DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

August 20, 2008
10:00 a.m.

Suffolk County Legislators Office
725 Veterans Memorial Highway
Hauppauge, New York

B E F O R E:

R. Lawrence Swanson, Chairperson
James Bagg, Chief Environmental Analyst

Reported by,
Melissa Powell
APPARENTANCES:

Eva Growney
Thomas Gulbransen
Richard Machtay
Daniel Pichney
Gloria R. Russo
Mary Ann Spencer

ALSO PRESENT:

Lauretta Fischer, Warner Property
Kent Chris Clark, Warner Property
Janet Longo, Warner Property

John Donovan, Suffolk County Department of Public Works
Stephen Hayduk, Motor Parkway Associates
CHAIRMAN SWANSON: I would like to call the August meeting of the Suffolk County CEQ to order.

Anybody have any comments on the minutes that were posted on the web?

MR. MACHTAY: I sent my comments to Mr. Bagg and they were incorporated in the minutes.

CHAIRPERSON SWANSON: Any other comments?

A motion to accept the minutes?

MS. SPENCER: I will motion.

CHAIRPERSON SWANSON: I have a motion. Do I have a second?

MR. MACHTAY: Second.

CHAIRPERSON SWANSON: All in favor?

THE BOARD: Aye.

(WHEREUPON, the Board voted.)

Anyone want to tell us anything about correspondence?

MR. BAGG: We did not receive any correspondence other than the projects from the various departments.

CHAIRPERSON SWANSON: And to call just
to your attention there is a draft -- not a
draft. There is a letter that was sent to
Mr. Beedenbender with regard to the letter
he had sent to us previously. So that is in
your packet for your interest.

Historic Trust Report. Mary Ann,
Richard is not here, do you want to comment?

MS. SPENCER: I would like to comment.
There is one notable event and that is the
Scully Contract has been signed.

CHAIRPERSON SWANSON: Congratulations.

MS. SPENCER: Yes, I think that is
worth mentioning; don't you, Jim?

MR. BAGG: Yes. One more thing, in the
packet you will notice that Resolution
Number 16-47 is probating funds in
connection with historic restoration and
preservation of the Third House in the
Roosevelt Estate and also Resolution --
Introductory Resolution Number 17-88
authorizes a license agreement with the
Babylon Town Historical Society for the Van

CHAIRPERSON SWANSON: I don't have
either of those.

MR. BAGG: Those are noted in your packet, Larry. Over here (Indicating). I am just calling attention to it.

CHAIRPERSON SWANSON: Do you have anything else you wanted to bring to our attention with the Type 2 Action?

MR. BAGG: (No response.)

CHAIRPERSON SWANSON: I think Mary Ann is through.

MS. SPENCER: I am.

MR. BAGG: In your packets of things, there is nothing notable either. Everything has been previously reviewed under SEQRA or Type 2 Action.

In addition to the other two Introductory Resolutions, I noted that that dealt with Historic Trust Properties Resolution Number 1791, "Adopts a local law prohibiting the distribution of plastic carrying out bags by retail stores." So that is of interest but --

CHAIRPERSON SWANSON: As I asked you earlier, Jim, if you can get staff to kind
of find out why this is appearing now
because I thought it had passed last
January?

MR. BAGG: I will check into that.

CHAIRPERSON SWANSON: Thank you. I
guess, I just don't understand the process.
This is to remind everybody that this
is a public meeting and if you have comments
and wish to participate, please feel free to
do so. Ordinarily, we take public comments
on the topic -- by topic or situation. So,
with that being said --

MR. BAGG: We have to make a motion --

CHAIRPERSON SWANSON: That's right.

We have a motion to recommend Type 2 --

Type 2 recommendations that Mr. Bagg
presented?

MR. MACHTAY: Motion.

MS. RUSSO: Second.

CHAIRPERSON SWANSON: Any other

comments?

All in favor?

THE BOARD: Aye.

(WHEREUPON, the Board voted.)
MR. SWANSON: The motion carries.

DPW Sewer District Number 20. Anyone here to represent DPW?

Please, just state your name for the record.

MR. DONOVAN: John Donovan, Suffolk County Public Water Sanitation Division.

Basically, this is a project and is outlined in a memo from Ben Wright (Phonetic). We are looking to increase the reliability of the treatment plan. We are right now operating very close to design capacity. So we are looking to obtain engineer assistance to evaluate what we can do to make sure that we continue to meet limits. We are probably going to include the addition of some tankage -- pre-equalization tankage to help us with the process.

CHAIRPERSON SWANSON: Any questions?

Recommend Type 2. Since we have no comments, can we have a motion?

Nobody wants to make a motion?

MS. GROWNEY: I will make a motion to
go ahead.

CHAIRPERSON SWANSON: Type 2?

MS. GROWNEY: Yes.

CHAIRPERSON SWANSON: The motion is recommended as a Type 2 action. Do we have a second?

MR. PICHNEY: Second.

MS. RUSSO: Can I ask a question?

CHAIRPERSON SWANSON: Sure.

MS. RUSSO: In the letter, it states that the current sewage flow that must be treated is at or slightly above the design of permitted flow. Do you foresee that this is going to get even larger than what the current situation is, or is this just to bring it up to speed so it can handle this little bit over the design?

