very close to the
Nissequogue River, and probably do drain out there. But you stated a second ago that you would be shuttling the water via a force main, basically to the west over here, and you're saying that the groundwater does not flow, in this new site, towards Nissequogue River; is that accurate? Is there a groundwater divide somewhere --

MR. WRIGHT: Yeah, I have -- the one plan I have with me, has to do with the industrial park plume. And, that indicates the direction going in a northwest direction. And they did a lot of wells and investigation as part of that particular issue, so we've utilized that as an indication of the direction of groundwater.

MR. KAUFMAN: So, basically then, moving it 3,600 feet is essentially going to be crossing over a groundwater divide, in your opinion, at this point in time. It's not going to flow back into the Nissequogue River.
MR. WRIGHT: No.

MR. KAUFMAN: Okay.

I'll save my other questions until later.

CHAIRPERSON SWANSON: Is there anybody from the audience who would like to speak?

MR. KENNEDY: (Indicating)

CHAIRPERSON SWANSON: Legislator Kennedy.

(WHEREUPON, Legislator John M. Kennedy approached the podium, and addressed the Council members.)

MR. KENNEDY: Good morning, Mr. Chair. For the record, my name is John M. Kennedy, Jr. I am the Legislator for the 12th Legislative District, in which we sit right now, and in which this project would be proposed for.

There are a couple of residents who are here, who would like to address the Board. And with the Chair's permission, I think I'm going to ask if you'll hear
- Council on Environmental Quality - residents, and then allow me the opportunity to go ahead and present the concerns that I have regarding this, because, actually, they go to some more of the procedural aspects of this:

The completeness, or lack thereof, of the EAF, in my opinion.

The request for Unlisted Action as opposed to a Type I.

The magnitude of the impacts, from what I perceive, as far as this request on the part of the Department.

But, nevertheless, the residents here have some firsthand evidence, I think, that they can provide, that disputes part of this representation. So, I believe that would be good for the Board to hear.

CHAIRPERSON SWANSON: Very good.

Do we have a resident who wishes to speak?

(WHEREUPON, Mr. Paul Borowski approached the podium, and addressed the Council members.)
- Council on Environmental Quality -  87

CHAIRPERSON SWANSON: For the
record, if you would please identify
yourself.

MR. BOROWSKI: My name is Paul
Borowski, that's B-O-R-O-W-S-K-I. Also,
thank you for your indulgence. My
eight-year-old daughter is here as well,
could be a victim, and my -- my senior
citizen father, whose been a resident
here for 40 years -- over 40 years, as
well as myself.

First of all, I'd like to address
the Members of the Council of
Environmental Quality Committee, and
also Ben Wright of the Department of
Public Works.

I'd like to thank you for this
opportunity to talk and for the
considerations.

I've been a very involved Hauppauge
resident for over 40 years. I was here
when the land, where the County Building
currently stands, was a turkey farm, and
the land, when it used to sink

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six inches every year, way back when.

I'm telling you this because it shows how this area of Hauppauge has been overdeveloped, densely populated and increasingly sensitive to the impact of the environment, including the wetlands.

I -- I live at 70 Autumn Drive. Although I'm not directly impacting to the subject area -- again, we've only been told about this about a week ago, and this was not from the DPW, this was from Mr. Kennedy. And I -- I know that it came up months ago, when I was very involved with the Iroquois Natural Gas Pipeline issue, in trying to preserve that property venue. So, that's why I wasn't -- that's -- again, that's why I apologize, if -- we've really had short notice in -- in this meeting.

In addition to this, I'm bringing up again about the plume. Which there are -- which, at 100 Oser Avenue, contaminated the groundwater and has
been under investigation and remediation by the New York State DEC, which I've also called and received information since March of 1999.

There's a public forum on December 5th, that many of us will be attending --

CHAIRPERSON SWANSON: What is that particular plume you're referring to?

MR. BOROWSKI: The plume -- it's 100 Oser Avenue, that's the name of the plume. That's the same one that we're talking about, that's going northeasterly from 100 Oser Avenue.

That's been investigated, and they're trying to do the remediation regarding that, since March of 1999. And, the New York State DEC has sent me information, which I do have, if anyone would like -- I know it's a different jurisdiction, but I'm just bringing it up.

MR. KENNEDY: Mr. Chair, if I could just add, for specificity purposes.
- Council on Environmental Quality -

That is actually a PCE plume, I believe it is, dry cleaning fluid that emanated from 100 Oser Avenue. It is an open DEC case, a remediation case. It's being handled by Albany. And, as a matter of fact, there is a proposal at this point to do potassium permanganate and SID-2 (phonetic) injections off-site, which is still being debated. And, I've had extensive correspondence with my office, with DEC, regarding the migration.

Not only is this plume surfacing, as it moves towards Mill Pond and Blydenburg, but also the Hauppauge Springs headwaters that we have, that are literally, probably only about 4- to 500 feet away from us, adjacent to the bank building. There is plume contents that are surfacing in this area as well. So it is an active ongoing case.

MR. KAUFMAN: You're saying it's moving northeast, though.

MR. KENNEDY: According to what
we've seen from DEB, the -- the plume -- yeah, the plume maps have demonstrated that it has been moving in a north -- yes, a northeasterly direction, as a matter of fact, because it has been surfacing.

MR. WRIGHT: Yeah, you know, I have to correct myself, you know, I'm looking at the map, and it's northeast, and I said northwest. And I'm just -- you know, I apologize --

MR. KAUFMAN: That's what I was looking at.

CHAIRPERSON SWANSON: Yeah, okay.

MR. WRIGHT: Thank you.

CHAIRPERSON SWANSON: Okay.

MR. BOROWSKI: So, we're bringing it up really as to show you -- you know, to further amplify the fact that, that one mile of Route 347 has a lot going on and it's just getting worse. So, as residents in that area, we're very concerned about it.

We know, also, currently -- I
personally know people that live -- regarding the plume -- and how, usually, once a month, they have someone that's coming there to test the samples or the soil, and -- and putting -- waterproofing and everything else, and they're directly impacted. So, this is something that -- we don't want something like -- similar in that case.

And, actually, he brought up about three to four houses. You know, that really -- that -- that whole community is -- is very affected, it's not just three or four houses. There's at least -- I would say, at least 20, and in those two adjacent communities, there's 450 houses in two neighborhoods. And why I know this is, we're such a unified community and local community, that we also set up a neighborhood watch recently, and I know that that's how many houses that are currently in the Robin Drive community, which is on one side, and the Autumn Drive community,
- Council on Environmental Quality - which is on the other side.

So, in bringing that up, I'm indicating that I do respect the -- the Department -- the Department of DPW (sic), but again -- you also indicated that the EAF has major concern regarding the environment, the groundwater, health issues and the safety of our children.

If there are -- I mean, I -- I understand it's a -- it's a different level, but I'll just bring it up as an aside. Years ago, we put in a drywall, just as small as in -- in my -- my residence, and it collapsed. I have no idea -- and, again, I'm a banker. I'm not an environmentalist, I don't know anything about that. But, I'm concerned about the possibility of the safety of our children.

Again, as they stated, no residents were notified of this, and this is a major impact. Fifteen-hundred trees is a major impact to the environment, and the wildlife along the path of that
- Council on Environmental Quality -

Suffolk County land. We have -- even further up as well, there's fox, there's a lot of different wildlife across the street from where I live, there's a bird sanctuary. There really is a lot of unknown wildlife that -- none of this has been explored. Not to mention the impact of the buffer zone between neighborhoods, and the sounds. So those are concerns.

Based on the EAF report, it indicates that this would be cutting half of the tree buffer that's between Veterans Highway and the homeowners.

Also, I wanted to indicate that you could -- the trees that are mature, could impact the ecosystem, as well as the groundwater. And also, it impacts the make-up of the Suffolk County community.

I was raised in Queens, and I moved out here when I was six years old. We -- we -- we came out here when there wasn't traffic, when there was the
wildlife. And I understand about
progression and people moving out to the
suburbs and Suffolk County. Well, other
areas of Suffolk County do -- does have
land that's preserved to keep it that
way. And Hauppauge happens to be a
location that -- that is very popular
for people that commute to the City,
very popular for the school system,
et cetera, and it -- and I understand
the concentration.

Why I'm bringing it up is that, I
know that there's a problem that needs
to be fixed, I don't believe this
location is the place to fix it.

Also the issue is that, residential
communities are being affected. And the
servicing of this sewer district plant,
to my understanding, is the County
building, condominium complexes and
commercial. Our -- the residents
that -- that are here, we have -- we
have cesspools. So -- you know, so
we're being disrupted by surrounding
areas, and really, we don't think that that is appropriate or fair.

It wasn't -- it was not brought up regarding the potential New York State DOT Route 347 project, which is another concern that has been coming up, and the impact that that would have, which is potentially in the same area. So they're going to go further up the chain with that impact. So, that was not discussed in the EAF.

Again, we talked about the plume, and the impact and the -- if that would have any -- the contamination of that water -- groundwater would have any potential impact on the southwest direction of the -- of the sewer flow -- pardon me for using layman's terms -- and if that would have any impact in contaminating our water. Don't know. There are a lot of -- many uncertainties.

I was also in contact with the Suffolk County Water Authority, to look
- Council on Environmental Quality - at the water purification, at Falcon Court I and II, and Capital Court I and II. And -- and we're still understanding what those -- again, short -- short time -- what those surveys -- what those studies bring to the table.

