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, January 19th, 2011 in the Rose Caracappa Legislative Auditorium, William Rogers Legislature Building, Veterans Memorial Highway, Smithtown, NY 11787. 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 Mulé, Senior Planner
Council on Environmental Quality
Suffolk County Planning Department
PO Box 6100
Hauppauge, NY 11788

Council of Environmental Quality
R. Lawrence Swanson, Chairperson
REVISED AGENDA

MEETING NOTIFICATION

Wednesday, January 19, 2011 9:30 a.m.
Legislative Auditorium
North County Complex
Veterans Memorial Highway, Hauppauge

Call to Order:

Minutes: check the web at
http://www.co.suffolk.ny.us/departments/planning/minutes.aspx#ceq
October, November and December minutes available for review on the website above
December minute summary sent to CEQ members
IR-2256-10 Charter Law to Eliminate Requirement for Verbatim Minutes

Correspondence:

Preliminary Draft Generic Environmental Impact Statement Declaration as surplus and
subsequent sale of 255+ acres of County owned land in Yaphank for mixed use development
purposes. (For discussion only. Action to be presented at February 16th, 2011 meeting).

Public Portion:

Historic Trust Docket:

Director’s Report:
Updates on Housing Program for Historic Trust Sites
Updates on Historic Trust Custodial Agreements
Project Review:

Recommended TYPE I Actions:

A. Technical Correction to Proposed Acquisition for Open Space Preservation Purposes Known as the Three Mile Harbor County Park Addition – Boys and Girls Harbor, Inc. Property, in the Town of East Hampton.

B. Proposed Approval of a Resolution declaring as surplus approximately 221 acres of land in Yaphank and authorizing the auction sale of the property by the Director of Real Property Acquisition and Management, in the Town of Brookhaven.

Recommended TYPE II Actions:

A. Ratification of Recommendations for Legislative Resolutions Laid on the Table December 21, 2010 and January 3, 2011.

B. Proposed Stormwater Remediation Improvements to Meschutt Beach County Park, in the Town of Southampton.

Other Business:

A. Term Endings – Explanation of process
   2011 Term endings: Larry Swanson 3-23-11
                    MaryAnn Spencer 5-16-11
                    Eva Growney 6-27-11

B. Election of Officers

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.

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

***FOLLOWING THE MEETING PLEASE LEAVE BEHIND ALL PROJECT MATERIAL THAT YOU DO NOT WANT OR NEED AS WE CAN RECYCLE THESE MATERIALS LATER ON.**
January 19, 2011
9:30 a.m.

William Rogers Legislative Building
725 Veterans Memorial Highway
Hauppauge, New York 11788

B E F O R E:

R. Lawrence Swanson, Chairperson

Michael Kaufman, Vice Chairperson

Reported by,
Melissa Powell
APPEARANCES

1. James Bagg, Council Member
2. Gloria R. Russo, Council Member
3. Mary Ann Spencer, Council Member
4. Thomas Gulbransen, Council Member
5. Eva Growney, Council Member
6. Richard Machtay, Council Member
7. Vivian Viloria-Fisher, Legislator, Council Member
8. Thomas A. Isles, Director S.C. Department of Planning
9. Michael Mulé, S.C. Department of Planning
10. Richard Martin, Director, S.C. Department of Historic Services
11. Thomas Young, S.C. Assistant Attorney
12. Michael Pitcher, Legislative Aide for Presiding Officer
13. Kara Hahn, Director, S.C. Department of Communications
14. Joy Squires, CAC Town of Huntington

ALSO PRESENT

17. George Nolan, Legislative Counsel
18. William Lindsay, S.C. Legislature, Presiding Officer
19. Christopher Kent, S.C. Chief Deputy County Executive
20. Eric Bergey, P.E. Civil Engineer, S.C. Dept. of Public Works
(Time Noted: 9:30 a.m.)

CHAIRMANS SWANSON: I would like to call the first meeting of 2011 to order. I have a couple of announcements I'd like to make.

First of all, congratulations to Michael Kaufmann. Michael was the Environmental Person of the Year in the Village of St. James -- quite an honor. I also would like to say congratulations to Legislator Vivian Viloria-Fisher who was the Politician of the Year in the Three Village area. Congratulations to the both of you.

Also, I would like to say, with regret, but I know there is some reward in this, but Tom Isles has told me that he is going to retire. Tom has been a tremendous help to all of us here at CEQ, and very helpful with a number of very difficult projects over the last decade. The most recent thing he did that was so wonderful was providing us with a real smooth transition between Jim Bagg's retirement and Michael Mule
replacing him.

Tom, we all wish you the very best
and thank you for everything you have
done to help us.

MR. ISLES: You're very welcome.

CHAIRMAN SWANSON: Let's move on
and review the Minutes.

We have Minutes from October,
November, and December. There were some
comments submitted to Christine in your
packets. Please take a look at those.
There were comments from Maryann and
from Rich Machtay.

I have a comment that I think is
appropriate and that is from the
December Minutes. On Page 16, Dominick
Ninivaggi is speaking on Line 11. The
text says, "We can get to a total
elimination of pesticides." I believe
that it should actually say, "We can't
get to a total elimination of
pesticides."

With that, if anybody has any
additional comments, we will start with
the October Minutes.
MR. MACHTAY: The comments that I made on the October and November Minutes, I will move those two sets of minutes to accept them. I was not here for December, therefore, I will have to abstain from December.

MR. SWANSON: We have a motion for accepting the October and November Minutes.

Do we have a second?

MR. KAUFMAN: I will second.

CHAIRMAN SWANSON: We have a second by Michael Kaufman.

Any further discussions?

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

CHAIRMAN SWANSON: All in favor?

(WHEREUPON, the Council voted.)

CHAIRMAN SWANSON: Opposed?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: Motion carries.

MR. BAGG: I am abstaining from October. I was not here.

CHAIRMAN SWANSON: Mr. Bagg has abstained from the October Minutes.
Do we have a motion for December?

MR. BAGG: I will second.

CHAIRMAN SWANSON: Maryann moved that they be accepted and Jim Bagg seconded them.

Any further discussions?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: All in favor?

(WHEREUPON, the Council voted.)

CHAIRMAN SWANSON: Motion carries.

We have one abstention; right?

MR. MACHTAY: Yes.

CHAIRMAN SWANSON: Rich Machtay has abstained.

Mike, did you want to talk about the potential changes in the way we take the Minutes?

MR. MULE: Well, starting at the December meeting, we started to do a meeting summary in addition to the verbatim minutes. I know Legislator Fisher submitted a bill that was laid on the table in December to eliminate the verbatim minutes requirement, and we're still waiting on the vote on that.
CHAIRMAN SWANSON: Thank you.

Any other correspondence?

MR. MULE: Yes. We received the preliminary Draft Generic Environmental Impact Statement for the Yaphank Development project.

At our last meeting, I believe, or possibly our November meeting, we set up a subcommittee of the Council to review the preliminary draft. It was agreed on that Michael, Larry, Eva, Vivian, and Gloria were on the subcommittee. If you're still interested in being on the subcommittee, Christine has disks with the files for it. We were thinking we will give you guys some time to review the documents and come up with comments and then meet sometime between now and February's meeting to discuss the comments with the consultant to make any adjustments that you feel are necessary and present the finalized draft at the February CEQ meeting and hopefully come to a decision.

CHAIRMAN SWANSON: Rich?
MR. MACHTAY: Am I right or am I wrong? In the packet there is a resolution from Mr. Lindsay's Office that disavows any interest at all in the Legacy Village?

MR. MULE: Correct. It is on the agenda for today's meeting.

MR. MACHTAY: It looks to do something else?

MR. MULE: Correct.

MR. MACHTAY: If that is adopted by the Legislature, then --

MR. MULE: Then it dies.

MR. MACHTAY: Then Legacy dies?

MR. MULE: Correct.

MR. MACHTAY: When will that be taken up by the Legislature?

MR. MULE: Once the CEQ hears it, then it goes to the EPA, and then in the next coming weeks and months, it will move through the process. It all depends on how smoothly it goes through the Legislative process.

MR. MACHTAY: Thank you.

CHAIRMAN SWANSON: Any other
comments on this particular issue?

Tom?

MR. GULBRANSEN: I am not on the committee, but is it possible that those same documents will provide feedback to the committee?

CHAIRMAN SWANSON: Absolutely. I look forward to reading the thousands of pages or whatever it is.

MR. KAUFMAN: 2500 pages.

