

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

R. Lawrence Swanson
CHAIRPERSON

James Bagg
CHIEF ENVIRONMENTAL ANALYST

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, June 16th, 2010 in the *Isaac Mills House*, located at the intersection of North Country Road (25A) and Mills Pond Road in Saint James, New York. Pursuant to the Citizens Public Participation Act, all citizens are invited to submit testimony, either orally or in writing at the meeting. Agendas can be found at www.suffolkcountyny.gov/departments/planning Written comments can also be submitted prior to the meeting to the attention of:

**James Bagg, Chief Environmental Analyst
Council on Environmental Quality
Suffolk County Planning Department
P.O. Box 6100
Hauppauge, NY 11788**

**Council of Environmental Quality
R. Lawrence Swanson, Chairperson**

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AGENDA

MEETING NOTIFICATION

Wednesday, June 16th, 9:30 a.m.

**Isaac Mills House
North Country Road (25A) and
Mills Pond Road, St. James**

Call to Order:

Minutes - check the web at

<http://www.co.suffolk.ny.us/departments/planning/minutes.aspx#ceq>

Correspondence:

Public Portion:

Historic Trust Docket:

Director's Report: Updates on Housing Program for Historic Trust Sites
Updates on Historic Trust Custodial Agreements
Status on Historic Trust letter regarding Helen Keller house

Project Review:

Recommended TYPE II Actions:

- A. Ratification of Recommendations for Legislative Resolutions Laid on the Table June 8, 2010.

Project Review:

Recommended Unlisted Actions:

- A. Proposed Sale of the John J. Foley Skilled Nursing Facility, in the Town of Brookhaven. (Tabled from the May 19th, 2010 CEQ meeting).
- B. Proposed Sewer District #14 – Parkland, Construction of additional Recharge Bed. CP 8118. Town of Islip.
- C. Proposed Acquisition for Open Space Preservation Purposes Known as Beaverdam Creek County Wetlands Addition, in the Town of Brookhaven.

Project Review:

Recommended TYPE I Actions:

- A. Proposed Review of Cedar Point County Park Master Plan, in the Town of East Hampton. (Tabled from the May 19th, 2010 CEQ meeting).

Suffolk County Parks:

Updates on County Parks

Other Business:

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.**

ORIGINAL

1 -----X

2 DEPARTMENT OF PLANNING.

3 COUNCIL ON ENVIRONMENTAL QUALITY

4 -----X

5

6 June 16, 2010
9:30 a.m.

7

8 Isaac Mills House
Mills Pond Road/North Country Road,
9 St. James, New York

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14 B E F O R E:

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16 R. Lawrence Swanson, Chairperson

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18 Michael Kaufman, Vice Chairperson

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Reported by,
Melissa PowellS.O. PLANNING DEPT.
2010 AUG -2 PM 3:13

1 A P P E A R A N C E S:

2

3 CEQ MEMBERS

4

Hon. Vivian Vilorio-Fisher, member

5

Eva Growney, member

6

Thomas Gulbransen, member

7

Richard Machtay, member

8

Daniel Pichney, member

9

Gloria Russo, member

10

Mary Ann Spencer, member

11

12 * * *

13

14 CEQ STAFF

15 James Bagg

16 Christine DeSalvo

17

17 * * *

18

19 CAC REPS

20

Steve Brown

21

22

Joy Squires

23

24 * * *

25

1 HISTORIC SOCIETY

2 Richard Martin

3 * * *

4

5

6 A L S O P R E S E N T

7

Christopher Kent, **Chief Deputy County Executive**

8

Nick Gibbons, Suffolk County Parks

9

Thomas Isles, Suffolk County Planning

10

Michael Mulé, Suffolk County Planning

11

Janice McGovern, Engineer, DPW

12

Dominick Ninivaggi, DPW, Superintendent

13

Linda Spahr, Suffolk County Attorneys Office

14

Lauretta Fisher, Acquisition for Open Space/Beaverdam
Creek

15

Linda Ogno, Employee of John J. Foley Skilled Nursing

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(Time Noted: 10:10 a.m.)

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MR. CHAIRMAN: I would like to call
our June meeting to order.

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6

Anybody have comments on the
minutes?

7

8

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

9

10

11

LEGISLATOR VILORIA-FISHER: I can't
make a motion yet. We're not all here
yet.

12

13

MR. CHAIRMAN: We are reviewing the
minutes.

14

15

MR. MARTIN: Just want to let you
know about a practical issue here.

16

17

18

19

20

21

If anybody needs a facility, the
bathroom in the apartment which is the
door outside -- you have to go out the
front door to that door. It is open for
our use. We can't use the bathroom in
this part of the building.

22

23

24

25

MR. CHAIRMAN: Thank you.
We're going over the minutes, but
before we talk about the minutes, I
would just like to have on the record

1 that, Richard, we appreciate all the
2 effort that you went to, to set up this
3 meeting here. I think this is a
4 valuable experience for the CEQ to see
5 some of the properties that the County
6 owns and operates since Historic Trust
7 is part of our duties and
8 responsibilities. Thank you.

9 MR. MARTIN: Thanks for coming.

10 MR. CHAIRMAN: I also want to thank
11 Jim Bagg, Mike Mulé, and Christine for
12 going out of their way to set up, and to
13 our Stenographer for having to deal with
14 these historic conditions. Thank you.

15 LEGISLATOR VILORIA-FISHER: Can I
16 just say one thing about that?

17 MR. CHAIRMAN: Yes.

18 LEGISLATOR VILORIA-FISHER: I do
19 want to thank Richard because the County
20 tries to stay away from buying
21 properties that have buildings with
22 them, but I thought this one was very
23 special when I looked at it. We have to
24 think in terms of trying to maintain the
25 hotel/motel tax for the restoration and

1 protection of these old treasures that
2 we have.

3 Right now, the hotel/motel tax
4 money is being diverted to the
5 operations of historic services and that
6 wasn't the intent. So we have to look
7 at that, as we move forward, through the
8 years that aren't as challenging
9 financially as the one that we're in.
10 We can go back to that model because it
11 would be a shame to lose these buildings
12 for lack of funds when, in fact, we have
13 earmarked this one precisely for this,
14 although, we're going to try and keep
15 away from buying more properties like
16 this building. But thank you, Richard,
17 because this is such a good example of
18 why we need that money. It's expensive
19 to keep these maintained.

20 MR. CHAIRMAN: Any comments on the
21 past minutes?

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

24 MR. CHAIRMAN: If not, we can move
25 forward.

1 Jim, are there any changes?

2 MR. BAGG: Are you going to approve
3 the minutes?

4 MR. CHAIRMAN: Nobody received
5 them. That's my sense. That's the
6 problem with having 500 pages worth of
7 steno notes.

8 Mike, do we have any correspondence
9 you want to call to our attention?

10 MR. MULÉ: Aside from the letters
11 to the Council -- aside from the letters
12 to the Council from Mary Ann Spencer
13 regarding the Helen Keller House, I
14 don't believe there are any other
15 correspondences.

16 MR. CHAIRMAN: We did get a letter
17 from Legislator Kennedy. It will come
18 up as part of our discussion on the
19 nursing home.

20 Speaking of the letter from Mary
21 Ann, I would like to have the full
22 committee consider either accepting or
23 rejecting her thoughts that were
24 expressed in the memo and then formally
25 sending it onto the Legislature with our

1 recommendations, whether we endorse it
2 or not endorse the historic
3 recommendation.

4 So, has anybody read that letter?

5 MR. KAUFMAN: Yes. I read the
6 letter. I agree wholeheartedly with
7 what Mary Ann is talking about. She
8 really has, in this letter, and also
9 discussions that I have had with her and
10 what she had presented to the CEQ. She
11 really has hit the nail on the head with
12 all of this. This does not meet this
13 criteria for listing in the State or
14 National Register or becoming part of
15 our system due to the severe loss of
16 integrity as she pointed out. I would
17 love to save everything that we put in
18 our history, but this doesn't meet the
19 criteria.

20 Again, temporary short term
21 residence is not enough -- not enough of
22 an attachment to the County to really
23 change my opinion on any of this. Just
24 because someone merely walked through
25 the area and was here for a little

1 while, just does not bring it to that
2 level where, I think, it should be
3 preserved the way it has been proposed
4 given what Legislature Fisher has just
5 stated. It's just tough to make that
6 lead, and I think that her letter should
7 be accepted by the CEQ and the Historic
8 Trust and sent onto the Legislature.

9 MR. CHAIRMAN: Just for the
10 Stenographer, we are talking about the
11 house where Helen Keller spent a Summer
12 some years ago.

13 MR. MARTIN: Larry, sorry, just to
14 clarify on our historic list, it is
15 called the Roger's House. That's the
16 name of the family that owned the
17 property. The locals called it the
18 Helen Keller House but, historically, it
19 was the Roger's House.

20 LEGISLATOR VILORIA-FISHER: Is it also called the
21 Beach House?

22 MR. MARTIN: Yes. The New York
23 State review for the National Register
24 identified it as the Beach House. Our
25 historic list has it registered as the

1 Roger's House.

2 MR. CHAIRMAN: Thank you.

3 Yes?

4 MS. GROWNEY: My understanding is
5 that she was -- she was only there for a
6 couple of weeks.

7 MR. MARTIN: We don't have exact
8 documentation. She did rent the house
9 from the Roger's Family, and it could be
10 anywhere from two weeks to two months.
11 There is no clear documentation. Once
12 Ann Sullivan, her teacher, got sick and
13 had a heart attack, they went back to
14 their home that they owned in Forest
15 Hills and that's where she passed away
16 in October.

17 MR. CHAIRMAN: Okay.

18 Do we have a motion to accept Mary
19 Ann's letter serving as the Chair of the
20 Historic Trust Committee?

21 LEGISLATOR VILORIA-FISHER: I'll move.

22 MS. GROWNEY: I'll second.

23 MR. CHAIRMAN: We have Vivian
24 Viloria-Fisher who made the motion. We
25 have a second by Eva Growney.

1 All in favor of forwarding this
2 with endorsements -- positive
3 endorsements?

4 THE COUNCIL: Aye.

5 MR. CHAIRMAN: Opposed?

6 (WHEREUPON, there was no response.)

7 (WHEREUPON, the Council voted.)

8 MR. CHAIRMAN: We will do that.

9 Thank you.

10 On another matter and as you can
11 recall from last months meeting, I think
12 it was, we talked a little bit about the
13 fact that the CEQ now has new
14 responsibilities with regard to bike
15 paths in the County. I have contacted
16 Rich Machtay and Gloria about the
17 possibility of working with me and Bill
18 Hillman of the Highway Department to
19 sort of get a sense of where they want
20 to go with bicycle paths and what -- how
21 we, as a committee, can best help them
22 with their mission.

23 So, Mike, if you don't mind, see if
24 you can set up a meeting with the three
25 of us following next months meeting with

1 Mr. Hillman. (Phonetic.)

2 MR. MULE: Sure.

3 MR. CHAIRMAN: Historic Trust
4 Director's Report.

5 MR. MARTIN: With our Housing
6 Program, we now have six vacancies
7 within that program. The all employee
8 memo which we had hoped was going to be
9 already sent out has been put off and
10 we're trying to get that sent out in
11 July. The reason for that is because
12 when we have this many vacancies, we
13 pick one day where we each house a staff
14 or a Park's Department employee and
15 people go around usually on the
16 weekends, like Saturday or Sunday, and
17 they can go around in one day,
18 literally, and see all those buildings
19 that are available to them. So that's
20 what we're planning. We're hoping to do
21 that in July.

22 We still have not rented the house
23 in West Hills. That's by the Park's
24 office. The other house, the Oakley
25 House, will become vacant come July 1.

1 Those are two of our larger
2 post-colonial homes that we would like
3 to get rented. I am hoping we will be
4 successful this time around.

5 Otherwise, with our contracts, we
6 have six groups that are working on the
7 contracts right now in our contract's
8 division and the Park's Department. We
9 have signed the Huntington contract that
10 relates to the comparable boathouse and
11 the use of the classroom space in the
12 main house at the top of the hill. So,
13 that one has been completely executed.
14 We're still working with the Town of
15 Huntington on the contract for the use
16 of the gym with the Park's Department.

17 Otherwise, I would just like to
18 follow up a little more on the comments
19 on the Helen Keller issue. I would like
20 to thank Mary Ann and the Historic Trust
21 Committee for sending the letter on.
22 It's been very helpful to have the
23 support. There has been a lot of
24 questions coming into the office about
25 the structure. I just had a phone call

1 yesterday from the National Trust
2 Historic Preservation Magazine, again,
3 asking questions about it. I think
4 being related to Helen Keller, there is
5 obviously a lot of interest out there --
6 a lot of questions, but unfortunately,
7 there has also been a lot of
8 misinformation by calling it the Helen
9 Keller House. We have been trying to
10 explain to people that it's really not
11 her house. It's not even her Summer
12 home which some people think it was.
13 For the time period that she stayed
14 there, and also the extreme water damage
15 that's occurred to the structure, we
16 really only have the front facade that's
17 still standing. So, this would be a
18 total reconstruction if anything was to
19 happen with that site which is really
20 not what we're looking to do. Of
21 course, it's never had any historic
22 listings by any agency including the
23 Town of Southold. So it really was a
24 structure that was never listed.

25 Also, the letter was helpful in

1 just getting the word out to the Town of
2 Southold. It was forwarded to the
3 Suffolk Times. Quotes were included in
4 their article and, I think, that helped
5 explain to the local people that there
6 is a real background to this site and
7 not just the story that they have been
8 getting on the street.