Again, I feel that many of these items have not been thoroughly examined. Obviously, many residents have not been notified. So far -- which I would love to submit -- I sent out an e-mail -- and I do have an e-mail distribution list for many of these specific types of issues, and this is a very important one. Sending it out to the local politicians, to the Town, to -- to the -- to the State, to the school district that can be impacted as well, and so far I have 20 e-mails written opposing it. Obviously, this is only, you know, right around the holiday -- the Thanksgiving holiday as well. So, I will bring that forward.
- Council on Environmental Quality -

Again, I understand the need for additional recharge basins -- beds rather. However, again, the proposed location is in the heart of an already saturated groundwater area, along this one mile.

So my thoughts are this, my thoughts are, if you can consider making this a Type I Action, due to the significant adverse impact on the environment; and number two, if you can require it a Positive Declaration.

And there are many citizens -- I know, we went to the PTAs already, and, again, this was just this past week -- that are very alarmed and very concerned in the Hauppauge and part of the Smithtown communities, and some of them are also here as well. Again, short notice, during the workday. I took off, it's that important. And this is something that we need to address, and I do appreciate your -- your time and your consideration.
If you have any questions, I'll be happy to answer them.

CHAIRPERSON SWANSON: Thank you.

Ma'am, do you have a statement you would like to make?

(WHEREUPON, Ms. Deleia Lee approached the podium, and addressed the Council members.)

MS. LEE: Yes, backing up Paul and what he's saying. My name is Deleia Lee. I'm a resident of Hauppauge, I live at 29 Autumn Drive. I've worked for Este Lauder for 25 years as a (inaudible), and I know for a fact that on Oser Avenue, we do have plenty of buildings that work with chemicals on a daily basis. Most of these chemicals, they should be thrown away properly, but they don't. They're actually being thrown into the sink, which goes into our water. But in this -- in this case, where they're proposing -- could cause a chemical reaction underneath our earth.
I don't think that's feasible for people who live in that community, and I think that the $500,000 that they're proposing to do this project, should be spent in fixing a problem that's already existing.

Extending this waterfall -- the leaching, is just going to create more problems 30 years along the line. I mean, you said that this was built in the 1970s, here we are 30 years today, and we're having a problem with this.

We paid for our cesspools, we have our cesspools cleaned up on a routine basis. Why can't everybody else have cesspools as well? I mean, $500,000 is going into this project, let's put it in there. Let's fix what we have, instead of creating more issues in the future.

Now, Oser Avenue, which is an industrial park, with lots of people who just -- dealing on an everyday basis with different types of chemicals, different facilities, with different --
you know, making creations. You would see that in these things, and maybe that's why we're having a problem today with this facility.

So, I'm here to defend my community. It did it with Paul and with John in the past for the gas pipelines. We want our community to remain safe, I don't think this is fair. And we are putting our tax dollars out there, and we are supporting -- not just Suffolk County, but we're supporting our neighborhood also. And we'd like it, you know, to come into complete stop, rather than to go forward. And, that is my position on behalf of everybody in the community.

CHAIRPERSON SWANSON: Thank you.

Anybody else here who'd like to speak to the matter, please come forward and identify yourself.

(WHEREUPON, Mr. Stephen Kromtier approached the podium, and addressed the Council members.)
MR. KROMTIER: My name is Stephen Kromtier, I'm President of the Northfield Woods Civic Association. I have two questions, and then a concern.

Question number one, the Dennison Building area, as a possible site, has that been ruled out, based on new information that we have at this point in time?

I see heads going up and down, is that a yes?

CHAIRPERSON SWANSON: To my knowledge, nothing's been ruled out. Maybe that's one of the reasons why it would be positive.

MR. KROMTIER: Okay. Because we have a real concern, if -- if -- if you're considering the Dennison building area, for a lot of -- a lot of reasons, which I won't get into now.

Are there any other alternative sites that are being considered for this facility?

CHAIRPERSON SWANSON: I don't know.
- Council on Environmental Quality - 103

But, certainly, part of the
environmental impact statement process,
if it were to go forward, requires an
examination of alternatives.

MR. KROMTIER: Okay, great.

And then -- then my concern. I
attended a meeting a few months back, it
had to do with the Ronkonkoma water --
water problem. And the National
Geographics survey, the person who made
the presentation talked about a kind of
domino effect. And he had a map,
talking about the flowing of underground
water. And it really interested me that
this domino effect, in terms of changes
in the environment, additional
rainwaters and a variety of other
factors, could lead all the way back to
us, in terms of the headwaters in the
Hauppauge -- in terms of Hauppauge
Strings. And that one really interested
me, because (a) understanding what's
going on in Ronkonkoma, and (b)
understanding the distance, it was a
So, now I'm looking to the other --
to the other area. I'm looking all the
way over to -- you know, I'm not that
far away from where -- where you plan
this possible site, and I'm worried
about some -- a domino effect that would
lead into our area. You know, I'm --
we're worried not only about the area
that's surrounding the proposed site,
but we're worried about the domino
effect into our area. Especially with
the unknown of what's going on with the
developing of 347, and how that could
affect the sensitive areas.

So, that's my concern. Thank you.

CHAIRPERSON SWANSON: Thank you.

(WHEREUPON, Mr. Stephen Kromtier
stood down.)

CHAIRPERSON SWANSON: Legislator
Kennedy, do you have the hammer?

MR. KENNEDY: Well, Mr. Chair,
you've heard firsthand some of the
concerns of the residents, and, you
know, it occurs to me, this is somewhat of an odd position to be in. You and I know each other in many different capacities, for many years. As I was the Exec.'s liaison to CEQ, I, firsthand, got to see how the Board operates. And now, as a Legislator, I have fiduciary obligations/operations to the County, but also, first and foremost, to my elector.

And what occurs to me is, you -- you are having put before you something that, I'd say, unfortunately, is awfully incomplete. And a request on the part of the Department, to have this Board go ahead and push off, I guess, a finding of Unlisted Action, Neg Dec. -- this EAF does not list or go through many of, I guess, the relevant components that are here.

And I will go so far as -- and I'm going to stretch on this one, and Mr. Bagg may jock me up and may not, but the parcel that the Department is
contemplating use of, is actually a
16-acre contiguous parcel, and they're
seeking to go ahead and access a portion
of it, being 2.5 acres.

So, I think by definition, when you
go into the rules and regs, you would
look at 617.4 or .6, and I think you
would hit the trigger automatically that
would find this to be a Type I Action.

More importantly, we've had no
exploration whatsoever of alternatives,
some of which you've heard contemplated
here. Absolutely, operation of this
municipal waste system, right across the
street here, is important.

Nevertheless, I'm familiar,
firsthand, working with other areas in
my district. And Legislator
Viloria-Fisher knows this firsthand,
that since I've been in, for the last
three years, I've dealt with flooding
aspects all over my district. Branch
Brook Elementary, our Health Department
condemned the septic system there.
They're now actually contemplating construction of a wicking system, that allows for permeation of the effluent, below the clay lens.

What impacts much of what we're looking at here is, the fact that all of the area we sit on here is -- is underlined with a lens of clay that has a minimal degree of permeability.

I am a simple dirt lawyer. I am not a hydrologist, nor an engineer, nor any of those other things. But I've heard it and I've seen it enough, and -- and believe that there's a need, when we're talking about large-scale operations, to actually mechanically pierce the lens and allow for drainage. So, it may be more costly than identifying some inventory of land -- which by the way, I had eight months ago identified for inclusion in a nature preserve, because of the fact that it serves as an aviary, and it serves as a very important recharge area.
The documents submitted to you show -- the memorandum from the
Department -- from a Janice McGovern --
or from a Rich Corretto to Janice McGovern -- groundwater of only 15 feet
below surface. That is the last place
in the world that I would contemplate to
set up a 110 pool leaching area. To me,
this seems to be someplace already
significantly impacted by our volatile
groundwater area.

To intentionally create 200,000
gallons of additional effluent on a
daily basis, would certainly mound what
is there now, and have a migratory and
lateral affect on all of the residents' septic systems. Why would we want to go
ahead and try and remedy our own
municipal hardship, and impact the private residences?

Mr. Chair, I think there are a
number of issues associated with this.
Not the least of which is, proximity to
a toxic groundwater plume, direct
involvement with the DOT taking -- that
has maps that show that some of the area
that the Department has proposed for
construction will be acquired by the
Department of Transportation for
expansion of shoulders and
right-of-ways.

Wrong place, wrong time, wrong
venue. I think it needs Type I, I think
it needs a Pos. Dec., and I think it
needs an EIS to bed all of the issues
that are associated with it.

CHAIRPERSON SWANSON: Thank you,
Legislator Kennedy.

Do we have any questions of the
residents or Legislator Kennedy?

MR. KAUFMAN: First off, just to
let you know, I doubt that any expansion
of Sewer District 22, into the Dennison
Building area, would be possible. I
have a groundwater map here, I flashed
it once or twice before.

If you look at it --

CHAIRPERSON SWANSON: Let me
interrupt. I think you have -- you shouldn't be speculating on what the alternatives are.

MR. KAUFMAN: I was trying to get someplace.

Okay. All right, I'll withdraw that part of it.

I think that there's a very definite deficit here in terms of groundwater information. We have an approximate location to a plume, I'm not sure where it's going. I don't know where the groundwater divides are, at this point in time. I don't know if it's going to be flowing into the Nissequogue River or not.

One of the things that Legislator Kennedy has been involved with in the past, and I'm involved with, is a RPA, a Regional Planning Association group, where we're trying to protect the Nissequogue River. And that's one of the things that are very important to me, I live on the river myself.
Right now, the RPA is coming up with recommendations to the Town of Smithtown, to try and reduce septic impacts, reduce groundwater impacts and reduce stormwater impacts on the river.