CHAIRMAN SWANSON: So, this is a reminder that this is a public meeting. If there is anybody here in the audience that chooses to speak on a particular issue, we would be glad to hear it. Ordinarily, we wait until the topics are bought up as laid out on the agenda. (WHEREUPON, there was no response from the Public to speak on any such issue.)

CHAIRMAN SWANSON: Moving on to Historic Trust/Director's Report.

Before you begin, I want to thank you for the meeting that we had in December at the Sagtikos Manor. I
think, based on conversations I had with
a few people, everybody thoroughly
enjoyed it and got a real education from
having the opportunity to visit it.

MR. MARTIN: Glad you had a good
time, and I hope we get to visit other
historic sites.

CHAIRMAN SWANSON: Well, now that
you brought it up, maybe it's time to
start to thinking about what we might
do, say in April or May, if the
opportunity arises.

MR. MARTIN: I will discuss it with
Maryann and come up with something.

LEGISLATOR FISHER: I'd also like
to congratulate you, Rich, because I was
so impressed by the international
Christmas that I called a friend of
mine, who is a teacher, and mentioned it
to her and she couldn't get a ticket.
It was sold out.

MR. MARTIN: It was very
successful, and I was trying to prompt
them to add another weekend, but they
had trouble getting volunteers.
Just to give a brief report on the housing situation within the Suffolk County Parks Department. We did have a meeting with the committee that supervises the rent and about the situation we have with the two houses in Huntington by not being able to rent them. However, we took a serious look at these two houses and their conditions.

They're both very early 1900 Century homes dating back to 1820. They have heating problems and insulation problems. We tried to adjust the rent to acknowledge that fact and the high cost of heating and maintaining those two houses. The committee did agree to adjust the rent downward, and these will soon be posted and sent out to all County employees to see if we can get someone interested in renting them. Since that meeting, we have not had anyone come forward to rent them.

We did get two new tenants; one at Black Duck Lodge which is out at
Flanders which is very important because it is an isolated building within the County Parks and to not have somebody there is a real problem. We just did an exterior restoration, so we really want to keep that occupied.

At the Scully Estate, there has been some extreme vandalism. After the County purchased it, the Town had moved out and we did get someone to move in immediately; so that building is secured with a tenant.

To report on the contract with our historic group. The contract for the Long Island Chapter of U.S. Lighthouse Society at Cedar Point Lighthouse has been completed. The County Parks Department has transferred the organization and their lawyers are reviewing the contracts. They're actively raising funds for that project. They're looking to replace the roof as their first project hopefully this year in the Fall.

MS. GROWNEY: Rich, I just want to
thank you for all your efforts at Black Duck Lodge and the Cedar Point Lighthouse. You brought the attention to both those two projects to the East End and it kind of livened things. I would like to thank you for your commitment and for your efforts.

MR. MARTIN: Thank you.

Also, I would just want to add an update to my report today.

The situation with the restoration at the Coindre Hall boathouse. We just had a construction meeting on the site there yesterday. That project did start this Fall. We have found a severe situation with the steel framing element on both the tower and support system of the two large chimneys to the building. They're now recommending reconstruction of the tower and reconstruction of the chimneys which are elaborate decorative features to the building. I have requested that the Department of Public Works to please put a concept plan going forward that we can bring to the
Historic Trust at next months meeting.

We're not planning to do any demolition as part of the job. We're just going to restore the building as it was, but with these extreme framing problems, they're recommending partial demolition of the tower and the chimney.

I just wanted to bring that to your attention. We will be reviewing that at next months meeting.

CHAIRMAN SWANSON: Michael?

MR. KAUFMAN: Rich, just as a guesstimate, what are you thinking the cost factor might be increased by for that particular boathouse?

MR. MARTIN: We're under Phase 1, of a three or four phase project. We are going to have redo it in a sense -- under the work of a contractor who is -- who will be able to do the work. He will be coming up with new cost estimates and will be removing some elements from the project in order to do this work. This is a priority to get these items stabilized.
MR. KAUFMAN: The other question I have was the Stimson House, which I am familiar with, but has there been any effort given to updating that facility in terms of insulation and possibly a small rebuild of it? I know there are plaster walls in there, and I know the window structures are very, very historic. Given the fact that it is an energy home and it is almost impossible to heat, keeping it in the program sometimes worries me because no matter what happens, you're going to have someone in there, even at a reduced rent, but they're still going to be freezing inside there because in many ways, it is an unreasonable house. Is there anyway to reconstruct that without destroying the historical integrity of the building?

MR. MARTIN: We can't reconstruct the building, but there are other avenues as part of having completed them. One, the committee did -- we discussed with the committee and
recommended to the maintenance division

that a new furnace -- a new heating
efficient furnace be placed in the
building which the Department has not
done yet, but they're planning to do.
Also, some insulation could be placed in
the attic, as well as storm windows
being added to the building. So, all
the things that can be done, the Parks
Department hasn't done yet, but as for
the reconstruction aspect, I would
recommend that.

MR. KAUFMAN: In terms of the
windows, I believe they're single paned
right now, if I am not mistaken; can
those be swapped out with storm windows
like you're saying or double paned?

MR. MARTIN: No. You would not
remove the historic windows, but you can
definitely add storm windows to the
exterior. Since it is not a museum
building, what we can do economically,
is place aluminum windows that would
look okay instead of the museum quality
wood frame storm windows like we do at
other locations.

MS. GROWNEY: May I just suggest that you might want to explore a plastic version of storm windows because with aluminum, there may be an energy issue with that. Just something to keep in mind.

MR. MARTIN: We will take a look at that.

CHAIRMAN SWANSON: Any other questions for Rich?

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

CHAIRMAN SWANSON: Rich, thank you very much.

Moving on to Type One Actions. There's a technical correction to Proposed Acquisition Open Space Preservation known as the Three Mile Harbor County Park Addition of the Boys and Girls Harbor Property in the Town of East Hampton.

Mike, do you want to explain the issue?

MR. MULE: Yes. It was a
mistakenly classified as an Unlisted Negative Declaration where it should have been a Type One because it was involved with physical alterations of greater two and-a-half acres adjacent to the County parkland. We just need a motion to reclassify it as a Type One.

MS. GROWNEY: I will make the motion.

CHAIRMAN SWANSON: Eva made the motion to make the correction.

Second?

MR. MACHTAY: I will second.

CHAIRMAN SWANSON: We have a second from Rich Machtay.

Any other questions?

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

CHAIRMAN SWANSON: All in favor?

(WHEREUPON, the Council voted.)

CHAIRMAN SWANSON: Motion carries.

Next is the Proposed Approval of a Resolution declaring as surplus approximately 221 acres of land in Yaphank and authorizing the auction sale
of the property by the Director of Real
Property Acquisition and Management in
the Town of Brookhaven.

Is there somebody here to speak to
that?

Please identify yourself for the
Stenographer.

MR. NOLAN: I am George Nolan,
Counsel for the Suffolk County
Legislature.

I prepared this resolution at the
request of the presiding officer. The
presiding officer is in the building.
If you have any questions for him about
the resolution, he can come in.

Basically, the resolution does what
the title suggests which is it declares
221 acres surplus which the Legislature
has to do and then authorizes our
division of real property acquisition of
management to auction the sale of that
property.

Also, in the body of the
resolution, it does state that the
Legacy Village project that's proposed
by the County Executive is rejected.

CHAIRMAN SWANSON: Thank you.

Rich, this is a question that you
raised previously. Do you have any
questions for Mr. Nolan?

MR. MACHTAY: I think the
resolution is prepared very well. There
is no mention of zoning in it. It was
prepared very well and congratulations
on that. There's no mention of zoning
in it, and there is no mention of
development in it. As a Type One
Action, you have to coordinate it -- it
is required to be coordinate with other
agencies that have approval in the
process. In this particular resolution,
the way it's written, no other agencies
have approval down the line or now, and
I think that you did a good job.

MR. NOLAN: Thank you.

CHAIRMAN SWANSON: Any other
questions for Mr. Nolan?

Tom?

MR. GULBRANSEN: Mr. Nolan, I have
a question about the sixth resolved
paragraph in the resolution. Just so I understand the scope of what we are being asked to do, do I understand that the resolution calls for the allowance of a subdivision to maximize the return to the County? So, might there be way to stop that subdivision by also allowing for the County to take care of the planning and stewardship responsibilities in the area?

MR. NOLAN: I am not sure I understand the question.

MR. GULBRANSEN: I am not sure I understand how to propose the question.

(WHEREUPON, there was laughter.)

