NOTICE OF PUBLIC MEETING

Notice is hereby given that the Council of Environmental Quality will convene a regular public meeting at 9:30 a.m. on Wednesday, August 18th, 2010 in the Arthur Kunz Library, H. Lee Dennison Building, Fourth Floor, Veterans Memorial Highway, Hauppauge, NY 11788. Pursuant to the Citizens Public Participation Act, all citizens are invited to submit testimony, either orally or in writing at the meeting. Written comments can also be submitted prior to the meeting to the attention of:

Michael P. Mulé
Council on Environmental Quality
Suffolk County Planning Department
P.O. Box 6100
Hauppauge, NY 11788

Council of Environmental Quality
R. Lawrence Swanson, Chairperson
AGENDA

MEETING NOTIFICATION

Wednesday, August 18th 9:30 a.m.
Arthur Kunz Library
H. Lee Dennison Bldg. - 4th Floor
Veterans Memorial Highway, Hauppauge

Call to Order:

Minutes - check the web at
http://www.co.suffolk.ny.us/departments/planning/minutes.aspx#eeq
April, May and June minutes are available for review

Correspondence:
Letter from Legislator Kennedy requesting a copy of the May CEQ minutes as well as the June CEQ Minutes.

Public Portion:

Historic Trust Docket:
Director’s Report:
Updates on Housing Program for Historic Trust Sites
Updates on Historic Trust Custodial Agreements
CEQ Adoption of the Historic Trust Manual

Project Review:
Recommended TYPE II Actions:

A. Ratification of Recommendations for Legislative Resolutions Laid on the Table
Project Review:
Recommended TYPE I Actions:

A. Proposed Final Scoping Document for the Draft Generic Environmental Impact Statement on the declaration as surplus and authorization to execute a contract of Sale of 255± acres of the Yaphank County Center to Legacy Village Real Estate Group, LLC for mixed use development, in the Town of Brookhaven.

Project Review:
Recommended Unlisted Actions:

A. Proposed Declaration of 95.3 acres of Industrial/Commercial Zoned Property surplus/offer for sale, in the Town of Brookhaven.

B. Proposed Acquisition for Open Space Preservation Purposes Known as Beaverdam Creek County Wetlands Addition, in the Town of Brookhaven.

C. Proposed Acquisition for Open Space Preservation Purposes Known as Reeves Bay – Flandhampton Holdings, LLC, in the Town of Southampton.

Suffolk County Parks:

Updates on County Parks

Other Business:

Updating of Generic SEQRA Resolutions

CAC Concerns:

***CAC MEMBERS:*** The above information has been forwarded to your local Legislators, Supervisors and DEC personnel. Please check with them prior to the meeting to see if they have any comments or concerns regarding these projects that they would like brought to the CEQ’s attention.

***MEMBERS – PLEASE NOTIFY THIS OFFICE AS SOON AS POSSIBLE IF YOU WILL BE UNABLE TO ATTEND.***

***ALSO FOLLOWING THE MEETING PLEASE LEAVE BEHIND ALL MATERIALS OF PROJECTS THAT YOU DO NOT WANT OR NEED AS WE CAN RECYCLE THESE MATERIALS LATER ON.***
DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

August 18, 2010
9:30 a.m.

Arthur Kunz Library
H. Lee Dennison Building
100 Veterans Memorial Highway
Hauppauge, New York

B E F O R E:

R. Lawrence Swanson, Chairperson
Michael Kaufman, Vice Chairperson

Reported by,
Melissa Powell
APPEARANCES:

James Bagg, Suffolk County Planning Department
Mike Mule, Suffolk County Planning Department

Richard Martin, Historic Society
Richard Machtay
Gloria R. Russo
Mary Ann Spencer
Daniel Pichney

ALSO PRESENT
Joe Montuori, Parks Commissioner
Janis Jijina, Cameron Engineering
Ali Nazir, Legislator Kennedy's Office
Lauretta Fischer, Suffolk County Dept. of Planning
Bob Kessler, Resident
Audrey Kessler, Resident
John Mc Connell, Resident
MR. CHAIRMAN: I would like to call the meeting to order. Welcome to everybody and a quick hello to those that are in the audience.

Anybody get a chance to look at the minutes that were posted?

MR. MACHTAY: I did.

MR. CHAIRMAN: Pardon?

MR. MACHTAY: I did. I believe I read through May's and I sent comments to Christine.

MS. DE SALVO: Yes, I received them.

MR. MACHTAY: Also, April's and June's, I sent comments on those -- whether they were closing comments or not, that's besides the point, but I did send comments in and I will move those -- the one set of minutes, I can't move because I was not here; right?

MR. CHAIRMAN: Which one?

MS. DE SALVO: Was it May maybe?

You sent comments for April and June.

MR. MACHTAY: I read April's and I read June's. As for May, I was at the
meeting.

MR. CHAIRMAN: So we have a motion to accept the minutes of the April and June meetings.

MS. RUSSO: I will second the motion.

MR. CHAIRMAN: Seconded by Gloria Russo.

Any further discussions on those minutes?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: All in favor?

(WHEREUPON, the Council voted.)

MR. CHAIRMAN: All opposed?

(WHEREUPON, there was no response by the Council.)

MR. CHAIRMAN: Motion carries.

Any comments on the May minutes?

(WHEREUPON, there was no response from the Council.)

MR CHAIRMAN: I will hold those in abeyance.

Correspondence? We have several letters that I have asked Michael if he will introduce those comments.
MR. MULE: First of all, we received a letter from Legislator Kennedy requesting the May and June CEQ minutes. Christine sent them out last week, I believe, so Legislator Kennedy has those. She also sent a letter to Larry just informing the Council of his letter of intent requesting federal funding assistance for the Northeast Branch Stormwater Remediation Project which is pre-disaster and flood mitigation assistance money, and he will just keep us informed on how that develops.

Larry just showed me a letter from Jim Tripp, and it's in relation to the Legacy Village scoping document, which we will touch on, such as his concerns on that agenda item.

MR. CHAIRMAN: Thank you, Michael. Any other correspondence?

MR. MULE: Not that I have in front of me.

MR. CHAIRMAN: Historic Trust?

MR. MARTIN: The first thing I
would like to do is introduce everybody
to the new Parks Commissioner, Joe
Montuori.

MR. CHAIRMAN: Thank you for
coming.

MR. MARTIN: We have taken a number
of field trips out there showing the
Commissioner around to all the historic
sites.

MR. MONTUORI: I just want to say
hello to everybody. Also, I may
occasionally be stopping in at your
meetings. I just want to say that Rich
does a fantastic job.

MR. KAUFMAN: You're always
welcome.

MR. MARTIN: The housing program
that I mentioned last time that we had
an open house. We're trying to get
seven vacancies rented within one of our
historical buildings. We were very
successful with that. Five of the
residents have been rented from that
list. We still have two vacancies which
are the two houses in West Hills County
Park -- the Simpson House and the Oakley House. We still have people calling on those sites, but we are not able to rent them with the open house that we held.

MR. KAUFMAN: Rich?

MR. MARTIN: Yes.

MR. KAUFMAN: On the Simpson House, I assume that you're giving them budget details on the how they generally operate in terms of fuel and electricity; correct?

MR. MARTIN: Yes, we are and that was one of the problems.

So, I'll probably be suggesting, if we don't get an interest, to the committee that reviews these rentals that they meet again so we can see what we might need to do to get these rented.

MR. KAUFMAN: One of the problems with the Simpson House is that there is no installation in there. I think I've asked you this a couple of years ago, I don't remember, but is there anyway to remediate that particular property without destroying its historic
integrity?

MR. MARTIN: We talked about putting insulation in the attic which we haven't done but that could be done without a problem -- that probably should be done. Otherwise, yes, to put in a wall would be difficult. It's an early timber-frame home and to rip that apart to add insulation, as I said, would be too much damage to it.

MR. KAUFMAN: There is no way to -- with the foam insulation, there are some technics where they can punch small holes in and that would destroy the plaster.

MR. MARTIN: Yes, and it's not recommended. You don't get an even distribution of the insulation, and it doesn't allow the building to breathe, therefore, that's really not recommended at this point.

MR. KAUFMAN: The windows also -- can they be replaced?

MR. MARTIN: They can't be replaced, but we could add storm windows
better storm windows to the building.

That can be done.

MR. KAUFMAN: Okay, good. Thank you.

MR. MARTIN: With our custodial agreement, I just wanted to point out that people who get Newsday, we had an article that identified many of the friends groups that we have at our historic site. There is 15 on this list. They did miss the Van Burgondien House in Babylon. This did cover a lot of them in Suffolk County. I just wanted to make people aware that these are all at our historic sites, and we have agreements -- we are working on agreements with these groups. Right now, we're still working on about seven agreements. They're at different stages of either being signed by the groups or still in the works. I will just run through them quickly:

At Coindre Hall, the boathouse contract has been signed with the Town of Huntington. The gym contract with
the Town of Huntington has not yet been
signed yet. The North Fork Audubon
Society, which is out at the Red House
at Inlet Pond County Park, is not signed
yet. The Great South Bay Audubon
Society which is at the Brooksite County
Park in Sayville is signed.
Commerding House which is -- the
contract is going forward with the
Commerding Historic Society, and the
group has signed a contract. The Cedar
Point Lighthouse contract is in the
works right now and that will be with
the Long Island Chapter of the U.S.
Lighthouse Society and the Splashes of
Hope Contract, again, at Coindre Hall is
being worked on. Hubbard County Park --
at the Smither's Property, the Duck's
Unlimited contract is now being
processed.