9 So, I think, people are starting to
10 understand why we've made the decision
11 that we have. With what I handed out to
12 you today, all from New York State
13 National Register Review on their
14 statement of significance, again, does
15 not qualify it to the National Register
16 or the state register and the reason's
17 why the conditions of the building and
18 also the fact that Helen Keller stayed
19 there such a short time.

20 Also, I included for your
21 information that we did research
22 actually at the home of Helen Keller.
23 She actually was and her family was
24 involved with five residences. Her
25 birthplace is open to the public. It

1 was purchased by the foundation in 1954,
2 and restored and is open to the public
3 on a regular basis and her other homes
4 are well documented, as to where she
5 lived and she did have an ownership
6 interest with two of them with Ann
7 Sullivan. Later in life when Anne
8 passed away, she actually hired a
9 private architect and did a design for
10 her in Connecticut. The first one burnt
11 down. She rebuilt the house, again,
12 working with an architect. Those
13 architectural plans are actually in the
14 Helen Keller Foundation in New York City
15 that she worked for, for a number of
16 years and they have all the plans and/or
17 archives and they think that's a very
18 important house and that's the one that
19 should be studied because she designed
20 it for herself.

21 There was a lot of historic
22 interest in that structure because it
23 was the last house she lived in and
24 passed away in, in 1968.

25 MS. GROWNEY: Where was she born?

1 MR. MARTIN: Escambia, Alabama.
2 That's where Ann Sullivan came when she
3 was a child so that's well interpreted
4 that the house was historic in a early
5 time period and I think very popular.
6 All these questions that people have
7 been asking even on the Facebook page
8 that's been established by the family
9 that's supporting the keeping of the
10 house, but people are starting to do
11 their own research online and realizing
12 that this is truly where the
13 interpretation should be taking place.

14 MR. CHAIRMAN: Thank you.
15 Ratification of Recommendations for
16 Legislative Resolution Laid on the
17 Table.

18 Mike, do you want to call our
19 attention to anything in particular?

20 MR. MULE: It is pretty straight
21 forward. The majority of items are Type
22 Two Actions with SEQRA underway or
23 incomplete.

24 I do want to call your attention to
25 IR-1670 bearing Yaphank property AMH for

1 county leads and authorized property
2 sale in a public auction. Please note
3 that this involves about a 95 acre
4 parcel in Yaphank County Center area.
5 This resolution does not tie into any
6 developments. It just a surplus in sale
7 resolution and the legislature is
8 intending to introduce the bill
9 indicated to us that it will be
10 submitted in the EAF at the next CEQ
11 meeting in regard to the resolution.

12 MR. CHAIRMAN: Legislature
13 Viloria-Fisher, do you have anything?

14 **LEGISLATOR VILORIA-FISHER:** This was
15 discussed at the meeting where it was
16 laid on the table. As you know, this is
17 a piece of property tied in the southern
18 part of what we have been referring to
19 as Legacy Village. Although we passed
20 the funding for the environmental impact
21 to be done on Legacy Village and the
22 whole property, Legislator Kennedy's
23 piece is on private property which is
24 the least contentious. This parcel has
25 an as-of-right ability to be developed.

1 So, that's basically the background and
2 we're trying to get revenue from the
3 property. So what John Kennedy did was
4 put this into a separate resolution so
5 that we could move forward with that
6 part of the project, so it's for the CEQ
7 to discuss how it impacts what we've
8 already decided regarding Legacy
9 Village.

10 Mike was at that meeting and you
11 said that passing that would nullify
12 part of what we have approved for the
13 EIS --

14 MR. KAUFMAN: There's--

15 LEGISLATOR VILORIA-FISHER:

16 (Continuing) -- because I asked Michael
17 about the SEQRA piece on this. Is there
18 a problem with passing John Kennedy's
19 legislation if we already looked at the
20 Legacy Village as a whole including the
21 industrial piece of property or can it
22 be broken out as a separate piece? So
23 that's something for the Council to
24 discuss.

25 MR. KAUFMAN: Right now, this is

1 not seen in the EAF. We don't have the
2 building in front of us. It's going
3 into the CEQ's cycle eventually. It's
4 hard to say exactly where it is going
5 to, but Vivian had asked me for an
6 opinion, and I did write her something.

7 This is sort of a competing bill in
8 certain ways and it will cause
9 segmentation issues. There is also
10 something called nullification which I
11 don't think anyone has really looked at.
12 It could be sort of seen as a
13 nullification of a previous decision of
14 the Legislature to the extent that the
15 bill might be oriented towards cutting
16 out one of the four parcels of Legacy
17 Village. Remember, Legacy was a four
18 parcel A, B, C, and D and maybe making
19 it stand alone in the surplus bill. It
20 might destroy the legacy RFP. It might
21 store the sale contract by cutting part
22 of the plan out. It might be seen as
23 segmentation because you suddenly have a
24 plan out there, and you're only going to
25 be looking at part of it so that's

1 segmentation in a classic sense. It
2 might render the RFP and propose a
3 contract void on their face. It
4 competes, basically, with the prior
5 decisions of the Legislature to go
6 forward with an EIS on the entire parcel
7 plan.

8 While the Legislature has not
9 authorized any sale yet of the four
10 parcel plan on Legacy Village that had
11 been looked at in December, the intent
12 of the legislature is to study the four
13 parcel plan -- the EIS and consider a
14 sale of all four parcels as a single
15 unit.

16 The Kennedy Bill, if adopted, right
17 now, is technically is viable because
18 nothing has yet been done on Legacy. So
19 it would signal a different intent and
20 because it has a different intent, you
21 might have basically the Legislature
22 going into a classic nullification.
23 That actually -- the laws here bring you
24 back to 1832, and the South Carolina
25 nullification act is something I never

1 thought I would look at again.

2 MR. CHAIRMAN: That was readily
3 available the other day.

4 MR. KAUFMAN: Actually, Larry has
5 some strange interest. Actually, it is
6 dealt with tariffs and the slave trade
7 among other things.

8 So it really takes you back a long
9 way, but basically you can have some
10 nullification problems and until the
11 Legislature makes up its mind as to what
12 they want do to, there are issues out
13 there. They can't basically go with
14 both.

15 The segmentation issue, again, is
16 basically if the Legislature is going to
17 be looking at the four parcel EIS. If
18 you look at a single parcel and you know
19 the plan is still out there, you're not
20 considering the entire situation and
21 that's exactly why we did a positive
22 declaration back in December. You can't
23 just look at a single situation in
24 isolation when you know there's
25 something out there.

1 So it plays out in very, very funny
2 way and, again, its not been -- it's
3 just being brought up right now at this
4 point in time. There's been no full
5 view of it by the Legislature. It was
6 only laid on the table last Tuesday, so
7 it's just coming into our cycle and a
8 lot of this is, frankly, policy issues
9 -- nullification issues and policy
10 issues for the Legislature.

11 MR. CHAIRMAN: Legislature Gloria
12 Fisher?

1 **LEGISLATOR VILORIA-FISHER:** Lastly, not only to
14 the Council but also to the County
15 Executive staff.

16 When we voted at our last meeting,
17 to fund the environmental study in a
18 manner of speaking, that was the
19 ratification of the intent to look at
20 the whole project. So then I assumed
21 that, that's when the issue of
22 nullification would come in because
23 voting on that -- voting positively on
24 that was a ratification of intent.

25 MR. KAUFMAN: Maybe executory --

1 when the Legislature voted --

2 **LEGISLATOR VILORIA-FISHER:** I am not a lawyer. I
3 don't use words that big that.

4 **MR. KAUFMAN:** That's the technical
5 term. You actually committed -- the
6 Legislature actually committed to the
7 policy --

8 **LEGISLATOR VILORIA-FISHER:** Right, to execute --

9 **MR. KAUFMAN:** (Continuing) -- to
10 execute and go forward. So in that
11 sense, if the Kennedy Bill eventually
12 comes up, it probably would be nullified
13 by the decision making of the
14 Legislature last Tuesday.

15 **MR. KENT:** I can tell you --

16 **STENOGRAPHER:** Sir, your name?

17 **MR. KENT:** Christopher Kent.

18 I can advise you that the contract
19 has already been entered into. There
20 was an RFP on the selection of the
21 environmental consultants. That
22 contract has already been awarded and
23 has been entered into and has been
24 authorized -- the monies that you
25 approved have already been authorized to

1 be expended and they have already
2 commenced the study. So, I don't know
3 -- it is executory in nature by the
4 Legislature but the contract with the
5 environmental consultant and the
6 commencement of the EIS is no longer
7 executory. It has now been commenced.

8 LEGISLATOR VILORIA-FISHER: So then
9 there would be a nullification issue if
10 we were to pass this. I mean we can't
11 pass Kennedy's Bill then because then it
12 is breaking something out of --

13 MR. KENT: I would request that you
14 do not pass Kennedy's Bill because we've
15 already done a thorough study on the
16 impact of the overall project and we're
17 studying all of the potential impacts
18 that might be -- all the potential
19 impacts that might occur if development
20 goes forward pursuant to the RFP that
21 was issued in 2007. That's the scope of
22 the study in a nutshell.

23 The scope is a much longer
24 document, but we're looking at all of
25 the potential impacts under the RFP as

1 issued by the County back in 2007.

2 LEGISLATURE VILORIA-FISHER: I have
3 to say that I thought the one positive
4 thing about the Kennedy Bill is that
5 this is the easiest piece of the -- of
6 all of the pieces that run through
7 Legacy Village so -- you know, it would
8 have been, perhaps, a very beneficial
9 element to do that study.

10 MR. KENT: It will studied. That's
11 part of the overall study.

12 LEGISLATOR VILORIA-FISHER: But can
13 it move forward without directing --

14 MR. KENT: That would be based upon
15 the findings and determination that the
16 Legislature enacts or adopts at the time
17 -- at the end of the study, so at the
18 end of the study there will be a draft
19 or GEIS and that will be submitted for
20 review. There will be comments. There
21 will be a final -- there will be
22 findings and determinations that will be
23 made by the Legislature by resolution at
24 the end of the study.

25 LEGISLATOR VILORIA-FISHER: My

1 point, Chris, is that we do have to wait
2 until the end of the study to the entire
3 project. One benefit that I saw in
4 Kennedy's Bill was that the study, I'm
5 assuming, around the Carmine's River
6 Watershed would be much more involved
7 and the traffic study that we can do
8 with the affordable housing and all of
9 those issues which are much more complex
10 than this piece of property.

11 MR. KENT: We do think the study
12 will become the basis for any decision
13 making in the future.

14 LEGISLATOR VILORIA-FISHER: Well,
15 sure.

16 MR. KENT: And I'm using a legal
17 technical term called "bulletproof."
18 Any decisions that the Legislature makes
19 will help.

20 LEGISLATOR VILORIA-FISHER: But we
21 can't expedite it by breaking anything
22 out because now the study has to be one
23 piece.

24 MR. CHAIRMAN: Linda?

25 MS. SPAHR: Linda Spahr.

1 It would end up being segmentation
2 because although it would seem that one
3 of the alternatives is the EIS as a
4 whole project could be considered if
5 what if you only did 95 acres? That
6 would probably satisfy any requirements
7 reviewing it only.

8 MR. KENT: The best way to insulate
9 the Legislature to insulate future
10 actions from successful litigation. I
11 mean all open litigation can be
12 considered for anything, but to insulate
13 your actions from success or litigation,
14 I think the completion of the study will
15 give you the foundation to base your
16 hard look at the determination.

17 MR. KAUFMAN: Phrasing it a
18 different way would be taking a hard
19 look as part of the main EIS with an
20 alternative sale of the 95 acres, again,
21 as an alternative and maybe even
22 mitigation. However, you want to
23 classify it. It sort of a backwards way
24 to go but it does -- if you take a hard
25 look, it sort of, in my opinion, allows

1 for possible future sale if that's the
2 way the Legislature wants to go as a
3 policy decision. Basically, the EIS
4 would cover the entire four parcels. It
5 would also, as an alternative, whereas
6 mitigation covered a sale of a single
7 parcel -- parcels C and D and the 95
8 acres, and if a hard look is taken and
9 it's taken in that context, I think
10 that, again, it's sort of backwards from
11 the way you would do it -- I think if
12 that were possible to do in finding
13 statements could incorporate those
14 findings and then that would become a
15 policy decision for the Legislature. I
16 am not saying --

17 LEGISLATOR VILORIA-FISHER: That
18 was in the scope of the document; wasn't
19 it? That we would like at those
20 alternatives.

21 MR. CHAIRMAN: I think that --

22 MR. BAGG: The scope has not been
23 completely at this point.

24 LEGISLATOR VILORIA-FISHER: That's
25 the draft, sorry.

1 MR. KAUFMAN: Jim, something could
2 be added into the stuff then if we
3 wanted to? That was a question that had
4 come up.

5 MR. BAGG: Again, the only
6 encompassing project that includes C and
7 D and it's ultimate build-out for
8 industrial, once you adopt your finding
9 statement you're proceeding with a
10 lesser project within the scope is
11 perfect doable and doesn't need any
12 further SEQRA.

13 MR. KAUFMAN: One of the questions
14 that I had for you was, in the initial
15 scope, we had looked at the sale of all
16 four as a single unit. We had not, as I
17 remember and I may be wrong on this, we
18 had not looked at the sale of C and D as
19 a separate unit. I asked you whether
20 that would be a defect in there. Now,
21 if the scope is still open, I think that
22 removes that question. It may not have
23 been initially posted, but if the scope
24 is still open and we control the --

25 MR. BAGG: The scope is open. It's

1 a question and an issue that should be
2 dealt with.