MR. GULBRANSEN: As it's read here, it authorizes the subdivision of surplus property to maximize the County return and that subdivision might result in many component uses. Sometimes subdividing causes each little piece to be reviewed on its own, and we miss the opportunity to do a collective plan. Is there anyway to accommodate that or to provide some kind of stewardship
opportunity in contrast to allow it to
be divided up into little parcels that
would run in their own respective
direction?

MR. NOLAN: I am not sure I know
the answer to that question. I do know
the reason that the resolved clause was
put in the resolution is because the
presiding officer is very interested in
maximizing the return to the County.
The idea was to give the division of
real estate some flexibility to
determine what was the best way to do
that in terms of selling it in one,
selling it all together, or selling it
in pieces. That was the idea behind all
of that.

CHAIRMAN SWANSON: Michael?

MR. MULE: I also believe it was
because the parcel themselves don't
exist as separate lots. It's now part
of the larger County contract to be
subdivided out.

CHAIRMAN SWANSON: Rich?

MR. MACHTAY: My next question is,
do you have to go to the Town for that
subdivision, or can you the County
parcel it out and file deeds?

MR. NOLAN: I honestly don't know
the answer to that question. I would
assume you would have to go to the --

MR. MACHTAY: As soon as you
involve the Town in the process, they
have to be coordinated with. When you
have a Type One Action, you have to
coordinate it and give it a negative
declaration and they have to live by
that negative declaration further down
the line. Do you know what I mean?

MR. NOLAN: Yes.

MR. MACHTAY: You really don't want
that to happen. You have to go through
the entire process for development to do
an impact statement.

MR NOLAN: This is not my area of
expertise. I do understand what you're
saying. I think the intention always
was that there would be an environmental
review down the road. The County is
just looking to --
MR. MACHTAY: But if the environmental review goes away, and if you coordinate it with the Town, and they give it a negative declaration -- the County gives it a negative declaration, then the Town has to live by that negative declaration. They can't come back and say we don't like that negative declaration, therefore, we're going to give it a positive declaration. That is in the SEQRA regulations.

Mr. Bagg, do you care to comment on that?

MR. BAGG: Yes. I think that people are thinking of subdivisions as per a residential subdivision or industrial which is being proposed to the current Legacy Village site. I think, in this instance, the County will be talking about a minor subdivision into these two or three parcels possibly based on the underlining zoning in order to maximize the yield.

MR. MACHTAY: I don't want to
mention zoning in the resolution because
that would get you tangled up in ways
you don't want to be.

MR. BAGG: Right, but that's what
they're saying that possibly real estate
would look into that to find out what
would be the optimum price the County
could receive for the property. I think
that everybody knows that once the
property is sold and whoever purchases
it and wants to ultimately develop it,
they have to go the Town for that.

MR. MACHTAY: We don't want to put
the Town in a position where they have
to live by the County giving it a
negative declaration.

MR. BAGG: It would only depend
upon -- you know, the property as a
parcel and the sale of the property.
They wouldn't have to live on approving
any type of subsequent subdivision later
on. It wouldn't apply at that point.
The Town could place a positive
declaration on the subdivision down the
line.
CHAIRMAN SWANSON: Michael?

MR. KAUFMAN: I think we're missing a couple of points here.

One, the village itself as it's drafted, is only making a declaration that this County land for County purposes is being declared surplus.

That's the primary purpose. The negative declaration that you're talking about, Rich, really only applies to, in my opinion, declaring the surplus. A declaration of surplus by any municipality refers only to that municipality and that negative declaration would be limited only to that municipality. I don't think it involves the Town of Brookhaven at this point. The sale, possibly later, subject to zoning and things like that would involve the coordinated review that you're talking about and the reviews that I think Tom was also talking about. Right now, we're only dealing with the title over the declaration of surplus. There's other
language in here about subdivisions and
auctions. I think that's really
focusing still upon the declaration of
surplus and, again, that's only for
County purposes. So that's the first
part of where I think we're going on
this one.

The second part is "subdivision"
may be the inappropriate word of art at
this point in time. It's really
partition more than anything else --
land that is presently owned by the
County. The County is trying to
organize it into lots. As far as I
understand under municipal law, when a
-- if you will, a superior municipality
begins to do certain types of land use,
it can divide its land one of two ways.
You can go through the formal
subdivision process with the township
that is involved, and I think that's
what the County right now is doing with
the Legacy Village plan and the
subdivision and the EIS. There is
another way of doing it where it
internally reorganizes the property that it owns and that's really more of a partition not a subdivision. A partition often is done by specifying the meets and bounds within the municipality ownership, if you will. As such, that's where I see the struggle again. Again, the word "subdivide" worries me a little bit, whereas the word "partition" would be better.

MR. MACHTAY: That's why I asked the question, can the County just split the property on its own? I didn't use the word "subdivision." I did not use the word "partition." Do they create the lots or a lot by just simply filling a deed with the County Clerk?

MR. KAUFMAN: That's previous information that we didn't receive in the past and that's the way the Legislature --

MR. MACHTAY: That's the way it could happen and not involve the Town.

MR. KAUFMAN: Correct. The actual sale, if it goes out eventually, also
would not necessarily involve the Town
because that's just a sale of the land.
I think where SEQRA kicks in, in terms
of review, they have the option -- SEQRA
would kick in at that time with
Brookhaven. Right now, I don't see a
coordinating review as being an issue
when you're just dealing with title and
just dealing with partition even if
there is a possible technical issue with
the way the language is being put forth.

CHAIRMAN SWANSON: Tom?

MR. GULBRANSEN: Mr. Nolan, in the
second resolved paragraph, it calls for
the County Department and office and
agencies and officials not to take any
action to advance the Legislature or any
variation thereof. Is it conceivable
that Legacy Village has residential or
industrial -- I am not sure what the
variation of thereof is but the CEQ was
concerned that the County and the waste
water treatment facility be ready and
available to the upgraded or adjusted to
accommodate these actions that we're
going to have with the watershed. Does that second paragraph resolve preclude treatment plans for being upgrade or something like a variation of the Legacy Village?

MR. NOLAN: I don't think it was the intent to stop that type of activity. It's to -- I believe earlier in the process Legislator Kennedy had a resolution where he wanted to propose the sale of a piece of the Legacy Village property, but he did not address Legacy Village in terms of saying that the County Legislature does not support it. There was a concern raised by Legislator Kennedy by this body that you're running into a SEQRA issue in terms of segmentation. We wanted to address Legacy Village directly in this particular resolution to state the development proposed as part of the County Executive's Legacy Village proposal is rejected the Legislature. I don't believe that would stop other type of planning -- waste water plan and
those types of things from going
forward. It's just development as
proposed in the resolution by the County
Executive.

MR. GULBRANSEN: Then that would be
my reaction to the word "any variation
thereof." It seems pretty inclusive and
if you're going to be that broad in
asking that agency not to accommodate
that, that sounds like it would be
causing them not to mitigate for
something that might not be necessary in
the future.

MR. NOLAN: We certainly can look
at that language and clarify it.

CHAIRMAN SWANSON: Legislator
Viloria-Fisher?

LEGISLATOR FISHER: Tom, when we
discussed this -- I know I have had many
discussions with Bill about this bill.
He wanted to try to move as quickly as
we can because of the financial issue
that the County is facing. We have
valuable properties sitting there that
we would like to see sold. In order to,
I guess, extricate ourselves from having to go through the whole process that has begun by this Legacy Village proposal, we wanted to dismiss that completely and reject that by the Legislature so that we wouldn't have to wait for the EIS process to be completed and work within that because we wanted to just reject Legacy Village so that we can go ahead with the surplus the property so we can get some revenue from the sale of the property. I think that's why there is very broad language because they were rejecting it in its entirety and separate ourselves from it. We did have that problem when Legislator Kennedy had one parcel that actually winded up not being a parcel. We had also looked at investment apportion of this and it was a partition rather than a subdivision. It wasn't really a legal subdivision, but that piece of Legacy Village that was zoned industrial was that we were looking at the entire boundaries and it wasn't involved in the residential
portion of the program and that could not be done because of the review; so we just wiped the slate clean and surplus the property without any encumbrances.

MR. KAUFMAN: This would be directed to Mr. Mule.

I've walked the property several times over the last decade. I also participated in the EIS and that looked at more than just the northern portion of the property. Mike, you have seen the draft of the EIS and apparently have read it several times -- at least at this point in time, but do you see any environmental constraints within this particular project that would prevent surplus?

MR. MULE: Not in the areas that we discussed for this project. Area A of Legacy Village seems to be the most environmental sensitive of all of these.