So those are all the groups that
we're working on now. Sometimes, of
course, when these preexisting groups
that we work with -- well, in a number
of years when their contracts expire, we
do have to work up a new contract also.

MR. CHAIRMAN: Is the Cedar Point
Lighthouse accessible now?

MR. MARTIN: You can walk there but
the building itself, you can't enter.

MR. CHAIRMAN: Eventually one will
be able to enter?

MR. MARTIN: Yes. We're not sure
if it will be a completely restored
lighthouse. The interior had a fire, so
it's really just a shell of a building.

There is two approaches that we're
looking at. We're looking to either
restore the interior completely or to
build a platform with a staircase that
you can still climb the building and get
a view out of the top. It really
depends on the fundraising success of
the group.

MR. CHAIRMAN: Thank you.

MR. MARTIN: That's all I have. I
will turn it over to Maryann to discuss
the Historic Trust manual.

MS. SPENCER: You have in your
packet a draft -- the revisions to the
Suffolk County Historic Trust Manual.

The Trust Committee and Jim Bagg
and Richard Martin have been working on
this for over a year. When it is
completed -- when it's approved, it will
be available online for members of this
Committee and anyone else who needs to
refer to the standards, guidelines, and
any other information contained in this
manual. There's a map that you -- did
everyone get -- there would be a map
included, as well. Once this is
approved, it will be put in physical
final form for members of the CEQ and
the Historic Trust Committee.

At this point, I would like to do
two things. It is my recommendation
that we adopt this manual this morning.
Before we do that, I want Jim and
Richard to explain, in other words, some
work that has gone into the revision. I
do feel that -- I understand that it was
just put in your packets this morning,
and you haven't seen it but the document
is basically a document that has been
worked on by the Committee and any
suggestions or corrections, of course,
we would all take into account, but I
think this is ready for adoption.
That's my personal opinion.

Jim?

MR. MACHTAY: Can I ask a question,
Maryann?

MS. SPENCER: Yes.

MR. MACHTAY: How do we know what
the changes are? I have been thumbing
through it, and I am looking for
changes. Are they highlighted somehow?

MS. SPENCER: No. It is such a
complete revision that you're going to
have to pull the manual that you were
given. This is a total revision. Bear
in mind, that it hasn't been revised for
a very long time.

MR. MACHTAY: I understand that,
but you're asking us to adopt it without
having read it?

MS. SPENCER: That's my suggestion
but you can deny it.

MR. MACHTAY: I will take your word
that it's good and meaningful and it's all these other good things but --

MS. SPENCER: I anticipated that, but the reason I was asking you to adopt it is because Jim is leaving and he's worked so hard on it. I, personally, understand if you want time to look at it. I do want Jim to speak to it, and Richard to speak to it this morning.

MR. KAUFMAN: Maryann, I would have to agree with Rich in one respect. I don't know what I am looking at, at this point in time. This is a heavy policy document. If there were a way to give us a -- not a summary sheet but sort of a guideline of showing us what the changes were and what exactly has been changed. If that's possible, that might be helpful as a guide because I don't know how easily --

MS. SPENCER: I am comfortable with not adopting it today. Look, so much has changed. These are the guidelines on which we make our decisions. These are the guidelines on which Richard
directs the other departments in the
County. This is the manual. This
references -- if you look at the
resources in the back, the references
are very clear to professional planning
documents, professional preservations
documents, but this -- it also outlines
how the Trust was established. Jim has
made sure that all of that is included.
That's why I want Jim and Richard to
speak to the changes, and I just thought
I would throw that out there. I didn't
think you'd buy it.

(WHEREUPON, there was laughter.)

MR. KAUFMAN: You were taking a
shot?

MS. SPENCER: Right, I was taking a
shot.

MR. CHAIRMAN: First of all, I
would just like to say to all of you and
say to the County's CEQ, we really owe
you a deed of gratitude for taking on
this task. We appreciate it.

Jim?

MR. BAGG: Basically, we updated
the manual to put into play everything
that has occurred since the original
manual was adopted. The original manual
recommended that a director of historic
services be appointed. We have a
director of historic services. We have
an office of historic services in the
Parks Department, and the manual has
been changed and updated to bring that
current.

In addition, the Charter requires
that properties that are dedicated have
to be specified as to their uses and
everything else, and the manual has been
brought up to actually state what those
uses are, what the property can be
dedicated for, and other various uses.
It's also been updated -- the original
manual says that custodial agreements
were encouraged, however, this manual
has been expanded to actually detail
what the custodial agreements can
involve and what gets involved and so
on.

In essence, this manual brings it
up to speed for everything that has
taken place since 1970, that is, in
place today. That was the whole purpose
of it. The original manual was outdated
and called for certain things to take
place that have taken play.

MR. MACHTAY: In one of my very
early meetings, I was wondering if CEQ
is the Historic Trust, why are we
relying on other people or subcommittees
to tell us what to do? I didn't know
where that came from. In reading this,
while I was sitting here and in just a
couple of pages, I see the history of
that and what the Legislature has
mandated that we set up a subcommittee
which some of these members -- voting
members from the CEQ, so on and so
forth, to make it all happen. It makes
sense now.

MR. BAGG: Right, the original
manual really goes into those details.
In essence, the current manual -- the
updated manual outlines everything that
is in play today and why it is there.
MR. MACHTAY: Well, if you remember
a couple of times you came with a vote
and it just said, "6-0 or 4-0," and it
was -- I wanted to know what the vote
was -- who voted yes and who voted no
and what the names of those people were
because that's the way a vote takes
place and that's the way it should be
recorded. Anyway, I would very much
like to read this and for your sake, I
would love to be able to make a motion
that would let us accept it
provisionally or conditionally, but it
really doesn't work.

MS. SPENCER: No, no, no. That's
fine. Richard, I don't have any problem
with that.

MR. KAUFMAN: We can still dedicate
it to Jim Bagg.

MR. CHAIRMAN: I would suggest that
we put it on the agenda to take action
on it at our September meeting.

MS. SPENCER: I would like Richard
to speak to it for the record.

MR. MACHTAY: There is no
dedication on the first page.

    MR. MARTIN: I would like to thank
Jim Bagg for all his work on this.
Maryann was very forceful in her opinion
that we needed to get this done before
Jim retired. It has been completed. I
am very happy with it.

    This is a great tool for the Parks
Department and for the Division of
Historical Services to rely on this
manual because many times we have to
explain to people what our role is and
how things function and this will give a
lot more background information from the
County Charter and from where decisions,
like you just explained, come from and
it is very helpful for people to be able
to see that. Again, this will be posted
online.

    The Department of Public Works
would call me on a regular basis asking
questions and want to look up certain
information. Possibly, the public, at a
certain point can access this
information and especially we’ve added
the list of buildings, so it will be
very clear -- the status of our historic
buildings and if they're on a national
register and it has been dedicated to
the Historic Trust or if they have been
listed as an historic building. As you
read through this document, that's a
major change from the first document,
not only provided for the dedication of
historic structures which is a black and
white situation. It's a historic
property and is to remain so to be
completely restored and maintained as an
historic building. Where the committee
and with the approval of CEQ has
provided now for buildings that
compliment -- that contribute to the
historic history of the park and that
should also be maintained but giving a
little more leeway to the Parks
Department and to the County on the use
of those buildings over time. I think
that's been very helpful as we review
our historic sites and have that
secondary listing, I would call it.
That's very well explained here and incorporated here. So, legally it's all making sense in this document now where there was some questions before on how things were run.

Also, there's information here on the delisting of a property which I get a lot of questions from people. That is covered here, and it's explained on that. How they could be done? Also, the fact that a parkland is dedicated to a Suffolk County History Trust. That action was actually taken up with the New York State Legislature which we know parkland would but a lot of people view the historic differently. I am always trying to explain to them that it is the same as the State Parkland Laws which are now in this document.

So, I think it's going to be a great tool as we move forward. Also, what's been added -- things that our office covers such as Division of Historic Services, the collection policies is now included. It was not
covered in the original manuals. This
only covered buildings and a bit on the
landscape and the properties surrounding
them. The new document has a section on
collections which we deal with a lot.
Of course, at Sagtikos Manor, we have a
huge collection of artifacts there and
that will be given any acknowledgment in
the form of manuals. Also, there's a
section on the landscape -- historic
landscapes which Dan Pichney helped
with, and that has been given more
recognition then we need. These
historic landscapes are studied as much
as the buildings are and that is as
important as the compliments of the
historic sites are.

So, overall, I am very pleased with
the revisions. Again, Jim Bagg spent a
lot of time on it. I am glad he was
able to stay until August to complete
this. It is going to be great help in
the future.