3 MR. KAUFMAN: Yes. We need to
4 eventually -- Michael has to deal with
5 that and place it into the scope.

6 MR. BAGG: If you could broaden the
7 scope to consider those issues parceling
8 the scale with one parcel.

9 MR. KAUFMANN: So you don't need a
10 separate --

11 MR. BAGG: Squeeze separate parcels
12 in the future that could be an
13 indication that --

14 MR. KAUFMAN: Yes, that would --

15 MR. MULE: The scope does right now
16 though, as one of the alternatives, look
17 at development under existing scope and
18 currently this area is zoned as
19 industrial. So the maximum impact will
20 be looked at the during the EIS process
21 of the parcel. So we will be covered by
22 the scale that we can work under.

23 MR. CHAIRMAN: Richard?

24 MR. MACHTAY: I would just like to
25 know what the County Attorney's opinion

1 is on segmentation and if that's -- my
2 head is spinning today so I am just
3 trying to consolidate my thoughts -- and
4 also the Planning Department and if
5 we're going to discuss this at the next
6 meeting, I think this is imperative.

7 MR. ISLES: We will be prepared to
8 discuss it.

9 MR. CHAIRMAN: Vivian Fisher, can
10 you share what you think the sense is of
11 the Legislature is? It's like herding
12 cats?

13 LEGISLATOR VILORIA-FISHER: You
14 know, it's very puzzling right now how
15 this is going to play out. I think we
16 need to hear those opinions, as well.
17 This was just laid on the table so there
18 hasn't been a discussion. There's a
19 sense of wanting to get some part of
20 this done to bring back revenue, but on
21 the other hand, we just ratified the
22 expenditure of money because we're in a
23 contract but we can't do that. In other
24 words, we have taken a step forward that
25 we can't go back on. I can't see that

1 we can pass Kennedy's Bill at this point
2 because we jumped in with both feet on
3 the other projects it seems to me.
4 That's how it seem to me. We need to
5 hear all the lawyers duke it out.

6 MR. MACHTAY: I don't think that
7 the CEQ should second guess either the
8 Planning Department or the County
9 Attorney and that's what it seems like
10 has happened before and I don't think --

11 MR. CHAIRMAN: I am not clear on
12 what you're saying.

13 MR. MACHTAY: I don't think we
14 should start second guessing and say
15 "Oh, this is segmenting or this is not
16 segmenting or we should go ahead with
17 the whole thing or not go ahead with the
18 whole thing." Until we're hear what all
19 their opinions are and have it all laid
20 out on the table for us and the public.

21 LEGISLATOR VILORIA-FISHER: I will
22 ask the Legislative Counsel to weigh in
23 on this. He was the one who drafted the
24 bill for the legislative county.

25 MR. KAUFMAN: Rich, I fully agree

1 with what you're saying. This is a
2 very, very interesting situation. I was
3 asking had the Legislature shown up
4 there for other reasons and I was asked
5 by one of the Legislatures to tell him
6 what I thought in the middle of the
7 meeting. So that's what I did and what
8 I sent to her. It was an "off the
9 cover" opinion. I had not heavily
10 researched and looked at the issue and
11 things like that. I do agree with you a
12 hundred percent. We have to be very,
13 very firm on the grounds on all of this.
14 A lot of this is policy from the
15 Legislature and beyond us.

16 LEGISLATOR VILORIA-FISHER: There's
17 a lot chomping at the bit for lawsuits
18 here too. I mean, I have gotten calls
19 about that so --

20 MR. CHAIRMAN: You want to keep the
21 CEQ out of that.

22 So we're still discussing the
23 ratification that was laid on the table.

24 Anything else?

25 MR. MULE: That was the only one I

1 wanted to bring up.

2 MR. KAUFMANN: I will make a motion
3 on this eventually.

4 The only interesting one that I
5 have seen aside from what has been 1670
6 or 1653 confirming the appointment of
7 the commissioner and I just wanted to
8 point that out for interest at this
9 point in time.

10 MR. CHAIRMAN: Commissioner of
11 what?

12 MR. KAUFMAN: Commissioner of Parks
13 taking over from Legislature --

14 MR. CHAIRMAN: Thank you.

15 MR. KAUFMAN: There was one other
16 in there. It was the Victory Garden
17 proposal which I didn't --

18 LEGISLATOR VILORIA-FISHER: That's
19 just extending the time. That's all it
20 is. It's extending the time of the
21 task-force.

22 MR. BAGG: It's administrative.

23 MR. CHAIRMAN: Do we have a motion
24 on accepting staff recommendations?

25 MR. KAUFMAN: I will make the

1 motion, but I would abstain on 1653.

2 MR. MACHTAY: I will second the
3 motion.

4 MR. CHAIRMAN: We have a motion and
5 a second.

6 All those in favor?

7 THE COUNCIL: Aye.

8 MR. CHAIRMAN: Opposed?

9 (WHEREUPON, there was no response.)

10 MR. CHAIRMAN: For the record,
11 Mr. Kaufmann approves with the exception
12 of 1653 from which he has abstained.

13 (WHEREUPON, the Council voted.)

14 MR. CHAIRMAN: The next item is
15 Recommended Unlisted Action.

16 First one is the proposed sale of
17 the John J. Foley Skilled Nursing Home.
18 This is the continuation of the topic
19 from last month, and I pointed out that
20 we received a letter from Mr. Kennedy in
21 which we had asked him to prepare
22 concerning his issues with moving
23 forward with this proposed sale.

24 So, I hope you all had the time to
25 read it. It was sent out, Jim, or was

1 it in the packet?

2 MR. BAGG: It was in the packet and
3 it was also sent out to other
4 individuals, as well. There is an
5 attachment from the Response Unit of the
6 County Executive Office also in with
7 that material and in that response, are
8 Legislator Kennedy's points.

9 MR. CHAIRMAN: So before we open
10 the discussion, a couple of points of
11 clarification.

12 Talking with Jim, and just to
13 remind you that underneath those,
14 apparently, we would be required to look
15 at social issues, economic issues, and
16 so forth and that's not a requirement
17 under SEQRA. Also, the definition of
18 the environment that we're working with
19 is as follows:

20 Environment means the physical
21 conditions that will be effected by a
22 proposed action including land, air,
23 water, minerals, flora bona, noise,
24 resources, agricultural, archeology
25 historical study significance and

1 existing patterns of population,
2 concentration, distribution of growth,
3 and existing community or neighborhood
4 character and human health.

5 So, with that, we will open the
6 discussion again for the nursing home.

7 Mr. Kauffman, you had some comments
8 you wanted to make?

9 MR. KAUFMAN: Yes.

10 Legislator Kennedy's letter raises
11 a number of issues and some of them are
12 policy issues that are outside of our
13 jurisdiction. Some of them are
14 interpretations of SEQRA. Some of them
15 are social issues, et cetera. A lot of
16 it is the challenge to the document.

17 I have learned over the years that
18 we should not be a slave to the actual
19 document itself. The document of the
20 Suffolk County EAF form has no standing
21 in law as a document exclusive to
22 Suffolk County, and it has no standing
23 in law as a type of required document
24 but is something that is put together by
25 the County to enable people to look at

1 what is going on.

2 EAF's are required by law. How you
3 design one for your individual county, I
4 believe, is not put forth in the law.
5 Obviously, there has to be certain
6 requirements that are met. The Suffolk
7 County EAF does met those requirements.

8 So, what I am basically trying to
9 say is challenges to the document that
10 the document does not cover and what
11 needs to be covered and given the
12 information that we have, I don't think
13 really meets the criteria for causing
14 problems.

15 The record that we create in
16 examining the document is the critical
17 aspect. In other words, the hard look
18 that we take at the information that is
19 presented to us. So, if we have an EAF
20 before us and if it has a glaring error
21 in it, that's one thing. If it's an
22 issue of interpretation, that's
23 something else. If you look at the
24 documents and we discuss it at the board
25 -- that's what we're here for -- our

1 discussions are the hard look. The
2 responses of the County to this are the
3 hard look and that is what they call
4 penumbra -- what we're supposed to exam.
5 That's the record that goes before the
6 Legislature. That's the record that is
7 part of a court challenge. So the
8 document itself is sort of a taking off
9 point. Again, it should be filled out
10 properly, but the information that we're
11 getting is what we need to really
12 examine.

13 So, if there are errors in the
14 document itself, which I am not hundred
15 percent sure there are, I don't think
16 that should preclude us from looking at
17 everything -- giving a hard look and
18 examining the documents that are
19 presented to us and making a
20 recommendation along the way or the
21 others. So that is sort of the frame of
22 this discussion that I wanted to throw
23 out there.

24 Again, that is sort of prompted by
25 what Legislature Kennedy had been

1 talking about a month ago and the letter
2 also that he has submitted to us. We,
3 obviously, have to consider the EAF but
4 there are some matters that may be left
5 open to a little bit of interpretation
6 and also the amendment in terms of the
7 stuff that the County has given us dated
8 June 2, I believe, really fills in those
9 gaps. They have more than adequately
10 presented their case. It's up to us now
11 to discuss and see whether we accept it.
12 That's where, I think, we need to go.

13 MR. CHAIRMAN: Before we get into
14 debate, I would like to ask if there any
15 comments from the people in the audience
16 on this matter?

17 MS. OGNO: I would like to speak.

18 MR. CHAIRMAN: May I ask you to add
19 to what was presented before and not
20 just a rehash it.

21 MS. OGNO: My name Linda Ogno.

22 I work at John J. Foley. I think
23 that a lot has to be looked into more
24 than what Mr. Kaufmann said.

25 Also, what's going to happen to

1 everyone that works there? This is a
2 big impact on our County as a whole.
3 We're aging. We're an aging population
4 and John J. Foley is an important part
5 and should remain County because we take
6 in all sorts of people. I think that's
7 important for you to know. We're
8 not-for-profit and that makes a big
9 difference in caring for people.

10 MR. CHAIRMAN: Thank you.

11 Anybody else?

12 (WHEREUPON, there was no response.)

13 MR. CHAIRMAN: If not, we will move
14 forward with our discussion of this
15 issue.

16 Anybody have any comments?

17 THE WITNESS: Did the County
18 actually correct the EAF? Because when
19 we looked at it last month, there were
20 some --

21 MR. BAGG: Well, I think that, that
22 was challengeable. I mean a lot of
23 "if's" and "maybe's" and people with
24 crystal balls, but I don't think it was
25 -- actually, just in the document, the

1 response says that -- you know, prior to
2 evaluate -- the situation, however, I
3 don't think the EAF was wrong based on
4 the project per se. I mean, also, if
5 the Council feels Part 2 is filled out
6 by the CEQ, you can make those changes
7 before they go to the Legislature.

8 MR. BROWN: I guess the answer to
9 that is the EAF.

10 MS. SPAHR: If I may, additional
11 information was provided to offset this
12 in response to the comments.

13 MR. BROWN: I got the comments. I
14 got the response but would you add the
15 accuracy to the EAF? Could you add
16 those comments into that?

17 MR. BAGG: What are the
18 inaccuracies?

19 MR. BROWN: Excuse me?

20 What are the inaccuracies?

21 MR. BROWN: Well, I mean some of it
22 was that it was not going to effect any
23 employees of the County. That's just
24 one piece of it.

25 MR. KENT: That's not a criteria,

1 is it? Jobs?

2 MR. BAGG: No. He just said,
3 "Would this cause a relocation of 15 or
4 more employees" and we don't know. You
5 can't predict that. You have no idea.
6 This is a sale of a facility as it is.
7 That's a future decision of the person
8 who purchases the facility. I mean, for
9 all we know, the guy could add jobs. We
10 have no idea what he is going to do.

11 MR. BROWN: It's the sale of the
12 facility with additional wooded land
13 next to it; correct?

14 MR. BAGG: Well, it's not
15 additional wooded land. The original
16 parcel of the facility was placed on --
17 where was it, Michael?

18 MR. KAUFMANN: 27 acres.

19 MR. BAGG: 27 acres of which
20 they're going to sell 14. The original
21 facility, before it was constructed, and
22 the physical alteration of roughly about
23 10 acres was Neg Declaration -- the
24 entire facility, by the Legislature.

25 MR. BROWN: Original?

1 MR. BAGG: Yes.

2 MR. KAUFMAN: If I might add, this
3 is an issue that will be coming up as
4 the land clearing -- there is an issue
5 that comes up with that. As to your
6 point on the contract issue, it's a sale
7 right now of a public facility, plus
8 associated employee. I am not implying
9 that they're endangering service sale or
10 anything like that, but for discussion
11 purposes, let's just say it's sort of a
12 transfer of those employees. Whether
13 you like it or not, it's a sale as is.
14 That's the way the County has placed it.
15 That's the County policy right now.
16 Whether that's changed with the
17 Legislature, that's something else. The
18 point is that there is nothing in the
19 contract controlling how those employees
20 would be dealt with in the future.
21 That's sort of outside or purview. If
22 there was something in the contract,
23 during the sale, saying that, then you
24 might have a point on that. Right now,
25 what Jim is saying, we don't know where

1 it is going. There is nothing at the
2 executive level saying that there were a
3 clause set or a restriction clause.
4 Maybe that's something that the
5 Legislature will act upon and add. I
6 don't know, but at this point in time,
7 we're dealing with a contract situation
8 coming out of the Executive -- that's
9 the way the bill is coming. We can't
10 add, if you will, conditions that they
11 don't have. We're assessing what
12 they're giving to us. Again, it's the
13 policymakers, which is the Legislature,
14 eventually, to decide whether or not it
15 is a good thing to have noting in there
16 covering their employees and their
17 future employment. Maybe the
18 Legislature might say, "For five years,
19 you can't fire anybody." That's the
20 Legislature's decision. It's not ours
21 and it's not something that's before us
22 at this point in time. That's the way
23 it was designed and it's not an issue
24 for us.