I'm very, very worried about what's happening at Sewer District 22. I'm not sure, personally, how to handle that, that's for the engineers. But I think it is something significant enough to probably have a lot more information than we have, at this point in time.

Again, I know where Sewer District 22 right now is. I know that it's got overflow problems. I know that there's lack of septic effluents, dispersal, et cetera. But, I just don't think, at this point in time, we have enough information, one way or another, to even guess on all of this.

MR. KENNEDY: Mr. Chair, if I can just add to one comment the Council Member just made, the RPA, as a matter of fact, is having its next regional
meeting on the 27th. And I lobbied extensively to go ahead and have the headwaters of the Nissequogue River area included in that watershed study, specifically for the purpose of trying to promote some rehabilitation.

Now, notwithstanding Mr. Wright's sample that he placed on the counter there, it occurs to me that that's not something that we normally or ordinarily attempt to go ahead and locate with our trout hatcheries, of which the one leg of the headwaters here are -- as a matter of fact, the stream that I just spoke about, or the pond that I just spoke about has been noted by New York State DOT as a trout hatchery as well.

You know, I -- I -- look, I could go on and on and on, and I don't want to take up the Council's time lobbying issue after issue across the bow here, but I would say to you that, you know, the Department has, perhaps, looked at something that geographically is
approximate, and may be, at first blush, looks like a quick fix, but in my opinion, it is, again, as I said, probably one of the most impacted, misguided and worst areas, and least opportune in order to contemplate for running.

And so, again, I'm going to appeal to the Board. This is the proposal before you. You are acting, I guess, based on, you know, what the environmental consequences may or may not be, and the quantum of information before you, or the lack thereof. But I think, most elementally, there is a genuine lack of specificity about this proposal.

CHAIRPERSON SWANSON: Thank you.

I'm going to ask Mr. Bagg if he would comment on the notion that you had, that this was a 16 acre piece of property, in which we were going to use two and a half.

MR. KENNEDY: Sure.
CHAIRPERSON SWANSON: Jim, would you attend to that a little bit?

MR. BAGG: In the requirements, on the Type I list, it actually deals with physical alteration of the property, not the size of the lot. So, the trigger is the physical alteration of ten or more acres, which makes a (inaudible).

Now, if you go further down the list, any Unlisted Action that exceeds 25 percent of that threshold, which is adjacent to or substantially contiguous to any publically owned parkland, that would bring it up to probably a Type I Action.

Now, in this particular case, is there any parkland that is adjacent to this property?

MR. KENNEDY: I believe it's immediately adjacent to a Town of Smithtown sump. As a matter of fact, you know by Town Code, in the Town of Smithtown, they've designated most of the sumps as aviaries, or wild areas.
Has there been a formal designation as to it being parkland? That I'm not certain. But I do know that -- I believe it's contiguous with that.

Also, again, as I said, it may be a bit of a stretch, but the fact that there would be alteration, you would have to go through some type of a process in order to segregate or segment it off. Certainly, there would probably be more than 2.5 acres involved as well, for access purposes, for equipment, for machinery. It could not all be gotten to right off of 347.

But again, I'm hypothesizing. That is not represented in this EAF. It's left for us to attempt to devise here, which is not what the Board, I think is called to do. It's not (inaudible), you're supposed to have in front of you specificity.

MR. BAGG: Well, I don't think there's an argument over that, Legislator. I think the question is
whether -- what is the type of the action. Type I or Unlisted doesn't necessarily preclude the fact, either way, of whether you need further environmental information and possibly preparation of an environmental impact statement.

Quite obviously, New York State Department of Transportation has the Veterans Highway in the area, so it would require a coordinative review with them; New York DEC, with respect to the plume, would have to approve this, and they have, also, other things that probably have to be coordinated with DEC as well.

The classification, simply, is pursuant to the rules and the regs. Now, if the Town of Smithtown's sump was considered a park, and is the actual size of -- I mean, I think the classification summary (inaudible) is real relevant, you may want to base your review on a conglomerate of information.
CHAIRPERSON SWANSON: Anything else?

MR. GULBRANSEN: Thank you, Legislator Kennedy and the residents coming forward. Mr. Borowski, in particular. As a banker, he did a pretty good job of coming up with a lot of good things to be considered in this process. I would like to especially call out your daughter being here, a nine year old interested. I have a ten year old, and this is the time period when children turn on to science and engineering, and we need lots more of it. So, I appreciate your interest, and we look forward to more active involvement in the future.

MR. BOROWSKI: I just wanted to add that she was also somebody that -- when we had the Iroquois Pipeline, she was someone that was in front of Shop Rite, handing out fliers, to let the community know. So -- so thank you.

CHAIRPERSON SWANSON: Any other
- Council on Environmental Quality - 118
comments from anybody?

MS. LEE: I have one more comment.

As I received this pamphlet, I started reviewing into the computer. I actually found a site that said, "U.S. Environmental Protection Agency." It gave me a map of Hauppauge, and there are other areas in -- in Hauppauge that have hazardous waste portions in their -- it's like a little green site. We already have hazardous waste coming into our community, we don't need anymore.

CHAIRPERSON SWANSON: Thank you.

(WHEREUPON, Ms. Deleia Lee stood down.)

MR. BOROWSKI: And if I could have one more final -- I'm sorry.

(WHEREUPON, Mr. Paul Borowski stood down.)

MR. KAUFMAN: Jim, are there any other SEOR triggers in here for Pos. Dec.? We've got community opposition; we've got a coordinated review aspect,
but that's not exactly a trigger; we've got the fact that we don't -- that there are possible groundwater contamination issues; et cetera. I just want to be on firm ground, before we do anything.

Also, I would say for the edification of the Council, this is a very troubling project for me personally, in terms of the RPA's study in protecting the river, et cetera. I'm not sure, though, what our actions are today. If we're indeed missing a lot of information, it may behove us to ask the County to come back with more information, and table this project, knowing that we may end up with a possible Pos. Dec. on it. I just don't want to jump the gun and declare Pos. Dec., when we literally don't have information. We've always given, in the past, the County the chance to come in and give us information, if it is indeed missing. So procedurally I'm stuck a little bit, and I'm also unsure under
MR. BAGG: I mean, basically the rules and regulations set forth criteria to determine significance. If these criteria are exceeded -- and they're contained in 617.7(c)(1), and I'll read them:

No. I is, "the substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems; "II, the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area;" and so on.

"The impairment of the environmental characteristics of a Critical Environmental Area, as designated pursuant to... 617.14...
I don't believe this is in a critical area.

"The creation of a material conflict with a community's current plans, goals" or officially approved -- "as officially approved or adopted;"

"The impairment of a character or quality of important historical, archeologic, architectural or aesthetic resources of an existing community or neighborhood character;"

"A major change in the use of either quantity or type of energy;"

"The creation of a hazard to human health;"

"A substantial change in the use, or intensity of use of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;"

"The encouraging or attracting of a large number of people to a place or places for more than a few days..."

"The creation of a material demand
or other actions that would result in one of the above consequences;

"Changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together, result in a substantial adverse impact on the environment; or

"Two or more related actions undertaken, funded or approved by an agency, none of which has... a significant impact on the environment, but when considered cumulatively, would meet one or more of the criteria in this subdivision."

CHAIRPERSON SWANSON: It seems to me, like, there are a number of issues here where it reaches the level of significance.

Do we have any discussion of what the Board would like to do? Mike has raised some questions --

MS. RUSSO: (Indicating)

CHAIRPERSON SWANSON: Gloria.
MS. RUSSO: I just think it's
Unlisted with a Positive Declaration.
But whether we go that way and request a
full EIS, and then needing the
cooperative review between New York
State DEC and New York State DOT, or as
Mike said, we refer it back for County
information.

MR. MACHTAY: (Indicating)

CHAIRPERSON SWANSON: Mr. Machtay.

MR. MACHTAY: I do believe the best
vehicle for coming back with more
information is the impact statement.
And, no matter how we try to fudge it,
one way or another, you just delay the
whole thing.

It does meet a couple of the
criteria that Jim just read for issuance
of the Pos. Dec., or significance of the
project. And I think we're just kidding
ourselves if we send them back and say,
well, come back with this, come back
with that -- well, he comes back next
month, and we're going to send him off
- Council on Environmental Quality - to come back with more information again.

    So, I don't see that we have too many alternatives.

    CHAIRPERSON SWANSON: I would agree with that. This is something that clearly involves public health, and, you know, that's sufficient for me to (inaudible). In fact, I think there is a big issue here as to what -- you know, the County eventually has to do something with this 202,000 gallons per day. And, to me, I think there's a number of alternatives, besides this one.

    MR. MACHTAY: When I read the information in the packet, I was surprised that we had so little information on which we were asked to make a decision. You know, why didn't they just come back with an impact statement of their own volition, so to speak, and make it easy on everybody, so to speak?
- Council on Environmental Quality -

CHAIRPERSON SWANSON: Okay. Any other comments?

MS. VILORIA-FISHER: (Indicating)

CHAIRPERSON SWANSON: Legislator Viloria-Fisher.

MS. VILORIA-FISHER: Yes. I agree with what Mr. Machtay has said, I think we have to take a closer look. But I'd like to ask a question, if I might.

