

# COUNTY OF SUFFOLK



**STEVE LEVY**  
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING  
COUNCIL ON ENVIRONMENTAL QUALITY

R. Lawrence Swanson  
CHAIRPERSON  
CEQ

Michael P. Mulé  
ENVIRONMENTAL PROJECTS  
COORDINATOR

## SUFFOLK COUNTY COUNCIL ON ENVIRONMENTAL QUALITY MINUTES

DATE: September 21, 2011

TIME: 9:30 am to 12:30 pm

LOCATION: Rose Caracappa Legislative Auditorium  
North County Complex  
Veterans Memorial Highway, Smithtown, New York

### PRESENT:

Larry Swanson, Chair; Gloria Russo, Vice Chair; Eva Growney; Tom Gulbransen;  
Michael Kaufman; Daniel Pichney; Mary Ann Spencer; Hon. Vivian Vilorio-Fisher

### ABSENT:

James Bagg; Richard Machtay

### CAC REPRESENTATIVES:

Joy Squires, Town of Huntington

### STAFF:

Michael Mulé, Environmental Projects Coordinator  
Christine DeSalvo, Senior Clerk Typist

### GUESTS:

Sarah Lansdale, Director  
Suffolk County Department of Planning  
Dan Gulizio, Deputy Director  
Suffolk County Department of Planning  
Richard Martin, Director, Historic Services  
Suffolk County Department of Parks, Recreation & Conservation  
Nick Gibbons, Principal Environmental Analyst  
Suffolk County Department of Parks, Recreation and Conservation  
Lauretta Fischer, Chief Environmental Analyst  
Suffolk County Department of Planning  
Katie Magee, Environmental Planner

Suffolk County Department of Planning  
Janet Longo, Acquisition Supervisor  
Suffolk County Department of Environment and Energy  
Division of Real Property Acquisition and Management  
Pamela Greene, Director  
Suffolk County Department Environment & Energy  
Division of Real Property Acquisition and Management  
Frank Castelli, Environmental Projects Coordinator  
Suffolk County Department Environment & Energy  
Camilo Salazar, Environmental Analyst  
Suffolk County Department of Environment & Energy  
Basia Braddish, Assistant County Attorney  
Suffolk County Department of Law  
Gil Anderson, Commissioner  
Suffolk County Department of Public Works  
Victor Keneiby, Associate Civil Engineer  
Suffolk County Department of Public Works  
Christopher Poelker, Junior Civil Engineer  
Suffolk County Department of Public Works  
Kyle Swaringen, Associate Civil Engineer  
Suffolk County Department of Public Works  
Peter Nolan, Junior Civil Engineer  
Suffolk County Department of Public Works  
Boris Rukovets, PE, Special Projects Supervisor  
Suffolk County Department of Public Works  
Peter Nolan, Junior Civil Engineer  
Suffolk County Department of Public Works  
MaryAnne Taylor, Consultant  
CDM  
Jim Branch, Vice President  
FST Engineers  
Kevin Papasian, Project Manager Engineer  
FST Engineers  
Noel Gish, President, Board of Trustees  
Suffolk County Vanderbilt Museum  
Lance Reinheimer, Interim Director  
Suffolk County Vanderbilt Museum  
Christopher Pickerell, Habitat Restoration Specialist  
Cornell Cooperative Extension  
George Nolan, Counsel to Legislature  
Suffolk County Legislature  
Legislator William Lindsay, Presiding Officer  
Suffolk County Legislature  
Michael Pitcher, Director of Communications  
Suffolk County Legislature

LOCATION

H. LEE DENNISON BLDG. - 4<sup>TH</sup> FLOOR  
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS

P.O. BOX 6100  
HAUPPAUGE, NY 11788-0099

(631) 853-5191  
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PUBLIC:

Mary Lauren Lamont  
Nancy Gray  
Audrey Kessler  
Yaphank Historical Society  
Robert Kessler  
Yaphank Historical Society  
Johan McConnell  
South Yaphank Civic Association

MINUTES:

A motion was made by Mr. Kaufman to approve the August 17<sup>th</sup>, 2011 minutes.  
The motion was seconded by Hon. Vivian Vilorio-Fisher. Motion carried.

