

PUBLIC HEARING

On

DGEIS

FOR THE DECLARATION AS SURPLUS AND
SUBSEQUENT SALE OF 255+ ACRES OF
COUNTY OWNED LAND IN YAPHANK FOR
MIXED-USE DEVELOPMENT PURPOSES

ROSE CARACAPPA LEGISLATIVE AUDITORIUM
WILLIAM ROGERS LEGISLATIVE BUILDING
725 Veterans Memorial Highway
Smithtown, New York

April 12, 2011

6:00 p.m.

BEFORE:

R. LAWRENCE SWANSON, Chairperson

REC'D
U.S. PLANNING DEPT.
2011 APR 19 AM 11:27

REPORTED BY:

THERESA PAPE,
Court Reporter/Notary Public

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

RICHARD MACHTAY

GLORIA G. RUSSO

MARY ANN SPENCER

JAMES BAGG

MICHAEL KAUFMAN

MICHAEL MULE

KAREN TIMLIN

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2 (WHEREUPON, this proceeding

3 convened at 6:00 p.m.

4 Off-the-record discussions ensued,

5 after which the following

6 transpired:)

7 (Time noted: 6:15 p.m.)

8 CHAIRMAN SWANSON: All right.

9 I'd like to call this public hearing

10 to order.

11 Good evening, everybody. My

12 name's Larry Swanson, and I'm the

13 chair of the CEQ. I'd like to start

14 on my right and have everybody else

15 at the table introduce themselves.

16 MS. RUSSO: Hello, everyone --

17 CHAIRMAN SWANSON: Oh, I'm

18 sorry. I was thinking of Mary Ann.

19 MS. RUSSO: Oh, gosh. I

20 thought you were talking about --

21 CHAIRMAN SWANSON: I'm sorry.

22 MS. RUSSO: Never mind.

23 MS. SPENCER: Mary Ann Spencer.

24 MR. MACHTAY: Richard Machtay.

25 MS. RUSSO: Gloria Russo.

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2 MR. MULE: Michael Mule.

3 MR. BAGG: James Bagg.

4 MR. KAUFMAN: Michael Kaufman.

5 CHAIRMAN SWANSON: All right.

6 This is a meeting to solicit
7 comments on the Draft Generic
8 Environmental Impact Statement dated
9 March 16th, 2011 for the Yaphank
10 County Center Development Project.
11 This is not a question and answer
12 session, this is an opportunity for
13 the public to respond to the
14 document and submit comments on its
15 content.

16 The County Planning Department
17 will be accepting written comments
18 up through Friday, April 29th.

19 Because the proposed
20 development has not been finalized
21 at this -- and is at this stage a
22 concept, the County felt it prudent
23 to prepare what is known as a
24 Generic Environmental Impact
25 Statement. As such, the impacts

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2 associated with the proposed project
3 were analyzed based on the
4 conceptual development plan and
5 reasonable assumptions. And I'm
6 going to ask Mike Mule to expand on
7 that a little bit later, after I get
8 through my introductory comments.

9 An environmental assessment
10 form on the proposed project was
11 reviewed by the CEQ on their
12 December 9th, 2009 meeting, where
13 the Counsel recommended
14 classification as a Type I Action
15 that may have significant adverse
16 impacts on the environment.

17 In February 2010, the Suffolk
18 County Legislature adopted
19 Resolution 45-2010 accepting CEQ's
20 recommendations and called for the
21 preparation of the Draft Generic
22 Environmental Impact Statement with
23 Public Scoping.

24 A Public Scoping Hearing was
25 held on March 16th of 2010.

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2 In November, 2010, Suffolk
3 County adopted Resolution 1025-2010
4 accepting the final scope -- scoping
5 document.

6 A DGIS based on the final scope
7 was presented to the CEQ on
8 March 16th, where it was accepted as
9 complete and suitable for public
10 comment.

11 And that brings us to today.
12 So if you intend to speak, please
13 sign a card and give it to the
14 receptionist in the hallway.