MR. CHAIRMAN: I just had a
question.
We had a number of sort of policy debates over the last year or two, specifically, addressing our concern that properties are being purchased without any idea of how they're going to be maintained; is that kind of thing mentioned in here?

MR. MARTIN: Yes, it's definitely in here. Jim included the resolution that the CEQ passed which all requirements are now included in the manual. It is here.

MS. SPENCER: This all following throughout on what Richard has said in terms of trying to make this current. It really -- well, we have thrown in the revisions for listings a year or so ago. The entire manual has not been looked at and Dan -- as Richard mentioned, Dan had a look at landscaping again. We looked archeology again. We got the whole committee down. We have been working in this for over a year so that it's current but hopefully once it goes online, we can keep it current.
MR. CHAIRMAN: Does the Legislature have to approve this?

MR. BAGG: No, Larry, that's the one thing that has to be pointed out. The CEQ is the Historic Trust and the members of the Historic Trust -- if this manual is adopted by you, it is going to provide this Council's members with guidance. One is to evaluate historic trust properties, dedication, management of existing historic trust properties, and everything else. It contains what the Council has decided over the years, as well in terms of your past guidance. This is an internal document for the Council of Environmental Quality as the Historic Trust.

MR. CHAIRMAN: Okay, good. Thank you.

I have something I wanted to bring up and mention to you, Maryann. I have a proposal for you to consider and you don't even have to buy a building. One of the most significant environmental things that has occurred...
in Suffolk County is that the County was
the first County and possibly the first
government body in the United States to
ban DDT. There's a very interesting
history to that and if you allow me, I
will just explain to you what I would
like to have you consider doing.

There were four guys that got
together in the mid-1960's that were
concerned about the environmental impact
of DDT and they sued Suffolk County
Mosquito Control Commission. The Court
eventually through the lawsuit out but
the Suffolk County Commissioner's
feared, I guess at the time, thought it
was so important that they ban the use
of DDT in the County for mosquito
spraying. Following that, the State of
New York, I think, banned it in 1970 and
the United States Government banned it
in 1972. The four people that started
the lawsuit eventually in the late 60's
formed the Environmental Defense Fund.
That Environmental Defense Fund's little
office was on the 4th Floor, I think, in
what is now the Stony Brook Post Office. It seems to me, that, that in itself, is a rather significant event because the EDF was really one of the first groups that decided to use the laws and means of trying to preserve the environment.

So, I would like to propose that you all consider putting a plaque on the Stony Brook Post Office -- a nice plaque commemorating not only the formation of EDF but the mere fact that the banning of the DDT started right there.

I spoke to Gloria Rocchio some weeks ago. I think she would be very pleased to allow that. As I understand it, the Ward Melville Heritage Organization owns the building and the post office leases it. So we don't have to deal with the U.S. Government; so I would just like to have you look into that and consider doing that, if possible, and I think it would cost hundreds of dollars instead of hundreds of thousands of dollars; okay?

MS. SPENCER: Okay, we will do
that.

MR. CHAIRMAN: Recommended Type Two Actions. Do we have any suggestions, Michael, about the Legislative Resolutions that have been laid on the table?

MR. MULE: They're pretty straight forward. Type Two Unlisted Actions and SEQRA is already completed.

I did want to bring up IR-1817, the acquisition of land under the new Drinking Water Protection Program open space for the Shultz holding property -- Fords River. Phase 1, was conducted on this site and it did identify and recognize environmental conditions and suggested a Phase 2, be conducted. Right now, the owner has chosen not to provide access to the Phase 2, so the acquisition is kind of influx and on hold right now. If it does go forward and Phase 2 is conducted, we will review that and an EAF will be prepared and the acquisition will be brought to the CEQ at that time.
Also, some of you might have noticed on August 17, laid on the table was IR1883. It's basically the identical Legacy Village resolution. It was set to expire in keeping the bill alive. There is no change.

MR. KAUFMAN: Mike, it's a performing legislative aspect to have it perform and there's aspects to it? It just basically keeps the bill alive?

MR. MULE: Yes.

MR. CHAIRMAN: Any comments?

MR. KAUFMAN: Yes, I have one comment on the 1878, Local Law "to ensure a safe transfer of fuel for the boats and watercrafts in the Peconic."

What are they talking about?

MR. MULE: I think it's the dredging of fuel in the water.

MR. ISLES: I think it is related to marinas that are set forth that do not have pump facilities. What happens is delivery trucks drive to the marina and then provide fuel through hoses out to the boats and so on and so forth.
It's not a fixed operation set forth.

MR. KAUFMAN: So it does not have clean up facilities?

MR. ISLES: Right --

MR. KAUFMAN: I know that can take --

MR. ISLES: (Continuing) -- and there are protocols set forth. The bill has not gone to committee, obviously, but that's my understanding. It applies to the Peconic in terms of legislation.

MR. CHAIRMAN: Why only the Peconic?

MR. ISLES: I don't know. It was submitted by Legislator Schneidermann.

I spoke to his staff last week on it to give you some background on it. I don't have full information on it, but this is a process as I understand it and we're going to gain more information going forward.

MR. KAUFMAN: For whatever it's worth, I think I understand where the bill is going. It would not be a bad idea for a countywide facility even
though most of the marinas on the main
body of the island have pretty decent
fuel facilities. At least in my
experience, on the north shore and the
south shore, you do occasionally have
trucks come by and fill somebody up with
fuel at 400 to 500 gallons and try to
beat the price -- or whatever then to
not have it countywide. I have seen
some stuff in Huntington Harbor, for
example, where a truck drives up and it
has a long hose and they stick it into a
50 foot boat and instead of paying $3.25
a gallon, they pay them $2.85 a gallon
so they're beating the price and it
creates problems that way. So it's just
a suggestion.

MR. CHAIRMAN: Anything else?

MR. KAUFMAN: I will be abstaining
on one of these whenever the motion is
made.

MR. CHAIRMAN: Do we have a motion
to accept staff recommendations?

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

MR. CHAIRMAN: Is there any further comments?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: All in favor?

(WHEREUPON, the Council voted.)

MR. CHAIRMAN: Opposed?

MR. KAUFMAN: I will be abstaining on 1886. I will abstaining.

MR. CHAIRMAN: Motion passes.

Recommended Type 1 Action, Proposed Final Scoping document for the draft generic environmental impact statement on the declaration as surplus and authorization to execute a contract of sale of 255 plus acres of the Yaphank County Center to Legacy Village Real Estate Group.

Anybody here to speak to that?

MS. JIJINA: I am Janis Jijina, and we're working for the County on this project to prepare the Generic Environmental Impact Statement for the project.

What we have done is, earlier this
year we gave you a draft scope that we
issued and sent out which is required by
law. There was a public scoping session
that was held on March 16, 2010, and
then there were written comments that we
received through March 30, 2010.

This scope incorporates all the
changes that were required to address
the comments that were in the -- that
were received during that comment
period. Many of the changes had to do
with clarification. There were requests
to have little more detail about the
arena. There were requests for
additional traffic intersections and
things of that nature. I did want to
point out that since this was given to
you, there have been further discussions
with the County Planning Department and
there are two minor changes that we
would like to make.

The Legacy Village document talks
about a 5500 fixed-seat area with a
potential for floor seats for a concert.
The County has determined that the
project should just be the 5,500
fixed-seat. So we need to strike from
that maximum of 8,000 seat.

In addition, the plans that were
provided to the County for Legacy
Village showed an outdoor stadium for
Lacrosse and other sports, such as that,
which needs to be added into the
description of the project. Other than
that, the document that you have in
front of you is revised as we have
prepared in junction with the County
Planning Department.

So, I know you have a new copy of
it. I don't know if there is any other
specifics you want me to go through. We
added a list of preliminary mitigation
measures that were requested by several
of the agencies, and we added some more
details on the data -- new data will be
collected verses what now exist.

Alan and I are available to answer
any questions that you have about the
changes that were made.

MR. CHAIRMAN: Thank you.
Michael?

MR. KAUFMAN: I have one comment on this. I had a discussion with Jim Bagg and with Mike Mule. This would be on the initial identification mitigation measures that are on Page 18.

One of the things that I have been very, very concerned about is the impact of the septic waste on the property and possible migration off of the property. I know that it's referenced in the documents -- several other places but not nearly as heavily as I would have hoped. I would like to explore or have a place in the document to explore whether it's possible to hook septic systems into the Yaphank STP that exists in the area -- just look into it as part of the EIS and I believe that's a secondary plan.

MS. JIJINA: Can you just clarify that for me? We have right now all of the development having their sanitary flow according to the STP. Are you talking about something outside of this?
MR. KAUFMAN: No, no, no. I am saying that when I was reviewing the documents -- I reviewed it several times, and I don't think that, that was emphasized strongly enough. It was sort of sometimes, in my opinion, mentioned in passing and I wanted a definitive statement in the mitigation section stating that the STP would be looked at for septic issues and also that improvement to tertiary treatment be examined.

MR. ISLES: We were advised by the Department of Public Works that there are tertiary plans. Whether or not it needs further -- well, certainly it needs further work and an extension if the project were to go forward, but we were advised of the County's tertiary that whatever improvements may be necessary are not yet defined.