MR. KAUFMAN: The rankings that were presented in the EAF, those do not seem to propose any problems or anything?
MR. MULE: No.

CHAIRMAN SWANSON: Any other comments?

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

CHAIRMAN SWANSON: Legislature Viloria-Fisher, would you tell us what the timing is of this going forward?

LEGISLATOR FISHER: George, if I am not mistaken, it will be at committee next week; am I right?

MR. NOLAN: The bill has been laid on the table. It could be voted out on by the committee next week and be eligible for vote by the Legislature by February 1st.

LEGISLATOR FISHER: That's Tuesday.

CHAIRMAN SWANSON: Mr. Isles?

MR. ISLES: I just wanted to make the point that Chief County Executive Christopher Kent wanted to be here today. I believe he on his way, and I wanted to make you aware of that. I think he wanted to express some points about the fact that the County has
embarked the EIS process and have
completed those document as a draft of
2500 pages. I also wanted to make the
point that the Legislature has approved
the scope that included looking at
alternatives including open space. So I
do not want to speak for him today, but I
believe he would like the opportunity to
speak to you, and I understand that the
meeting has to advance, but I wanted to
let you know he is interested in
addressing you today.

CHAIRMAN SWANSON: Thank you.

LEGISLATOR FISHER: I have a
question as to what Mr. Isles just said.
When we look at the scope and the
alternatives, would this particular
resolution preclude us from preserving
any of the properties? This only give
us the ability to declare it surplus. I
don't believe it would preclude us from
preserving it?

MR. ISLES: I can't really directly
speak to that. It seems there would
have to be subsequent action to the
actual sale -- I assume. I would defer
to Counsel on that one. I just wanted
to make the point, and I think Mr. Kent
wanted to make the point that what CEQ
had requested in the scope was that if
there is possibly transfer to private
public ownership that a number of
alternatives be examined. One, being
the development under existing zoning
and one being retained in the County
municipal -- County Building Department.
Third, being for open space. I just
wanted to make you aware of that. I
don't want to speak for him and answer
your questions. I believe it would
require a second action approving the
transfer as it happens with the County
auction. These specific transactions
come back to the Legislature, but that
is just my personal understanding.

LEGISLATOR FISHER: Maybe I am not
understanding the response completely.

What I am saying is that, if we
pass this resolution, we have to able to
sell off the property?
MR. ISLES: Right.

LEGISLATOR FISHER: But we are not required to sell off all the property and then each sale will come before the Legislature; so, in fact, those pieces of property that we don't sell, can still be County property and at some point we could submit a resolution into the parkland to declare it as park, in other words, preserved land. So, the recommendation as an alternative, and declaring it surplus are not mutually tied? We can still pass this and preserve some of the land; correct?

MR. ISLES: It is not my intention to take a point contrary to that. It is just to make the point --

LEGISLATOR FISHER: I am not trying to debate you. I am just trying to clarify.

MR. ISLES: It was an important issue with the Legacy Village proposal that was made at the CEQ meeting in December of 2009. I would say it was a positive declaration and that, that
action then move it to a potential private sector and should be retained under public ownership and that option is considered. So, ultimately, the scope did not include that. You're right with respect to the action. Whether this is -- here again, I am not speaking for Mr. Kent but whether this can advance to the point where we further potentially foreclose that option and maybe we do and maybe we don't. Here again, the fact that Legislature adopted the scope that included that alternative, but in this case, the authorization to declare surplus of the sale of 220 acres without having that option evaluated as part of this process is more than option to make known to you.

CHAIRMAN SWANSON: Officer Lindsay?

MR. LINDSAY: I was just sitting here listening to all the conversations, and I felt compelled to come to the microphone to explain why I offered this resolution.
When Legacy Village was originally announced, I guess, it was probably five years ago now, I was a supporter of it because I thought that there was an absolute need for affordable housing in our County. The market conditions, I don't have to tell anybody, has changed dramatically in the last five years. We're in a whole different world. As of December 9th, there was 4200 homes in Suffolk County for less than $200,000. There was another more than 6,000 homes for less than $300,000. The builders concept of Legacy Village, at least the housing portion, was that it would be affordable around the number of $300,000. But now, because of the backlog of inventory, I don't think the primary purpose of Legacy Village is needed anymore.

I did not introduce this resolution to preserve this property. I introduced this resolution to sell the property because we need the money. I don't know how else to put. The County is in
desperate fiscal shape. There is a
strong debate going around the horseshoe
now on whether we should sell our
nursing home -- sell the building and I
don't really want to sell any County
assets, but I am afraid we're going to
have to. If I have to sell something, I
would rather sell vacant land then sell
a facility that serves the public.
That's my position. I don't know
whether that would be the Legislative
position, and what I am trying to do is
move this resolution to the full body so
that they have a choice and that's why I
supported the original EIS for Legacy
Village because I don't want to fight
for that. I want that to come forward,
and I want a conscious choice made by
the Legislature on which way they want
to go.

The other factor here and this is
something that's been weighing on me a
lot lately is that I don't like the
finances of the Legacy Village deal.
It's very convoluted. We sell this
industrial parcel for $12,000,000 and it
is about 95 acres. I am not sure if
we're getting full value on that piece.
If you look at all the other components
of the housing, the park, the solar
field, the arena and the give backs,
back and forth, we don't get much more
revenue from it. So, in total, the deal
was like 255 County acres and we would
only get about $12,000,000 to
$15,000,000 for it. We cannot afford in
this horrible, horrible economy to make
that kind of deal.

I don't know whether in the open
market what it would bring today. I am
not suggesting that it should all be
sold at once. All I am saying is we do
not belong in the land development
business. I think that's an issue for
our towns to decide what should we
develop and where. But if we're going
to exceed the property, I want to exceed
it for as much value as we can get for
it.

CHAIRMAN SWANSON: Thank you very
much.

Michael?

MR. KAUFMAN: Other bills that have passed in the County in the past regarding the sale of surplus land and partition of those lands or subdivision or however you want to call, if you remember, how are they titled? Were they partitioned? Were they subdivisions? Was there a legal difference that you saw that came across?

MR. BAGG: Well, I think that in one instance that, that might apply here would be when the Council reviewed the sale of the nursing home facility. That included not only the sale of the facility of this kind, but the partition of the site and the overall County holdings and the Council recommended a negative declaration on that.

MR. KAUFMAN: That's where that partition issue came up that I was talking about a couple of minutes ago where the County is at the superior form
of government and ignoring the Monroe --
City of Rochester -- Rochester Monroe
decision and ignoring that aspect of it
that a Superior form of government can
subdivide or partition out as individual
lots. They can create them by a certain
processes and they need to go to the
town for subdivision or go do it
themselves. So, in one situation, with
the nursing home, we recommended a
partition and that's why it was
presented to us and the word subdivision
just gives me -- I don't think it is
necessarily fable to the bill given the
fact that it's a meets and bound in
there. I am just sort of raising the
issue because it just presented
curiously for the Council's
clarification. When you have a meets
and bounds description presented by a
land transfer in certain ways, it's like
a deed of authorization. In certain
ways it is more of partition. It is not
exactly a subdivision. So by citing the
language of a partition, I think it will
probably would overwhelm a processes of
a subdivision. Again, I am just
bringing that up. I personally think it
probably should just stay as a partition
and not worry about.

CHAIRMAN SWANSON: Mr. Kent, I
understand you want to make a comment?

MR. KENT: Christopher Kent, Chief
Deputy Executive, Suffolk County.

In reviewing the proposed
resolution as an action under SEQRA, it
is clearly a Type One Action as a
proposal to declare a surplus selling
and transferring 100 or more acres of
land by a government agency. As such,
under SEQRA, it carries with it a
presumption that it is likely to have a
significant adverse impact on the
environment and may require an EIS.

I know this Council could consider
granting a negative declaration, but
should give every consideration to the
following facts:

This Council already recommended to
the Suffolk County Legislature adopted a
scope of issues for DGEIS on proposed
declaration of surplus and transfer for
development of this same County owned
land at Yaphank. This 221 acres
described is apportioned of the land
being studied under the DGEIS that has
been underway for over ten months and
the DGEIS has been delivered to the
Council today for your consideration.

The proposal before you today
contemplates a declaration of surplus
and the sale and transfer of land for
private development on the same property
being studied under the DGEIS and that's
been given to you today.

A generic study prepared at great
time and expense that contains all the
relevant information for making a
determination on the disposition of the
same property that is the subject of
this resolution.