CORRESPONDENCE:

County Attorney's Memo on Alienation of Parkland

Mr. Mulé noted that the Council had received a memo dated August 15<sup>th</sup>, 2011 from the Suffolk County Department of Law regarding the potential placement of a cell tower at the Suffolk County Vanderbilt Museum. It was the opinion of the Law Department that the construction of a cell tower at the Vanderbilt site does not constitute alienation of parkland. The memo went on to assert that because of the benefit to park users the project would also be exempt from local zoning. Mr. Mulé went on to reference a memo dated August 19<sup>th</sup> from Chairman Larry Swanson on behalf of the Council responding to the Law Department memo and bringing their attention to some language in the NY State Parkland Alienation Handbook stating that leases for cell towers do constitute alienation. Mr. Swanson's memo asked the Law Department for an explanation on the difference of opinion. Mr. Swanson went on to note that Vanderbilt Museum representatives have still not totally provided all of the information that was originally requested. As such it was not the intention of the Council to discuss this item or put it up for a vote. Basia Braddish, Assistant County Attorney commented on the memo defending the Law Department's position.

Ms. Braddish informed the Council that the Suffolk County Vanderbilt Museum is privately endorsed property and is distinguished from other parkland for that reason. Ms. Braddish also mentioned that the State Handbook is only a guide and policy is based case law. Lance Reinheimer and Noel Gish reiterated their position regarding the placement of the cell tower on the Vanderbilt Museum property.

Mr. Swanson requested that the Council take agenda item IR 1464-2011 out of order to accommodate Legislature William Lindsay. A vote was taken and the motion was passed.

Recommended Unlisted Action:

Proposed IR 1464-2011 Declaring as Surplus and Authorizing the Sale and/or lease of Real Property in Selden, Town of Brookhaven

Legislator William Lindsay spoke regarding the reasons it was important to declare this property surplus. He referenced the budget and the County's current financial predicament. He urged the Council to move this resolution forward due to the revenue that this resolution will generate and how it will absolutely save jobs.

Mr. Kaufman made a motion classifying this is an Unlisted Action with a negative declaration and Ms. Russo seconded the motion. Motion carried.

HISTORIC TRUST DOCKET:

Richard Martin, Director, Historic Services, Suffolk County Department of Parks, Recreation & Conservation updated the Council on the following:

Housing:

- The Stimson House at West Hills County Park has been rented. The building should be occupied by November.

Custodial Agreements:

- The County is continuing to work on the custodial agreement with the L.I. Maritime Museum.

Richard Martin presented the Council with a copy of the newly updated Historic Trust Manual that has finally been completed and printed. It will also be made available online. Richard thanked everyone involved for their help in completing the document.

PROJECT REVIEW:

Recommended Type II Actions

Ratification of Recommendations for Legislative Resolutions Laid on the Table September 15, 2011

Mr. Swanson asked if Mr. Mulé had any comments on the Laid on Table list. Mr. Mulé highlighted the fact that IR 1785- 2011 is just for the planning phase of the Indian County Park Campground project. The site is in need of shoreline hardening to protect it from erosion and an EAF will have to be prepared when they do go for construction funds. Mr. Swanson than wanted to bring attention to IR 1786-2011 and make the Council aware as it encourages the use of new technologies for septic systems.

Mr. Kaufman made a motion to accept staff recommendations. Ms. Growney seconded the motion. Motion carried.

Proposed Rehabilitation of CR35, Mill Dam Road Bulkhead and Shoreline Improvements, CP 5375, Town of Huntington

Mr. Kevin Papasian gave a presentation regarding the rehabilitation of the existing shoreline and bulkhead.

After a brief discussion, Mr. Kaufman made a motion classifying this project is a Type 2 Action. Ms. Russo seconded the motion. Motion carried.

Recommended Unlisted Actions:

Proposed Land Division of County Owned Property in Yaphank, Town of Brookhaven

Mr. Swanson made an announcement that the County is still working on the details of this project and the Council will not be addressing this issue today. Members of the public spoke regarding this agenda item. Joann McConnell, President of the South Yaphank Civic Association wanted to know if the postponement was due to discussions between the County and the Town or language that would be placed in the RFP that's going to go out.