25 MR. BAGG: It's also not an

1 environmental issue.

2 MR. KAUFMANN: As Larry read out a
3 minute ago, it's a physical alteration.
4 That's why we're --

5 MR. BAGG: Layoffs are not a
6 SEQRA(able) item. State read the
7 layoffs 5,000 people -- County may
8 layoff people and that's not required to
9 be a SEQRA(able) item.

10 MR. CHAIRMAN: Dan?

11 MR. PICHNEY: You might have just
12 answered my question.

13 Is it just the fact that even if
14 the new owner were to hire all the
15 County employees, doesn't the fact that
16 it's a change in the conditions of
17 employment going from public sector to
18 private sector in terms of salary
19 benefits and all of that; does that make
20 a difference?

21 MR. KAUFMAN: That's a contract
22 issue. That's a contract of policy
23 issue. That's not an environmental
24 issue.

25 MR. CHAIRMAN: Viloria?

1 LEGISLATOR VILORIA-FISHER: I have
2 a question about the zoning issue going
3 to a municipality.

4 One of the responsibilities that I
5 saw was that this institution used the
6 -- is allowable for AA residential; is
7 that correct? I just wanted to --

8 MR. BAGG: I believe so, yes.

9 LEGISLATOR VILORIA-FISHER: I also
10 have a problem with questions 20 which
11 says, "Is there a public controversy
12 related to the potential environmental
13 impact?" This has been very
14 controversial but you're saying that
15 Part 2 can be amended by --

16 MR. BAGG: Basically, at the time
17 that form was filled out, there were no
18 environmental concerns that have been
19 entered into the record. I mean those
20 are public --

21 LEGISLATOR VILORIA-FISHER: But we
22 can amend that as a Council?

23 MR. BAGG: Yes. I mean, and they
24 try to respond to that in the response
25 based on what was entered at the meeting

1 and whether or not someone -- you have
2 to evaluate as to whether or not the
3 concerns presented are, in fact,
4 significant environmental concerns.

5 LEGISLATOR VILORIA-FISHER: Are you
6 saying that the grandfather piece with
7 the institutional is something that is
8 as-of-right?

9 MR. BAGG: Yes.

10 LEGISLATOR VILORIA-FISHER: I just
11 wanted to double check that.

12 MR. BAGG: It's also a preexisting
13 use.

14 MR. CHAIRMAN: I think it's
15 important to recognize that it's very
16 common in environmental debates to throw
17 a dog in the picture that's not really
18 environmental and to have everybody
19 begin to render their hands about. In a
20 sense, that's what's happening here.

21 The issues that have been raised to
22 us are really not environmental issues.
23 There are other forums that those
24 debates can take place.

25 MR. BAGG: I mean, the way that the

1 project is proposed, it's a sale as is.
2 There is no project associated with
3 this. There is no physical alteration
4 associated with this. We're selling
5 this title to this property for someone
6 else to operate.

7 LEGISLATOR VILORIA-FISHER: Well,
8 the only physical change would be the
9 flagpole access to the property?

10 MR. BAGG: But that's part of --
11 that's not a physical change because
12 nobody knows whether that will ever be
13 built. The County access right now is
14 perfectly adequate. Nobody is going to
15 go build a new access to that road
16 unless somewhere down the line, the Town
17 of Brookhaven decides that you need to
18 have your own separate access and at
19 that point in time, they will have to do
20 SEQRA before they can stipulate that,
21 that take place.

22 MR. CHAIRMAN: That is discussed in
23 one of the responses that we got from
24 the County Executive's Office.

25 Yes?

1 MR. KAUFMAN: I would like to bring
2 up a couple of environmental issues.
3 That is our job.

4 One, looking back at the 1992
5 resolution there is a cut-out, if you
6 will, of 27.8 acres identified to the
7 CEQ at that time. It is all County
8 owned property and this is sort of
9 carved out that this was going to be the
10 area that was going to be reserved for
11 the skilled nursing facility. There was
12 never, to my knowledge, any creation of
13 a separate lot at that time. I do
14 remember that. There was not a formal
15 carve out. This was more of a policy
16 carve out. It just said that in the 800
17 acres that we owned in the area, we're
18 going to take 27.8 and reserve that for
19 the nursing home. At that time,
20 approximately, it was 72 percent of the
21 site would be left in its natural state
22 as a buffer. Right now, the site that
23 is going to be actually sold and
24 surveyed out is 14.6 acres or something
25 like and at that meeting last month, we

1 went into that a little bit. One of the
2 recommendations that some of us are
3 probably going to make was that
4 expansion of a parking lot into the
5 natural buffer should really be frowned
6 upon or maybe phrased a little
7 differently that the buffer that is
8 within 14.6 acres should be left in its
9 natural state. In other words, freeze
10 the footprints where it is at right now.
11 I think that is -- except for the pole
12 portion where the road would be going in
13 which the Town of Brookhaven required,
14 but, I think, that's something that we
15 should at least consider and possibly
16 make a recommendation on that the
17 remainder of the site should be left in
18 its natural state as a buffer.

19 Right now, they have a pretty good
20 parking in the area and the building
21 itself is four stories -- five stories.
22 I don't remember which.

23 MR. KENT: Partly four, partly
24 five.

25 MR. KAUFMAN: Four and-a-half. I

1 would be hesitant to allow further
2 clearing in the area. I think it's
3 adequately serviced and since 1992 there
4 has not been any complaints about that.

5 The second part is the pole portion
6 where the potential road might be
7 driven. If the County were to cut out
8 off access from the facilities to the
9 north, I believe that's the Police
10 Headquarters over there, then the Town
11 of Brookhaven would require a road to be
12 driven through the pole portion.
13 Obviously, that has to be protected
14 somewhat. It makes it nice coming in
15 and I have seen a little pole section
16 that always was a nice pretension. I
17 would simply suggest that the minimum
18 clearance be done for it, and that
19 possibly be part of any resolution that
20 the County would go forth with.

21 Finally, there was a pesticide
22 issue. There were some discussions last
23 month about pesticides and the County
24 has presented in its presentation to us
25 documentation as to how pesticides are

1 handled on there's and waivers, et
2 cetera. I am not sure how to handle
3 that. I think a contract provision or
4 something like that would be an
5 appropriate recommendation to make if
6 the Council wanted to say, "No
7 pesticides and no nuking of the areas,"
8 or with whatever's out there to keep the
9 bugs down and the pests that are out
10 there, but it is something that we
11 should consider.

12 Those are the three primary
13 environmental issues that I have seen
14 out there. So I just wanted to bring
15 everybody back up to speed so we can
16 focus on that.

17 MR. CHAIRMAN: Any other comments?

18 LEGISLATOR VILORIA-FISHER: Yes.

19 Actually, Mike went into the
20 comments that I had, had because my
21 concern really was on the environmental
22 issues which was the use of pesticides
23 and herbicides. I know those have been
24 mentioned, but that has gone before CAC
25 and reviewed on a case-by-case basis,

1 and we won't have that protection if
2 it's privately owned. So just to say
3 that we have exceptions, doesn't mean
4 that, that's allowable. It means that
5 we are on a case-by-case basis.

6 MR. KAUFMAN: And you lose your
7 exception.

8 LEGISLATOR VILORIA-FISHER: You
9 look puzzled by what I am saying?

10 We're not going to have control, in
11 other words, if we use the pesticides
12 and --

13 MS. SPAHR: If there for medical
14 purposes, no.

15 LEGISLATOR VILORIA-FISHER: No, I
16 am talking about the lawn and the
17 grounds. That's the environmental
18 concern that I have because we, in the
19 County, are very restricted on County
20 owned property. Once it is privately
21 owned, that restriction will not be
22 there. To say that there's control by
23 our Health Department and not on private
24 owned property, does not rise to the
25 standards that we have on County

1 property and we have that commitment. I
2 think that is an environmental issue.

3 MR. BROWN: Currently, they're
4 operating under a waiver so --

5 LEGISLATOR VILORIA-FISHER: Well,
6 there have been waivers granted, but
7 those are granted on a case-by-case
8 basis.

9 MR. BAGG: Yes, DPW has a waiver
10 for that. They actually have granted
11 waivers for use of pesticides.

12 LEGISLATOR VILORIA-FISHER: But
13 those waivers are still more restricted
14 than what we would have if it were just
15 a privately owned property.

16 MR. CHAIRMAN: Also, the drainage
17 for the property will go on the County
18 owned property. So, perhaps, a
19 provision of some sort of control of the
20 pesticides is in order.

21 MR. KAUFMAN: Deep covenant is the
22 way it's set up or something like that
23 or make it part of the contract of sale
24 and have it recorded to the deed.

25 That's the way to fine the homeowner to

1 certain environmental issues in the
2 future.

3 MR. KENT: We could place a
4 covenant or condition of the sale that
5 they require -- notes that requires
6 notification as an enjoining property if
7 they intend to apply pesticides or
8 herbicides to their property with the
9 reservation that we could contest or
10 object to their use of pesticides.

11 MR. CHAIRMAN: Shouldn't it be used
12 anywhere around the --

13 MR. PICHNEY: Well, I think that's
14 called for under additional DEC law;
15 right?

16 MR. KENT: Right, but all I am
17 saying is that with the added provision,
18 we could object or somehow have a right
19 -- reserve a right. Right now, the
20 public notification or the adjoining
21 property notification requirement is
22 strictly for them to be notified so that
23 they could not elect to be present when
24 the application is made to the property
25 and that would somehow protect them from

1 being exposed to pesticides or
2 herbicides on the property.

3 LEGISLATOR VILORIA-FISHER: But
4 you're going further in suggesting our
5 right to object.

6 MR. KENT: We could if you want to
7 make that a condition.

8 LEGISLATOR VILORIA-FISHER: Well,
9 the policy statement -- Larry is right.
10 There is another forum to talk about the
11 policy of the sale, but within this
12 scope, I would say that would be
13 something I would want to see.

14 MR. CHAIRMAN: Any other comments?
15 (WHEREUPON, there was no response.)

16 MR. CHAIRMAN: Do we have a motion?

17 MR. KAUFMAN: Motion Unlisted
18 Negative Declaration with the follow
19 recommendations:

20 One, that the existing buffers
21 inside the carved out property be
22 retained. Second, what Mr. Kent just
23 talked about regarding pesticides and
24 herbicide to be part of our
25 recommendation.

1 LEGISLATOR VILORIA-FISHER: Was
2 that the flagpole buffer to be retained?

3 MR. KAUFMAN: I haven't added that.

4 MR. CHAIRMAN: So, let me clarify
5 this. You want to put covenant on the
6 use of pesticides in --

7 MR. KAUFMAN: Pesticides and
8 herbicides on the property.

9 MR. CHAIRMAN: Limit the use of?

10 MR. KAUFMAN: Yes.

11 MS. GROWNEY: And notification?

12 MR. BAGG: That is notification.

13 LEGISLATOR VILORIA-FISHER: The notification and
14 the right of refusal. What's the term
15 that you used?

16 MR. KENT: I said, a required
17 notification with the right to contest
18 outdoor use of pesticides.

19 MR. CHAIRMAN: Did the Stenographer
20 get that?

21 (WHEREUPON, there was read back.)

22 MR. CHAIRMAN: Michael?

23 MR. KAUFMAN: The third one is on
24 the pole section of the property going
25 onto Yaphank Avenue, that the minimal

1 clearance be undertaken sufficient for
2 two lanes of traffic and proper access
3 or ingress/egress be placed. If it's
4 opened up and if the rights of way that
5 previously had been committed to by the
6 County are removed, then minimal
7 clearance along the pole section be
8 undertaken.

9 MR. CHAIRMAN: Just one question
10 about that?

11 Clearance for this probably has to
12 be a little bigger than what, perhaps,
13 we would like to get in order to get
14 emergency vehicles such as fire and
15 ambulance and so forth adequately?

16 MR. KAUFMAN: That's why I said
17 minimal. That's a word of art because
18 it depends upon the requirements that
19 the engineers come up with.

20 MR. CHAIRMAN: We have a motion on
21 the table. Do we have a second?

22 MS. GROWNEY: Second.

23 MR. CHAIRMAN: Any further
24 discussion?

25 (WHEREUPON, there was no response.)

1 THE COUNCIL: Aye.

2 MR. CHAIRMAN: Opposed?

3 LEGISLATOR VILORIA-FISHER:

4 Opposed.

5 MR. CHAIRMAN: You're opposing?

6 LEGISLATOR VILORIA-FISHER: Yes.

7 MR. CHAIRMAN: Abstentions?

8 (WHEREUPON, there was no response.)

9 MR. CHAIRMAN: Motion carries.

10 (WHEREUPON, the Council voted.)

11 MR. CHAIRMAN: Proposed Sewer

12 District Number 14 - Parkland

13 Construction of Additional Recharge Bed.

14 Town of Islip.

15 Tell us your name, position, and

16 speak loudly for our Stenographer.

17 MS. MC GOVERN: Janis McGovern,

18 Engineer with Suffolk County Department

19 of Public Works Sanitation Department.

20 I would like pass out some aerial

21 photos. (Hanging.)

22 MR. CHAIRMAN: Okay.

23 MS. MC GOVERN: Basically, we would

24 like to add additional recharge beds at

25 our existing treatment plant, and the

1 reason is the other recharged beds that
2 we have, when originally built, the
3 groundwater was much lower and as the
4 groundwater table has risen, the plant
5 can't utilize these as sufficiently.
6 So, we would like to use the area which
7 is adjacent to the golf course to make
8 another recharge bed. The bottom
9 elevation will be much higher and won't
10 be impacted by groundwater. So, we will
11 have the option to build an utilized bed
12 and use the other beds, as well.