The completion of the DGEIS process
will protect the County's decision
making, whatever decision the County
makes. The GEIS will lead to findings
and determinations and the establishment of thresholds that will become the foundation and framework for all future action on this site.

Short circuiting the GEIS process will expose the County unnecessarily to potential litigation that will only delay the County's ability to sell and transfer the property in the future and will prolong the time it takes to realize any revenue from the sale.

The sole purpose of the proposed resolution is to generate revenue as it is stated right in the resolution. Right now, there are multiple studies going on. In addition to the GEIS, there's a Carman's River water study being done by the Town of Brookhaven, and there is a consideration to up zone much of this very land that is the subject of this resolution. That up zoning will not effect the County owned land as long as it is County owned. Once it's sold to a private developer, the property could be zoned -- could be
up zoned. The resolution contemplates selling it under current zoning. It contemplates an auction of a property without any conditions purposes, or proposed uses in the parcels that don't even exist.

We have the map here. (Indicating.) You can't see it from where you are. It proposes to sell by its meets and bounds description properties that are multiple zone. On this map here, the purple property is zoned purple. The golden rod or yellow is zoned residential. The 221 acres described by meets and bounds cross over zoning districts and the Town is considering including some of these lands in their Carman's River watershed identification which will require an up zone.

Again, like I said, it will not effect County owned land while it's County owned, but once it becomes privately owned, the property could up zoned under the current contemplation of the Town which is an up zoned property.
There has to be an application to the Town to create these lots whether it is by modification an application to modify tax lots or submission of meets and bounds description to the Town. I think the only way the County should proceed in its best interest and the best way to protect the environment with the multiple studies that are going on would be to complete the GEIS process regardless of what the Legislature ultimately decides. It will be their findings and their determinations and the establishment of thresholds and guidelines will be put in place as to the conditions for the development of this site. Doing it sooner than the completion of the GEIS process will only open the County to litigation, and I don't think it will be in the best interest of protecting the environment.

CHAIRMAN SWANSON: Thank you, Mr. Kent.

Any comments?

MR. KAUFMAN: Yes, this would be
directed to Rich and to Jim.

Is there a presumption in SEQRA that properties over 100 acres which become Type One action, is there a higher presumption or need for an EIS spelled out in SEQRA?

MR. MACHTAY: It's just under Type One action because it tell us that the Type One Action presumption is that it may be a significant impact on the environment, and it requires an impact statement. "May" is the operative word.

MR. BAGG: It is more than likely possible having a significant impact on the environment; however, I think if you go throughout the State and take all of the Type One Actions, probably 85 to 95 percent of them get a negative declaration. It's not clear. It's ambiguous in the law.

MR. KAUFMAN: Second part of the question is, I had distributed a memo to the members a while back saying that we consider only individual bills and only that bill. Not necessarily the water
impact even if it does conflict with
other bills and policies of the
Legislature or the Executive. We are
faced, essentially, with a plea, if you
will, from Mr. Kent to stick with an EIS
that's currently underway. At the same
time, it is an individual bill and
that's really what we're supposed to
look at. If there are no errors in that
bill, it's obviously a Type One but if
there's no errors in the bill and
nothing is foreclosed, then I can't see
how we can necessarily say no to it and
that's the dilemma that we're facing
right now.

CHAIRMAN SWANSON: Tom?

MR. GULBRANSEN: My question is
about whether this action does, in fact,
bind or unbind the County from
considering a finding of DGEIS. It has
had action and alternatives actions that
are being considered which might
actually be executed after this
transaction; so I don't understand right
now how our current matters will or will
not be influenced by the future DGEIS plan.

MR. KENT: Under the resolution itself, the third resolve clause -- excuse me, the second resolve clause, I apologize. It does state that if this is adopted, it is resolved that no county department, office, agency, or official take any action to advance the Legacy Village project or any variation thereof.

The problem we might have with that language in the resolution, is that we would have to stop the DGEIS process. The DGEIS process would be discontinued because the DGEIS is undertaken in furtherance of advancing the Legacy Village Project. So, I think, it would be stopping the DGEIS process that's already in a draft form which has been budgeted for over $400,000 of expenditure and is ten months into completion. That would be my interpretation. I would offer that for your consideration.
MR. GULBRANSEN: I can understand that, that would cause a short circuiting that you referred to earlier about the DGEIS.

My question is maybe in the inverse of that. If, in fact, the DGEIS were continuing to be public and embedded, would it's findings necessarily be accessible to anything that happened in the subsequent sale or auctions or uses of partitioning these pieces of the property?

CHAIRMAN SWANSON: Would it not be information in the public domain or maybe the findings of that be totally complete? Yes, a lot of the information will be available for review and consideration under any decisions that made either by Executive Branch or the Legislative Branch.

MS. RUSSO: I will direct this to Rich Machtay, Jim Bagg, and Michael Mule.

I would like to have clarification on this entire process for what of
declaring land as surplus especially
because it is over 100 acres as a Type
One. If we go ahead and look at just as
that alone, and look at it as, "Okay, we
declare land surplus face value," then
we have to say, it's a negative
declaration because we are just
declaring surplus. We're not doing
anything with it. So are we going to
look at this that way? Look at it, at
space value? How can we otherwise look
at it because if we finally sell it,
then I think it would have to have a
coordinated review from the Town of
Brookhaven because, ultimately, they
have the power and control to zone it.
I think it is a very sticky issue. I
think initially when it first went out,
it went out improperly and it should
have gone out differently. I think
that, that's what's putting us in such a
bind. I also feel that we really have
to look at this at face value -- what it
is that we're doing than just declaring
the land surplus and based on that
alone, if we decide it is a positive negative declaration. Ultimately, we want to protect the environment so I need clarification over here with the language so I can rap my head around this issue.

CHAIRMAN SWANSON: The question was addressed to Rich, Mike, and Jim?

MR. BAGG: Well, I think, basically the way it is drafted it is simply declaring the land surplus for possible sale which then we would transfer title. Whether or not the property ever gets developed, we don't know. I mean, I assume someone is going to spend the money in order to potentially develop it in the future, but knowing what the Town is going to do with respect to these parcel in terms of zoning -- I mean Mr. Kent did mention that they wanted to up zone the property which means decrease the density possibly on the property, but that's really up to the Town. The town has jurisdiction over zoning so this current action and the way it
stands, it is simply a declaration of
surplus and ultimately a sale which is
transfer of title. It has know
development associated with it
whatsoever.

CHAIRMAN SWANSON: Legislator Fisher?

LEGISLATOR FISHER: Did you --

MS. RUSSO: No.

LEGISLATOR FISHER: Thank,

Mr. Chairman.

Yes, the more we talk, the more
confusing it gets because looking at the
issue of the short circuiting of the
DGEIS, I think Tom brought that up and
possibly Mr. Kent did, as well, but
Mr. Chairman, you said -- Larry, you
said that the information that has been
gathered and adopted is public domain
and we can have that before us as a
guideline. However, getting back to Mr.
Kent, assertion that we would be opening
up exposure because of the DGEIS is not
being completed and presented and that
there might be a potential for
litigation on whatever we do with the project.

Although there is information that's in the public domain at this point, I guess, I will go to Mr. Mule and ask, are we exposing ourselves to litigation by the surplus action if the DGEIS hasn't been completed and presented as a complete project? Is this sufficient that we have the information already available to Council? I know you're not an attorney and I would forward this to Counsel if you --

MR. MULE: I would have to forward that to Counsel.

MR. YOUNG: I think the correct answer simply is you have a document that's being prepared to give us this information. We're short circuiting that. Whether or not it can open us to liability is always a question, but it is certainly a red flag that I think could be seized upon just for that reason.
LEGISLATOR FISHER: Does Rich have a different answer?

MR. MACHTAY: I was just going to say that the document is on something very different then what we're proposing in the resolution now. The document is on a full development of the property in several different ways.

LEGISLATOR FISHER: That was my assumption of the resolution.

MR. MACHTAY: They're declaring it surplus and possibly auctioning it off. It is two different things. Now the other question that somebody --

LEGISLATOR FISHER: Rich, just to interrupt you for a second. That was my position in support of this particular resolution -- Presiding Officer's resolution. Mr. Kent just brought up the issue of it being -- you know, exposing us to litigation if we short circuit at this point by supporting Presiding Officer's resolution. What you're saying is you're seeing this as -- I see it as two separate actions to
declare this surplus in rejection of the
Legacy Village Project is a very
separate distinct action.