MR. DONOVAN: Basically, we have been operating right at the design limit going over a couple of times during the year; sometimes we are below it. So, we are right at it. It should stay consistently there. We are not adding any new developments or any new flow to the plan. So, it is a
matter of us -- just because we are right at
the limit, we want to make sure that we have
enough treatment process to make sure we
keep meeting the limits.

MS. RUSSO: But you did say you may
have to increase the tankage?

MR. DONOVAN: Yes. Pre-equalization
tankage might have to be added. That
usually helps when you get very close to the
design flow. It kind of equalizes the flow
over the full days and the problem is
treated. The tankage would probably be
something like a ten foot by ten foot tank
about twelve or fourteen feet deep --
concrete tank.

MS. RUSSO: Then there is plenty of
physical space for you to put this tank in?

MR. DONOVAN: Yes, it will all be on
the existing property next to the existing
treatment plant.

CHAIRPERSON SWANSON: Any other
comments or questions?

We have a motion and a second.

All in favor?
THE BOARD: Aye.

CHAIRPERSON SWANSON: Motion passes.

(WHEREUPON, the board voted.)

CHAIRPERSON SWANSON: Next is Sewer District Number 5.

MR. DONOVAN: Yes. This is another treatment plant operated by Suffolk County Public Works. We have in the past had odor complaints from the surrounding community. We have addressed those complaints, but we are looking to add some odor control to our sludge treatment process of the treatment plant. We are looking to evaluate that, and it will probably be the addition of some old control equipment and maybe some covers on top of the tanks -- you know, to capture the odors.

CHAIRPERSON SWANSON: This is like the other one where you're just asking to get assistance to go forward with the process?

MR. DONOVAN: Right, engineering assistance to evaluate it.

CHAIRPERSON SWANSON: Can I have a motion to --
MS. GROWNEY: I will make a motion.

MS. RUSSO: One quick question.

CHAIRPERSON SWANSON: Okay.

MS. RUSSO: Could you, please, describe what the odor control equipment is and how it works?

MR. DONOVAN: Well, we don't know exactly. We are going to have an engineer evaluate what could be done. Many times what we do is we put a cover -- these are open air tanks, so we would put a cover over it and capture the air either through a carbon absorption or some kind of a filter median to strip the odors from the air before it discharges.

MS. RUSSO: Okay.

CHAIRPERSON SWANSON: Any other comments?

We have a motion. We need a second.

MR. MACHTAY: I will second.

CHAIRPERSON SWANSON: We have a second.

MS. GROWNEY: I made the motion.

MR. MACHTAY: I seconded.

CHAIRPERSON SWANSON: If there are no
other comments?

All in favor?

THE BOARD: Aye.

CHAIRPERSON SWANSON: Opposed?

THE BOARD: (No response.)

CHAIRPERSON SWANSON: Motion carries.

IR1216-2008 Local law adopting reduction of the use of fertilizer near surface waters in Suffolk County.

Anybody here want to speak to that?

Please, state your name and organization.

MS. SHAW: Kim Shaw, Suffolk County Department of Health Services.

We note that the original fertilizer law that was passed was primarily educational in nature, and with the exception of not applying fertilizer during the non-growing season and that was based on experts input.

The CEQ may want to consider for this amendment a full EAF and possibly Type 1 which was the original fertilizer law also. There was extensive discussion and a lot of
input from Cornell Cooperative, Cornell University, and the Pesticide Reduction Action Committee. I know there has been some discussion on separation distances for surface water anywhere from 25, 50, to 100 feet, and I think that can all be worked out possibly through a long EAF.

In addition, neither the Health Department or the Department of Environment and Energy, were given staff to conduct this program. It was not part of the original quarter percent appropriation for the fertilizer RFP, and this will most likely result in significant effort on behalf of our Department in terms of education and complaint response and violations.

We recommended that the sponsor add a Public Health Sanitarian as part of this resolution and that is why we are going for a fully EAF and possibly a Type 1.

CHAIRPERSON SWANSON: So, as I understand you correctly, you don't think you are adequately staffed or enough thought has been given to the legislation as
written and needs some potential modification?

MS. SHAW: Right. When it was originally drafted, I believe, it was -- the setback was from regulated freshwater and wetlands as per DEC. At that point, we were directed to go to DEC and see -- get their input on how they would be able to assist us in regulating or monitoring doing anything with this law and they said enforcement was nearly impossible. So then it was changed to surface waters because more easily identifiable and our staff can probably conduct but --

MR. BAGG: Kim, other than your statements that whether or not it can be administrated, what do you feel are significant impacts from this proposal on the environment?

MS. SHAW: Well, I noted that the EAF only cited beneficial, but potentially this could result in additional pesticides being used and increase storm water impacts.

MR. BAGG: Why would additional
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pesticides be used?

MS. SHAW: Well, because they are reducing the amount of fertilizers -- you know, the original EAF that we did on this law had the potential for increased pesticide usage.

MR. MACHTAY: You said, you think it should be classified as a Type 1 Action?

MS. SHAW: That was the original fertilizer law.

MR. MACHTAY: Which action on the Type 1 list does this specifically adhere to?