MR. KAUFMAN: Maybe we can take a look at that stuff inside the EIS.

MS. JIJINA: We can clarify that language, but we want to make you
understand that the intent here is
clearly for everything in this proposal
to go to an expanded waste water
treatment plant.

MR. KAUFMAN: I wanted a very, very
black and white statement in the
mitigation section. Again, I have seen
it in other places but not maybe hit as
heavily as I would want to have it put
forth in the document. Again, I am not
saying that you haven't considered it.
I'm not saying it wasn't going to happen
or anything. It's just my experience
with scopes and EIS's you have to be
very, very black and white in what
you're setting forth and be very, very
clear of it in that way. What Tom has
just said -- what you said, I think
would -- put it in black and white in
that section, if you could and it would
be very, very clear that way and that
will satisfy any concerns that I have.

MR. CHAIRMAN: Dan?

MR. PICHNEY: I would just like
clarification here.
On Page 20, on Alternatives For Growth Actions, it's saying that the only alternatives to be considered are no action and existing zoning and then the last sentence says, "The project sponsor determined that any alternative uses of areas A, B, C, and D will fail to meet the project sponsor's needs." I remember when we were first reviewing this project back in the spring at the Country Club in Islip. One thing that I brought up as far as an impact on the Yaphank Historic District, the location of the stadium in area A, in terms of traffic, in terms of lighting, and the esthetic and visual environmental impact on the historic area there and whether it could be considered to safely relocate the stadium to area D, perhaps, with the idea that it would have less of an impact on the Historic District, as well as, spread the traffic out a little bit and allow a little bit better access from Sunrise Highway and from the Expressway. I was led to believe that
those types of issues would be considered. This plan is not cast in concrete and that it -- it goes more to something that we're not discussing now but just to bring it up, the idea of pulling out -- pulling out area D, out of this thing further reduces the possibility to kind of shift around some of the uses and to lessen the impact and to address the needs of the community.

So am I misreading this? Is this cast in concrete in terms of the uses that are going to be or can changes be made?

MS. JIJINA: Changes can be made further down the line and probably will be. Remember, this is a generic document and even if the County were to go through the whole process and determine that the impact could be mitigated and the property could be sold, the actual future developer is going to have to go to the Town and get approval for all of these things. So it's very possible that throughout the whole course of this project, going
forward, that there would be changes.

In terms of the alternatives, the
alternatives in this document that are
being discussed is planned, as it has
been proposed, and then the two
alternatives which is municipal use and
then as-of-right development.

MR. PICHNEY: That's what I am not
understanding here. You're looking at
the proposal to propose less -- further
down the line things could drop out of
there, so potentially the stadium could
drop out of there or other uses could be
switched around and so forth; is that
correct?

MS. JIJINA: Well, what will happen
in this document is we will look at
these proposed actions and the two
alternatives and we're going to see what
the impacts are. If, for any reason
those impacts can't be adequately
mitigated, then in a final environmental
impact statement there might have to be
changes to the plan. But at this point
going in, these are the three scenarios
that are being addressed.

MR. KAUFMAN: Dan, what it boils
down to is in the FEIS, if we have
determine while we're developing the
plans, that, for example, the baseball
stadium is a totally inappropriate usage
or say the Carman's River has shifted
its course and is suddenly running
underneath where the stadium is going to
be, that clearly would be a problem, and
that clearly would be something that
could not be mitigated. It clearly
would be something that we would present
to the Legislature as that is not just
going to happen. We cannot, if you
will, approve this from an environmental
sense. Again, that's taking the extreme
example but it is just showing. We
still have the ability to influence the
document as it is being prepared and
take in those conclusions as we find
them and to take the findings and the
information and the data that we gather
and say whether or not we think this is
a viable thing to do or not. We can't
just focus on Parcel A. So that's possible to do. This is a scope. A scope is a general guide especially since we are doing a generic one. Once we get into all of the changes, that's when the changes might be made and that's when we start gathering the information because, theoretically, right now, we don't know what's going on over there. I mean, we have a fair amount of knowledge. We don't know for sure what's happening. So there's room for maneuver and changes.

MR. PICHNEY: That's what I asked for clarification. Thank you so much, Michael.

MR. CHAIRMAN: I provided some written comments about a month ago and other people did, and I don't see anything in here to indicate that those comments were considered.

MS. JIJINA: Yes, they were. They were sent over to us and a number of them were incorporated. Some of them were not incorporated, and we can go
through the specific reasoning for
those, if you would like.

MR. CHAIRMAN: I wouldn't ask you
to do it now but I would like to get --
to see sort of a summary of not just my
comments but the other comments that
were provided in written form and what
you have accepted. The reason I ask
that is because I was -- one of my
comments, as I recall, is that I was not
particularly happy with the way the
number of things were just sort of
dismissed out of the hands of the public
meeting as not being important in your
estimation. I understand that some of
those things probably were not relevant,
but many others were sort of casually
pushed aside and that bothers me. I
would like to know how we're going to
deal with those?

The other thing that we do have are
written comments today, and I am going
to ask Michael to review it. It
addresses two things, one of which
Michael Kaufmann probably already raised
to some extent and that was the nitrogen
loadings in the area and the second had
to do with additional alternatives with
what is being considered as an
alternative in the scope of the
document.

Michael?

MR. MULE: Yes. In reference to
the alternative issue, this is a letter
and comment from Jim Tripp from EDF and
he is suggesting separate alternatives
where one or all of the parcels would be
dedicated to open space.

If you want to touch on that and
then we can discuss it.

MS. JIJINA: That comment had been
made previously, as well as, in this
letter. In our discussions with the
County Planning Department, what we
determined is that the issue of whether
this property should be open space is
really addressed by the County's open
space policy. What we will do is we
will look at the proposed project on the
property and how it performs to the
County's open space policy. In terms of
an alternative, that creates some or all
of this to be open space and we
understand from the County, who is our
client, that, that does not meet their
objectives for this property. So, SEQRA
does not require this to be an
alternative and for us to meet the
project sponsor's objectives.

MR. KAUFMAN: That's a problem.
The way you just phrased that, that
really goes against what the positive
declaration talked about.

The original positive declaration
in December very specifically talked
about the relation of this property to
the County's open space efforts in the
rest of the County, and that was one of
the key points that we were focusing
upon. A lot of people were bringing up
the fact that the County was buying
property in the -- for example, the
Carman's River watershed in the pine
barrens type of vegetation land and the
issue of why the County was selling this
land, which was in pine barrens type of vegetation areas, and indeed contained in the pine barrens vegetation but the question was whether it was a wise idea to sell this at all.

MS. JIJINA: That is addressed in here. That's the analysis of how this property fits into the County's open space policy.

MR. KAUFMAN: But a minute ago it seemed as if you were precluding that possibility.

MS. JIJINA: From an alternative, but we're certainly evaluating it from the documents in terms of public policy.

MR. KAUFMAN: I'm not sure what that means.

MR. MULE: Not having it as an alternative is not doing the traffic studies, the other more in depth analysis, and that would be required for the municipal use and the as-of-right development. It would be discussed in relation to our open space policy but not specifically addressed as an
alternative.

MR. CHAIRMAN: It seems to me that this is a viable -- a alternative as a no action alternative and one of the things that is mentioned in this letter, if I recall correctly, is that if it's left vacant, that it would revert to pine barrens type environment which would be wonderful for Suffolk County's environment overall and the general health of the County, as well. So, I think, that it should not be dismissed as part of a casual conversation and the other parts of the report should be considered as a standalone alternative.

MR. KAUFMAN: I would agree with that. One of the things that always bothers me --

MR. ISLES: I just want to point out here -- again, Page 8, certainly is part of the process scope and content. I don't think it should be characterized as being casually dismissed as a comment, with all due respect,

Mr. Chairman. I don't disagree in terms.
of your reviewing. There should be
alternative and certainly we will take
that under advisement, but certainly we
heard it loud and clear that, that's one
policy choice that has been suggested at
the meetings that have been conducted on
Legacy Village with the Legislature and
certainly at the scoping session. We
know that, that's a question out there
that we believe that has to be address
in this document. We believe we have it
in this content. Again, with all due
respect, if you feel there should be an
alternative, then we certainly will take
that under advisement. It's not being
casually dismissed.

MR. CHAIRMAN: But I do think it
should be considered as an alternative,
and I am concerned. Maybe it's just the
way she phrased it that essentially she
says this does not fit into the County's
plan, therefore, it's going to be
discussed but -- she didn't say it, but
the implication was there that it's not
going to be considered seriously.
1 Yes?
2 MR. MACHTAY: I understand what she
3 is saying in alternative sections of
4 SEQRA. It talks about the goals and
5 objectives of the project's sponsor.
6 But in a way, the goals and objectives
7 of the County is the open space policy.
8 I think as an alternative, applying that
9 to this property would not be contrary
10 to tenants of SEQRA. I would like to
11 see that as an alternative.
12 MR. CHAIRMAN: Before we open it up
13 to the public, is there any other
14 comments?
15 MR. MULE: I just wanted to finish
16 on what Jim Tripp's comments were in
17 here on analyzing nitrate levels from
18 Carman's River.
19 I just want to point out that it is
20 in the scope and there will be more
21 detail addressed in the statement
22 through groundwater model work being
23 conducted by the Department of Health
24 Services.
25 One more thing that I want to say
is that we were talking internally
through the department about altering
the description of the action a little
bit to state that once SEQRA is
complete, that the project can proceed
as is or be sold parcel-by-parcel just
so we have that information in there
upfront and part of the actual project
description. So SEQRA would handle all
these different parcels collectively.