13 MR. KAUFMAN: So what you're
14 basically saying is you can't go too
15 deep over there and you have to spread
16 out laterally and go shallow to have any
17 kind of dispersal?

18 MS. MC GOVERN: Yes.

19 MR. KAUFMAN: There is no way -- I
20 am just curious -- of the soils
21 underneath there, is there any way of
22 method -- I heard of doing a wick which
23 basically you go to the middle of it,
24 you drop down 200 feet, and create a
25 wick.

1 MS. MC GOVERN: We tried that
2 but --

3 MR. KAUFMAN: It's too high?

4 MS. MC GOVERN: Yes, the
5 groundwater table is coming up.

6 In addition the Health Department
7 requires that we have empty beds. We
8 can't meet that requirement without
9 really doing this because all the beds
10 have groundwater. Right now, if you
11 were to drive there, all the beds have
12 groundwater. Even the ones that were
13 discharged too.

14 LEGISLATOR VILORIA-FISHER: Where
15 did the water table come up too?
16 Because I know -- I know Newsday had an
17 article the other day on how high --

18 MS. MC GOVERN: I don't have the
19 elevation of the seal level of the
20 groundwater table, but I know if you go
21 to the site all the existing recharge
22 beds have several feet of groundwater.
23 It fluctuates but --

24 LEGISLATOR VILORIA-FISHER: There
25 is a pond.

1 MR. CHAIRMAN: What is the status
2 of the woods that you will clearing?

3 MS. MC GOVERN: It is a little over
4 an acre -- 4500 square feet and we're
5 going to propose putting a buffer of
6 arborvitaes and eastern red cedar which
7 we consulted with the DPW landscape
8 architect which was needed, and my
9 supervisor had checked with the Town of
10 Islip to see if they would have an issue
11 with it. We sent them our plan. They
12 verbally acknowledged they do not have a
13 plan as long as we installed a buffer
14 with the trees.

15 MR. CHAIRMAN: You mean they would
16 not have a problem?

17 MS. MC GOVERN: Right, no issue
18 with us constructing a recharge bed.

19 MR. CHAIRMAN: My question is, what
20 is the wooded area like? Are these
21 scrub trees mature?

22 MS. MC GOVERN: I was walking
23 through there the other day and they're
24 mostly scrubbed. There are some pine
25 trees and several oak, but I would say

1 mostly scrub brush. You can see from
2 this aerial -- I would say maybe the
3 trees that you can see -- I have a
4 different photo but the green are the
5 larger trees -- substantial trees and
6 the other ones are mostly scrubs.

7 MR. CHAIRMAN: What about a public
8 health issue with regard to people
9 playing on the golf course -- the fumes?

10 MS. MC GOVERN: There won't be any
11 fumes. There generally aren't with
12 recharged beds. There are not any
13 issues with fumes.

14 MR. CHAIRMAN: Eva?

15 MS. GROWNEY: The only question I
16 have are with the plantings. I don't
17 know if it's true around here -- in this
18 location but in the East End, the deer
19 are eating all the arborvitaes. So my
20 recommendation would be that -- the
21 cedar's they're not eating, but they
22 have been eating all kinds of things so
23 you may want to really try and put a
24 permanent buffer in then to use material
25 that's is not going to be --

1 MR. BAGG: Will there be a fence?

2 MR. MC GOVERN: It was not thought
3 to be fenced at this point. It is
4 something that we can consider. We
5 consulted with the architect, and he
6 suggested that those -- he thought they
7 were hardy and would survive other than
8 any other types.

9 MS. GROWNEY: They do but the deer
10 are eating the arborvitaes left and
11 right.

12 MR. ISLES: That was Holbrook.

13 MS. MC GOVERN: I think that was
14 out in Holbrook. I don't think that was
15 --

16 MS. GROWNEY: I don't know. I
17 don't know if you have a problem here.

18 MR. CHAIRMAN: Other questions?

19 MR. ISLES: My name is Tom Isles.

20 I identified an area map that has
21 two areas in yellow. One of which is, I
22 believe, is the subject parcel but there
23 is a second area; is that incidental?

24 MS. MC GOVERN: No, I highlighted
25 that only because on the EAF it has --

1 one of the questions was a nearby body
2 of water, so I just wanted everyone to
3 be able to see where it was.

4 MR. ISLES: Thank you.

5 MR. PICHNEY: Is this the vacant
6 bed up here? (Indicating.)

7 MS. MC GOVERN: In this aerial
8 photo, it appears to be vacant. I was
9 just there not long ago and it was not
10 vacant. It had water in it.

11 MR. MULE⁴: These are probably the
12 2007 aerials.

13 MR. CHAIRMAN: Dan, you were
14 pointing out this area? (Indicating.)

15 MR. PICHNEY: That's correct.

16 MR. CHAIRMAN: And you were asking
17 whether or not that will be used as an
18 alternative?

19 MR. PICHNEY: That's right.

20 My other question is that -- you
21 know, piggybacking on either side
22 perhaps maybe you should use all eastern
23 red cedar rather than the arborvitae.
24 If nothing else too, the arborvitaes
25 bottom branches tend to dry over time

1 and they also tend to get winter burned
2 and the red cedar is a lot tougher
3 especially if you get a cultivated
4 varieties. I have one that is 25 feet
5 tall and it's branched all the way down
6 to the bottom.

7 MR. KAUFMAN: Question on the
8 Cedars; are they that easily plantable?
9 I tried to transplant stuff on my
10 property and --

11 MR. PICHNEY: Sure. That's the
12 problem you tried to transplant things
13 that are still seeded. When you buy
14 them from a nursery, it's a whole
15 different ball game. You know when you
16 go along the parkway and some are skinny
17 and some are fat, yet some are tall and
18 some are short? The reason is --

19 MR. BAGG: Some are shaped like
20 hourglasses because the deer eat them if
21 they're ripe.

22 MS. GROWNEY: They eat red cedar?

23 MR. BAGG: If you go along the
24 parkway that looks kind of like this --
25 like an hourglass because the deer are

1 lazy and they only eat stuff at their
2 height.

3 LEGISLATOR VILORIA-FISHER: Sounds
4 like the men in my house when they look
5 in the refrigerator.

6 (WHEREUPON, there was laughter.)

7 MR. PICHNEY: My other question is,
8 how big is this? How many acres?

9 MS. MC GOVERN: One acre.

10 MR. PICHNEY: That's hardly
11 anything. Nevertheless, I was thinking
12 in terms of -- there might be orchards
13 or black turtle and something like that
14 so what I am suggesting is that somebody
15 who knows that kind of stuff maybe
16 should give a look before you start
17 bulldozing.

18 MR. CHAIRMAN: Any other comments?

19 (WHEREUPON, there was no response.)

20 MR. CHAIRMAN: Do we have a motion?

21 MR. KAUFMAN: Motion Unlisted
22 Negative Declaration.

23 LEGISLATOR VILORIA-FISHER: I will
24 seconded it.

25 MR. CHAIRMAN: We have a motion and

1 a second by Legislator Fisher.

2 Any further discussions?

3 (WHEREUPON, there was no response.)

4 MR. CHAIRMAN: All in favor?

5 THE COUNCIL: Aye.

6 MR. CHAIRMAN: Opposed?

7 LEGISLATOR VILORIA-FISHER:

8 Opposed.

9 MR. CHAIRMAN: Abstentions?

10 (WHEREUPON, there was no response.)

11 MR. CHAIRMAN: Motion carries.

12 (WHEREUPON, the Council voted.)

13 MR. CHAIRMAN: Proposed Acquisition
14 for Open Space.

15 Laretta?

16 MS. LAURETTA FISHER: Good morning.

17 I have before you another parcel

18 for proposed acquisition in Beaverdam

19 Creek County in the wetland area.

20 They total 57 acres. They're

21 approximately 34 lots that make up this

22 area of acquisition. We segregated them

23 out into 7 groups by ownership. The

24 first seven colored boxes on your map

25 are the proposed acquisition. The red,

1 light blue, dark blue, the yellow,
2 purple, brown, and orange colors. As
3 you can see, the County as acquired a
4 number of parcels in green identified on
5 the map. The County has, to date,
6 approximately 104 acres plus the 57
7 acres for a total of 161 acres of County
8 ownership in this area.

9 The Town of Brookhaven, as well as,
10 New York State also owns a number of
11 parcels in here and in total, at this
12 point, we will own 370 acres with public
13 ownership with an acquisition. So we
14 would like to get your approval to move
15 forward on the these acquisitions.

16 LEGISLATOR VILORIA-FISHER:
17 Laretta, what's (inaudible) Wood
18 Gardens?

19 MS. LAURETTA FISHER: That's the
20 name of the development -- developers
21 ownership. It's an ownership.

22 LEGISLATOR VILORIA-FISHER: But
23 they're nothing else?

24 MS. LAURETTA FISHER: Just the
25 name.

1 MR. BROWN: Laretta, most of these
2 properties are small lots that --

3 MS. LAURETTA FISHER: Some of them.

4 MR. BROWN: Not all of them. I
5 think there is one nine acre lot, but I
6 think most of them are smaller would be
7 very inexpensive for the town to
8 purchase; right?

9 MS. LAURETTA FISHER: Well, there's
10 a mixture here. There are developable
11 lots in the long rectangular shape
12 parcels on the left side of the old map.
13 So there's a mixture here of developable
14 and non-developable. Also, in combined
15 ownership, if you have a number of small
16 lots, you can also create developable
17 lots. So that was also taken into
18 consideration.

19 MR. BROWN: We, at the Town of
20 Brookhaven, have purchased a lot of land
21 over there also to try and protect the
22 Beaverdam Creek. It's been a high
23 priority to the County and to the Town.

24 MR. CHAIRMAN: Laretta, you
25 mentioned that they moved up the scale;

1 what do you mean? What's moved up in
2 scale? Did you change the criteria?

3 MS. LAURETTA FISHER: I don't
4 remember saying that.

5 MR. CHAIRMAN: I thought I heard
6 you say that their priorities had moved
7 up?

8 MS. LAURETTA FISHER: No, I didn't
9 say that.

10 MR. CHAIRMAN: I am hearing things.

11 MS. LAURETTA FISHER: Sorry about
12 that.

13 It has been an important area for
14 acquisition for a number of years. In
15 fact, these were on the original --
16 community green ways program list; more
17 than getting those back. So we're
18 continuing to require them now with the
19 new Drinking Water Protection Program.
20 So this area has been a target area for
21 over a decade.

22 MR. ISLES: We did have one
23 particular owner who had a number of
24 strategic holdings? Mr. DeRosa -- in
25 that, had he not gotten that, then there

1 are others that are following; correct?

2 MS. LAURETTA FISHER: Correct, and
3 we will be back with some others next
4 month.

5 MR. BROWN: When the County did a
6 mapping of the area in terms of how
7 developments in that area will effect
8 the creek.

9 MS. LAURETTA FISHER: We did a
10 study in the early 90's on this and as
11 an out crop of that study, we did
12 identify this watershed and this area,
13 yes.

14 MR. CHAIRMAN: Any other questions?

15 LEGISLATOR VILORIA-FISHER: Where
16 is South Country Road?

17 MS. LAURETTA FISHER: South Country
18 Road is that -- this is Sunrise up here,
19 and then Beaverdam Creek is actually
20 along this area right
21 here. (Indicating.)

22 MR. CHAIRMAN: South Country Road
23 is the same as Montauk Highway.

24 LEGISLATOR VILORIA-FISHER: You
25 know when you make the right when going

1 east on Montauk. It's not the same?
2 It's not the same. It breaks off and
3 then it meets up with it again further
4 east.

5 MS. LAURETTA FISHER: Yes. It
6 meets up here. (Indicating.)

7 MR. MARTIN: That's really Montauk?

8 MS. LAURETTA FISHER: No, this is
9 Sunrise. On the North fork is a larger
10 roadway.

11 MR. MACHTAY: Are you sure?

12 MS. LAURETTA FISHER: Yes, this is
13 Sunrise and this Montauk Highway.

14 MR. CHAIRMAN: Any further
15 questions?

16 (WHEREUPON, there was no response.)

17 MR. CHAIRMAN: Do we have a motion?

18 MR. BROWN: Unlisted Negative
19 Declaration.

20 MS. SPENCER: Second.

21 MR. CHAIRMAN: Any further
22 comments?

23 (WHEREUPON, there was no response.)

24 MR. CHAIRMAN: All in favor?

25 THE COUNCIL: Aye.

1 MR. CHAIRMAN: Opposed?

2 (WHEREUPON, there was no response.)

3 MR. CHAIRMAN: Motion carries.

4 (WHEREUPON, the Council voted.)

5 MS. LAURETTA FISHER: Thank you.

6 MR. CHAIRMAN: Recommended Type 1
7 Action, Proposed Review of Cedar Point
8 County Park Master Plan.

9 Nick?

10 MR. GIBBONS: My name is Nick
11 Gibbons with the Parks Department.

12 It actually worked out that we
13 tabled this last month because it gave
14 everybody a chance to take a look at the
15 plan. We had it for 6 to 8 weeks at
16 this point in time.

17 Just to start, I will call your
18 attention to the fact that on the cover
19 -- this thing has been kicking around
20 since 2007, and I have the permission of
21 two former Commissioners both Ron Foley
22 and John Patterson.

23 LEGISLATOR VILORIA-FISHER: Great.

24 You have nothing to lose.

25 MR. GIBBONS: I will bring you up

1 to the present. We don't do these very
2 often. We should but we don't and
3 hopefully this is a trend that will
4 continue over the several years between
5 planning documents.