MS. SHAW: I don't have it in front of me.

MR. MACHTAY: Is this in any way, shape, or form and agricultural activity?

MS. SHAW: No, being it is residential.

MR. MACHTAY: Mr. Bagg, do you have any input on that?

MR. BAGG: I had a hard time finding a class for this particular Action because it simply says, "You cannot apply fertilizer within a certain distance of waters," and it doesn't deal with the physical alteration of
any type of property or anything else. It just simply says that "You are not allowed to apply fertilizers." Also, I mean, there are laws that deal with pesticides, as well. There is no -- nothing that says that people are going to go out now and increase pesticide use because they can't fertilize their lawn.

MR. MACHTAY: But Type 1 does have that certain kind of agricultural land -- more than ten acres. That certainly affects more than ten acres, and I don't see how this --

MR. BAGG: Agricultural are never a Type 2 Action. Agricultural management practices are exempt. It deals with the physical alteration of the property.

MS. SHAW: But this affecting definitely more than ten acres, and that was the mind-thinking of how we made it originally.

MR. BAGG: But it is not a physical alteration.

MR. MACHTAY: You can't make something a Type 1 Action that is not on the list. It
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has to be specifically on the list unless
the County has a different list than the
State.

MR. BAGG: If I might add, I think the
County chose to go in the original
fertilizer law with a Type 1 Action fully
EAF because they felt that they were going
to be sued by the fertilizer industry, and
in order to be conservative under SEQRA,
that is the approach they took. Whether or
not they really had to do that is another
question.

MS. SHAW: Well, again, just being sued
does bring that to a level of Type 1. I
think it would be impacting more than ten
acres if it is all Suffolk County's. I
thought that was the justification.

MR. BAGG: I understand that, but we
are still into the situation about what is
the physical alteration. There is no
physical alteration. You just say you can't
put down fertilizer.

CHAIRPERSON SWANSON: Well, I would ask
-- whether or not this is correct, Jim,
because -- you know, this is not going to involve bringing in a plow and certain things but the fact if you change the form of vegetation because you are using fertilizers or not using fertilizers, that ultimately ends up as a physical alteration?

MR. BAGG: Well, just because you do not fertilize grass, does not mean you cannot grow it.

CHAIRPERSON SWANSON: Right, but going back to our history, there are certain groups that come here and want to burn all the grass on the east end of Long Island, and we go through that debate as to whether or not it is an environmental impact.

MR. BAGG: That is correct, but that deals with the physical alteration and destruction of vegetation.

MR. MACHTAY: Excuse me. I think also something can be an unlisted action and raised into the level of --

MS. SHAW: And an unlisted can have a full environmental assessment.

MR. MACHTAY: But is that necessary?
MS. SHAW: Not saying a -- just a full environmental assessment. I don't think we have even reached -- this is going to impact so many small lots along canals and what not. It is going to be -- I mean, I think, there is going to be a lot of discussion regarding this ban. There is a lot of lots along the waterfront that are 60 feet deep and have lawns right up to the edge of the bulkhead.

MR. BAGG: I would point out that those lawns and fertilization are going into the canal and causing unification problems and all kinds of things.

MS. SHAW: It is just something to think about.

MR. SWANSON: Do you have any further comments for discussion?

MR. PICHNEY: One question. They said, "Continuous natural vegetative buffer," do they literally mean a natural buffer as opposed to a man-made planted buffer?

MS. SHAW: I wasn't the author of that,
but I assume they mean a natural buffer -- a
natural vegetation -- native vegetation.

CHAIRPERSON SWANSON: Tom?

MR. GULBRANSEN: It is possible that a
more complete EAF would allow a closer
examination of the staffing and
enforceability of this? Is that a part of
what we would be able enable or not?

MR. BAGG: That is administrative; that
is not environmental.

MS. GROWNEY: I wanted to know about
the educational program that you might be
thinking about setting up.

MS. SHAW: Well, through the original
fertilizer law which went through an RFP and
it has been -- the contract has been awarded
to Cornell Cooperative and Cornell
University. There is a huge educational
component with -- they're going to be
meeting with community groups and giving
them hands-on and explanations on how to
maintain a healthy lawn without applying
fertilizers or reducing the use of
fertilizers.
MS. GROWNEY: Does that include written material?

MS. SHAW: Yes, brochures will be handed out.

MS. GROWNEY: Is that also including notices, papers, and other kinds of things like working with the library or the local municipality?

MS. SHAW: Well, that should all be worked out through the contract process. I know that was a component or task of the proposal, but I haven't seen the contract and what the work is going to be.

MS. GROWNEY: I can see that it is very essential that it be very broad and keep it as very hands-on.

CHAIRPERSON SWANSON: I would like to offer a suggestion for your consideration and that is, perhaps, that you table this and ask for some clarification from the sponsor and include it in that clarification. Perhaps, we can ask how he envisions it to be implemented?

MS. GROWNEY: I agree.
CHAIRPERSON SWANSON: Do you want to make a motion?

MS. GROWNEY: I will make a motion that they further their scope.

MR. GULBRANSEN: Second.

CHAIRPERSON SWANSON: Second from Mr. Gulbransen.

All in favor?