MR. KAUFMAN: I think that, that's
a very important issue. I know the
County Executive, in the past, has
talked about if the main plan didn't go,
selling the individual parcels possibly
at auctions. We have the bill before us
today by Legislator Kennedy saying the
same thing. It's a viable option -- a
viable alternative to do. I don't think
it should be precluded in the plan.
Again, I don't know where the plan is
going to go. I don't know what it's
going to show. I don't know what the
impacts are at this point in time. So
having an alternative like that phrase
the way you just said it, possibly inside the document, would provide me with a comfort level that if we had to go that way or if we wanted to present it to the County Legislature that way, that could be accomplished. That way we wouldn't have to put it in there as an alternative on Page 19 or whatever it is.

MR. MULE: Part of the project description?

MR. KAUFMAN: Yes. That's a viable way of doing it in a legal sense. I don't think it would preclude anything. I think it would be advantageous.

MR. CHAIRMAN: I want to move on and get some comments from the public.

Mr. Amper?

MR. AMPER: I have several items. My name Richard Amper. I am the Executive Director of the Long Island Pine Barrens Society.

Since the original proposal of Legacy Village, there has commenced a new preservation plan study for the
Carman's River Watershed -- the complete watershed. We would want to emphasize then this EIS be obliged to consider the cumulative impacts of the proposed Legacy Village project in combination with known and reasonably contemplated actions throughout that watershed and, in fact, throughout the pine barrens Peconic Bay Eco-System. This should not be reserved merely for a corridor along Yaphank Avenue or even the river corridor, but the entire identified watershed and that is going to require extensively more consideration than I think is present now.

With respect to the alternative of acquisition, it's not merely an alternative. It is not merely a convenience to the County. The fact of the matter is SEQRA does require consideration not so much of acquisition separately from any other listed function, but the no action alternative given the billion dollars that the County has spent on protecting drinking
water and the pine barrens habitat, this
is a very viable and a very realistic no
action alternative.

   So I would strongly support CEQ's
insistence that this not be merely a
consideration or a balancing act between
the County's land preservation drinking
water protection policies, but be built
into active consideration as an
alternative; at least as part of the no
action alternative.

   Finally, with respect to the use of
different portions of the property or
other property owned by the County in
the vicinity, it is also essentially
that the environmental impact statement
not segment the review of this in any
way. I know there's sometimes the
distinction between consideration of
cumulative impacts and segmentation, but
they're fundamentally related and they
can't be separated.

   MR. CHAIRMAN: Thank you.

   Anybody else?

   Yes?
MR. MORRIS: My name is Dan Morris for Open Space Council. I am a board member.

Our policy has been that the proposed Legacy Village concept for a variety of reasons. It's not really set up as it's been proposed as but, again, weighing in, in conjunction with the pine barrens society, we're pushing for a comprehensive plan towards the preservation of water quality and the habitat surrounding the Carman's River project. We think that these pieces of property and the other County land in that area is highest and best uses as mitigation for the existing that are known and the unknown contamination plumes that are in that area -- the Grucci plume and others that are impacting the river. We think that -- as was spoken of earlier, you're buying land -- small parcels of land just to the east of -- just west of Southaven Park. You bought any number of parcels in that little old filed map section and
certainly if you want to protect the
water quality of Carman's River, you
want to protect -- reserve these larger
spaces as open space and for that
reason, we think that a separate
alternatives from no action alternative
dedicates these parcels of open space,
the County's system would be desirable
because of the -- if you just leave it
as a no-action alternative, that leaves
it open to future sale uses and other
actions that may happen. So we would
prefer a separate alternative for open
space.

MR. CHAIRMAN: Anything else?

MR. MC CONNELL: John McConnell.

I live in Yaphank. I live right
close to where this proposed project
would be. I agree here that this should
be set aside as open space and
preserved. I have a problem with the
whole project. I have a particular
problem with having an arena and a
stadium right next to the Carman's River
-- the banks of the Carman's River.
Last night we were all at a town board meeting -- Town of Brookhaven and they were talking about this very thing -- the protection of Carman's River. They compared it with what happened to the Forge River which was not protected. It's a dead river in many cases and you know if you allow all this development, you know the same thing might happen to the Carman's River. This is the least developed river so let's try and keep it that way as much as possible.

I know it's impossible to stop all development, but it's very important to talk about the toxic plumes. There are all kinds of plumes in the area. There are so many contaminated wells there. Where's the -- you know, untainted or where is the fresh and clean water and where does it comes from. I mean Suffolk County Water Authority says, "Well, they can take it here," and that's fine, but I don't know if people are aware of it but there's many times where they blend the water and some of
-- you know, maybe all of -- some of you
don't know where they take a
contaminated well and they blend it with
a well that's good clean water and then
it comes under the limits and,
therefore, it's safe drinking water --
supposedly. Why not try and mitigate
that and if it's allowable, to have this
blending. You're talking about the
nature of the pine barrens woodlands --
whatever vegetation.

Eric Lamont who is a botanist. He
studied the area near the KAPAS plant
that it has this rare ecological
community which he firmly believes
continues into this Legacy Village area.
So if it gets preserved this -- because
this is a -- of course, I forget the
name of the community. It's Pitch Pines
something but it's 99 percent destroyed
throughout the State. I don't know if
it is endangered or rare. I think it is
rare but the -- another thing too --
because we were here a couple of months
after the County Executive Steve Levy
proposed this and it was called Yaphank Development at the time and we were up in his office -- three different civics -- I don't know where it was but it was to explain his plan of this development and stuff. After he announced it in January, when he first took office -- I guess it was in 2005 and I am not sure of the year -- a couple of weeks later the County bought and spent a lot of money buying all this land by Gabreski Airport. I think it was on Earth Day. So, the County has spent all this money preserving land and rightfully so to protect the drinking water upon the pine barrens and so on and here they want to sell pine barrens land -- really -- pretty much for development. There's a lot of -- you know, developers, business people, and unions want to build it but there's also a lot of opposition to this.

MR. CHAIRMAN: Anybody else?

(WHEREUPON there was no response.)

MR. CHAIRMAN: So after hearing
that, anymore comments from our Board?

(WHEREUPON there was no response

from the Council.)

MR. CHAIRMAN: There is no

particular action identified so we have
to take others --

MR. KAUFMAN: Actually, we have to
do it as a Type 1 and the document
itself is --

MR. BAGG: No, you have to declare
it as a Type 1. CEQ has to make a
recommendation to the Legislature as to
the recommended scope.

MR. KAUFMAN: Right, as changed.

Basically, I guess any

recommendation that gets made should
incorporate the comments that we made
here at the table -- primarily as to
alternatives such as the one I was
making as to the STP.

MR. CHAIRMAN: Before we can take
it to the Legislature, it seems that me
that we need to see a new version of the
scoping document. We will have to take
action next month as to whether we're
going to move it on to the Legislature.

MR. KAUFMAN: Okay.

MR. CHAIRMAN: Yes?

MR. MACHTAY: Just very quickly.

In my experience with the Town of Huntington, at least in one case, the term "no action alternatives" and the term "no development" were two different things. No action meant it is still developable at the existing zone and no development meant open space. So if we're going to address the alternatives of no development, that's what I think we ought to call it -- no development, or make it sound a little nicer than that but no development.

MR. ISLES: Preservation of open space?

MR. MACHTAY: Sounds good to me.

MR. CHAIRMAN: Very good. Thank you for your time. I guess we will be seeing you off and on over the next number of months. Thank you.

Project Review: Recommended

Unlisted Actions, Proposed Declaration
of 95.3 Acres of Industrial/Commercial
Zoned Property surplus/offer for sale,
in the Town of Brookhaven.
Anybody here from Mr. Kennedy's
office to speak to that?
Yes?
MR. NAZIR: Legislature Kennedy --
MR. CHAIRMAN: Would you please
identify yourself?
John would like to request that you
table this resolution due to a
segmentation issues. He is going to
submit memorandums to all of you
regarding that segmentation issue with
case law references.
MR. CHAIRMAN: Okay. So very good.
Thank you very much.
So we need a recommendation to
table that.
MR. MACHTAY: I make a motion to
table it.
MR. KAUFMAN: I will second.
MR. CHAIRMAN: Any further
discussions?
WHEREUPON, there was no response.)

MR. CHAIRMAN: All in favor?

WHEREUPON, the Council voted.)

MR. CHAIRMAN: Opposed?

WHEREUPON, there was no response.)

MR. CHAIRMAN: Motion carries.

Proposed Acquisition of Open Space

Preservation known as Beaverdam Creek.