Dan Gulizio, Deputy Director with the Suffolk County Planning Department informed Ms. McConnell that there are several aspects of the application that are under discussion. These include the subdivision design, response to Town comments and looking internally within the SEQRA that has been completed to date to ensure that we're addressing all of issues. At this point we are not prepared to resolve all of those issues.

Proposed Construction of a Recharge Basin for Storm Water Remediation, North Fork Preserve, Northville, Town of Riverhead

Christopher Poelker, Junior Civil Engineer with the Suffolk County Department of Public Works made a presentation regarding the need for storm water remediation in the area. He explained that Suffolk County is proposing to purchase property located on the North Fork Preserve. When investigated it was found that the site has become extremely flooded and one of the underground drainage pipes had been blocked by a resident during construction on their property. It was not possible to repair the pipe and a second pipe has been breached allowing stormwater to undermine the soil on a neighboring resident's property. The construction of a recharge basin is proposed to retain all of the excessive stormwater runoff that would normally flood the site. This would ultimately prevent stormwater discharge directly to the beach and avoid disturbing Town of Riverhead designated wetlands. Gil Anderson, Commissioner Suffolk County Department of Public Works clarified the status of the existing drainage system and project design.

LOCATION

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Mr. Kaufman made a motion classifying this project as an Unlisted Action with a Negative Declaration. Ms. Growney seconded the motion. Motion carried.

Proposed Suffolk County Eelgrass Restoration Initiative

Christopher Pickerell, Habitat Restoration Specialist with Cornell Cooperative Extension made a brief presentation regarding the procedure and costs associated with the restoration of eelgrass throughout the County.

Ms. Russo made a motion classifying this project as an Unlisted Action with a Negative Declaration. Mr. Gulbransen seconded the motion. Motion carried.

Type I Actions

Proposed Final Scoping Document for the Suffolk County Sewer Capacity Study for Bellport, Sayville, Ronkonkoma Hub, Middle Island Corridor, Mastic/Shirley, Yaphank, and Southampton (CP 8189)

Boris Rukovets, Special Projects Supervisor with the Suffolk County Department of Public Works presented the revised final scoping document. He explained that this document is an outline for the content of the studies that will be conducted. The comments that were included in the final scoping document were the result of the July 26<sup>th</sup> public scoping meeting and subsequent public comment period and CEQ concerns. Mary Anne Taylor representing CDM described the latest version of this document. She assured that this final document responds to all of the relevant comments that were received at or after the last CEQ meeting.

Ms. Joann McConnell, President of the South Yaphank Civic Association made mention that she was not aware of the scoping hearing and doesn't know the possible areas being considered for sewers. Mr. Rukovets, commented that the public outreach is part of the scope of work so they will be meeting in the Yaphank area to discuss the project. Mr. Mulé explained that the report is available on the County and project websites.

Ms. Spencer made a motion to recommend adoption of the final scoping document. Mr. Kaufman seconded the motion. Motion carried.

Proposed Acquisition for Open Space Preservation Purposes Known as the North Fork Preserve Property, Town of Riverhead

A presentation was given by Ms. Laretta R. Fischer, Chief Environmental Analyst with the Suffolk County Department of Planning concerning the acquisition of 302.17 acres of land known as the North Fork Preserve Property in the Town of Riverhead for open space preservation purposes. Nick Gibbons, Principal Environmental Analyst went on to present the park concept plan for the active recreational component of this acquisition.

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Hon. Vivian Viloría-Fisher made a motion to recommend classification as a Type 1 action with a Negative Declaration. The motion was seconded by Ms. Grownney. Motion carries.

OTHER BUSINESS:

- Ms. MaryAnn Spencer wanted to have the record show that she feels that the proposed cell tower at the Suffolk County Vanderbilt Museum is in fact parkland alienation. She feels that there are ways to give access to wireless and emergency services on site without the construction of a 140 foot tower. This project is solely about the money it will generate.

CAC CONCERNS:

- Joy Squires CAC for the Town of Huntington reminded the Council of the 2011 Conference on the Environment that will be held at the Rensselaerville Meeting Center in Rensselaerville, New York on October 21 – 23, 2011 and all are invited to attend.

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