(WHEREUPON, the Board voted.)

MR. SWANSON: All opposed?

(WHEREUPON, there was no response.)

MR. SWANSON: Thank you, Kim.

Maybe write a letter and even though it is not an environmental issue necessarily, I think, it is fair to say -- to ask how, in fact, it can be implement in the most effective way and how he would envision the County going forward with that?

Recommended Unlisted Actions, Sewer District 13, Windwatch Expansion, Town of Islip.

Welcome back.

MR. DONOVAN: This is another treatment plant operated by Suffolk County Public
Works, Sewer District 13.

It is an existing plant operating about four -- designed for 400,000 gallons per day. There is a proposal by private developers and by existing developers nearby to expand the treatment plant from 400,000 up to 750,000 gallons per day. The treatment plant will be physically expanded and a new treatment process will be installed -- more up-to-date one.

Basically, there will be new developments connecting in plus two existing condo and co-op associations that have their own treatment plant. They will be abandoned and they will pump air flow up to the treatment plant at Windwatch and will be treated here.

So this project has a lot of good benefits. One, is it will eliminate two failing treatment plants that were built in the 70's and are now under order by the Health Department. It will prevent the building of two new treatment plants for new developments, and it will upgrade an
existing treatment facility from -- to a
more up-to-date process.

CHAIRPERSON SWANSON: Just a couple of
questions.

I understand the advantage of trying to
improve the situation with plants that are
not functioning in particular, but actually
how much growth does this anticipate?

MR. DONOVAN: Growth in what way?

CHAIRPERSON SWANSON: Well, is all of
this just to accommodate existing population
and businesses, or is it anticipating the
area is going to double in size or what?

MR. DONOVAN: Well, there is two new
treatment -- two new projects that are going
to increase development in the area -- that
are going to be part of the expansion. The
amount of flow for that --

MR. HAYDUK: My name is Steven Hayduk,
Consultant Engineer for Motor Parkway
Associate

We would be building the actual
expansions of the plant under a sewer agency
contract with Suffolk County Sewer Agency
and Suffolk County Public Works. The project will not create any additional population by expansion, if that is the nature of your question. The project is intended to accommodate two currently planned construction projects which -- if this is not to help sewage treatment, they would have me build their own sewage treatment plants. That was the two treatment plants that John just referred to that would be eliminated from construction.

In fact, if you can see on this presentation board that I have here, the big yellow push pins are the existing Windwatch treatment plant which was built in the 1980's, and it was contemplated at that time as a subregional sewage treatment plant although it was built by private developers and the main applicant was Marriott Wind Watch Hotel. A number of other existing and proposed developments connected into it under a sewer agency contract at that time. So, it is existing as a subdivision sewage treatment plant which was subsequently in
the mid 90's dedicated to Suffolk County as Sewer District Number 13. When this plant was constructed, it was anticipated and provided for in the design of the plant, which met SEQRA at the time, by the way, by the applicant, Marriott Windwatch -- SEQRA through the Town of Islip. It was anticipated and planned for possible additional future expansion. I have the design report that was approved in 1989. It says on Page 13, that an area of 36,800 square feet has been reserved for a one hundred percent expansion of the treatment plant. So the plant was designed and built for 400,000 gallons per day. The current application is to approve expansion up to 750,000 gallons per day which is about an 88 percent expansion which is within the one hundred percent expansion that was contemplated. Therefore, I believe that SEQRA was complied with and when the plant was originally built, this is within contact of that -- the original project. However, as Mr. Donovan has said, this dot represents...
the Spring Meadow Co-ops, an existing failing sewage treatment plant. This one represents the townhouse village south treatment plant which is also failing both of which will be eliminated with the expansion project.

This is my next project which is in the Village of Islandia, and it will be condominiums, hotels, and a bank -- restaurant mixed use currently near approval by the Village of Island. The Village Of Islandia actually created a special zone for this project to consider it. It is going to be their separate downtown area, and this is an approved project by Holiday Associates for Mid-Rise Condominiums.

So, if the Windwatch Sewage Treatment Plant expansion grows -- grows through as its plant and its already -- the plant has already been approved, there will be one sewage treatment plant instead of five. So this is the population that serves these two new developments. I am not going to be -- additional population is not going to be
caused by the expansion of the treatment
plant which is going to serve the two new
developments and other existing
developments.

CHAIRPERSON SWANSON: This is more of a
general question, I guess. You're now
undertaking failed sewage treatment plants
from private developments. What is the
County's policy with regard to allowing
developments -- creating small package
plants such as what has been built here and
then suddenly finding out they're not
functioning well and not being operated well
and then the County is left holding the bag.
What is -- I just don't understand how we
get into these situations?

MR. HAYDUK: As a matter of fact, that
is the very reason why the County has for
over twenty years now fostered a program for
the non-proliferation of small sewage
treatment plants. That is why they approved
Marriott Windwatch Treatment Plant to be a
subregional plant and whenever an
application goes before Suffolk County Sewer
Agency, the first question that is asked by the agency is, is there an existing sewage treatment plant within reasonable business that can be connected to or can be expanded to allow connection? Which is a very responsible public policy and that is what is being done here.

MR. BAGG: Can I ask one more question? Who is paying for this?