Mr. Wright, I wanted to know, at what point in the process would there be neighbor notification. As you know, back in 2000, I introduced, and we passed, a Neighbor Notification Law, which required the County to notify neighbors within at least 150 feet of any change of use in County land. At what point in the process, after --

MR. WRIGHT: Well, yeah. I hope that I'm not wasting the Council's time, but we understood by submitting the EAF that additional work would be necessary, and we indicated in the EAF that we had not contacted the homeowners, but we
recognized that we had to do that. The funding, the $500,000 is not for construction. It's for planning and environmental issues, and that's in next year's budget. We were looking for guidance and comments in order to -- before we went out and, you know, solicited proposals from consultants to get involved with this project. That's, again, why we didn't put in anything that had to do with the pumping station and force main, because there's no sense going that route until we found out if there's any possibility of using this particular land.

So, I haven't answered your questions yet, but it was going to be after this meeting, where we got input, and then we would talk to the appropriate individuals. Which, you know, prior to this meeting, my feeling was that it was going to be three or four homeowners.

MS. VILORIA-FISHER: Thank you.
MR. MACHTAY: (Indicating)

CHAIRPERSON SWANSON: Mr. Machtay.

MR. MACHTAY: Well, if the project gets upon aesthetics in the Legislature, would you scope it with the community before you moved ahead and prepared the impact statement?

MR. WRIGHT: Yes, and next -- next year, when we had the funding, we would go through that process.

MR. MACHTAY: Thank you.

CHAIRPERSON SWANSON: Do we have any -- do we have a motion?

MR. KAUFMAN: I'll make a motion, Unlisted, Pos. Dec.

MR. MACHTAY: I'll second.

CHAIRPERSON SWANSON: Motion by Mr. Kaufman, and a second by Mr. Machtay.

Any further discussion?

MR. BAGG: Can I add one thing to that. That along with that motion and the Pos. Dec., that it be recommend that DEIS be scoped?
MR. KAUFMAN: Yeah. That's something that we've been doing at CEQ for quite a long time, and I will adopt that as part of my motion.

CHAIRPERSON SWANSON: Okay. So we have a motion and second.

MR. PICHNEY: (Indicating)

CHAIRPERSON SWANSON: Yes,

Mr. Pichney.

MR. PICHNEY: I've been sitting here trying to figure out where (inaudible) science and engineering, regarding water quality, and (inaudible) begin. And I think, perhaps, going the Pos. Dec. route might accomplish that.

MR. GULBRANSEN: I wanted to just understand whether we've clarified the collaborative review with other agencies. Did we say that they're going to deal with that now, or (inaudible).

MR. BAGG: Well, you should state that in your motion.

MR. KAUFMAN: I'll adopt that as part of my motion, a coordinated review
- Council on Environmental Quality - 129
required.

CHAIRPERSON SWANSON: All right.
We have a motion, and a second. Any
further discussion?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: All in favor?
(WHEREUPON, the Council members
voted.)

CHAIRPERSON SWANSON: Opposed?
(WHEREUPON, the Council members
voted.)

CHAIRPERSON SWANSON: Abstentions?
(WHEREUPON, the Council members
voted.)

CHAIRPERSON SWANSON: The motion
carries.

MR. KENNEDY: Thank you,
Mr. Chairman and Members of the Board.
Thank you.
(WHEREUPON, Mr. Ben Wright and
Legislature John M. Kennedy stood down.)

CHAIRPERSON SWANSON: I'm going to
suggest that we take a break so our
stenographer can get her fingers back in
- Council on Environmental Quality - 130
shape. So we've got five minutes, and
then we'll return.

(WHEREUPON, a brief recess was
taken, after which the following
transpired:)

(Time noted 11:37 a.m.)

CHAIRPERSON SWANSON: All right.
In order for Ms. Gallagher to be able to
attend a meeting she's chairing in
25 minutes, we've moved her up on the
agenda.

(WHEREUPON, Ms. Carrie
Meek-Gallagher approached the podium,
and addressed the Council members.)

MS. MEEK-GALLAGHER: Thank you, I
appreciate that.

So I'm here to talk to you about
the fertilizer bill, that's currently
going to a public hearing. And,
essentially, the goal of this bill is
very simple. It's to improve water
quality throughout Suffolk County, by
reducing the amount of nitrogen that
enters our waterways, by reducing the
amount of fertilizer that is used and
gets -- and ends of being misused and
misapplied, and then therefore leaches
into this -- the water.

I handed around a brief packet,
that I think I won't go through with you
in detail, but it's really more for
informational purposes.

The first page really captures what
all the key components of the bill are:
Prohibiting fertilizer applications
during cold weather;

Making sure that licensed
landscapers are trained in the proper
application and use of fertilizer;

Expanding existing educational
campaigns to homeowners, retailers
and -- including having an interactive
website for people to go onto, and --
and learn more about how to properly
fertilize;

Having signs and brochures in
retail establishments wherever
fertilizers are sold, to, again, educate
them about the proper use and
application of fertilizer;

And to eliminate any fertilizer use
on County property, with the exception
of golf courses, athletics fields and
the County Farm, or where we need to
establish new turf, and -- subject to
some additional waivers.

Agriculture, as a whole, is exempt
from this -- these requirements, and we
are working separately with agriculture
on implementing best management
practices.

So, basically, what the other
slides show you is just the amount --
the percentage of residential total
nitrogen loads, it's over 50 percent.
These are estimates that come from the
Peconic Estuary Program (indicating).

A nice, pretty slide that shows you
lawn coverage in the U.S. And if you
look at Long Island, you can see that
we're pretty much 100 percent covered by
lawns. This is Noah's Satellite Imagery
Some facts about over-fertilizing, which most of you are probably familiar with. But -- but really talking about the harms to the ecology and the threats to human health.

And then the comparative costs of reducing nitrogen pollution. Looking at, if you reduce the source up front, it's a much more cost effective way than if you have to try to remEDIATE after the fact by installing sewage treatment plants. And you can look at -- you know, look at what the initial cost is of this program. We're looking at about 100- -- up to about $190,000 now, versus say, 25 million. And then the annual cost to maintain this program would be about $50,000 a year, versus over $3 million a year. You get the same amount of reduction, which would be about a 25 percent reduction, or 60 tons of nitrogen per year.

There's just a draft of what the
signs may look like in the stores -- in
the retail establishments, we're trying
to work on something that will be very
simple and user friendly (indicating).

And then the very final page gives
you a flowchart that really tries to
spell out what the prohibitions are,
what the requirements are, and what the
public education components are.

For your purposes today -- I mean,
I did want to provide that information,
but we really foresee this as having
only positive environmental impacts.
And, I would just draw your attention to
the very last page of the long form, the
EAF that you received in your packet,
part three. And -- where it talks about
part three statements, those three
paragraphs, that while there was no
coordination required on this, we did
pull together -- and it's been a
ten month process of working very
closely with State, Federal agencies,
Cornell Cooperative Extension, Cornell
- Council on Environmental Quality -
University's (inaudible) Science
Program, the Homestead Assist Task
Force, of which Legislator
Viloria-Fisher is Chairwoman. And we --
the bill has been amended to reflect,
more closely, a lot of the findings and
recommendations of the Homestead Assist
Task Force. The estuary programs -- all
three estuary programs on Long Island.
Fertilizer representatives, we had
Scotts in on conversations. And a wide
range of environmental, including
citizens campaigns for the environment,
(inaudible), nature conservancy, even
Peconic Bay Keeper has weighed in on
this. Obviously, strongly in support.
And we have shared with them the -- the
bill itself, and we received some
comments back. Even New York State
Department of Ag. and Markets, we're
now trying to work with them, and
they're very supportive of the elements
of this bill -- many elements of this
bill.
- Council on Environmental Quality - 136

So, I just wanted to -- again, we've shared it, we've worked very hard on making this bill workable, feasible, cost effective, and ensuring that any potential adverse environmental impacts have been mitigated, that it will only have positive environmental impacts.

Any questions?

CHAIRPERSON SWANSON: Thank you.

MR. PICHNEY: (Indicating)

CHAIRPERSON SWANSON: Mr. Pichney.

MR. PICHNEY: Thank you, Mr. Chairman.

When I was looking through the bill, it wasn't really clear whether you were talking about specifically for fertilizing lawns, or you were discussing all fertilizers, as related to fertilizing trees, shrubs, perennials, vegetables, you know, things like that.

I work at the -- at the Meadow Croft Estate, which is a County Historic Site, and we have a garden there. And,
you know, we use fertilizers there for
the roses and -- and perennials. I use,
you know, what would be termed organic
fertilizers, but if you're prohibiting
fertilizer use in -- in County
facilities -- you didn't -- you didn't
mention that, an Historic Site there.
And I know that Sagtikos Manor --
ye're developing gardens, and also at
the Hawkins House -- but that's not a
County facility. But, nonetheless,
there are situations --

MS. MEEK-GALLAGHER: That might
require fertilization.

MR. PICHNEY: -- that might require
fertilization. And I think the law
really needs to say that -- if you're
really looking just at lawns, I think
you need to state lawns. Because the
wording in there, just kind of bounces
back and forth, and you don't
specifically delineate what you're
talking about.

MS. MEEK-GALLAGHER: If you look at
it, it is fertilizer broadly on --

MR. PICHNEY: Right.

MS. MEEK-GALLAGHER: -- but if you look at the flowchart under prohibitions, you'll see that there is a waiver possible for County properties. So, it would be a similar process to the Pesticides Citizen Advisory Committee, that's already set up, to exempt or provide waivers for pesticide use where necessary. There would be a same process for allowing waivers for use of fertilizers where necessary on County property, such as you're talking about.

MR. PICHNEY: But, nonetheless, if you don't mind, I think that, you know, the wording in the Legislation needs to be worked on a little bit more to make those sort of distinctions, even if just in terms of quantities and so forth.

And, the other thing I wanted to say is, on the definitions of fertilizers, it says, "The term fertilizer does not include
unmanipulated animal and vegetable
manure, and agricultural grinding
material."