6 The delay is -- it's a convolute
7 explanation. Suffice to say, there's a
8 lot in here that set the tone for the
9 next 20 years for the Park. We don't
10 jump into too many things speaking first
11 anyway. So we take the time both
12 internally, a change in administration,
13 delays and those things.

14 I am going to walk you through the
15 EAF and call your attention to some of
16 the major things within the Master Plan
17 and then basically open up to any
18 questions that you all may have on the
19 specifics within that.

20 Just as a point of introduction, we
21 had the park since 1967. It really
22 dates back to the infancy of the
23 Department. We do own a couple of
24 properties longer than that, but they
25 actually predate the Department's and

1 existing park commission laid back
2 during the time the board of
3 supervisors. So, Cedar Point is really
4 one of our original parks of which there
5 are five or six. It was a former
6 hunting camp. It is roughly 600 acres
7 in size. It is located in the northwest
8 woods which is east of Sag Harbor.
9 Roughly, northeast of East Hampton
10 Hamlet and the Village of East Hampton
11 and there has been quite a lot of
12 acquisition in these past four decades
13 but Cedar Point is a major first step in
14 a government agency owning a property of
15 such scale in that area.

16 Now, fortunately, most of what is
17 going to be developed in that area has
18 been developed and quit a bit of
19 ownership including additional county
20 ownership of that northwest harbor has
21 occurred and the Town of East Hampton
22 and New York State DEC also own a
23 significant acreages in this area.

24 The park offers seasonal
25 recreational opportunities. It is open

1 year round. A vast majority of the time
2 is April through October and is open for
3 camping -- both tent camping and trailer
4 camping. There are group camping
5 facilities within the club camping and
6 within the park although located
7 separately from the more recreational
8 individually group and family camping
9 areas. We offer youth camping for scout
10 groups and others. There is a athletic
11 area for recreational baseball and what
12 have you. There are rowboat launches
13 and kayak launch areas on LY Pond. LY
14 brook then leads you from LY Pond out
15 into northwest harbor. So there is a
16 mile of paddling opportunity there
17 before you get out to open water. There
18 is, approximately, one mile long sand
19 spit of which there is beach access on
20 both sides -- both the northwest harbor
21 side and Gardner's Bay side.

22 The spit terminates at Cedar Island
23 Lighthouse which was formally an island
24 site and became part of the peninsula in
25 the 1938 Hurricane. Prior to that,

1 there was roughly 200 to 300 yards in
2 open water between the end of the spit
3 and the Cedar Island Lighthouse was
4 developed. So that's still filled in
5 and has remained for the past 70 years.

6 So, in season, we have all those
7 typical campground activities that most
8 people see at parks. Offseason, we
9 offer both big game hunting and water
10 fell hunting from the sand spit. That's
11 an activities that occurred on that
12 piece of land, certainly, since the time
13 that the County acquired it and many
14 years prior to that, as well.

15 Back to the Master Plan, there is a
16 variety of improvements that are
17 recommended. Obviously, this is all
18 phased in and some of those things will
19 come to pass some day and some will not.
20 I have identified the major points here
21 within the project description of this
22 and I'll just run through those now.
23 All poles I will approximate that will
24 be contained within three acres of the
25 existing property. Two of those would

1 be currently wooded, intact, and another
2 would be another acre and that third
3 acre would be within existing clearings
4 to the disturb area.

5 So the improvements are
6 reconfiguring existing campsites and
7 roadways. We have -- that layout was
8 done very informally by previous
9 superintendents. It has withstood the
10 test of time which is really testimony
11 to their ability. There since long gone
12 and retired from the Department, but the
13 layout was done in house. This plan
14 examines that layout and makes
15 recommendations as to what sites may be
16 eliminated or added -- internal roadway
17 and traffic flow considerations.

18 The sites tend to lead into each
19 other on the side and the buffers become
20 more and more reduced. So we would like
21 to do more about giving people a better
22 camping experience when using the
23 campground areas. So this plan seems to
24 achieve that.

25 We're creating primitive campsites,

1 and new active recreational facilities
2 are contemplated such as a basketball
3 court which already exists but there is
4 talks about reconfiguring that and
5 certainly it is in need of attention.
6 There are two volleyball courts. Also a
7 new kayak launch area. An overall site
8 plan not only within internal to the
9 park, but getting to the park is a
10 challenge, which is part of the charm,
11 and has served to protect it well in
12 previous years. If you have ever been
13 up in that area, East Hampton has a
14 somewhat informal sign plan, if you can
15 call that. So this speaks to -- this
16 provides some better ways and findings
17 for those of us who are not from the
18 immediate area.

19 The plan recommends the relocation
20 and replacement of the existing camp
21 store, improve renovating existing
22 bathrooms, replace and reconfigure
23 campground checking station, and
24 construction of a nature center is
25 contemplated. Construction of a new

1 bathroom and construction of three
2 compost facilities. Construction of
3 viewing platforms and reconstruction of
4 the existing rowboat cabin. Restoration
5 of the Cedar Island Lighthouse,
6 upgrading existing utilities with fewer
7 water sanitary and demolish of several
8 falling structures. Those are primarily
9 the original maintenance facilities and
10 consolidate.

11 We did two recent projects, I'd say
12 in the past six to eight years with the
13 park. We built a new restroom facility
14 which came here to this Board, and we
15 also constructed a maintenance facility
16 which most came here, as well. That
17 location bounced around quite a bit due
18 to opposition from the local public. We
19 finally settled on a location and that
20 facility was built, I would have to say,
21 six years ago. I can check the
22 specifics on that.

23 The other thing I will call your
24 attention to within the EAF is that I
25 wanted to point out that I identified --

1 within the project description, it asked
2 for acreage of vegetation or covered to
3 be removed and I point 2.0 acres. In
4 parenthesis following that, it says 1.0
5 to be cleared. That somewhat suggests
6 that it is two acres total, it's not.
7 It's three acres as I tried to describe
8 earlier one of which was previously
9 cleared and two are currently wooded.

10 Acres to remain under development
11 would be 540 acres, so obviously, that's
12 a vast majority of the site and that's
13 roughly 600 acres. So, rough numbers
14 would be 60 to 68 acres to be developed
15 as a result of this Master Plan. All
16 but two of those are currently
17 developed.

18 MS. SPENCER: May I ask a question
19 here?

20 MR. GIBBONS: Sure.

21 MS. SPENCER: When you say develop,
22 would a campsite that has been
23 established, the County can be
24 developing it even though it may have
25 vegetation to shield one camp from

1 another?

2 MR. GIBBONS: Well, development in
3 my mind would be not reconfiguration
4 within the cleared areas. It would be
5 construction or square footage. I tried
6 to --

7 MS. SPENCER: When you say 60 are
8 developed, are you counting all the
9 camps?

10 MR. GIBBONS: Yes. In terms of
11 existing conditions, we consider the
12 whole campground complex to be a
13 developed area.

14 MS. SPENCER: A developed area?

15 MR. GIBBONS: And later on I will
16 call your attention to one of the
17 foldouts here. It really shows the way
18 the campground was sited. It was very
19 well planned in a sense that it gives
20 great access to the real amenities of
21 the site which are the beach areas,
22 although, fragmented features are not
23 located within the geographic center of
24 the park. It is really isolated out in
25 that northwest corner of the park which

1 leaves a vast amount of acreage intact
2 and other areas of the park.

3 Again, in the project description,
4 when they get into different habit sites
5 that will remain presently after
6 completion are wooded. So it goes from
7 400, approximately -- 430 acres of
8 wooded areas and 428 two acres that are
9 going to be proposed for clearing.
10 Those would not be continuous. They
11 would be patches of square footage that
12 would be necessary for development of
13 these features, but the total is two
14 acres.

15 There's too much more interest
16 within the EAF itself. Within the
17 Master Plan, I will just -- most people
18 focus on these things anyway. Figure
19 One, shows what we were getting into,
20 Mary Ann, in terms of -- it shows the
21 network of roadways and where they are
22 in proximity to the infrastructure that
23 we have within the camp store, and
24 various bathrooms facilities. Even our
25 maintenance, to some extent, needs to be

1 relocated close too but not impacting
2 the public's use of the property. This
3 constant running back and forth for
4 various things needs to be addressed
5 over the course of the camp season and
6 it helps to have those nearby.

7 Again, this is a focus and a closer
8 look at that area. It lists all the
9 existing conditions and features, so if
10 you have any questions relative to
11 those.

12 This gets into adding what are
13 proposed road reconstruction and some
14 new road construction proposed here, as
15 well. All of this, obviously, has been
16 endorsed by a close consultation with
17 the Parks Department. So really the
18 Master Plan serves to organize and
19 present the Park's Department ideas in a
20 fashion that makes for a more holistic
21 approach. Normally we are very reactive
22 and we do address specific projects and
23 the Master Plan helps pull all of it
24 together.

25 MR. KAUFMAN: It's quite clearly

1 oriented toward reorganization of the
2 park and that's where it needs to go.

3 MR. GIBBONS: Yes. It's very -- I
4 think it will be up to you guys, but I
5 don't think most of what's being
6 proposed in here is significant in any
7 way in terms of reconstruction. It is
8 more to protect we what we have done
9 inhouse for 40 years which is to
10 preserve the character of the place
11 while giving the public real access to
12 it.

13 This goes to specific
14 recommendations in terms of the nature
15 center, the camp store, the recreational
16 facilities, and their relations to the
17 existing campgrounds. Within the plan,
18 it shows both the existing and the
19 proposed campground. I would like to
20 call your attention to the fact that
21 there are actually proposed for some
22 sites eliminated. Again, that gets back
23 to their sort of adopted and expanded
24 area over the years, and we need to
25 tighten that up a little bit. Also,

1 there is some pretty significant
2 drainage and/or topography within the
3 campground. The site needs to be a
4 little more sensitive to preserving
5 that. The slopes are pretty tough to
6 deal with and we don't expect the public
7 to have to navigate through topographic
8 areas. So we want to tighten that up a
9 little bit, and get that enclosed buffer
10 away from those slopes.

11 There is well over 100 pictures in
12 here that go to the documents with
13 conditions both natural features and
14 infrastructure. It goes back cultural
15 surveys. That's included here as an
16 appendix. With the exception of the
17 lighthouse itself, it is suspected there
18 was significant Native American activity
19 at the site. There was proximity to the
20 harbor and its freshwater sources within
21 the park at least in terms of phase one
22 and nothing to significant was found.

23 MR. CHAIRMAN: I found arrowheads
24 there.

25 MR. KAUFMAN: And you removed it

1 from County property?

2 MR. CHAIRMAN: Dam right. It
3 looked to me like it had been
4 transported in.

5 (WHEREUPON, there was laughter.)

6 MR. CHAIRMAN: Sorry.

7 MR. GIBBONS: I think I covered all
8 of the basic points.

9 MR. CHAIRMAN: Nick, I had a couple
10 of things I wanted to ask you.

11 First of all, you mentioned that
12 you were putting in composting toilets
13 which I think are good, but one of the
14 things that I reserve for those
15 facilities and public places is that
16 they would really need maintenance. I
17 was wondering what you foresee with the
18 County's budget for maintenance in the
19 County parks? What you see for this
20 particular park? How often are they
21 cleaned for camping?

22 MR. GIBBONS: We have some
23 experience with these now at Indian
24 Island County Park in Riverhead. We
25 have two such composting toilets out at

1 the point itself which is really the
2 signature feature of that park. Those
3 of you that are familiar with it, the
4 point is that it is some distance away
5 from any infrastructure that we have.
6 We do a variety of requests and we
7 decided that was a good location to try
8 these out. We have been very pleased
9 with the results. They don't, in this
10 case, require any additional or anymore
11 maintenance than our more formal
12 bathroom facilities within the park do.
13 I would expect even better results here
14 in a sense that where these are
15 contemplated are primitive areas and not
16 high used areas, and you certainly have
17 a lot of infrastructure for bathroom
18 facilities as you would expect for a 200
19 site, you would need such facilities.
20 So, it's not unreasonable to think that
21 it would add significantly to the
22 maintenance regimen that the guys out at
23 the park already face.

24 MR. CHAIRMAN: The other thing --

25 MR. GIBBONS: I should say, we have

1 gone back and forth with the Health
2 Department on the appropriate necessity
3 of compost toilet and how to make -- It
4 is something we want to do more of but,
5 suffice to say, there is considerable
6 coordination with the Health Department
7 on the location.

8 MR. CHAIRMAN: The other question I
9 had was concerning the lighthouse. I
10 think this is a public private
11 partnership kind of thing for
12 maintenance?

13 MR. GIBBONS: Not yet. There is a
14 group --

15 MR. CHAIRMAN: A group that raises
16 money?

17 MR. GIBBONS: Well, they are but
18 it's -- the agreement is someone had
19 infancy between the department's and the
20 groups are just really beginning to
21 muster some financial resources to begin
22 the initial steps for the ultimate
23 restoration of the lighthouse. What
24 that means, that restoration, we don't
25 know yet. It can simply be a

1 stabilization. It can go anywhere from
2 that basically not losing the resource
3 to, I suppose, a full scale restoration
4 including interior finishes is also on
5 the table.

6 MR. CHAIRMAN: What --

7 MR. GIBBONS: That is probably
8 unrealistic. I don't know if Rich wants
9 to raise that.

10 MR. CHAIRMAN: So in your write up,
11 you specifically mentioned that the CEQ
12 has certain responsibilities; are those
13 just the same things that we would have
14 through the Historic Trust or are there
15 other things?

16 MR. GIBBONS: That tries to pull
17 together that they're outside of the
18 Department and that their are additional
19 bodies. In this case, the Historic
20 Trust that also had additional oversight
21 at this particular facility.