MR. HAYDUK: The project is being paid for by the new connectors -- no public money is being spent.

MR. PICHNEY: I have a question.

Is there any other substantial pieces of vacant land attached in the area of the proposed facility?

MR. HAYDUK: There are undeveloped pieces of land. This large piece of property across the street is the Town of Islip landfill. Obviously, it can't be built on that. There is a small parcel next door to the treatment plant itself -- the existing treatment plant that is not developed and, I imagine, there are other
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parcels developed along Motor Parkway and Blydenburg Road but --

MR. PICHNEY: It just seems that the area seems to be attracting condominiums and mix uses like the one proposed by your client. I am just wondering whether the plan proposed is going to be able to handle those?

MR. HAYDUK: No, it won't. What the plant will be able to handle is everything that was proposed in this application which is Motor Parkway Associates, Mixed-Use Project, Holiday Mid-Rise, and some other existing connectors that are there, and there will be 80,000 gallons per day of excess capacity available for any other potential user who comes forth in the future.

MR. GULBRANSEN: Plus 12 percent more that is not yet built in the capacity that was allowed?

MR. HAYDUK: Right. And the reason for that is simply that in the design of the plant expansion, it makes sense to go to
certain modular sizes, whereas, we don't need the full 750,000 gallons per day. It would not make sense to try to physically construct an expansion of 680,000 or 670,000 gallons per day with the way the site is configured and the way the building is configured.

MS. GROWNEY: So the expansion that is being done is incremental capacity not just modular?

MR. HAYDUK: It is going to be done at one time.

MS. GROWNEY: One time. Okay, are there any other potential participants in this process that you negotiated with and you are aware of that may want to be involved with this at some point down the road considering the overage from expansion? Are there other situations that need addressing?

MR. HAYDUK: The only participants in this project are Motor Parkway Associates, Holiday Associates, Spring Meadow, Townhouse Village South. Hauppauge Green is another
project that is located down over here
(indicating). They're going to connect them
to it, as well -- small condominiums and
Care Matrix Nursing Home who is already
connected actually into the sewer district.
But as part of this project, we are also
going to reconstruct the Care Matrix Pumping
station to service them and a couple of the
condos.

MS. GROWNEY: So there is no other
additional potential participants that you
are aware of?

MR. HAYDUK: No.

MS. GROWNEY: Okay, and all the other
plants will be decommissioned?

MR. HAYDUK: Right, two other plants.
These two plants would never be built. If
the expansion of the Windwatch plant doesn't
happen, it will compel - Motor Parkway
Associates and Holiday Associates to
construct their own private upgraded
treatment plant. So, those two plants will
never be filled and the two existing condo
and co-op plants would then be able to be
retired which is something that the Health Department has been looking -- is much in favor of.

MR. GULBRANSEN: Your earlier answer was, "No public money will be spent?"

MR. HAYDUK: That is correct.

MR. GULBRANSEN: Does that apply to construction or does it also apply to full operation and maintenance?

MR. HAYDUK: Operation and maintenance is paid for by law by the users of the sewer district. So, with the expansion of the plant -- right now, the plant is operated with public funds, but not from the general tax payers. From the users within Sewer District 13, who were built by the sewer district.

MR. GULBRANSEN: Just to clarify.

So the increase would apply to all of Windwatch tax payers?

MR. HAYDUK: All the payers, absolutely. In fact, the cost are expected to go down significantly with the construction of this plant.
MR. GULBRANSEN: Thank you.

CHAIRPERSON SWANSON: Any other questions?

MS. RUSSO: I am looking at the assessment on Page 3. The project requires storage of liquids fuels and chemicals described in the amount. The answer is, "Yes, 63,000 gallons of vehicle fuel and 10,000 gallons it costs to fill them." That is going to be the new volume of what you are holding, right? What is the existing right now?

MR. HAYDUK: Well, there are some chemicals being used there that are not going to be used anymore. For example, right now, the current plant is a type of plant that requires the use of methanol which -- so there is a methanol storage tank there now, but that is going to be retired and removed. So, those are the only two chemicals that are going to be --

MS. RUSSO: These don't currently exist yet right now? The DD-2 --

MR. HAYDUK: These are all the fuel
costs that exist there now, but those are the quantities that will exist in the new plant. These are fuel and costs that exist there now in smaller quantities and methanol exists there.

MS. RUSSO: The reason I was questioning that is on Page 7, it says, "Does permit -- the project required permit or approval form," and only thing you have -- we ask for New York State DEC is for your Speedy Discharge Effluent Permit -- you don't have it --

MR. HAYDUK: But it does say Health Department.

MS. RUSSO: No, no, no -- yes, okay, but you will have your petroleum --

MR. HAYDUK: The tank applications are submitted to and approved by the Health Departments. Article 12 -- Article 6 -- Article 12.

CHAIRPERSON SWANSON: Is the methanol used in nitrogen removal?

MR. HAYDUK: Actually, it is in the current process. Yes, it is used as a
carbon source for the bacteria in the extended aeration process, but it is not necessary in the sequencing batch reactor process which the new plant is going to be which is good because methanol is a dangerous chemical. It is a carbon source for the bacteria, but it also explosive.