15 Mike, would you, for the
16 audience, say -- please expand a
17 little bit on what a Draft Generic
18 Impact Statement is versus an EIS.

19 Before you do, though, I want
20 to welcome the students from the
21 Environmental Issues course,
22 MAR 30- -- what is it? ENS 301.
23 Dr. Bowman is in the back with
24 13 of our students, and we thought
25 this is a great opportunity for them

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2 to be exposed to the SEQRA process,
3 and I think it's great that you're
4 coming and participating.

5 Mike.

6 MR. MULE: All right. So
7 Generic Environmental Impact
8 Statement is, as the title states,
9 more generic.

10 The project submitted, at this
11 point, was more conceptual. And
12 considering the fact that we didn't
13 have engineering schematics, plans,
14 the real details and the -- and the
15 meat of the development, the impacts
16 had to be evaluated in a more
17 generic sense. So reasonable
18 assumptions had to be made with
19 regard to traffic and wastewater
20 flows and energy consumption.

21 So it's a little less specific
22 than a regular environmental impact
23 statement where all those factors
24 are at the forefront of the project.
25 This is more conceptual.

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2 CHAIRMAN SWANSON: Thank you,
3 Mike.

4 So we'll begin.

5 And the first card we received
6 was from the Long Island Pine
7 Barrens Society.

8 And I understand you want to
9 only submit a written statement; is
10 that correct?

11 MS. MOTSCHENBACHER: No, I'll
12 read it. I just brought an extra --

13 CHAIRMAN SWANSON: Okay.
14 Please come forward.

15 MR. KAUFMAN: Have her submit a
16 copy for the record.

17 CHAIRMAN SWANSON: And submit a
18 copy for the record.

19 MS. MOTSCHENBACHER: Sure.

20 (WHEREUPON, the
21 above-referred-to document, letter
22 dated April 12, 2011 from the Long
23 Island Pine Barrens Society, CEQ
24 Public Hearing Exhibit 1, was marked
25 for identification, and was moved

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2 into evidence, as of this date.)

3 CHAIRMAN SWANSON: And state
4 your name and your organization.

5 MS. MOTSCHENBACHER: My name is
6 Beth Motschenbacher -- should I
7 spell it?

8 CHAIRMAN SWANSON: Please.

9 MS. MOTSCHENBACHER: It's
10 M-O-T-S-C-H-E-N-B-A-C-H-E-R, and I'm
11 here on behalf of the Long Island
12 Pine Barrens Society.

13 "The Pine Barrens Society
14 doesn't support selling the land for
15 both environmental and economical
16 reasons. Government at every level
17 is working to protect the Carmans
18 River, and this property is in the
19 watershed.

20 "A survey taken at the height
21 of the recession indicated that
22 4 out of 5 Long Islanders support
23 preserving lands now, while prices
24 are down and sellers are eager. It
25 is unlikely the Town of Brookhaven

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2 will permit high density development
3 at a time when it's contemplating
4 rezoning lands to limit the density
5 to the Carmans River Watershed as
6 part of the Carmans River Watershed
7 Protection Management Plan.

8 "You don't have to be an
9 economist to know that you can't
10 balance the budget with one-shot
11 revenue sources such as surplusings
12 property that the taxpayers already
13 own. So the Pine Barrens Society
14 believes that selling this land
15 makes neither environmental nor
16 economical sense. Since it is clear
17 that the County doesn't need it for
18 any other purpose, these lands
19 should be put into permanent
20 preservation."

21 Thank you.

22 CHAIRMAN SWANSON: Thank you.

23 All right. We're going to have
24 a time limit of three minutes for
25 talk.

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2 The next in line is Dibser
3 Abreu, Stony Brook University.

4 MS. ABREU: Hello. My name is
5 Dibser Abreu --

6 CHAIRMAN SWANSON: Speak into
7 the microphone.

8 MR. KAUFMAN: She has to push
9 the button.

10 MS. ABREU: Oh -- okay.

11 All right. So my name is
12 Dibser Abreu, and I'm a student at
13 Stony Brook University. I am an
14 Environmental Studies major.