One of the fertilizers I use at
Meadow Croft is milorganite, which is
processed sewage sludge from Milwaukee.
Would that be considered manipulated?
Obviously, it has to be processed and
packaged.

In addition, certain animal
fertilizers, particularly poultry
fertilizers. They're essentially --
poultry manure is essentially a solid
form of urine, which contains a
tremendous amount of soluble nitrogen.
So, I think you need to look at that as
well.

Thank you.

MS. MEEK-GALLAGHER: Yeah, we were
taking the definitions from State -- New
York State, where -- in Ag. and
Markets, where they have specific
definitions of fertilizers. So we were
trying to be consistent.
CHAIRPERSON SWANSON: Mr. Machtay,
I think you were next.

MR. MACHTAY: Yes.

I read in your Legislation that
enforcement would be done by the Health
Department; is that correct?

MS. MEEK-GALLAGHER: Correct.

MR. MACHTAY: I'd just like to know
what the mechanism would be. I mean, if
I see my neighbor putting fertilizer
down, do I call the Health Department,
and somebody comes out and tests the
soil to see if they put too much down?
Or if a lawn company comes and puts it
down, and I suspect that it's overly
fertilized, I call the Health Department
and have them come out? Or does the
Health Department ride around looking
for violations? Or -- I mean, this
thing really -- it seems to me like a
nightmare in terms of enforcement.

I mean, I solved the problem at my
house. On my lot, I have approximately
400 square feet of lawn. I don't put
fertilizer down, I let it grow, I water
it once in a while and it stays green.
It's got weeds, so what. Most of my
garden is trees and shrubs and brick.
So -- but I can see where other people
would have a problem with it. They feel
they have to fertilize X-number of times
a year, and follow the instructions on
the package.

So, my concern would really be with
the enforcement thing, and --

MS. MEEK-GALLAGHER: Of that --

MR. MACHTAY: -- making it --

MS. MEEK-GALLAGHER: --

particular -- right, of that particular
element in the bill. And it would be
plain driven, like so many pieces of
Legislation are in the County. And
Health Services and sanitarians are
really the ones that are best able.
They have the authority of the
administrative code to go out and issue
violations. But that's why most of the
emphasis on the bill -- and it was
changed, especially with recommendations and input from (inaudible), was to be on education, and trying to educate homeowners and retail salespeople and others about the proper use and application of fertilizers. And by getting the information out there, and getting word out there, hopefully, people will take steps on their own and be more willing to comply with it.

CHAIRPERSON SWANSON: Legislator Viloria-Fisher, you're next.

MS. VILORIA-FISHER: Yes.

I just had two comments, and one was a follow-up to what Dan said regarding lawn care as opposed to tree care and shrubs. And I'm mentioning that -- I'm sure that the -- the minutes of yesterday's Legislative meeting -- but during the public hearing, the primary complaints are from arborists, who said that their window is -- you know, it should be broader. When they inject the fertilizer or the nutrients
for -- for tree growth, that it -- if it should be deemed differently, and judged differently.

So, I think the Legislation has to clarify the differences between lawn care and tree care.

And, I -- I mean, we didn't have anybody with a -- a -- a permanent member of the Homestead Assist Task Force who was an arborist.

MS. MEEK-GALLAGHER: Right.

MS. VILORIA-FISHER: We had one in the Legislation, but we didn't have -- continue depending on arborists. So we didn't have enough feedback from that particular group of people, but I -- I just think that's something that should be pointed out, that it had -- it did come up a few times yesterday at the public hearing.

And the second is, in Section 5, where you had the education and reporting. Now, one of the recommendations of the Homestead Assist
Task Force is that we go ahead and put together an MOU, which we mentioned quite a few times. An MOU similar to the one that we put in the Chesapeake Bay area, which included governmental and private and community groups. In fact, many of the entities that are mentioned here, in Roman Numerals I through XI, would be natural members of a consortium that would provide for that kind of broad-based MOU for the protection of our surface and groundwater in Suffolk County.

And Michael White said that he would be --

MS. MEEK-GALLAGHER: Would be interested.

MS. VILORIA-FISHER: -- happy to be a member of that -- that group, as the, you know --

MS. MEEK-GALLAGHER: Okay.

MS. VILORIA-FISHER: Thank you.

MR. GULBRANSEN: Ms. Gallagher, thank you very much for putting this
together. Many of us have been looking forward to getting at the source of nitrogen for decades, and at the home and garden centers is where we often go. It's great that you'll be doing this.

As we design public education beacons for it, (inaudible) and maybe it's okay for some people who like to read, but a green pond equals a green lawn. Real imagery would be a great way to convince some of the right wing people, but not the left.

MS. MEEK-GALLAGHER: I see Vivian shaking -- Legislator Viloria-Fisher shaking her head.

MR. GULBRANSEN: Yes.

And, then the other part I'd like to try to help you leverage even more, education and reporting. As you have this big long list, I would point out that the MS-4 municipalities -- we're -- we're all faced with force, and required to accept and prove that we're doing something about our contaminants, and
nitrogen is at the top of the list. So, we -- I'm speaking on behalf of one village, but I'm sure many of them would love to tag along with this, and perhaps assist in the implementation -- I won't use the word "enforcement," but implementation of this measure for the reduction, right down to the parcel level.

MS. MEEK-GALLAGHER: All right, thank you very much. We'll -- we'll get to that.

CHAIRPERSON SWANSON: Carrie, I had a couple of comments that I wanted to follow up on.

First of all, the plastic law that passed in 1988, in many ways, had some of the same flaws that this does, and one of them was already raised, and that was the issue of enforcement. So I think you need to somehow address that.

The other thing is, sometime you and I maybe ought to sit down and talk about the other things that I teach in
Council on Environmental Quality - 147

my environmental class, and that is what constitutes new environmental law. I've asked a lot of lawyers about that, and they look at me like, "you idiot." But there are elements that I think you ought to look for, and one that I really think you ought to look for here is effectiveness. And, you know, five years out -- perhaps, you should have something in there that says we're going to revisit this law and see if the intentions that were originally thought to be beneficial truly are coming to fruition. And, you know, at that point you might want to strengthen it, or you might want to back off from it. But, review I think is very, very important.

You have a lot of statistics here that, you know, look very, very convincing, but in reality, they might not be quite as hard as the impression that one gets from it.

So, those are some comments I have.

MS. MEEK-GALLAGHER: So, in
addition to -- we have a reporting
requirement, but maybe in addition we
need some type of monitoring on --

(WHEREUPON, Mr. Walter Dawydiak
approached the podium, and addressed the
Council members.)

MS. MEEK-GALLAGHER: -- do you want
to address that, Walt?

MR. DAWYDIAK: Again, Dr. Swanson,
it's an excellent point, it's not
written into the law, but we have
thought a lot about that.

Over the last couple of years, we
have newly found modeling capabilities,
as part of the Suffolk County
groundwater model. I believe for the
first time ever, it will accurately
scribe groundwater contributing areas to
wells, with a high confidence level.

Part of the Comprehensive Water
Resources Management Plan is to look at
25 monitoring wells and/or public well
supply fields, and look at contributing
areas, look at the land uses, look at

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- Council on Environmental Quality - 149

the changes of land uses over time via
scanned aerial photos, and look at
trends of water quality over time.

This is going to be tremendously
powerful data base for looking at
whether there are very real improvements
in those contributing areas, in terms of
very real impact on groundwater supply.

So, for the first time ever, we are
going to be looking -- taking a look at
a County, as a County, and actual data
of what's actually being used out there
as a surrogate for impacts, but we'll
also be able to look at actual impacts
as well. So --

CHAIRPERSON SWANSON: Well, I have
no objection of including this
(inaudible) effectiveness to (inaudible)
to the Legislation.

MR. DAWYDIAK: It's not my law, but
that wouldn't -- objection.

MS. MEEK-GALLAGHER: And I -- I
mean, I think we can -- I'll -- I'll
check with the County Attorney's office,

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but I think there should be something --
I don't know if we've done that in any
laws before, but, I would have no
objection to say at a certain, you know,
window, five years out, to revisit.
Based on the reporting requirement data
we've achieved, and what's happening
with the groundwater monitoring, where
are we? Are we seeing any progress?
And what needs to happen? So, it
doesn't -- just like -- it doesn't just
belong in a book that we're doing so
much -- and as the administration
changes and the Legislation changes, and
-- you know, you don't have the same
champions there that someone's required
to do something about it.

MR. DAWYDIAK: If I could just take
a moment and clarify the enforcement
element of this. We have talked about
the passive enforcement, which is going
to be with homeowners. We're not going
to establish a police force to start
sampling people's lawns, it will be on
complaint. There will be notices given, rather than fines initially. But there are active enforcement components of this; this law has very real teeth. Consumer affairs will actively enforce any landscapers who do not take the course. The Health Department will send sanitarians out to retail establishments, to make sure the proper signs and advisories are in place. So, this is really a very broad comprehensive plan, with very real enforcement. It's going to take place actively, as well as on complaint. So, I just wanted to clarify that as well.

CHAIRPERSON SWANSON: But you know, Walter, that in all likelihood, we're not going to tattle on our neighbors, nor will we have really the -- other than suspicion, perhaps, their lawn looks greener than somebody else's, that there's anything going on with a violation.

MR. DAWYDIAK: Actually, you'd be
really surprised. AVU (inaudible) handles the pesticide neighbor notice violation laws, and you get a number of complaints every year, or somebody in Health does now. I don't know who's handling that, but there are a pretty good number of complaints.