CHAIRPERSON SWANSON: And you're going to discharge to groundwater?

MR. HAYDUK: Yes, just as existing.

CHAIRPERSON SWANSON: Again, this goes beyond this project, but given the fact that there is probably little likelihood that there is going to be very many outfalls going to costal waters, what do you see as the capacity in terms of population in Suffolk County water for our ability to handle sewage?

MR. HAYDUK: I am not sure I grasp your question. You want me to answer --

CHAIRPERSON SWANSON: What is the carrying capacity for Suffolk County for people when we come to dealing with sewage?

MR. HAYDUK: Well --
CHAIRPERSON SWANSON: Ten million, three million, one point nine million?

MR. HAYDUK: Well, the answer to that is probably embodied in the 208 study that was done by the Health Department in the early 1980's which set up hydro-geologic zones throughout the entire county and determined what the requirements of the sewage treatment should be; ten million grams per liter of nitrogen, and determine that within the hydro-geologic zone of Suffolk County that -- as far as septic system discharge or full raw sanitary sewage is concerned one house per acre or two houses per acre depending on the hydro-geologic zone is what the water supply Suffolk County could withstand.

CHAIRPERSON SWANSON: So when you come forward with these treatment plants, we can be assured that you have gone back to the old 208 study, and you are saying this particular area has a little more capacity or doesn't have capacity and that goes into your assessment?
MR. HAYDUK: The area has capacity and as much as we complied with the 208 Study, in the design of the treatment plant, meeting less than ten milligrams per liter of total nitrogen in the discharge.

MR. BAGG: If I might clarify. The 208 study said, "If you are going to use any ground sewage treatment, the acre and the half-acre depending upon the zone applies." It then says, "If you want to increase density, then have to go to sewage treatment," which is a technological means to prevent contamination of groundwater. It doesn't say that "you can't" have the population density above certain matters. It says if you are going to "exceed" the capacity for natural environment plan for sewage, you have to go to sewage treatment.

CHAIRPERSON SWANSON: Any other questions?

Do we have a motion?

MR. MACHTAY: Motion.

MR. SWANSON: Do we have a second?

MS. GROWN: Second.
CHAIRPERSON SWANSON: Okay, we have a motion and we have a second.

All in favor?

(WHEREUPON, the Board voted.)

CHAIRPERSON SWANSON: All opposed?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: Motion carries.

Thank you, Gentlemen.

Proposed Acquisition Open Space Preservation Known as the Warner Property.

Lauretta?

MS. FISCHER: Good morning.

I have two proposal acquisitions before you. The first one is the Warner Property in the Town of Riverhead. This is a property at 13.5 acres in the Pine Barrens Core area along the Peconic River Corridor. We are looking to acquire the residual of the property. There is a conservation easement held by the Pine Barrens Commission.

On the property, we are looking to buy the remaining value. The property has or had a number of structures and debris on it.
It was a former duck farm and most of the structures, except for one building, remains. The debris has or will be removed by owner. The other structure, we are working with possibly the Town of Riverhead to demolish the existing structure that is there.

The Phase 2 analysis did not have any indications that there were any issues that we needed to address at this point in time, and we are hoping to acquire the property and then the Town of Riverhead would then come in and demolish the remaining structure. The reason we are not doing this, before we acquire it, is because the Town of Riverhead cannot do improvements i.e., demolish the structure on private land and we understand that, therefore, our approach will be that we will acquire it, and hold it in our real estate division until the structure is demolished and then transfer it to our Parks Department.

CHAIRPERSON SWANSON: Thank you. In your packet today, was the limited Phase 2
Environmental Site Assessment.

Do you have any questions of Lauretta?

MS. RUSSO: Good morning, Lauretta.

Could you just explain why we are not just requesting that the private owner before we buy it from them to demolish the building and take care of it?

MS. FISCHER: If I can bring up our Real Estate Division, Chris Kent and Janet Longo. They can explain how we came to that.

MR. KENT: Good morning. My name is Christopher Kent, Director of Division of Real Property Acquisition and Management.

The reason we are not requiring the owner -- the seller of the property to demolish the building is that this is not the Pine Barrens Core, and the building has value -- it adds value to the property because if the building is demolished prior to our taking acquisition of the property, the owner would lose all rights to the building and could not reconstruct the building. So the owner would not want to demolish the building prior to our
acquisition.

MS. RUSSO: Basically, it is like a sale safe for the owner. If he demolished the building and then you decided not to buy it, then he will be stuck without the building?

MR. KENT: That is correct. He would lose value without us purchasing the property. He could not find another buyer after tearing down the building that would pay the same amount of money that we are paying.

CHAIRPERSON SWANSON: Any other questions?

MS. SPENCER: What is this building?

MR. KENT: It is an old barn.

MS. SPENCER: How old?

MR. KENT: I don't know the exact age, but I would say, it is greater than 50 years.

MS. SPENCER: Why is it being demolished and not moved?

MR. KENT: Moved? It is very large. I would say it is probably a 100 feet in
length. It is rectangular. It quite a large
structure.

MS. SPENCER: Is it in good shape?

MR. KENT: It is in fair shape.

MS. SPENCER: What does that mean?