22 MR. CHAIRMAN: It is very
23 consistent.

24 Eva?

25 MS. GROWNEY: Would you just give

1 us a little description in your own
2 words on the reasoning behind the moving
3 of the store and what's that all about?

4 MR. GIBBONS: Yes. The camp store
5 operator has been at Cedar Point Park
6 for 25 years now. He really knows
7 better and than anybody what works or
8 doesn't about that facility. The
9 location is great, in that, it provides
10 an outstanding view of Cedar Point and
11 the lighthouse beyond and Shelter Island
12 beyond that. Its distance from the
13 campground itself is an issue for him.

14 Also, from the Park's Department
15 perspective, we think that we can make
16 better utilization of that by developing
17 a nature center. Really the program
18 space and less -- you know, then someone
19 running up there for a half-an-hour to
20 have a hot dog or hamburger verses going
21 up there and learning about the
22 environment and maybe stepping off
23 guided hikes of the park could be from
24 that area. The camp store, its
25 proximity closer to the campground would

1 help too -- you know, if somebody runs
2 up bag for a bag ice or what have you,
3 they can simply go across the road as
4 opposed to having to get in a vehicle
5 and go back up to the store and might
6 get away from and diminish vehicular
7 trips as much as possible. Sometimes
8 they block their vehicles in and don't
9 use them again until they leave the park
10 after their visit, so that's the
11 reasoning for that. Of all the things
12 we're voting on here, I am personally
13 most excited about of having a nature
14 center.

15 MS. GROWNEY: That's something I
16 really applaud because that's an
17 incredible view of the lighthouse aspect
18 of it. Along the fact, I like the fact
19 that it would be closer to the -- the
20 actual store would be closer to the
21 population, but I also would want to see
22 a buffering for the lighting and all
23 that sort of thing, so it does not
24 impact the residency of people. I
25 wondered if any consideration ever given

1 to some sort of biking -- not motor
2 bikes but just bicycles -- the trails.
3 I don't think they really come with
4 bicycles right now but are there any
5 thoughts or discussion about that?

6 MR. GIBBON: No, there hasn't.
7 There certainly used significantly.
8 Every kid that comes out there, pretty
9 much has one.

10 LEGISLATOR VILORIA-FISHER: My kids
11 road all over the place there.

12 MR. GIBBONS: The hiking trails
13 themselves, I would not recommend -- I
14 would not endorse the idea of expanding
15 bicycles use into the interior parts of
16 the wooded areas. That would just --
17 first of all, I am not a big fan of
18 co-locating both hiking and biking on
19 the same trail. The construction of a
20 new trail is something that we would
21 look far more closely at, and I would
22 not be too enthusiastic about that.
23 Certainly into people using bikes within
24 the park to get from A to B so they can
25 run up to the camp store or the

1 basketball courts or something like
2 that. But, really going into the
3 interior part of the park with the
4 trail, most of which wind up crossing or
5 at least coming in a close proximity to
6 the ecological areas. We have some
7 concerns about that.

8 MS. GROWNEY: Is there any
9 discussion about making bikes that can
10 be used on the property available?

11 MR. GIBBONS: No. We never
12 contemplated something like that. Where
13 we would rent them out, you mean?

14 MS. GROWNEY: Yes, maybe the store
15 owner might be interested in some sort
16 of --

17 MR. GIBBONS: It's possible, but
18 knowing him personally, that kind of
19 overhead in terms of purchase of the
20 equipment and then the maintenance, it's
21 probably not worth it. If he could
22 think of a way to make a buck off it, it
23 would have happened by now.

24 MR. CHAIRMAN: Dan?

25 MR. PICHNEY: Nick, what's makes

1 the composted toilets as opposed to this
2 modern outhouses?

3 MR. GIBBONS: Say it again.

4 MR. PICHNEY: What makes the
5 toilets composted toilets; is there some
6 sort of an aerobic process or something?

7 MR. CHAIRMAN: Yes.

8 MR. PICHNEY: How does that work?

9 MR. CHAIRMAN: Well, I can't
10 describe for you mechanically.

11 MR. PICHNEY: Is there anything
12 that churns it or adds air to it?

13 MR. CHAIRMAN: Yes, they add air to
14 it and what have you but it's -- I don't
15 think there is anything mechanically in
16 it. It can be emptied, so you get what
17 they call the ash and remove the ash.

18 MR. PICHNEY: Do you put a special
19 bacterial culture in it or anything like
20 that?

21 MR. CHAIRMAN: I don't think so.

22 MR. GIBBONS: We have an electronic
23 fan that runs on a solar panel on the
24 ones at Indian Island. That was our
25 only issue in terms of maintenance was

1 in that area, it wasn't a tremendous
2 amount of exposure, so we're actually
3 able to run a wire up on one of the
4 nearby trees and melt the panel in the
5 trees. You can't even see it, but it's
6 working out.

7 MR. CHAIRMAN: Sort of an
8 interesting thing. I went to Abby
9 Rockefellers house in Massachusetts, and
10 she had composted toilets in her house.
11 I don't know if any of you know much
12 about Abby Rockefeller but she was sort
13 of the oddball of the Rockefeller's. I
14 have to tell you, it was one of the most
15 disgusting things I have ever seen.
16 That was one of the reasons I asked the
17 question. It was not maintained as it
18 should have been maintained. It was
19 really gross.

20 Yes, Mike?

21 MR. KAUFMAN: Nick, in Appendix C,
22 on the Wildlife Assessment Form there is
23 a section in here talking about historic
24 run Alewife Pond Scoy Pond. and it talks about
25 Alewife Pond is one of the four breeding

1 places left on the Peconic. Then it
2 talks also about removal of barriers
3 such as the inadequate culvert on the Alewife
4 Brook Road would restore that from Alewife to
5 Scoy Pond. I don't see that being on any
6 of the priority lists or anything like
7 that. It would seem to me that if
8 you're talking about the culvert, you're
9 talking about the dirt roads basically.
10 This might be an easy one to do and it
11 might be supported by some of the local
12 municipalities to restore the runs over
13 there.

14 MR. GIBBONS: The subject road is
15 an East Hampton roadway and the upstream
16 section is property owned by Town of
17 East Hampton -- Scoy Pond itself and
18 neighboring estate property which is on
19 the west side Alewife Brook Road is the Town
20 of East Hampton jurisdiction. I do
21 believe that they have identified that
22 particular structure as in need of
23 replacement or reconfiguration in some
24 way particularly due to impeded the Alewife
25 run in that area.

1 MR. KAUFMAN: What is the name of
2 the environmental director out there?

3 MR. GIBBONS: Larry Penn.

4 MR. KAUFMAN: It's funny because he
5 is opening up and closing culverts all
6 over the place in East Hampton right
7 now. Has he talked at all about this
8 one?

9 MR. GIBBON: To me, personally, no.

10 MR. KAUFMAN: This is the perfect
11 opportunity for him to maybe coordinate
12 with the County and it's not that hard
13 to drop a culvert in looking at the
14 location, et cetera. Maybe it will
15 knock out the fragments in the area. If
16 there's bugs in **Scoy Pond, maybe knock**
17 them with improved flow. You also
18 improve the flow into there and reverse
19 the historical problem and that may help
20 with the **Alewife**.

21 MR. GIBBON: Any project would have
22 to include the County, as well because
23 the downstream side of that is within
24 Cedar Point County park, although, very
25 much as a boundary as the western

1 boundary part of the park.

2 MR. KAUFMAN: All I know is Larry
3 has been directing money and directing
4 efforts towards trying to remediate some
5 of these historical problems and he has
6 been looking at culverts and things like
7 that. This might be a very, very
8 interesting project that might help the
9 County and might be funded by grants
10 and/or the Town of East Hampton. I
11 mean, again, you have four different
12 benefits coming in it. It duck tails
13 with the vector control plan and it duck
14 tails with habitat restoration and,
15 again, people have been building small
16 dams or replacing dams, for example, in
17 downtown Riverhead. This is a perfect
18 opportunity if **Scoy Pond is large enough.**
19 We can map it right and provide more
20 habitats areas. This is just a
21 suggestion.

22 MR. CHAIRMAN: Any other comments?

23 LEGISLATOR VILORIA-FISHER: Well,
24 don't tell your friends about this.
25 This is such a great secret.

1 MR. CHAIRMAN: Anything further?

2 LEGISLATOR VILORIA-FISHER: I am
3 going camping this Summer there.

4 MR. CHAIRMAN: It's a beautiful
5 park. You're to be congratulated for
6 developing a heck of a plan.

7 MR. BAGG: I have a question.

8 Does this plan get adopted by the
9 Suffolk County Legislature or is this an
10 internal document?

11 MR. GIBBONS: Yes, because the next
12 step after this will be to develop a
13 capital project for it.

14 LEGISLATOR VILORIA-FISHER: That's
15 the heavy part.

16 MR. GIBBON: Yes, but I would like
17 the Legislature to have it as an
18 introduction to that -- the plan and
19 adopt it formally with the understanding
20 that at some point in time, we will be
21 looking for a capital project to begin
22 the limitation of it and it's -- you
23 know at some time in the future.

24 MR. BAGG: So the CEQ
25 recommendation is going to Legislature?

1 It's not just an inhouse project to be
2 approved by the Commissioner?

3 LEGISLATOR VILORIA-FISHER: But we
4 don't have it before us yet?

5 MR. GIBBONS: No, no.
6 Unfortunately, we have a new
7 administration now so that --

8 LEGISLATOR VILORIA-FISHER: Has he
9 seen this yet?

10 MR. GIBBONS: No, totally unaware
11 of it.

12 LEGISLATOR VILORIA-FISHER: Okay
13 because I asked him about this Master
14 Plan and I don't think he had that time
15 to see it yet because he was in the
16 field looking at the park.

17 MR. GIBBONS: I have not had the
18 opportunity to review it with him.
19 Obviously, our Deputy Commissioner has
20 been here through the administration and
21 she actually was pro-signatory on the
22 EAF for me. So she can speak to
23 Legislature at some point in time.

24 LEGISLATOR VILORIA-FISHER: Do you
25 think it will be laid on the table?

1 Well, we're not going to be able to lay
2 it on the table until August; right?

3 MR. GIBBONS: Right, August.
4 That's what I am thinking.

5 I didn't know if there were going
6 to be additional questions from the
7 Council. I certainly wanted to see
8 where they were going to go first.

9 MR. BAGG: So how do you want CEQ
10 to proceed? We will prepare the
11 recommendation to the Legislature, but
12 don't send it over or we give it to you
13 and then you send it over with part of
14 the package?

15 MR. GIBBON: Yes, as part of the
16 package.

17 MR. BAGG: Because I don't want to
18 bring it across the street where the
19 Legislature and the documents --

20 LEGISLATOR VILORIA-FISHER: Right
21 and there is nothing before us.

22 MR. GIBBONS: And this did go to
23 Park's Trustees about a year ago.

24 LEGISLATOR VILORIA-FISHER: That's
25 where I first saw this. I knew I had

1 looked at it, but I didn't remember a
2 resolution. It was when I was Park's
3 Chair. I saw it when I was Park's
4 Chair.

5 MR. CHAIRMAN: Joy?

6 MS. SQUIRES: What of the master
7 plan's have been completed?

8 MR. GIBBONS: Smiths Point and
9 there have been a variety of versions of
10 that updated. Some deal specifically
11 with erosion. Others deal with
12 infrastructure. I think there is three
13 versions, if I remember correctly: The
14 Chandler Estate which is a relatively
15 small piece of property 40 acres by
16 Mount Sinai Harbor.

17 LEGISLATOR VILORIA-FISHER: The
18 burnt down house.

19 MR. GIBBONS: The house was removed
20 but that was a much smaller document. I
21 think I brought that here. The big
22 issue there was access.

23 LEGISLATOR VILORIA-FISHER: Right
24 by the church there.

25 MR. CHAIRMAN: That's burned down?

1 LEGISLATOR VILORIA-FISHER: The
2 house burned down a long time ago. It
3 burnt down two years after we bought it.

4 MR. GIBBONS: I wrote that down.
5 We have two others which they're a bit
6 different in vintage. They're not a
7 traditional Master Plan as we think of
8 them today. One is Blydenberg which is
9 really more of a policy document that
10 establishes different areas within the
11 Parks and different levels of
12 development or lack thereof that should
13 occur in those areas. The other is
14 South Haven and that one is kind of
15 similar to Blydenberg, as well.

16 Those are from the late 70's or
17 early 80's. There the best we have from
18 those parks right now, but both of those
19 parks could benefit from such documents
20 as this.

21 MR. PICHNEY: Rich, that landscape
22 plan for the Meadow Club, I don't know
23 if it was ever adopted?

24 MR. MACHTAY: It was good.

25 MR. MARTIN: It was good and never

1 got added.

2 MR. GIBBON: These aren't cheap.
3 There are capital projects in and of
4 themselves, so we don't get to deal with
5 that a lot. But a good place to start
6 would be theses bigger parks -- these
7 original parks such as Hubbard County
8 Park which will get a master plan
9 treatment of this scale with state
10 funding.

11 MS. SQUIRES: West Hills?

12 MR. GIBBONS: Does West Hills have
13 a plan?

14 MS. SQUIRES: Yes.

15 MR. GIBBONS: No, I said Hubbard.
16 West Hills does not. West Hills though
17 is more like -- the one justification I
18 would have for something like not
19 getting a master plan is that there is
20 no public campgrounds to speak of. It
21 is strictly for youth camping. We have
22 been doing things there for 35 years. I
23 can see something like that getting more
24 of the Chandler Estate treatment which
25 is a smaller scale, basically, half the

1 budget of something like that. Really
2 to organize a trail that works there and
3 make specific recommendations. West
4 Hill certainly has benefits from
5 something like that.