Although, one of the issues that arose during this debate, was whether or not landscapers, for example, are applying after their window. Specifically, they'll contract and put X-number of applications down, if the weather is bad or logistics preclude, they still get that last application in, no matter what the timing is. So, that's one example where between reaching the landscaper, then reaching the homeowner, is just going to be a very real implementation implication, as well. And I just wanted to bring it up.

CHAIRPERSON SWANSON: Thank you.

MS. MEEK-GALLAGHER: And we do -- let me just add to that. Because we had
such a broad coalition of stakeholders at the table, working on this with us over the past ten months -- between that group, and we had, you know, a representative from (inaudible), that's another group. There are people out there, in not-for-profit organizations and other government citizens, who have said they will actively help us try to monitor what's going on out there, because they feel so strongly about this issue, and wanting to make sure that people are complying.

It's not a perfect solution, but unless we're going to, again, hire an army of sanitarians to go out and be the police force for this one -- well, for that -- that one prohibition, as opposed to all the other elements. It is a very comprehensive law, we tried to put a lot of pieces together here.

CHAIRPERSON SWANSON: I think you can -- you know, you can look at the success of having neighbors apply
Council on Environmental Quality - pressure to implement recycling laws -- curbside recycling. And virtually, there is no report of it. So, you know, I just don't think that that's a reliable tool. Not that you have any other alternative.

Mr. Kaufman.

MR. KAUFMAN: First off, let me preface this by saying, I have 18,000 square feet of lawn. Not by choice, I didn't make it that way. And I do fertilize it, unfortunately. Legislator Viloria-Fisher is very correct, there are wider windows for fertilization of trees. I have, about, two acres of trees. I planted a fair amount of them. I tried to cover my carbon footprint and things like that. There has to be distinctions made for that. I don't want to get -- I don't want to have Walter come over and hand me a ticket, if you can find where I live, for fertilizing my trees, et cetera. Because I do fertilize my
trees on a different schedule than I do for my grass.

Second off, what Walter said a moment ago about the groundwater assessments in Suffolk County, and the information that we've been receiving, that kind of really negates the letter we received a couple of minutes ago for the -- from the State Lawn Care Association, which says that there's no information out there, and that we're doing a knee-jerk reaction. So, I kind of discount that letter.

The third thing is, is there going to be any restriction on sellers of fertilizer? For example, Home Depot, Lowes, whatever -- you know, the garden stores. That's one of your big things to try and deal with. I looked at the Legislation twice, I may have missed it, but I'm not sure. That's one of the ways you can have a control method in there. Admittedly, it will interfere with interstate commerce, and you might
have what they call a heart of Atlanta motel problem. That means nothing to you, but to lawyers who deal with this, it does mean something. But have you looked at that issue at all?

MS. MEEK-GALLAGHER: That was discussed. Early discussion about, say, prohibiting the sale of certain types of fertilizers, and trying to restrict sales in Suffolk County. But we decided to go this route first, because of a lot of potential legal issues involved there; such as the strict interstate commerce; such as being pre-empted by the State if there's a combo -- any of the combo fertilizers that include pesticides in them. If you're going to now restrict or ban the sale, they would have, you know, preemption over that. So there were concerns about that.

As opposed to one of our goals with -- the reporting requirement is to find out, is this bill -- in fact, are these signs and brochures, that have to
be posted in the educational campaign --
is the fact that there's now a law
that's being reported about, going to
have an impact on the types of
fertilizers people are actually choosing
to purchase? Is the marketplace going
to change over the next several years,
when we naturally see a progression to
more slow-released fertilizers and other
types of less nitrogen heavy
fertilizers, and will we see a switch in
the grade and the formulation of
fertilizers that are purchased?

MR. KAUFMAN: But, basically, you
are going to try and deal with the
purveyors of fertilizer to, you know,
have brochures, whatever, have
notices --

MS. MEEK-GALLAGHER: They have to
have signs up, posted within ten feet of
where fertilizers are sold. That will
be the sign that we worked on, and this
is what we are hearing. We need more of
a visual impact, as opposed to just some
- Council on Environmental Quality - 158
text. And also put brochures up, that
we will also be developing, that talk
about the proper use and application of
fertilizer. So they're going -- that --
that is a requirement on any retail
establishment in Suffolk County.

MR. KAUFMAN: Frankly, I think
that's going to be one of your most
effective enforcement tools, if you
will. Frankly, I know in my
neighborhood, where I live, probably
there will be a fair amount of
lawbreakers on this. The dates are
rather restricted. And given the
tendencies of the landscapers to do
certain things, the point of purchase
sales are maybe the best way to do --
try and limit fertilizers.

CHAIRPERSON SWANSON: I'd like to
encourage you to go back and revisit
that. Because the County was quite
successful in their non-phosphate
detergent law in the late 1960s. And
the ultimate benefit of that was that,
nationally, the detergent companies changed their formulation. And, you know, this could be, once again, where the County conceivably could take a real national lead in changing the face of the environmental situation.

MS. MEEK-GALLAGHER: Larry, I think to get back to what you were saying before about the effectiveness, where if we see that taking this more kind of a -- an educational outreach approach is not being as effective as we had hoped, we could say, well, obviously we need to take a harder step. We need to go -- and -- and that -- it -- I think it helps us build a case for that, as opposed to coming out and saying immediately, oh, well, we need to ban all these types of fertilize, they're bad, but without having tried other things first.

MR. GULBRANSEN: Did your discussions include consideration of influencing the type of seed that's sold
- Council on Environmental Quality -
here? It's about demand, and if they
keep putting the wrong seed down, it's
going to need nutrients weekly.
If we could shift the --

MS. MEEK-GALLAGHER: Not -- I mean,
that --

MS. VILORIA-FISHER: Well -- I'm
sorry -- yes, Homestead Assist talks a
lot about that. About, you know, having
lots of types of seed that doesn't
require -- everything doesn't have to be
blue grass.

MS. MEEK-GALLAGHER: Right. And
so, part of what we hope to -- to get
to -- information we hope to get out
there, when you're talking about a
low-maintenance lawn, what does that
entail? It entails moving to different
types of seeds. So instead of having
your Kentucky Blue Grass, maybe you move
to -- I'm blanking on the name right
now, one of the low-maintenance lawn
seeds, but I know they do it in --

MR. DAWYDIAK: I believe that's rye
or fescue.

MS. MEEK-GALLAGHER: Fescue, thank you.

So, to get that information out there, and then hope to influence that.

The other component of this, and this is where Suffolk County Water Authority also comes in, is the irrigation factor and how people are -- are they watering properly, too much, not enough. So, it's kind of all those different pieces, it's how -- what type of fertilizer, how you're applying it, how you're watering your lawn, and what type of lawn you're actually producing or using, what type of seed you're putting down.

So that -- that is going to be a -- a lesser component of this in the educational, to the point that we've been talking with Cornell, the turf (inaudible), and we'll be providing information on that, as well as Cornell Cooperative Extension.
CHAIRPERSON SWANSON: Ms. Gallagher is already five minutes late for her meeting, so we probably ought to move the Council.

MS. VILORIA-FISHER: I just want to say something very quickly, because I happen -- I'm going to that meeting also, and that is, Carrie, I just asked Jim to put the Homestead Assist Task Force's report on the agenda for next month, and I think that will help clarify a few of the educational questions. And, in fact, the Suffolk County Water Authority, which was a member -- there was a member that resided the Homestead Assist Task Force. The Water Authority had agreed to put our informational brochure in their bill in the spring, to try to get this message out, on choice of seed and watering issues and fertilizing.

MR. PICHNEY: (Indicating)

MS. MEEK-GALLAGHER: All right. So just --
- Council on Environmental Quality - 163

CHAIRPERSON SWANSON: The last
comment, Mr. Pichney.

MR. PICHNEY: Yeah, I'm sorry.

Just a few more things on that,
regarding the trees. Bacterial action
on the fertilizers, drops significantly
after 60 degrees. So that's one of the
reasons, you know, not fertilizing
(inaudible), the ground also freezing.

But commercial people actually inject
the fertilizers into the tree roots,
which might be below the force line,
where there is bacterial action, which
would also benefit the trees.

The other thing I wanted to comment
on is, the Scotts company has their four
and five step programs. Okay. Grubs,
whatever, and it's always together with
the fertilizer. You know, and I think
you mentioned it too. They somehow need
to unlink a lawn problem with a
fertilizer (sic).

The third thing I wanted to say,
too, is, the northern grasses that we
- Council on Environmental Quality - 164

plant, naturally grow dormant during the summer, and you only need an inch of water a week. But people like to see a really green lawn, so they tend to over water. That might be more of an issue, in terms of washing fertilizer into our groundwater.

Thank you, and I'm sorry to keep you.

MS. MEEK-GALLAGHER: No, thank you. And I did just want to, Larry, take one quick minute to introduce some new staff people in my Department. They just came on board this month, and two of them are going to be working actively on this project.

Frank Castelli, who is the new head of the Water Quality Division, and Environmental Projects board leader. We get him from 30 years of experience in the environmental consulting world. And Brian Pederson, who is also going to be working, I believe, on this initiative, and he also comes from the environmental
consulting world. And then finally, I
did just want to point out Leighann
Thomas, who is the new assistant to the
commissioner, and -- so you'll be seeing
more of her. I'm trying to get her
familiar with all of the different types
of meetings and committees and things
that go on in the County, since so much
of my time is spent either preparing for
these meetings or committees, or
attending them.

Thank you very much. I will --
will be working on incorporating some of
the changes to the bill, while the
public hearing is still open, that you
recommended, and I do appreciate your
comments.