MR. KENT: I wouldn't say it is in good
shape. It has a dirt floor. It doesn't --
the roof is probably sound. It is probably
a sound structure. One of your options, if
the Town -- we are committing to having the
building removed within a 120 days after
closing and prior to our transfer to the
Parks Department. We have some options, the
Town of Riverhead being one of them. A
second option might be someone who might
want to salvage the barn to resell it, but
that would mean taking it apart.

MS. SPENCER: I am a little disturbed
that a barn that has a roof and its frame is
sound and it is more than 50 years old, is
being demolished.

MR. KENT: Well, we may opt to -- one
of our options is to seek out someone who
might want to salvage the barn.
MS. SPENCER: Why wouldn't you want to leave it?

MR. KENT: The Parks Department, which is the ultimate manager of the property, does not want the structure.

MS. SPENCER: They made that determination on what basis?

MR. KENT: They have done site visits. They have looked at the barn. They believe it creates a greater liability than an asset to them.

MS. SPENCER: Has Historic Services looked at it? If it is 50 years old, it really should be evaluated and I question this automatic demolition.

MR. KENT: Like I said, it is not an automatic demolition. We are committed to the removal, not necessarily --

MS. SPENCER: Parks? May I hear from Parks?

MS. STANFORD: My name is Diana Stanford. I am an Environmentalist for Suffolk County Parks.

I was asked to come here to request --
Parks would like to see the construction debris and structures removed.

MS. SPENCER: I would like very much that this be tabled until we hear from Parks about this barn.

MS. STANDFORD: I am from Parks.

MR. PICHNEY: Has Richard Martin of Historical Services looked at it?

MS. STANDFORD: I would actually have to check back with you on that.

MR. PICHNEY: That is what we are looking for.

MS. GROWNEY: I am also disturbed by what I am hearing. If you were going to offer it to someone to move to save it somehow, I want to hear a description on how that process would happen. What would be acquired? I would also like to know if there was some sort of engineer report -- architectural report on the structure because, I agree, one hundred percent that too many of these structures are getting lost and with all due respect to Historians -- Historians don't really know structure as
an engineer or an architect, and I think
that is a highly critical point, in addition
to which, I would like to know who if the
engineer or architect is an historically
oriented engineer or architect; not someone
who is used to doing new buildings,
commercial buildings, et cetera, et cetera.
Somebody who is familiar with this type of
structure. All too often the reports come
through from people who really are not
versed in how these buildings can be saved
properly.

CHAIRPERSON SWANSON: Thank you.

Any other comments?

Do I have a motion?

MS. SPENCER: I make motion to table
this.

MS. GROWNEY: I second.

CHAIRPERSON SWANSON: Motion to table
and a second.

Any further discussions?

(WHEREUPON, there was no response.)

All in favor?

Yes?
MR. MACHTAY: I have a question.

Lauretta, is there any urgency in this sale or can it be held up for a period of time?

MS. FISCHER: I will refer to Real Estate.

MS. LONGO: There is nothing that I am aware of.

MR. KENT: Well, we have contracts already. The money is available. I wouldn't say it is urgent. Your next meeting is in September and we will try to make sure we have the architectural report by September to establish some type of condition of the barn and options for its removal.

MR. MACHTAY: The owner is not looking to backout?

MR. KENT: Well, the owner contacts us at least weekly.

MS. LONGO: He would like to close the deal.

MR. KENT: He would like to close the deal but I don't -- it doesn't really impact the owner what we do with the barn
because we have to do something with barn. 
If we could authorize the set -- the 
purchase and then make a condition as to 
what we do after we acquire the property, 
that would allow us to at least to close 
with the owner. The owner is not removing 
the barn. It is not his responsibility for 
removing the barn. It is going to be the 
County's responsibility as to how we are 
going to treat the barn. So, I don't know 
if there is some way that we can move 
forward with the transaction -- the purchase 
and then make a determination as to what we 
have to do prior to our transfer to the 
Parks Department.

MS. SPENCER: Larry, maybe I 
misunderstood, but it has been my impression 
that it is Parks that is asking to have this 
structure removed?

MR. KENT: That is correct.

MS. SPENCER: What I am asking is, if 
Parks and the Director of Historical 
Services look at this, again, together 
because I find that recommendation is what
is disturbing.

CHAIRPERSON SWANSON: So would you be willing to modify your motion to allow the purchase to go forward with a provision that there be nothing done to the barn until --

MS. SPENCER: So that it has been reevaluated. Yes, I can live with that.

CHAIRPERSON SWANSON: Do you withdraw your previous motion?

MS. SPENCER: I withdraw my previous motion.

MR. KENT: Thank you very much.

CHAIRPERSON SWANSON: Now to make a new motion.

MS. SPENCER: I move that this purchase may go forward if Parks and the Director of Historic Services reevaluates the barn; the age; the condition; and whether or not it should be disposed and if so, how?

CHAIRPERSON SWANSON: Do we have a second?

MS. RUSSO: I second.

MS. GROWNEY: I will seconded it based on this be done with professional -- in a
professional way as to as I described earlier with an architectural engineer report.

CHAIRPERSON SWANSON: Any other comments?