Lauretta?

MS. FISCHER: Good morning.

There are two proposed acquisitions

before you today. The first one is two

acres approximately of land encompassing

seven lots in the Beaverdam Creek

watershed area.

Last month, I brought for your a

recommendation of 57 acres. That is in

the same area. We are adding to our

holdings in this acquisition, and we

will continue to bring you more over the

next few months.

On the maps that were prepared, the

properties that we're proposing to be

required are in the first four colors

which are red, light yellow, blue, and
purple. There are three different owners with properties scattered throughout the area that the County has been proposing for acquisition for a number of years to now.

Three are head waters of the Beaverdam Creek area that flows into the Great South Bay -- south of the Great South Bay between Sunrise Highway to the north and Montauk Highway to the south.

MR. MACHTAY: Lauretta, if I may, Mr. Chairman, the only thing in red that I can see on the map is a little speck over here. (Indicating.)

MS. FISCHER: That's correct.

MR. MACHTAY: That's 1.94 acres?

MS. FISCHER: Well, that red speck towards the yellow -- dark -- the yellow over to the left plus the purple up to the north --

MR. MACHTAY: And the two parcels there?

MS. FISCHER: And then two parcels south in blue, right. So it is a total of seven parcels.
MR. MACHTAY: It's really connecting a lot of the County's property?

MS. FISCHER: Correct. Connecting the dots here.

MR. CHAIRMAN: Do we have any further discussions?

MR. MACHTAY: I will make the motion.

MR. CHAIRMAN: We have a motion to accept.

MR. MACHTAY: Yes, as Unlisted Negative Declaration.

MR. CHAIRMAN: Second?

MS. RUSSO: Second.

MR. CHAIRMAN: Second from Gloria.

All in favor?

(WHEREUPON, the Council voted.)

MR. CHAIRMAN: All opposed?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: Motion carries.

MS. FISCHER: Thank you.

The second acquisition area is Reeves Bay in the Town of Southampton --

Flandhampton Holding. This is one of a
number of parcels identified for
acquisition within the Reeves Bay
watershed area.

We have brought to you two
properties previously outlined in the
orange and their proposed acquisition is
outlined in red which consists of
approximately point .6 acres of land
adjacent to Reeves Bay.

MR. CHAIRMAN: Is this -- just out
of curiosity, is this a remnant of a
natural creek or is this dredged out?

MS. FISCHER: I think it's kind of
a combination of both. There was a
natural creek in that area down south to
Flanders Road or Route 24, but I think
there has been some dredging. There is
a marina on the left hand side or right
side of Bay Avenue. So, I think, there
has been an alteration to the -- to the
stream in that area.

MR. KAUFMAN: What Larry is seeing
and what I am seeing looks like a dredge
scar immediately to the south.

MS. FISCHER: That bulging out
area?

MR. KAUFMANN: Well, it is marked
in purple on one border, and it has a
house on it and it looks to be yellow
and white and it looks like a dredging
scar.

MS. FISCHER: I don't know but
there's a house on that property. It
might just be the way the aerial is
picking up the colors. I think that at
this point in time that's -- you know,
lawn area from my other aerials.

MR. CHAIRMAN: You did put this in
an environmental review?

MS. FISCHER: Yes, it has gone
through Environmental Plate Assessment
Report. The property identified for
acquisition today does have a trailer on
it and that will be removed. Primarily,
most of the site is an open lawn area
that will be reverted to a natural state
and that would be -- what we're looking
to do here is to leave it in its natural
state for passive recreational use.

MR. CHAIRMAN: So that light area
that's in the red is the lawn?

MS. FISCHER: Yes, primarily.

MR. CHAIRMAN: That's not disposed
of material?

MS. FISCHER: It didn't show up as
dredge spoil on the title wetland map.
So I cannot say for sure, but it's not
identified as a dredge spoil site. It
was a lawn area that was part of the
property to the south. The owner of
both properties to the south and this
property were one lot developed at one
point in time. The northern lot just
has this. It doesn't have any
structures on it other than this.

MR. CHAIRMAN: Thank you.

Do we have a motion?

MR. KAUFMAN: I make the motion for
an Unlisted Negative Declaration.

MR. MACHTAY: Second.

MR. CHAIRMAN: All in favor?

(WHEREUPON, the Council voted.)

MR. CHAIRMAN: All opposed?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: Motion carries.
Updates on County Park.

Nick?

MR. GIBBONS: Nick Gibbons, Parks Department.

Larry, I did not prepare much but I am looking to do that for next month. I saw that the Legacy Village issue was on the agenda, so I figured it would be a relatively longer meeting than I see it was.

I just want to open it up to any of your questions but I am planning on taking -- we have been through now both Blydenberg and Cedar Point County Parks. I will be picking another park that I will talk to Christine about to see what the agenda looks like for next month. My intention is to do another review on one of our more formal parks next month.

MR. CHAIRMAN: Given all the budget crisis and in everybody experiences, how are our parks fairing and how is upkeep doing?

MR. GIBBONS: Let's start with the easy one.
MR. KAUFMANN: We like to put you on the spot.

MR. GIBBONS: I think they're doing very well considering the staff. We have 150 full-time staff. We hired, again, an additional 400 seasonal staff approximately every Summer. Obviously, that's winding down as is our season. This the time of year where we turn to more of our passive properties to do upkeep and maintenance.

I will tell you that our environmental stewardship divisions of which I had, we have been very successful in acquisition of additional equipment to maintain this passive parkland property. We have gone about and identified parkland that lend themselves to additional public access. So we have picked up six or eight of those more local park areas. They're usually no more than 50 to 150 acres in size. We identified appropriate areas to make utilization of existing cleared or disturbed areas for parking -- off
street parking trail heads and other
types of development, and we will
continue to do those during the
offseason, but we have done two or three
of those in the past six to eight
months. I am very please with that.
These are places that I have wanted to
get for many years and just haven't seen
fit to do so until now. We are making
headway in that sense. In terms of
routine and maintenance and upkeep,
we're doing the best we can with
existing staff. We are very much
reactive, unfortunately, that is either
constituent or a public official from
another ST will contact the department
to make us aware of either dumping
issues, encroachment, or what have you
on any number of properties and are
reactive in that sense. We're trying to
be proactive as best we can with other
areas we think deserve priority.

MR. KAUFMAN: Two quick questions

on Blydenberg?

One the house where the Green Belt
Trail is, I guess you would call it the Old Manor House because that's where the Wells used to live -- it overlooks the lake over there. Through the years, there have been a number of trees that have grown up between the house and the lake primarily right before you -- you have the house and you have the lawn that faces south and then you have a tree line and then you have a slope going down and it has basically knocked out the view, if you will, from the house of the lake. I just got two view sheds, if you will, to the right and to the left there is no direct view. Has there been any consideration given to maybe trimming back some of those trees and not knocking them down or anything like that? Trimming them back possibly and opening up that view again the way the view used to be a long time ago.

MR. GIBBONS: Yes, there has. The area that you're talking about is opposite of the Well's House, but it is within the Historic District. That
particular spot has been the subject of
not one but two DEC violations in which
the Parks Department, without formal
approval of the DEC, took it upon
themselves to maintain the pruning.
What happens is, over the course of
several years of not maintaining that
view, the vegetations grows up to a
point where it is know longer
maintenance and you actually have to get
a permit from DEC to do that. Not so
much that it's in proximity to the lake
itself, but the entire park is within
the river corridor for the Nissequogue River.

MR. KAUFMAN: That's where DEC
comes in?

MR. GIBBONS: Yes, correct. The
previous violation was 12 or 14 years
ago. The most recent was maybe two or
three years ago. Rich and I have both
discussed this. It is a priority for
the both of us to reestablish that view
and keep it maintained. We met with DEC
and they didn't pursue the formal
violation but we did discuss with them,
at length, moving forward and how it
would serve that they recognize the
historic view there. Rich was able to
provide documentation that shows that
view but, mind you, most of those
documents are dated back to the 60's or
early 70's.

MR. KAUFMAN: Also, the trees over
there are from the 1950's to the 1960's
and you can see when they were planted
by the calibers and the size of the
trees.

MR. GIBBONS: There are two spots
in particular. One larger than the
other that do lend themselves to this
vista pruning. They're shrubbery
vegetation but they have, as most pine
species will, they will colonize the
area and block that view which is the
current condition we have now.

There is a right and wrong way to
do it. DEC has expressed to us how they
would like to see it proposed. That's
something that's on our list for the
offseason. I would like to pursue
getting that permit lined up with DEC.
We certainly have the ability inhouse to
make that happen. It's not as if the
vegetation is particularly difficult to
remove, but they do not want us
disturbing nor otherwise undermining
that slope which you know is significant
down to Snow Pond and we don't want that
either. We have a recreational trail
right at the toe of that slope so, yes,
it's on the list and we're aware of it.

MR. KAUFMAN: Frankly, you get a
good tree pruning tool, and it will take
out half of that stuff in about an hour.

MR. GIBBONS: Well, the idea is
that we want to taper the view of the
vegetation so as you go down the slope,
you can't simply continue to cut things
that are two or three feet high. They
want to maintain that slope height.