MR. MACHTAY: As long as there is
lawyers, there's always going to be
lawsuits. Somebody will figure out
something and these gentlemen are
lawyers -- Mr. Nolan and --

LEGISLATOR FISHER: I think my
lawyer wanted to answer my questions.

MR. MACHTAY: Mr. Young can give
you the best advice. They have to give
advice to the Legislature regardless of
what we do today.

MR. NOLAN: Your comments were
going to be my comments which is the
environmental impact statement making
the connection with a huge development
project and proposal. We're doing a
SEQRA review on a resolution to surplus
property and make it eligible for an
auction sale which is completely
different. If the SEQRA review is done
properly on this particular resolution
and what it seeks to do, then I am not
afraid of any legal exposure.

LEGISLATOR FISHER: My second
question, Michael, is that -- and I am
not going to go on about this but this
is not a legal question.

We have a DGEIS that's being
prepared and concurrently the Town of
Brookhaven Watershed Project. Any
decision that we make with regard to the
sale of property or potential buyer
would be subject to very different
tracks and then they may have some
points of --

MR. MULE: Yes.

LEGISLATOR FISHER: (Continuing) --
agreement or not, so we don't really
know what is going on out there.

MR. MULE: What I can tell you is
that the consultant preparing the impact
statement incorporated various local
reports and studies going on to the
greatest extent. This was in the
process of the Brookhaven Town -- when
they were in the process of the
preparation of the DGEIS, and I know as
more information becomes available, it could be included in the document possibly during the public comment period. At sometime the report will be finalized and adopted and that would be incorporated in the final impact statement and then brought into the final -- so as this information becomes available, it can be incorporated. Plus, when a developer finally gets to the development process, they would have to go through the Town at that point and be subject to a report study.

CHAIRMAN SWANSON: Legislator Fisher?

LEGISLATOR FISHER: With all of that being said, and with all due respect to Mr. Kent's comments, I feel very, very comfortable in moving forward with the resolution -- Presiding Officer's resolution and the comments of Council George Nolan. They were very clear in drafting the resolution that we separate that action from the Legacy action. With these difficult economic
times, we want to be able to bring
revenue to the County. It was a very,
very difficult budget to work on. I
hope that we can move forward with the
sale of that declaring surplus.

CHAIRMAN SWANSON: Would you like
to put it into a motion?

LEGISLATOR FISHER: What would the
motion be? It would be a -- I will make
a motion as a Type One Action Negative
Declaration.

CHAIRMAN SWANSON: Do we have a
second?

MR. MACHTAY: I would second that,
but I would like to say something.

If you recall, the first discussion
of Legacy Village, I think it was
Mr. Kaufmann both said and I think even
Jim said that the proposal had not had
an RFP plan. This is what we want to
see done. There is a stadium. There
are many homes so on and so forth that
would probably be under a negative
declaration right off the bat and that
was the discussion that we talked about.
Now we have a plan that has no proposal
with it. It just has surplus and a
possible auction.

I would second Ms. Fisher's
resolution.

CHAIRMAN SWANSON: Mr. Kaufmann?

MR. KAUFMAN: Just to clear up a
couple of points here.

I had written three memos to the
group and I don't think anyone remembers
any of that.

They have all specified exactly
what has been going on and where the
plans come in and how it effects SBQRA
and things like that. The most recent
one that I wrote to the group stated:

"You have to consider each one of
the actions as a separate action even if
there is a distinction in policy that
may come up. We're not the
policymakers. That is for the
Legislature to vote on. We are advising
them on single built that is coming up
before us. I checked that out on a
number of areas, and that's the way you
consider them. If the Legislature wants
to change its policy, they can. That's
its job. Our job is to analyze this
under SEQRA. In my opinion, this is a
separate bill.

Second, I researched surplus
declaration. This is the way a surplus
declaration is done. You declare
surplus. Surplus has some interesting
meanings under the law, but it is very,
very clear that it is surplus to the
County need. This is the way I have
seen it in statutory policies and other
statutory acts as to how you actually do
it inside a bill.

So, we're faced with an individual
bill calling it surplus. The gray area
that I think everyone's sort of
stumbling over is how this integrates
with the existing EIS and the gray area
is -- I discussed this with Rich in the
past at CEQ and, personally, I have not
seen anything within this geographical
area an EIS ever get ended midstream.
When people have tried, in the past, it
has been seen segmentation. That is not
the issue before us today. This is not
a segmentation issue. Sometimes
developers in the past have tried to
stop an EIS because they want to do this
or that and municipalities generally say
no to it. This is terra incognita. It
is a gray area. Nonetheless, having
researched it, there is prohibition
against stopping an EIS if the
Legislature wants to go along with it.
We're faced today with a bill that says
that's what we want to do. You have to
accept it on a SEQRA impact. All that
is going on right now, as it has been
pointed out several times, is we're
talking about setting up an auction
procedure and declaring it surplus and
changing title at a later time. That's
when a lot of the battle will occur.
Larry is very correct in saying
there is documentation out there.
Lawsuits are possible on this one. Does
anyone have a statutory lawsuit on this?
No. Will people sue on this? As I
think we are all aware, there's a lot of different opinions on this. Some people want to see it developed and others want to see it stopped at all costs. Somebody is going to sue on this.

That's not our concern.

However, our concern is the bill before us. What happens with the EIS if the Legislature wants to stop the EIS midstream. That's their prerogative. It could be subject to a lawsuit and a lot of the information out there might be utilized by those people. That's why I asked Mr. Mule a couple of minutes ago if there was anything inside the document because he had seen it, and I have not. It looked like it was precluded development and his answer was he did not see anything specific.

Wrapping this particular issue up, it's a properly drawn bill in terms of surplus. It's a separate action which we have to assess separately. Even though there may be sentiment around this table to continue the EIS, that's
the Legislature's call, not ours. The
grey area as to what happens when the
EIS is ended, I don't think that is our
call. Again, there may be sentiment
around this table to continue the EIS.

Vivian's motion to have this a Type
One Negative Declaration is, in my
opinion, a proper motion. I don't see
technical difficulties with the bill the
way it is set out. I see more of a
partition than anything else. Given
what we're looking at and given the
constraints of each of these bills, to
me, it is a separate bill. I think
that's the way we have to look at it.

We have to look at the bill
individually, and I think that's our
charge at this point in time.

CHAIRMAN SWANSON: Tom?

MR. GULBRANSEN: With all due
respect, Mr. Kaufmann, we do recall the
memo that you wrote, and I am pretty
confident we remember what you wrote was
beneficial. We appreciate you agreeing
with all of as on the only factor to be
considered.

One other concern that I have is I am still not sure how it is going to work out. There is this draft -- the DGEIS that has been put together. It might stop and if it stops, the next wave of consideration with regard to things like watershed and nitrogen and water quality -- I think the next wave of consideration would be to get back to the Town level. There would be a parcel level and there would be a smaller and more localize level and a more individual level. That's the way it needs to be because that's what it is calling for.

What I am concerned about is that we, as a body, know, learned, and heard about -- the memos went out about how there is already a condition in our water which is impaired -- not Carman's river necessarily, but the water that's coming through and those waters are currently receiving too much nutrients and can't handle it. So, my mind thinks
any further development is likely to exacerbate that condition and that makes me feel like the negative declaration isn't so automatic. It probably isn't going to help with the existing and exceeding capacity. I am not quick to want to leave that opportunity to learn from those DEIS findings because there going to more than just the facts of what is out there. There is no mention of how to mitigate and enable development that occurs in a way that allows for development and also to protect it cumulatively. I would like to see that preserved somehow. I can't figure out how to get there from here.

CHAIRMAN SWANSON: Gloria?

MS. RUSSO: Vivian, I would like to direct this to you.

This DGEIS process is pretty far along -- ten months and we have our draft document here. I am assuming the County paid 80 percent of the price or negotiated to do that. How far -- how much have we paid for it so far?
MR. ISLES: I would say we are past the halfway point.

MS. RUSSO: My proposal is that because it is so far along -- that we have paid out so much, we should just continue with the finishing documents for information for future decisions of whatever happens to the parcel of land. I just wanted to throw that out there.

CHAIRMAN SWANSON: Any other comments?

LEGISLATOR FISHER: Tom, I recently sat with Mr. Tulio' from Brookhaven Town who is working on the Carman's River Watershed Study. I believe you and he are on the same page with attempting to look more holistically at the language and the impact on the environment. That also seems to be the way that Brookhaven Town is looking at that. I know people think the information that we have been gathering in our environmental impact statement and the scoping of all of the studies we have done and I know that the Town of Brookhaven is looking for facts
and information and recommendations in that study and we will continue to look at that.