MR. BAGG: Yes, I would suggest that the project is an Unlisted Action may get with a -- that provides that before the property is transferred to Parks Department, that the barn be looked at and evaluated and the options for either keeping it or removing it -- you know, be explored and presented to CEQ prior to giving it to Parks.

MS. SPENCER: I prefer Jim's wording. Let's make the motion that way.

CHAIRPERSON SWANSON: You are happy with that?

MS. GROWNLEY: I am happy with that and I will second.

CHAIRPERSON SWANSON: I have one additional request. We have talked about having an architect look at it. There are many architects that have no regard for old
buildings. When I had an architect look at my old house, he said it should come down and build a new one. So I would suggest that we have an architect that is familiar with this storage structure.

MS. SPENCER: I would be comfortable if Richard Martin looked at it. You know this may not be a significant barn. It may not be in good shape, but I am just asking that Parks and Historic services revisit the barn.

CHAIRPERSON SWANSON: We have a motion and a second.

All in favor?

(WHEREUPON, the Board voted.)

CHAIRPERSON SWANSON: All opposed?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: No opposes, motion carries.

MR. KENT: For clarity sake, can I just say, the motion is overdrawn. We are able to go forward with the acquisition. Prior to the transfer of the property to the Parks Department, we have to come back to CEQ for
Council on Environmental Quality

permission on how to handle the barn situation.

CHAIRPERSON SWANSON: Correct.

MR. KENT: Thank you.

CHAIRPERSON SWANSON: Lauretta?

MS. FISCHER: Thank you.

The next one before you is Conservation Easement in the Laurel Lake area, Town of Southold.

There is a 7.89 acre cut-out of the property shown on your map. We have identified the area remaining that we are going to be acquiring, the Conservation Easement. All the solid red areas are the areas that we will be retained by the owner in full. There is a small wetland and wetland fringe around the lake. I have outlined it in blue. There is a wooded area on the south easterly side and also on the northern side. There is a large open grass area in the center of the property. We have cut out an area that when you look at the solid red area, there is a section that pulls down into the grass line area. There
was a garden in this vicinity. We have cut
that out so that the individual owner can
retain use of the private garden, but we
have retained all the other features in and
around the area. We are looking to acquire
this easement with the idea that it be
retained in its natural state with a
grassland where the grassland can be mowed
two times a year. I handed out, I believe,
a list of the major components of the
easement in your packet. Do you have any
questions regarding that?

CHAIRPERSON SWANSON: Any comments?

MR. GULBRANSEN: Where is the access to
the property?

MS. FISCHER: The access actually is a
dirt road cutting down through the northern
portion of the property. We also own
adjacent to it just north of there as well
(indicating.) You can see that Suffolk
County outlined in green, those are
properties owned at the present time by the
County of Suffolk.

The other component of this is that
there is a possibility that the Town of Southold has the option of creating a walking trail in the yellow outlined that goes around the westerly perimeter of the property. So, if the owner is agreeing, the Town of Southold can then proceed to create a walking trial on that portion of the easement. It is primarily a 10 foot wide -- maximum 10 foot wide trial of allowance. So that would then have to be negotiated with the County Parks Department, as well as with the Town Southold. The Town of Southold would then get the permission from the owner to create such a trail and that would hopefully connect the Town of Southold property to the south and east up through our property and around the lake itself.

CHAIRPERSON SWANSON: Any questions?

MR. PICHNEY: When will the grasslands be mowed?

MS. FISCHER: It is indicated in the -- hold on, let me get the wording for you --

MS. RUSSO: I see between the dates of November 1st and April 1st.
MS. FISCHER: Thank you. That was discussed with the Parks Department to come to that time and amount of -- sorry.

MR. PICHNEY: That allows for bird migration to take place and butterflies and whatever --

MS. FISCHER: That was taken all into consideration to come to that timeframe. We are hoping to create our natural grasslands and then encourage, obviously, the natural birds that use grasslands -- to use the property in the area.

CHAIRPERSON SWANSON: Any other questions?

Do we have a motion?

MS. RUSSO: I make a motion. I listened to the Action.

CHAIRPERSON SWANSON: Can we get a second?

MR. MACHTAY: Second.

CHAIRPERSON SWANSON: All in favor?

THE BOARD: Aye.

(WHEREUPON, the Board voted.)

CHAIRPERSON SWANSON: All opposed?
(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: Motion carries.

Is there any other business?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: Anybody want to

stay here until noon? (Laughing)

Do we have a motion to adjourn?

MS. GROWNEY: I make a motion to

adjourn.

CHAIRPERSON SWANSON: We have a motion.

Do we have a second?

MR. PICHNEY: Second.

CHAIRPERSON SWANSON: All in favor?

THE BOARD: Aye.

(WHEREUPON, the Board Voted.)

MR. SWANSON: Motion carries.

See you in September.

(WHEREUPON, this meeting was adjourned

at 11:15 a.m.)

* * *
CERTIFICATION

STATE OF NEW YORK

COUNTY OF SUFFOLK

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

That the within transcript was prepared by me and is a true and accurate record of this hearing, to the best of my ability.

I further certify that I am not related to any of the parties to this action by blood or by 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 20 day of August, 2008.

MELISSA POWELL
Five Star Reporting, Inc.

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