MR. KAUFMAN: I am talking about
the top of the slope. I was down there
and it struck me that we were losing
something in terms of the historic
aspect.

MR. GIBBONS: It is temporarily impaired, if not lost, but it's not something that we're turning away from.

MR. KAUFMAN: The second thing is just out of curiosity.

The Mill House has reconstruction going on over there and the reason I bring that up is we had a lot of rain in the Spring and we almost had overflow conditions in the lake itself -- over embankments and it was going down the raceway and things like that. Now we're showing it in a drought period and water has dropped in the area. I am just curious what the status was with reconstruction. I believe we had a contractor or something like that.

MR. GIBBONS: Well, let Richard discuss the actual project itself.

In terms of the lake level, we have a benchmark in the lake that's been established for many years. We coordinate, as you and I have discussed, dropping those levels in anticipation of
a hurricane event or some other large
storm event. We have been doing that
for many years. We coordinate that very
closely with state parks, obviously,
with downstream from us; so they need to
know when we're dropping water from
Stump Pond and the Miller's Pond up
above that. Both you and the local
Legislator are well aware of our policy
regarding that. It has not effected the
Mill except for the fact that the Mill
project requires that the smaller
original spillway needs to be closed so
no water is crossing over that at this
point in time. So it is coming over the
larger spillway to the west and that
spillway certainly can handle that
initial capacity, but it is important
for the success of the Mill project
which involves footings and other things
that the de-watering of that site is
very -- as complete as we can get it.

MR. KAUFMAN: Is it de-watering
right now?

MR. GIBBONS: Yes. We have a
bypass which is also a spring that feeds
that area around the mill and that's
being bypassed as well to get as much
water as we can away from the mill while
we do the project.

I'll let Rich discuss the specifics
in terms of an update.

MR. MARTIN: The project is moving
along. We have done a lot of work on
the base floor -- first floor with the
splicing and timber-frame members that
have been rotted through. The sills
have been replaced and there is no real
problems at this point proceeding
forward. We did have to bring in a
consultant to test the larger framing
members to see their conditions which is
part of their job. We were not sure if
we had to do that or not. When the
contractor took the siding off, there
was additional damage to the framing so
we dd go ahead with that and we will be
having a meeting next week.

MR. KAUFMAN: What was the
condition? Was it pretty much battered?
MR. MARTIN: No, what we tried to do first was save what we could and most of it was recognized by the first study of the building. We wanted to confirm that the framing members that we were leaving were in decent shape and possibly can just be epoxied to take care of the problem and not be removed.

MR. CHAIRMAN: Jim?

MR. BAGG: Just as a point of information, the Old Historic Trust Manual has a picture of the Mill House on there. We went back and did some historical review and there was a picture of the Mill from the 1800's. It was a one-story structure which had a second level added onto it and the country behind the Mill did not have a tree on it.

MR. KAUFMAN: How old was the picture?

MR. BAGG: It was from the 1800's. There was not a tree around the entire lake or behind the Mill House or anything.
MR. KAUFMAN: They would float down the Nissequogue River to send things to New York City and also the fact that the Mill was there to cut wood and that's why it got struck down.

MR. MACHTAY: Just as a point of information and I don't know if anybody saw it in Newsday but the Brookhaven Grist Mill -- Stony Brook Grist Mill was electrified by some students at Stony Brook in the Mechanical Engineering Department. They said that it had the ability to create enough electricity to supply two houses, and it makes you wonder if some of these parks have things like this that they couldn't be known to you during the season to provide whatever electric that they need.

MR. KAUFMAN: In Europe, they actually are taking a lot of the old races and mills that they used to have and mountain streams and make a small electrical units that they can place in these mills and in these stream
impellers and things like that to power a house or to power two houses.

Basically, it's a mini electrical plant and they're putting them in and that's one of the ways they're going green over there. While we don't have the same kind of slopes or anything like that, I know in Ithaca they have done that on a couple of streams where people put in plants and they have impellers in the river and that seems to help them. Just some ideas to think about. I mean they have done it at Grist Mill and I think that would power part of Gloria Rocchio's Shop. Just something to think about.

MR. MACHTAY: I wonder if they're selling the excess electricity back to LIPA? The way we do it with the landfill wire burning methane and creating electricity or whatever the town doesn't use.

MR. KAUFMAN: It's just a meter and it's all you have put in.

MR. MACHTAY: I wonder if it goes
back to LIPA's grid?

MR. CHAIRMAN: Nick, I have several

things for you to consider.

It's been a while since I heard a

update on the Roosevelt County Park or

the Rusty Lever. (Phonetic) I used to

hear about Rusty at about every meeting

and I miss that.

MR. GIBBONS: We did talk briefly

about that. You had asked me to look

into the status of the contract, and I

can't say from memory what that was but

I did provide that to the Council, I'd

say, maybe six or eight months ago.

MR. CHAIRMAN: The other one is the

Nature Conservancy. It has essentially

banned their burning program and since

that was intimately involved with our

east end parks, I was wondering if you

could inform us as to how that is

effecting your goals and objectives and

what you're doing about it?

MR. GIBBONS: Sure, I can do that.

That's true. The Nature

Conservancy has decided to ban the
program. As you know, Larry, that was the subject of a lengthy debate here. That project was a positive declaration by the Council. We went through the EIS process, and it's discouraging to say that our partner in this project can no longer sustain that relationship. We also, in the past year or two, we secured a grant for grassland restoration at four specific county parks sites such as Theodore Roosevelt and Montauk County Park was one of those. The grant was through the Water Quality Protection Program update which allows for habitat restorations. The committee approved that for $250,000 or $300,000 and the concept was that at least partially one of the tools that we would use, a TR, would be a prescribe fire regardless of your persuasion one way or the other and in light of the Nature Conservancy backing out of that program, I had asked for a determination from the County whether we could use that to purchase equipment to advance
our mechanical removal of woody
vegetation at Theodore Roosevelt. It
was the same objective, just a different
-- so that was approved by the board and
we went ahead and purchased the
equipment to advance those goals. The
equipment just came in this year. It
takes roughly 12 to 18 months to go
through the approval process to get a
piece of equipment, so we have that now.
We have a operator on staff and the idea
is to go back into that 290 acre
grassland management area approved by
the Council, and it seems that we're
going just in a more of a mechanical
direction at this point in time rather
than a fire direction.

MR. CHAIRMAN: When I spoke to the
Nature Conservancy about it, they
claimed there were two reasons of them
getting out of the business. One was
they couldn't afford it. Secondly,
their ecological goals were not being
met. I would be interested in hearing
your evaluation of ecological issues
that they claim are not being met by
prescribed burn? You don't have to do it
now.

MR. GIBBONS: I will just tell you
that it is hard to meet those goals when
you're not actually carrying out the
fires themselves. So, we have not
burned in Montauk in, let's say, six or
seven years now.

MR. CHAIRMAN: It's been that long?

MR. GIBBONS: Yes, it has.

So if you're not actually going out
there and doing it, it wouldn't surprise
anybody to see that you're not obtaining
the objectives. So without getting too
editorial regarding this relationship,
that's true, we're going in on it on our
own.

MR. CHAIRMAN: And mechanically?

MR. GIBBONS: Yes.

MR. BAGG: I had a student who
worked for the Nature Conservancy when
she got her degree and was involved in
the fire management out in Montauk. I
understand that after a couple burns,
they incurred a weed species coming in;
not the same plants that were already in
there and they were hoping they would
come back in.

MR. GIBBONS: That's true. That
was one of the things we discussed at
length when we went through the EIS
process. My arguments for the Council
at the time and it's still the same
today which is that I thought a more
realistic goal was at least structurally
we had a grassland whether or not the
species were exactly what we wanted.
It's true. We had quite a bit of
non-native and evasive species.
However, it was either that or woody
vegetation and recolonization by scrub
material. So, regardless of your
thoughts on the objectives of the
program, it was still true that we had
structural grassland that still had
wildlife and ecological benefits, but
it's true, as Jim suggested, that was
not a completely native restoration. We
did not have a whole sweet of native
species that were significant components
of what was out there.

MR. KAUFMAN: Was there an increase
in geradia and stuff like that?

MR. GIBBONS: The geradia was
brought by seed by Maryland Jordan and
in a test plot within the park and the
response to that was nice. It did
respond well. It occurs naturally in
other areas in the Montauk peninsula.
However, that requires regular
maintenance and disturbance regimen is
what that species really needs to
sustain itself.

MR. KAUFMAN: So, basically, the
concept that TNC presented to us, is
that they would be able to restore, if
you will, selective species that didn't
hold water?

MR. GIBBONS: Well, not if they're
participating in the program, no. It
really requires -- it's a very -- you
know, grasslands are our most endangered
habitat for that reason. They're lost
very quickly. I have to take it upon
ourselves at Parks to -- we have maybe
12 or 15 sites that are identified as
significant grassland habitats. I have
the guys mow those areas every two to
three years simply because to pull off a
prescribed burn takes about eight to ten
months of planning, and then a lot of
things have to fall into place in order
for that burn to occur. We don't have
the staff or the ability to do that on
your own and the partnerships are drying
up; not just at Nature Conservancy but
priorities in other municipal agencies,
as well, have to be their property
before they come and play on ours and
that's just the reality of it. So, we
have gone the mechanical way and I can
predict that we don't need this very
finite set of circumstances to fall in
place and to go ahead and do that. We
can also do it on the offseason and
mitigate some of the wildlife impacts
that you have when they do the
prescribed fire in May.