I feel very confident that this area, which is one of the most rapidly growing areas in Suffolk County -- eastern Brookhaven Town, the Town is looking very, very careful at all the other impacts on the wetlands.

MR. MACHTAY: I don't know whether Mr. Kent or Mr. Nolan had said the Town was in the process of rezoning this property. If so, maybe a lesser density then it is now, but that makes it less valuable. Consequently, we may not see the money that we're expecting to get out of this if the Town pulls the rug out from everything. So it's not a sure thing no matter what you do. The Town would have to look at one small parcel of development and they would have look at the possible cumulative effects on the entire area if it was so developed.

Once again, it's not a sure thing as to how it would developed or what
would happen and certainly the effect on
the groundwater issue. I don't think it
is as simple as black and white.

CHAIRMAN SWANSON: Mr. Kaufman?

MR. KAUFMAN: Couple of months ago,
Rich, you brought up one interesting
thing under SEQRA which was the fact
that you have look at the ultimate
impact of what's going to be happening.
If this land is declared surplus, and
it's put out for auction and for sale to
a potential developer and without
density occurring, are we looking at
potential impacts significant enough to
warrant a positive declaration under
this? I mean how far do we look
forward? I mean the action before us
right now officially is a declaration of
surplus and this is the way it is
classically done but do we look forward
beyond that?

MR. MACHTAY: I don't think we can
because you don't know what the
development process will be. Somebody
could buy ten acres and put one house on
MR. KAUFMAN: Basically, you're saying then -- if I am understanding you correctly, that means back to a negative declaration as opposed to putting any necessary conditions that we put on it today?

MR. MACHTAY: Yes, I would say that.

CHAIRMAN SWANSON: Eva?

MS. GROWNEY: The only comment I really want to make has to do with zoning -- reference to zoning -- up zoning.

Up zoning, when they change the zone, it doesn't necessarily mean it's going to be of less value. It depends on content and the characteristic of the plan -- the entire plan and it can be of anything. It could change -- it could mean get rid of the industrial -- all kinds of things.

In terms of planning, we're not every going to know what kind of plan is going to work there or what the
developer wants to do and in some way, it isn't our business. At the moment, the bigger scope is really important, of course, but I think with the local municipality jumping in, it is going to review this very diligently.

CHAIRMAN SWANSON: Thank you.

We have had a pretty healthy discussion on this.

We have a motion on the table and a second.

All in favor?

(WHEREUPON, the Council voted.)

CHAIRMAN SWANSON: Opposed?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: Motion carries.

Proposes Recommended Type Two Action, Ratification Recommendation Resolution laid on the table.

Do you have any comments?

MR. MULE: It's pretty much a Type Two Action. The one notable deviation was of Legislator Fisher and the IR-2256 regarding the verbatim minutes laid on the table.
LEGISLATOR FISHER: It was laid on the table and it is coming to Committee next week.

CHAIRMAN SWANSON: Thank you.

Do we have a motion to accept staff's recommendations?

LEGISLATOR FISHER: Second.

CHAIRMAN SWANSON: Vivian seconded it.

Any other questions?

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

CHAIRMAN SWANSON: All in favor?

(WHEREUPON, the Council voted.)

CHAIRMAN SWANSON: Motion carries.

Proposes Stormwater and Remediation improvements to Meschutt Beach County Park in the Town of Southampton.

MR. BERGEY: Good morning, Council.

My name Eric Bergey. I am a Senior Civil Engineer With the Department of Environmental Energy. We measure the water quality improvement.

I would like start off by thanking the Council for their attention to this
matter and I will get right into it.

First, we're looking at a
topographic map of the area -- project
area and highlighted in red. It's just
east of the Shinnecock Canal adjacent to
the Peconic. There's an area photograph
of the existing parking lot. You can
see it is kind of divided into two
distinct parking lots to the west and to
the east. The west being,

approximately, 60 feet wide -- sorry --
120 feet wide by 500 feet long and the
east being 60 feet wide with 700 feet
long.

Here is a photograph of the
existing conditions. As you can see,
there are pretty substantial erosion
issues occurring. This is on the
eastern lot in the southeast corner. We
plan to do part of the proposal to
address these issues. All along the
south edge of which is -- I guess on the
left hand side of the photograph as
you're looking at it, there's existing
land that looks well vegetated. It is
leading a quite substantial amount of sand into the park area that frequently needs to removed. So we plan to regrade that area and regrade that area and stabilize it with geostone which I will touch on that again later.

There's just one access point to the beach which is north of the parking area. This is kind of where the problem exists now. The entire parking lot is graded to the north and that sheet flows stormwater which ends up exiting the parking lot and onto the beach via the beach access. The proposal is essentially to regrade both parking lots to the center and add some DEC approved remediation practices in the center of the west parking lot and apportion some of the land that is currently being used for campground -- I guess a makeshift campground and the Parks Department plans to expand the use of the adjacent area for an official campground.

We took that into account when we designed the parking lot, and here's
just some of the existing and the
problems therein. It's approximately
3.7 acres of which is 2.4 acres is
asphalt pavement. The goal is to remove
quite a bit of this existing pavement
and resurface. Erosion is a primary
concern here in addition to the water
pollution. Here is just a little
illustration of what is currently
happening and how the sheet flows off
the driveway area and the sheet flows to
the north into both parking lots and
then onto the beach.

Here is what we plan to do. We
plan to regrade to the center and
collect a few different water treatment
practices. In the west lot, we plan on
installing what we call a stormwater
treatment median. It is somewhat
adapted from something that Washington
State is using which New York State DEC
has also decided to adopt. It consists
of a riffraff porter. It is heavy stone
that are three, four, or five inch ed in
diameter. Basically, they slow down the
flow of water and prevent erosion and
then the water will enter a filtration
system, which in this case, it's a
native beach soil grass but it is pretty
much the only species that you can get
to grow efficiently in that kind of
soil.

In the center we have what's called
an ecology make which consists of -- I
have the exact specification, if you're
interested but it is made of perlite,
dolite, and gypsy with background gravel
underneath a two foot layer underneath.

In the east lot since we're a
little bit more limited by space. It is
only 60 feet wide and to accommodate all
the existing parking and not loose any
space in the proposes lot. We have
asphalt pavement which will be layed
underneath by two feet of gravel. We
also have a few -- I don't know if you
can see in it -- we do have a few
leeching catch basins.

Along the southeast edge of the --
I am sorry south eastern parking lot, I
touched on the slope stabilization that we're going to include in the construction and here is an illustration of that.

Essentially, it is an expandable and plastic HDPE cells that you pin down to the soil -- the native soil after regrading it and fill it with more native soil and plants -- native species. Essentially it will rise to a nice stabilization to the slope as opposed to what is happening now which is pretty severe erosion especially when we have severe wind and rainstorm.

So, at this time, I would conclude my presentation and I will open the floor to any questions.

CHAIRMAN SWANSON: Thank you very much for your description of this very ambitious project.

On your last diagram where you talked about the HDPE cells, I am just curious about that. One of the big issues with that is, of course, all the plastic that is out on the beach. Is
there any experience of these cells that
you can cite where they have worked and
not deteriorated due to -- you know, sun
causing them to degrade and break apart?

MR. BERGEY: After completion of
the project, they will not be exposed to
the elements. It is completely covered
by soil and vegetations.

CHAIRMAN SWANSON: We hope.

MR. BERGEY. We hope too. Research
has shown that plants once they
establish in these cells, the roots are
really able to tie everything together
and they're designed as such.

CHAIRMAN SWANSON: Have you used
them successfully in the County?

MR. BERGEY: We have not. It was
sort of a pilot usage of that material.

CHAIRMAN SWANSON: Eva?

MS. GROWNEY: Is there any other
material being used for those
structures?

MR. BERGEY: For the slope
stabilization?

MS. GROWNEY: Yes.
MR. BERGEY: Yes. You can kind of see from the drawing that's pinned down from the HDPE stakes and there is geo-tech fabric underneath them.

MS. GROWNEY: Is there something that you can utilize that is not plastic?

MR. BERGEY: Not plastic?

MS. GROWNEY: Yes, that's my point.

MR. BERGEY: I don't believe so. It is the nature of how they're designed. The need to be flexible.

MS. GROWNEY: Then I want you to give us a brief history and on what kind of erosion is happening there. In particular, is there any ice development? You have a channel very close by, so I am sure there is a fair amount of water activity but has there ever been any kind of intrusion -- any major pipes that has caused the undermining possibilities?