6 MR. CHAIRMAN: Gloria?

7 LEGISLATOR VILORIA-FISHER: Can I
8 ask general park questions?

9 MR. CHAIRMAN: Let's get this out
10 of the way.

11 We have a recommendation here that
12 is a Type One Action.

13 MS. GROWNEY: I will second.

14 MR. CHAIRMAN: I am not making a
15 motion.

16 MR. KAUFMAN: I will make the
17 motion as a Type One Negative
18 Declaration.

19 MS. GROWNEY: Second.

20 MR. CHAIRMAN: Any further
21 discussions?

22 MS. SPENCER: Can we also recommend
23 that the Legislature accept it?

24 LEGISLATOR VILORIA-FISHER: Well,
25 we do that when we make the motion.

1 MR. CHAIRMAN: Yes. It will go to
2 the Legislature, but as per Jim's
3 comment, it will not go until the Park's
4 Department is ready to submit it.

5 MR. BAGG: We will send a
6 recommendation to Parks to be submitted
7 along with the resolution for adoption
8 of the Master Plan.

9 MR. CHAIRMAN: All in favor?

10 THE COUNCIL: Aye.

11 MR. CHAIRMAN: Opposed?

12 (WHEREUPON, there was no response.)

13 (WHEREUPON, the Council voted.)

14 MR. CHAIRMAN: Gloria, you had some
15 Parks questions?

16 LEGISLATOR VILORIA-FISHER: I have
17 a couple of Park's questions.

18 How is Smith Point doing with the
19 erosion? Is some of the sand coming
20 back? What's going on with the beach
21 there?

22 MR. GIBBONS: Right --

23 LEGISLATOR VILORIA-FISHER: And the
24 blocks are being protected, as I
25 understand it, with some snow fencing?

1 MR. GIBBONS: Right, but in the
2 scale of things that's pretty
3 insignificant. We should have some
4 accretion over the late Spring, but it
5 will not, in my experience, come back to
6 what it is without some artificial
7 nourishment of the -- especially in the
8 area immediately in front of the
9 pavilion, unfortunately, because for a
10 variety of very technical reasons, I
11 don't completely understand erosion and
12 hot spots and there are two or three
13 along the beach and we have other areas
14 that are very much replenished and are
15 growing into the ocean out on the outer
16 beach. The whole Smith Point Park is
17 roughly six miles of beach frontage of
18 which only the pavilion is a very small
19 part. The vast majority is really five
20 miles.

21 LEGISLATOR VILORIA-FISHER: The
22 outer beach?

23 MR. GIBBONS: Right.

24 LEGISLATOR VILORIA-FISHER: So how
25 deep is the beach there by the pavilion

1 now?

2 MR. GIBBON: Well, in certain --
3 under certain conditions, meaning
4 weather conditions and/or believe it or
5 not, the phase of the moon, the tide can
6 come right up to the steps, currently.

7 LEGISLATOR VILORIA-FISHER: So from
8 zero to --

9 MR. GIBBONS: From zero to several
10 hundred yards.

11 The impact of the public at least
12 for short term will not be so great.
13 Those conditions are very specific.
14 They only happen on one or two dates and
15 even that occasionally. We get into a
16 fair weather pattern now where
17 Springtime it is routine that inundated
18 by the ocean. That has not been the
19 case recently. The issue is whether or
20 not the beach is -- we're spreading --
21 the same amount of people are going to
22 come out. They're going to be spread
23 out further and laterally along the
24 beach because there isn't enough depth
25 for the beach and to consolidate

1 lifeguard stands and --

2 LEGISLATOR VILORIA-FISHER: And, of
3 course, because we were worried about
4 having the beaches crowded so we lowered
5 the fees.

6 MR. GIBBONS: I am not sure how
7 many people would come for that dollar.

8 LEGISLATOR VILORIA-FISHER: I
9 agree. I didn't vote for that.

10 MR. GIBBON: As long as you brought
11 it up. The access to the outer beach
12 which we sell 11,000 permits for beach
13 buggy access and the vast majority of
14 whom access Smiths Point. So there is
15 competing interest there. We had pipe
16 plum nesting, as well. We kind of
17 threaded the needle between those areas
18 that are wide enough to drive on because
19 of the things that the birds will
20 require, as well.

21 MR. KAUFMAN: Are they paying their
22 parks fees? The birds?

23 MR. GIBBONS: No, but they
24 certainly come with their own costs.

25 But we have a road behind the primary

1 dune that can get you acces out to the
2 inlets. It's a Burma road so that
3 provides some recreational acts behind
4 the dunes regardless of what the
5 oceanfront beach looks that.

6 LEGISLATOR VILORIA-FISHER: Isn't
7 that where the guys go fishing from?

8 MR. GIBBONS: Also, it is used as
9 an access road where you can -- there
10 are break cuts in the dune that you then
11 drive out from Burma Road now heading
12 back out to the ocean beach, and we have
13 these day trip areas. We like to set
14 them up for several hundred vehicles at
15 a time.

16 LEGISLATOR VILORIA-FISHER: That's
17 just four wheeling?

18 MR. GIBBONS: Right.

19 LEGISLATOR VILORIA-FISHER: The
20 second question I have -- I am not sure
21 but it's for both you and Richard.

22 If you recall, you mentioned that
23 deep wells are trying to go back to
24 agricultural use and --

25 MR. MARTIN: We're clearing the

1 growth that was coming into the pasture
2 land -- the grassland there.

3 LEGISLATOR VILORIA-FISHER: I just
4 want to advise us how to go forward with
5 that. I do have a school -- the
6 catholic school across the street from
7 (Inaudible name) James. The boy scouts
8 would be interested -- I mean, I will
9 try community gardens across the County.
10 But how do I begin with? Pam Green is
11 actually on my Victory Garden Committee,
12 but Pam is not that excited about it so
13 I am trying to find a more hands on
14 person who can help me.

15 MR. MARTIN: Direct the calls to me
16 first.

17 LEGISLATOR VILORIA-FISHER: I will
18 call you then.

19 So we discussed the appointee for
20 the commission position and issue with
21 Smiths Point and he was under the
22 impression that the natural incretion
23 would build up the beach area.

24 MR. GIBBONS: It will, but I don't
25 think it would return to previous

1 conditions, no. I can just tell you
2 that we have to tend to the beaches for
3 the birds and marsh out there, and
4 that's a very fluid time for the beach
5 in terms of incretion and erosion. We
6 put up --

7 LEGISLATOR VILORIA-FISHER:

8 Especially this March.

9 MR. GIBBON: Almost every season is
10 -- the rain isn't so much but the wind
11 has more to do with it more than
12 anything. Just real briefly, we --

13 LEGISLATOR VILORIA-FISHER: That's
14 what I meant. This March, people lost
15 all their power.

16 MR. GIBBONS: We, overnight, gained
17 five to six feet of depth to the beach
18 in one tidal cycle. We only know that
19 because we put up six foot posts of
20 which five feet is exposed and the next
21 morning they were buried. So those
22 things happen, and there is no better
23 way to nourish the beach then with the
24 natural processes. But in the case of
25 the pavilion itself, as I spoke of

1 earlier, there is just a bad combination
2 by things going on over there that
3 necessitate artifical nourishment.

4 LEGISLATOR VILORIA-FISHER: And the
5 other beaches are okay? Cupsogue?

6 MR. GIBBONS: Cupsogue happens to
7 be on the right side of the inlet,
8 meaning, in this case, the east side, so
9 it all kind of builds up on the east
10 side of the Moriches Inlet. It's also
11 the beneficiary of things that further
12 up-drift from it which are the Village
13 of West Hampton dunes which is on a
14 federal nourishment program. By law, it
15 gets nourished ever three years, I
16 believe, and all that sand eventually
17 comes our way to Cupsogue. It is in
18 fairly good shape. Shinnecock west is,
19 again, on the wrong side of Shinnecock
20 and we're on the west side and there was
21 some artifical emergency nourishment
22 that was done there. We had three miles
23 of beach there, but no infrastructure to
24 speak of and it's not very well used.
25 It another good secret spot for people

1 that like to go to the ocean.
2 Shinnecock east, on the east side of the
3 Shinnecock inlet, has experienced
4 incretion to the point where we had so
5 much sand it was a problem. We actually
6 had to pull it out of the campsite out
7 there. So it depends on what we're
8 talking about.

9 LEGISLATOR VILORIA-FISHER: I have
10 never been to Shinnecock.

11 MR. GIBBON: It is strictly a
12 campground on the ocean and along the
13 Shinnecock Inlet.

14 LEGISLATOR VILORIA-FISHER: So you
15 need four-wheel drive?

16 MR. GIBSON: Yes. You can park and
17 walk but it's maybe a half-a-mile in
18 length.

19 LEGISLATOR VILORIA-FISHER: Now is
20 that whole traffic -- how is that
21 traffic pattern going into Cupsogue?

22 MR. GIBBON: It is the same as last
23 year. We didn't move forward with
24 the --

25 LEGISLATOR VILORIA-FISHER: That

1 project hasn't moved?

2 MR. GIBBONS: Not yet.

3 LEGISLATOR VILORIA-FISHER: When is
4 that scheduled for?

5 MR. GIBBONS: Well, I can tell you
6 that we have been back and forth
7 between, probably, three Memorial dates.
8 I can tell you now, it will be done by
9 Memorial Day as long as I don't have to
10 specify the year.

11 (WHEREUPON, there was laughter.)

12 LEGISLATOR VILORIA-FISHER: And you
13 said they began to push it back a couple
14 of years ago or has it died down?

15 MR. GIBBONS: To be honest, I don't
16 know. I just try to get approvals that
17 we need and then after that I --

18 MR. PICHNEY: With the Community
19 Gardens, are you talking about large
20 cultivated plots or are you going to
21 divide them up like a community garden?

22 LEGISLATOR VILORIA-FISHER: I'm not
23 doing the gardens. What I am doing is I
24 am mapping the gardens that are being
25 done by other people. This is the only

1 one where I am going to be hands-on
2 because it is County property. But, for
3 example, we're mapping with the help of
4 the Health Department school gardens,
5 CSA's, community gardens, farms, and any
6 kind of place that's growing local
7 vegetables.

8 MR. PICHNEY: So you're saying,
9 this where they can go and this is where
10 they are and these are the individual --

11 LEGISLATOR VILORIA-FISHER:
12 Exactly.

13 MR. PICHNEY: And how they're going
14 to run the infrastructure for the water
15 and all that?

16 LEGISLATOR VILORIA-FISHER: Well,
17 you saw the Wyandanch Gardens -- the
18 school garden that was in the paper
19 today? We're going to map that onto our
20 garden so people know where the school
21 gardens and where community gardens are.
22 We're trying to put them -- we're
23 reaching out to people in underserved
24 areas and, you know, actually people
25 talk about urban areas being food

1 deserts. We have many food deserts in
2 Suffolk County. In Wyandanch, there is
3 no supermarkets.

4 MR. PICHNEY: I just remember the
5 ones over -- God, it was over 30 years
6 ago in both Huntington and Babylon.

7 LEGISLATOR VILORIA-FISHER: Yes.
8 Well, Huntington is really good with
9 going to -- and Babylon has one and
10 Brookhaven is trying to develop one.

11 MR. CHAIRMAN: We have to move on.
12 Joy?

13 MS. SQUIRES: This is part of --
14 this is my CAC concern.

15 MR. CHAIRMAN: Oh, we're doing that
16 now.

17 MS. SQUIRES: No, we're not doing
18 it. I just am commenting that the
19 community gardens are a big thing
20 throughout New York State and a lot of
21 CAC's are involved, but in Huntington,
22 we have two projects that are town
23 projects and town funded. One is
24 Gateway Gardens and they are beds --
25 raised beds. This is adjacent to the

1 problems in Huntington Station. We
2 cleared -- we have systematically
3 purchased the land through the open
4 space program -- the town open space
5 program. The area is cleared. They are
6 beds -- specific beds that will be built
7 that can be moved in the future and
8 eventually it will be a community
9 center. In the Cliff Circle Gardens
10 which is part of the town's organic
11 gardens, there is an area that is being
12 built with beds again for people who are
13 needed and all the produce goes to
14 hungry people and they're very much
15 pushing that.

16 MR. CHAIRMAN: Thank you.

17 LEGISLATOR VILORIA-FISHER: People
18 have come to our public hearings
19 regarding Cliff Circle.

20 MS. GROWNEY: Do you have Eco-farms
21 and other farms in East Hampton?

22 LEGISLATOR VILORIA-FISHER: The
23 Eco-farm I know we have. E-mail me the
24 names so that I have them to try and
25 reach out to them as much as I can.

1 MR. CHAIRMAN: We have to move on.

2 Next is the CAC concerns.

3 MS. SQUIRES: I just said it.

4 MR. CHAIRMAN: So do we have any
5 other business?

6 (WHEREUPON, there was no response.)

7 MR. CHAIRMAN: If not, again, I
8 would like to thank everybody that has
9 been so helpful in setting this up.
10 It's not easy. Do we have a motion to
11 adjourn?

12 MR. MARTIN: Motion to adjourn.

13 MS. GROWNEY: Second.

14 (WHEREUPON, this meeting was
15 concluded at 12:18 p.m.)

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C E R T I F I C A T I O N

STATE OF NEW YORK)

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COUNTY OF SUFFOLK)

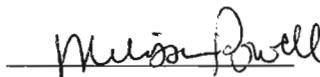
I, MELISSA POWELL, a Shorthand Reporter and
Notary Public of the State of New York, do hereby
certify:

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

29th day of July 2010.



MELISSA POWELL