CHAIRPERSON SWANSON: I'm glad your
Department is more than just a
Department of one. Congratulations.

MS. MEEK-GALLAGHER: Thank you.

MR. KAUFMAN: So, we don't have to
do anything, (inaudible).

MR. BAGG: No. The recommendation
is a Type I Action, and the County will have to make a determination as to whether this -- will not exceed any of the criteria, and will not have an impact on the environment and Neg. Dec., or you vote for Pos. Dec. That's the recommendation (inaudible).

MR. MACHTAY: I thought we were asking them to go back and sort of sharpen their pencils on a few of the issues in here, before we act on it.

CHAIRPERSON SWANSON: I think that's what we want to do, is have you take some of the comments that you've heard, and rewrite it, and bring back -- bring it back to address these questions.

MS. MEEK-GALLAGHER: I think -- I guess the question at this time is, I don't know if the Legislature can vote on it before it gets CEQ determination. So, as CEQ -- I don't know when CEQ meets in December, do you meet before --

MR. KAUFMAN: On the 12th.
MS. VILORIA-FISHER: On the 12th.

MS. MEEK-GALLAGHER: Okay. So you'll meet before the final meeting in December.

CHAIRPERSON SWANSON: All right. I think it's a thought of law at this point.

MS. VILORIA-FISHER: And, Carrie, the public hearing was recessed, and so the --

MS. MEEK-GALLAGHER: No, I understand, I'm just trying to time it, because we don't want to have to start all over again next year with the whole process. We'd like to, obviously, bring this to closure this year.

MS. VILORIA-FISHER: But if the public hearing was recessed -- the Legislature can't vote on it until the public hearing is closed anyway.

MS. MEEK-GALLAGHER: Right, I just wanted to make sure the CEQ was going to meet again -- because sometimes CEQ doesn't meet again before the final
- Council on Environmental Quality - 168

meeting. The final meeting of the
Legislature is December 20th, so I just
wanted to make sure that that was --

CHAIRPERSON SWANSON: We meet
December 12th.

MS. MEEK-GALLAGHER: I just wanted
to make sure. Okay.

MR. DAWYDIAK: Dr. Swanson, if I
could, your statement sounded profound,
flawed sounds, bad.

The two major concerns that I've
heard, if I can summarize, is that we
need to differentiate what we need in
terms of restrictions on application to
turf, versus trees and other sorts of
things that might not be appropriate for
a ban.

The other was accountability and
reporting it, some interpretation as to
effectiveness, both in terms of sales
and actual impact.

I mean, other than that, there was
a lot of discussion of things we could
maybe do, but in terms of changes to the
law, those seem to be the two big ones.

CHAIRPERSON SWANSON: And there was discussion, I don't know how you would incorporate it, but enforceability.

MR. PICHNEY: And defining fertilizer.

MR. DAWYDIAK: Right.

MS. MEEK-GALLAGHER: Well, I think we -- when defining it, we wanted to be consistent with what the State definition is, which that is the state definition. I'm not sure if those are -- I guess we can try to clarify or see if the State clarifies those types of -- what's -- what's included in those types of products that are -- that don't constitute fertilizer under the law.

MR. DAWYDIAK: Yeah, I think that's an excellent point. If I could just come back to the enforcement though, I don't think that there's anything that we're anticipating changing or clarifying. The enforcement doesn't kick in until a year down the road, so
we have time to work out all of the rules, regulations and procedures. But basically, applications that are in the prohibited areas are going to be complaint driven. Other elements, like landscaper training, as well as signs and brochures in stores, there's going to be a very active enforcement program. Other than that, I don't think that there's anything that we can change or clarify, unless I'm missing something. I just want to make sure we give you what you --

CHAIRPERSON SWANSON: Basically, all our comments, Mr. Dawydiak.

MR. DAWYDIAK: Okay.

CHAIRPERSON SWANSON: Just think about them.

MR. GULBRANSEN: It's just about an MOU to MS-4 municipality, will give you additional enforcement (inaudible).

MS. MEEK-GALLAGHER: Okay.

CHAIRPERSON SWANSON: Thank you very much.
MR. DAWYDIAK: Thank you.

CHAIRPERSON SWANSON: All right.

Do we have a motion?

MR. KAUFMAN: Motion to table.

MS. SPENCER: Second.

CHAIRPERSON SWANSON: Okay. All in favor?

(WHEREUPON, the Council members voted.)

CHAIRPERSON SWANSON: Opposed?

(WHEREUPON, the Council members voted.)

CHAIRPERSON SWANSON: Abstentions?

(WHEREUPON, the Council members voted.)

CHAIRPERSON SWANSON: Okay. Motion carries.

(WHEREUPON, Ms. Carrie Meek-Gallagher and Mr. Walter Dawydiak stood down.)

CHAIRPERSON SWANSON: Suffolk County District 22, Hauppauge Municipal --

MR. BAGG: No, the next hearing.
Council on Environmental Quality - 172

CHAIRPERSON SWANSON: -- Recharge
Improvement -- no, we did that.

(WHEREUPON, Ms. Vivian
Viloria-Fisher left the Legislative
Auditorium.)

CHAIRPERSON SWANSON: County
Road 65, Middle Road at Brown Creek
Stormwater Remediation.

(WHEREUPON, Ms. Joni Rivera and
Mr. Victor Keneiby approached the
podium, and addressed the Council
members.)

MS. RIVERA: Good morning. My name
is Joni Rivera, I'm with the Department
of Environment and Energy, Water Quality
Unit. I'll be presenting for Stormwater
Remediation to Brown Creek at County
Road 65, Middle Road, Town of Islip.

Currently, we have untreated
stormwater that flows directly to
Brown Creek, and it is flowing directly
to Brown Creek via the two existing
drainage systems. It's both on an east
and -- beside the -- of the Creek.
Brown Creek is a major tributary to the Great South Bay, which is -- according to New York State DEC, it's -- it's an impact, due to pathogenic input from urban runoff.

This project proposes to install some leaching basins at the lowest point in both sides of the Creek. And, we have to install, also, a stormwater treatment unit that would take out the floatables, sediments and oils from the storm runoff, as opposed to the (inaudible) to the Brown Creek, free from these floatables, oils and sediments.

This project also includes a restoration of the disturbed areas that's done during the construction.

If you have any questions, Victor Keneiby from DPW-Highway Design and myself would be happy to answer them.

MR. KAUFMAN: Just one question. I'm just trying to figure out from the map, and I can't tell for sure. How
- Council on Environmental Quality - 174

many basins are you putting in over here? I counted ten, but I'm not 100 percent sure.

MS. RIVERA: We are putting four in the east side, and four in the other side. And then a big one there as a stormwater treatment unit.

MR. KENEIBY: So we have eight in total, leaching basins, and two stormwater units.

MR. KAUFMAN: So I guess my ten was correct.

The other thing, just for the member, there was a picture on page two of the secondary documentation, and this looks like a WPA bridge. There was some iron plaques or bronze plaques --

MR. KENEIBY: Yes, that's Brian's Bridge.

MR. KAUFMAN: Brian's Bridge, okay. But it looks like a WPA bridge. You can tell by the construction details, they always put plaques up there, and they also have the side
fencing, if you will. It's a very typical bridge that way.

MR. GULBRANSEN: (Indicating)

CHAIRPERSON SWANSON:

Mr. Gulbransen.

MR. GULBRANSEN: Is the technology separation proven out elsewhere? Is this just another implementation in a new location, or is this our first venture into separation?

MR. KENEIBY: No, it's actually proven. This is on the New York State DEC Best Management Practices Units. It works. We actually --

MR. GULBRANSEN: Does the County have an ongoing maintenance program to fix it or keep it --

MR. KENEIBY: That's a good question. Yeah, we do. We have -- within the Water Quality Unit, we have a field crew that occasionally, and -- actually, quarterly, inspect these units and -- to see if there's any need to provocation of those (sic) -- and
- Council on Environmental Quality -

maintaining the units.

MR. PICHNEY: This is just a minor point, in the -- in your environmental assessment, you don't mention that Middle Road bisects County parkland. The Sansucci Preserve (phonetic) goes through there, the Meadow Croft Estate is there, on the north side, and then the County also owns the land to the south side. So, I'm gathering Brown Creek runs on both sides?

MR. KENEIBY: I'm not sure about that.

MR. PICHNEY: Yeah.

MR. KENEIBY: I'm really not sure about that. And I don't know --

MR. PICHNEY: Well, it's --

MR. KENEIBY: -- I don't see the relevance to the park.

MR. PICHNEY: Well, you know, it's just -- like I said, it's a minor point. It just mentions whether this project is adjacent to County parkland.

MR. KENEIBY: It is? Okay.
MR. KAUFMAN: It is.  
Just to let you know, Dan, one of 
the attachments was a letter to Richard 
over here, asking for historic impacts. 
So that issue was covered. 
CHAIRPERSON SWANSON: Do I have a 
motion? 
MR. KAUFMAN: Motion, Unlisted. 
Neg. Dec. 
MR. PICHNEY: (Indicating) 
CHAIRPERSON SWANSON: Second from 
Mr. Pichney. 
Any further discussion? 
(WHEREUPON, there was no response.) 
CHAIRPERSON SWANSON: All in favor? 
(WHEREUPON, the Council members 
voted.) 
CHAIRPERSON SWANSON: Opposed? 
(WHEREUPON, the Council members 
voted.) 
CHAIRPERSON SWANSON: Abstentions? 
(WHEREUPON, the Council members 
voted.) 
CHAIRPERSON SWANSON: Motion
Okay, the next one is County Road 85, Green Creek.