MR. BERGEY: In the dune area?

MS. GROWNEY: Well, on the beach.

I mean a couple of years ago, we saw ice
down at Black Duck Lodge. There were
other locations on many of these beaches
in the bay areas. Sometimes ice would
build up and I was just wondering how
that might impact this project, if at
all? If it does exist. I don't know if
it exists. That's why I was asking for
a brief history.

MR. BERGEY: I am not aware of
anything. I know there has been -- the
County was finding -- I am not sure if
it was successful or not from FEMA to
actually rehabilitate the beach due to
some severe erosion during a nor'easter
storm back in 2009.

I am not aware of anything on the
landward side of the parking lot which
is where the dune is. I don't know if I
made that clear that this is actually on
the landward side of the parking lot and
not on the SEQRA.

MS. GROWNEY: Maybe I didn't
understand that.

MR. BERGEY: I will jump back to
the picture where you can see the
existing dune. On the left I have a picture here of the landward side of the parking area.

MS. GROWNEY: And the parking lot itself hasn't had any undermining of ice?

MR. BERGEY: I don't think so but Nick Gibbons from the Parks Department may have some more information on the history of the parking lots.

CHAIRMAN SWANSON: Gloria?

MS. RUSSO: If you could look at Sheet 3 of 8 of the drawing.

I am trying to understand the actual physical mechanics of this new design. The left corner on the bottom, it doesn't really say what section it is. They all say, "New high groundwater water is 2.8 feet." When you look at the dimensions especially on the left line, it is showing an accumulation of like five feet from the ground verses down to the water table. What really is the groundwater depth from the surface of the parking lot to the groundwater
level?

MR. BERGEY: Well, it does vary because of the surface of the existing parking lot which has a slope to it. The groundwater is considered to be relatively flat and not having a slope.

MS. RUSSO: It is showing the groundwater to be 2.8 feet, approximately, equal to the high tide. When you look the dimensions of the depth of the geo-cell of everything, I am seeing that the water level of the groundwater on the dotted is a foot and a half or two feet and among other things. So my questions is, is this unit really sitting in the groundwater?

MR. BERGEY: Yes. It is approximately six and-a-half feet from the surface of the existing parking lot to groundwater.

MS. RUSSO: So then these drawings are showing where the groundwater runs through is incorrect? If they're dumping and sitting right in the groundwater, are you accomplishing what
you wanted with this whole project?

MR. BERGEY: I disagree with that statement. The existing surface elevation of the parking lot is around nine feet. The existing groundwater elevation is approximately two feet -- 2.8 feet.

MS. RUSSO: That's what it says, 2.8?

MR. BERGEY: So if you do the subtraction, you will end up with about six and-a-half feet.

MS. RUSSO: What I was trying to understand, was that was it really is going to be sitting in the groundwater?

MR. BERGEY: The structure itself will not be sitting in the groundwater and this was approved by DEC. That structure is essentially a backup structure. The water is not going to be directly put into that catch basin. It's going to be shooting flow into the porus asphalt which will begin as infiltration at the surface. In a severe condition, that structure may see
a significant amount of water, but it is not the intent to have that be the primary source of discharge for stormwater.

MS. RUSSO: Thank you.

CHAIRMAN SWANSON: Mike, you wanted to make a comment about the DEC reaction.

MR. MULE: I just wanted to mention that this is listed as a Type Two Action as maintenance or repair and it kind of looks at the same footprints of the existing parking lot. It also falls under as part of the maintenance and the landscaping which is consistent with the DEC permit that was issued.

CHAIRMAN SWANSON: Thank you.

Any other comments?

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

CHAIRMAN SWANSON: Do we have a motion?

MR. BAGG: Motion as a Type Two Action.

MS. GROWNEY: Second.
CHAIRMAN SWANSON: We have a motion and a second.

Any further discussions?

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

CHAIRMAN SWANSON: All in favor?

(WHEREUPON, the Council voted.)

CHAIRMAN SWANSON: Opposed?

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

CHAIRMAN SWANSON: Motion carries.

Moving onto other business.

Christine, Michael had put in the agenda the fact that the three of us are having our terms expiring this month. I think Michael Kaufmann has spoken to staff at Legislator Fisher's office and Mike, do you want to tell us what those staff members informed you of?

MR. KAUFMAN: Well, basically, starting about a month ago, I asked Mike Mule who was up -- whose term was up and that information is what you're seeing on there. Proper procedure, as it has been in the past, is to have the
individual members contact their
appointing Legislator and talk to them.
Also, it was to contact the Chair of the
EPA who happens to be at the table right
now. I told them to talk to that
officer and eventually resolutions are
prepared and assuming everything goes
forward, then present that to their
Legislator. I have talked to several
members previously. I just called up
Legislator Fisher's office and talked to
her and her staff for a moment and
informed them of the names that were
going to be coming up. I just wanted to
let them know that reappointment was
coming. That's where we are at, at this
point in time.

CHAIRMAN SWANSON: My question,
Vivian, is -- I am a little confused,
but are we all now supposed to
independently go visit our appointing
legislator's or is your staff handling
it?

LEGISLATOR FISHER: Generally, the
council let's us know when you need to
do a reappointment; for example, Gloria
is coming up pretty soon. Her term
expires in March. So, the Council will
let us know when there are terms that
are coming up. Obviously, you're my
contingent, so I would be introducing
the resolution for your reappointment
and Maryann is my contingent. Eva, I
don't know who your legislator is.

MS. GROWNEY: Jay Schneiderman.

LEGISLATOR FISHER: As your term
comes up, I think it would be a good
idea to give him a call and let him know
in case there hasn't been that
communication between him and the
Council. I don't think this warrants a
visit to the Legislative office unless
you just want to go visit your
legislator. Generally, the legislator
who sponsors the resolution checks with
CEQ and assures that the person is
showing up at the meeting and is an
active member of the body. That is
usually -- we're all a great group of
people who give that kind of time. So
we're happy to put in a resolution.

CHAIRMAN SWANSON: Before you came in today, I mentioned that you had been selected as the Political Person of the Year in the Three Village area. I just wanted to once again reiterate a congratulations.

Also, congratulations and condolence on your reappointment to CEQ as our Legislative representative.

We're all happy to have you here.

Just, in general, all of you legislator's, we appreciate your service and after what has happened recently, take care of yourselves.

We are going to have election of officers. Let's call for nominations.

Maryann?

MS. SPENCER: I would like nominate Larry Swanson for Chairman and Gloria Russo for Vice Chairman.

CHAIRMAN SWANSON: Do we have a second?

MR. BAGG: I will second.

CHAIRMAN SWANSON: Second from
Mr. Bagg.

Do we have any other nominations?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: If not, then I will call for a vote.

All in favor?

(WHEREUPON, the Council voted.)

CHAIRMAN SWANSON: Opposed.

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: Motion carries.

CAC concerns?

LEGISLATOR FISHER: Sorry. Can I go back to the nominations?

As you all know, I am term limited.

This is my last year in the Legislature.

I am particularly pleased that Gloria is Vice Chairman because it's unlikely that -- well, not necessarily -- I don't know if the next person from the Legislature would be chairing the Environment Committee and if that person would be a woman. It seems to me that we don't have enough women around this table. It is certainly not 50 percent which is what our population should be,
but it is good to see a women in a leadership position.

CHAIRMAN SWANSON: Thank you.

LEGISLATOR FISHER: I also want to thank Michael Kaufmann for his service and all his hard work.

MR. KAUFMANN: Thank you.

MR. BAGG: Yes, agreed.

LEGISLATOR FISHER: By the way, he was named as Person of Year for the Environment named in the court records.

MR. KAUFMAN: The place has been surplus and sold.

(WHEREUPON, there was laughter.)

CHAIRMAN SWANSON: CAC concerns?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: Nothing.

Do we have a motion to adjourn?

MR. MULE: I just wanted to remind the members of Legacy Village subcommittee that you can pick up your EIS disks from Christine.

CHAIRMAN SWANSON: Do we have a motion to adjourn?

MS. GROWNEY: I will make the
motion.

CHAIRMAN SWANSON: Motion by Eva.

MS. RUSSO: Second.

CHAIRMAN SWANSON: All in favor?

(WHEREUPON, the Council voted to adjourn this meeting.)

CHAIRMAN SWANSON: No objections.

Motion carries.

(WHEREUPON, this meeting of January 19th, 2011, 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 14th day of February 2011.

Melissa Powell

MELISSA POWELL