MR. KAUFMAN: Just getting back to
the primary question at least with
Roosevelt Park -- while a grassland type
environment may have been created by
these prescribed burns, we're not seeing
exactly what they -- what TNC had been
hoping and we're seeing different
colonizations.

MR. GIBBONS: That's true, but I
would say in their defense -- believe
me, it is not my primary objective to
defend them here today but your goals
are always greater than your results.
Any good plan would have that. While
they want the ultimate objective with
restoring native maritime grassland
habitat, we did that at least partially
successfully. Again, I don't think it
was given the full ability to succeed or
fail.

MR. PICHNEY: One more comment.

It just seems to me that over the
years there are so many non-native
evasive species around that were not
there 25 to 50 years ago. That trying
to reseed with the native species,
they're simply overwhelmed. I don't know if you agree with that.

MR. GIBBONS: There are two comments I will make to that. One is sort of makes the connection between the TR project and the invasive species project. The Nature Conservancy has also, unfortunately, terminated staff that were dedicated to the invasive species management. We worked very closely with them. In particular, I may have mentioned that at Cedar Point it was identified that those 600 acres in the northwest woods that make Cedar Point County Park, were identified as -- I forget the official term but basically a weed-free zone. It was an area that they wanted to combat what little invasive we had there to kind of draw the line in the sand and make that an example. I am not sure if I mentioned that to the group in the past. We worked very closely TNT to identify those areas that had non-native invasive species with the exception of
fragmites. We considered that to complicated to address and that was fine. I can live with that. The other eight or ten species that were identified in the park, we worked hand-in-hand with TNT, quite literally, with my crew that was under my direction and TNT staff and volunteers went and physically removed those species from the site.

We also did a chemical treatment of vilantis. (Phonetic) I'm not sure if that is something we discussed in the past. So, unfortunately, that initiative is also going to hit a couple of bumps.

The other point I wanted to make is it participates very closely with the soil and water conservation district and what is called the Long Island Native Grassland Initiative. The goal of this group is to raise and collect seeds locally and to use that on restoration projects. We have done that. We're just starting to develop enough of a
surplus in this seed to go ahead and try
and use this locally grown seed with
restoration projects within the County
Park system.

Prior to that, I was purchasing
seed from places like Maryland,
Pennsylvania, and Colorado. These are
commercial outfits that provide native
seed, but there's at least a community
of people who believe that locally
raised seed is preferable to these
commercial growers. While that may be
true, I'm not sure if there is really
ecological justification for that. It
seems the more locally you can go, the
better. I am not entirely committed to
the idea that there is variation within
the geno-types beyond specie specific
but the geno-types that make up these
species themselves. I am not convinced
that there is really a significant
difference there, however, the
contention is that locally raised seed
is -- has adapted in ways we don't
understand yet to local conditions.
MR. PICHNEY: Right. It's more of a micro-climate or a local environmental issue than a gene-type.

MR. GIBBONS: But I am not sure that there is a significant difference between here and New Jersey and Maryland. I am not sure of that personally.

Would you like to go to at least Theodore County Park next month just as an overall --

MR. CHAIRMAN: Okay. Thank you.

Before you leave, sir, you mentioned you went to the Brookhaven Town Board meeting last night?

MR. MC CONNELL: Yes.

MR. CHAIRMAN: Could you comment -- if you -- what is your sense of where Brookhaven, as a government, is coming down on the Legacy Village issue?

MR. MC CONNELL: That's interesting because a couple of comments were that they didn't like it in its present form. They're not really making statements for or against because at some point, it
will have to come to them to decide the zoning -- change the zoning on this.

I mentioned, one time last year, I said -- I raised a question to the town board because one or two of the members had said -- I think their exact words were that "they did not like the Legacy Village in its present form" and the houses were too -- it was kind of like a generic statement. I don't know. Governments are looking for sources of revenue. I don't know to tell you the truth.

MR. MACHTAY: My experience with these things is that the government can give the impression of having a preconceived conclusion to the SEQRA review and if they do, SEQRA become faulty. They're being very cautious of what they're saying and when they don't say things that are not specific, don't think that's a bad thing.

MR. MC CONNELL: I understand why they're saying that. Yes, they can't --

MR. KAUFMAN: I know of one
decision, for example, in my hometown
where the planning director said
something to the newspaper and the very
decision that he made was later thrown
out. It was an ecological disaster in
the court system.

MR. MACHTAY: I had my town board
say something to try and please the
audience and --

MR. KAUFMAN: I saw part of it on
Channel 55 last night and also I was
watching part of the hearing on
television.

The Town of Brookhaven is talking
very heavily about preservation of the
Carman's River itself and at least
several hundred yards off of it to the
east and the west access. They're
trying to limit development and identify
what is in there. What's interesting is
looking at their maps and comparing it
to our site maps, they don't fully come
concise with Parcel A. That again, was
based upon what I could see on video
screen.
MR. MC CONNELL: That's exactly what they were talking about last night. It was the difference in mapping and so on.

Sitting next to me are Audrey and Bob Kessler. They live on the lake and they have done a lot of research for years at their own expense to the lake.

MRS. KESSLER: We paid an engineer to do the whole upper lake which is what we call Willow Lake to bring it back to its historic name. We paid for it to make sure how the bottom is doing and the whole lake itself. We paid it out of our savings to make sure what was going on in there. We didn't trust anybody else with the right information and stuff like that in the lower lake. We studied our own water on the whole upper and lower lake. We do it once a month and we also have somebody else check it.

MR. KAUFMAN: Have you given any of that information to the County at all?

MRS. KESSLER: We gave it to
everybody. We have a website and
everything that we collect is on that
website. In fact, the Town is using our
website because our information is
accurate.

MR. CHAIRMAN: Was your lake the
one that was actually going back to
earlier comments on the DDT -- your lake
is the one where DDT was actually
noticed?

MRS. KESSLER: Yes.

MR. CHAIRMAN: Distorted fish?

MRS. KESSLER: Fish kill.

MR. MC CONNELL: One last comment.

Last weekend or the weekend before,
the Pine Barrens Society made us a video
of the Carman's River -- you know,
different segments on the people in
canoes. Bob and I were the canoe
carriers. They tested the water. It's
off of Gerrard Road and Camp Olympia.

You go in there and you can drive a
truck so far and so on, but it has a
classic pine barrens and it is beautiful
there. It's like your a hundred miles
from no where -- streams, open fields --

MRS. KESSLER: Open fields, turkeys, and all the wildlife is there and the field is just natural. Then you go down to the river, and it is beautiful and we do want to preserve it. That's why we're worried about Legacy Village. I will leave this here, but everything is on our website.

MR. CHAIRMAN: We appreciate your interest.

Moving onto other business. For your September thrill, I will not be here and Mike Kaufmann will be Chairman. I can predict that we will not follow the agenda.

Maryann?

MS. SPENCER: One further comment on the draft. I would recommend that those members of the CEQ that were not here today, get mailed a copy of this draft. I would ask that any changes or comments could be forwarded to Richard, myself, or Larry by the next meeting.

MR. CHAIRMAN: Okay.
MR. BAGG: And the staff, please.

MS. SPENCER: And Mike Mule too.

MR. MARTIN: It's probably better off if it went to planning and then to us.

MS. SPENCER: Yes, and please give the directions to other members that were not here letting them know this is a draft and that their comments are to go to Mike by next meet.

MR. CHAIRMAN: Mike, you were going to give us an update on SEQRA?

MR. MULE: DPW has been operating under Generic Type 2 Resolutions that CEQ reviewed back in 1995 for repaving, roof replacement, and other typical Type 2 Actions. The problem was that SEQRA citations were under the previous rules and regulation which are no longer relevant.

We met with DPW the other day and we discussed the issues. What we decided to do was instead of reviewing the same thing all over thing, we're going to issue new resolutions and
review them from the other approved resolutions and whereas' stating that CEQ reviewed it and referenced it in the original Type 2 Resolution, and then it resolves from making a new updated SEQRA citation.

    MR. CHAIRMAN: Thank you.

    Any other business?

    (WHEREUPON, there was no response.)

    MR. CHAIRMAN: No CAC today?

    (WHEREUPON, there was no response.)

    MR. CHAIRMAN: Do we have a motion?

    MR. KAUFMAN: Motion.

    MR. MACHTAY: Second.

    MR. CHAIRMAN: All in favor?

    (WHEREUPON, the Council voted.)

    MR. CHAIRMAN: Motion carries.

    (WHEREUPON, this meeting of the Suffolk County Council for Environmental Quality was concluded at 11:26 a.m.)

    * * *
CERTIFICATION

STATE OF NEW YORK	 )
:
ss
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 18th day of August 2010.

MELISSA POWELL