MS. RIVERA: The next is the Stormwater Remediation to Green Creek at County Road 85, Montauk Highway, Town of Islip.

I just have to hand to you the attachment. This is an attachment, there's a minor drafting correction. So -- (hanging).

Again, this project is the same as a previous one. We have a current extensive positive drainage system that's serving most of downtown Sayville. And it directly discharges into the Green Creek.

This is also a tributary to the Great South Bay. And, this system also contributes pollutants associated with stormwater, such as floatables, sediments and pathogens.

The Green Creek is a tidal tributary to the Great South Bay at
Montauk Highway. And also, the New York State DEC Priority Waterbodies List confirms that stormwater remediation would be -- would be great to -- to remediate the stormwater runoff in this area. And this project also proposes to install a stormwater treatment unit in both sides of Montauk Highway, in north side and south side, before it discharges into Green Creek.

This project also includes drainage system cleaning and restoration of any areas disturbed during construction.

CHAIRPERSON SWANSON: Any comments?

MS. RUSSO: Will you be using the same vortex system for your stormwater treatment system at this site as the previous one you just discussed?

MS. RIVERA: Yes, ma'am.

MR. GULBRANSEN: One question.

I understand floatables and oil and grease separation. I'm not sure I understand the pathogen removal perspective. You're confident that's
- Council on Environmental Quality -
the obvious perspective measure for
pathogen reduction?

MR. KENEIBY: Well, again, it's --
it's the same thing as the previous
project, it's on the Best Management
Practices List from New York DEC. We
have it installed on County Road 96, and
it's very effective.

CHAIRPERSON SWANSON: Let me ask
you a question, and that is how does it
(inaudible).

MR. KENEIBY: How does it separate
them?

CHAIRPERSON SWANSON: (Inaudible)

MR. KENEIBY: We have to maintain
it, we have to -- it will collect all
the floatables, and the sediments will
settle on the bottom of the unit. And,
we occasionally open the units up and
then clean them.

CHAIRPERSON SWANSON: It's just a
minor point, but it probably doesn't go
into the (inaudible).

MR. KENEIBY: As part of the
- Council on Environmental Quality -

chemical? No -- I didn't -- I didn't really hear that question. We -- it doesn't treat any chemicals, pathogens or -- you know, bacteria, it doesn't do anything like that.

MR. GULBRANSEN: In fact, it might create a -- be creating a culture in the environment for pathogens to continue generation.

To the extent that you do removal and maintenance and servicing, that's when something is moved. But, that's mostly for auto grease. And that's good. We want to get that, and -- the material coming out, it's just that you might not want to emphasize the pathogen removal as a primary thing.

MR. KENEIBY: No, we didn't really say that. I don't think we indicated that --

MS. RUSSO: Yes --

MR. KENEIBY: -- because it --

MS. RUSSO: -- you do. In at least one of them, you do mention about
- Council on Environmental Quality - pathogens being removed. And it's really just --

MR. KENEIBY: Oh --

MS. RUSSO: -- oil.

MR. KENEIBY: Yeah, and we didn't -- we didn't include that in our --

MS. RUSSO: Yeah, it's not clarified, I mean, exactly what the whole point of putting this in, and what it really will be removing. That's what we're discussing right now, because it really --

MR. KENEIBY: Okay.

MS. RUSSO: -- isn't removing --

MR. KENEIBY: It's basically removing all the sediments and the floatables --

MR. KAUFMAN: Okay --

MR. KENEIBY: -- and the suspended oils.

MR. KAUFMAN: -- please don't go too far --

MR. KENEIBY: As far as the --
MR. KAUFMAN: -- in saying things right now.

MR. KENEIBY: -- it's not removing any of the bacteria or anything like that.

CHAIRPERSON SWANSON: Do we have a motion?

MR. KAUFMAN: Motion, Unlisted, Neg. Dec.

CHAIRPERSON SWANSON: Do we have a second?

MS. RUSSO: Second.

CHAIRPERSON SWANSON: Second, Gloria.

Any further discussion?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: All in favor?

(WHEREUPON, the Council members voted.)

CHAIRPERSON SWANSON: Opposed?

(WHEREUPON, the Council members voted.)

CHAIRPERSON SWANSON: Abstentions?

(WHEREUPON, the Council members voted.)
CHAIRPERSON SWANSON: Motion carries.

And now, the last one. County Road 101.

MS. RIVERA: Next is the Stormwater Remediation to Mud Creek at County Road 101, Patchogue-Yaphank Road, Town of Brookhaven. That's from Andreano Avenue and Hospital Road.

Presently we have a positive drainage system -- you can see it in the drawing, it's a red -- a red line (indicating). And, that directly flows to Mud Creek. And Mud Creek is a tributary to Patchogue Bay, which is also -- according to New York DEC Priority Waterbody List, Patchogue Bay is also impaired, and public bathing and recreation are listed as stressed.

This project proposes to construct a retention basin, and we have to redirect the stormwater flow into this new basin.
This project will -- will result in reduction of pollutants, such as nitrogen, phosphorus, BOD and sediments. And DEC states that this project and other wetlands are efficient for remediation methods for removal of pathogens.

The design also includes removal of existing headwall and pipes, and minor drainage system alterations and cleaning of the system.

MR. KAUFMAN: One question on this. You talk about trying to protect the wetlands here. I'm looking at the map, and I don't see where the wetland is on the map, and how it flows into Mud Creek, and where the water for the new basin's going to club.

In other words, if you're trying to cleanse a wetland in this area with this design, and I understand the design, I don't see an outlet.

MR. KENEIBY: I believe the wetland is -- is adjacent to the location of the
HR basin. It's in here and here (indicating).

MR. KAUFMAN: All right. If we're looking at the bottom picture, where does the -- you've got micro-pools in here. You've got a four-bay and you've got a micro-pool. Is there any provision for dispersing into that wetland, or are you hoping for groundwater dispersal?

MR. KENEIBY: Well --

MR. KAUFMAN: Is there a connection?

MR. KENEIBY: -- yes. Currently, the water directly goes into the wetlands.

MR. KAUFMAN: Yes, I understand that.

MR. KENEIBY: And the wetlands are adjacent to this parcel that we acquired -- we acquired already. What we do in this case is, this will act as a tension pond for all the runoff that comes off County Road 101. It will
settle in those ponds -- it will settle in this -- the first pond in here (indicating), and will overflow into the next, you know, in case of, you know, additional runoff --

MR. KAUFMAN: I understand that.

MR. KENEIBY: Yeah.

MR. KAUFMAN: Essentially, you're setting that up as groundwater dispersal then. When you get to those micro-pools, at the upper left, is there going to be a connection with the wetlands?

MR. KENEIBY: Yes. There will be an overflow structure in case we have an event of a major -- a hundred year storm --

MR. KAUFMAN: That's not -- that is not marked, at this point in time, on the map that you gave us. That's my question.

MR. KENEIBY: Yes, it was -- yes, it wasn't marked. You are absolutely correct. I just noticed that yesterday
and I -- I changed the drawing --

MR. KAUFMAN: So, your drawing up there --

MR. KENEIBY: Yes.

MR. KAUFMAN: -- shows it, our drawing over here does not?

MR. KENEIBY: Right.

CHAIRPERSON SWANSON: Any other questions?

MR. GULBRANSEN: The proposed four-bay and the proposed micro-pool, do those structures need to have sediment removals every two years or so?

MR. KENEIBY: Probably about every two years.

MR. GULBRANSEN: Will there be sort of a truck lane where you can get a trucker into --

MR. KENEIBY: That's a good question. Good question.

Yeah, we're actually thinking about this right now. We're thinking about the perimeter to build a roadway around, to get in here if we have to clean the
- Council on Environmental Quality - 189

bottoms to these extension ponds.

This is actually a preliminary
design. The final design will have all
that, and I would think more than two
years. It'll probably be five to ten
years made for this requirement. (Sic)

MR. GULBRANSEN: It would not
substantially change the footprint, it
would just be some kind of path that's
along the way.

MR. KENEIBY: Exactly. Around the
berm, on the outside.

MR. GULBRANSEN: Thank you.

MR. KENEIBY: You're welcome.

CHAIRPERSON SWANSON: Any other
comments?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: Do we have a
motion?

MR. KAUFMAN: I'll make the
motion -- what is this -- Unlisted, Neg.
Dec.

CHAIRPERSON SWANSON: A second?

MR. PICHNEY: (Indicating)
CHAIRPERSON SWANSON: Any other discussion?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: All in favor?

(WHEREUPON, the Council members voted.)

CHAIRPERSON SWANSON: Opposed?

(WHEREUPON, the Council members voted.)

CHAIRPERSON SWANSON: Abstentions?

(WHEREUPON, the Council members voted.)

CHAIRPERSON SWANSON: Motion carries.

(WHEREUPON, Ms. Joni Rivera and Mr. Victor Keneiby stood down.)

CHAIRPERSON SWANSON: And there's nobody from the CAC this month.

Any other business?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: So, a motion to adjourn.

MR. KAUFMAN: So moved.

CHAIRPERSON SWANSON: A second.
MR. MACHTAY: Second.

CHAIRPERSON SWANSON: Have a good Thanksgiving, see you again on the 12th.

(WHEREUPON, this CEQ meeting was adjourned at 12:28 p.m.)
C E R T I F I C A T E

I, THERESA PAPE, a Shorthand Reporter and Notary Public of the State of New York, do hereby certify:

That the witness whose examination is hereinbefore set forth, was duly sworn, and that such examination is a true record of the testimony given by such witness.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of November, 2007.

Theresa Pape

THERESA PAPE

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