15 So I just want to speak in
16 concern of the landline -- the water
17 on Long Island. And I just want to
18 go into the reduction of wetlands in
19 results to the reduction of water
20 quality in the Carman Lake (sic)
21 which will result from
22 industrialization and development.

23 Increase in development and an
24 industrialization will add on to the
25 reduction in the water quality;

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2 overconsumption and mass expansion
3 will lead to further pollution in
4 the water table; and will also lead
5 to further reduction of wetlands,
6 which could result from coastal
7 disasters and also provide nurseries
8 and result in vast wild diversity of
9 wetlands.

10 I feel that there needs to be a
11 water quality goal for this land
12 of urbanization in the Yaphank area
13 of Long Island. I feel that the
14 plan is a bit -- a short-term goal
15 in terms of mass expansion and --
16 leading to increase use of water
17 which we are already depleting. I
18 feel that we need more long-term
19 goals which will focus on our
20 resources in our wetlands and --
21 provided by our wetlands and -- as
22 well as water quality protection
23 plan.

24 Also, I feel like this vast
25 expansion will be to a lack of land

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2 needed for future generations. So I
3 think we need to think more
4 sustainably and more about the
5 future, rather than just right now.

6 Thank you.

7 CHAIRMAN SWANSON: Thank you.

8 Our next speaker is Natalie
9 Hancock.

10 MS. HANCOCK: Hi. I'm Natalie
11 Hancock from Stony Brook University.
12 I'm speaking on behalf of Amanda
13 Stewart who's a Biology major and an
14 Environmental Studies minor.

15 "In the past several decades,
16 Long Island has become densely
17 populated as suburban sprawl and
18 industrial development has made its
19 way back east. In its path, many
20 environmental issues have arisen due
21 to ecosystems, degradation, water
22 contamination, and loss of open
23 space. However, despite the obvious
24 repercussions of development, profit
25 and politics have become major

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2 facilitators of its continuation,
3 even in the wake of public
4 disapproval.

5 "Another possible victim to this
6 vicious cycle is the parcel of land
7 in question tonight situated in
8 Yaphank along the Carmans River. As
9 of right now, this area and
10 surrounding land is mostly vacant or
11 used for recreational open space.

12 "Land Trust Development
13 proposes several residential
14 complexes, a sports arena, office,
15 and retail complexes, town square,
16 recreation, light industrial
17 structures, and so on.

18 "Although these plans are
19 regarded as following the smart
20 growth principles that have been
21 prioritized by Suffolk County, I do
22 not believe they are being applied
23 in such a way as initially intended,
24 nor in a sustainable fashion.

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2 "According to the smart growth
3 principles, areas that have already
4 been developed should be those to
5 which funding be applied for
6 renovation and improvement. This
7 concerns open space and restructures
8 where infrastructures already exist
9 in order to concentrate popular --
10 population density and reduce
11 sprawl.

12 "Therefore, it seems
13 counterintuitive to take a
14 fundamentally undeveloped area
15 outside of the existing downtown and
16 develop it further.

17 "The 1970 plan published by the
18 Suffolk -- the Nassau/Suffolk
19 Regional Planning Board designated
20 the conservation of open space to be
21 the highest priority in both
22 Counties. I cannot see how this has
23 changed considering the continued
24 increase in population density and
25 the associated loss of open space.

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2 "The Carmans River and its
3 water and ecosystem quality also
4 remain a major concern in
5 consideration of these plans. The
6 environmental impact statement draft
7 states that the Carmans River,
8 although in good health currently,
9 has been affected in the past by
10 development and anthropogenic
11 degradation, and continues to be
12 vulnerable.

13 "The wetlands that boarder
14 the river provide a natural
15 water purification system, but is
16 currently being lost across
17 Long Island and remains the topic of
18 dispute between developers and
19 environmentalists.

20 "Impacts of development are
21 more often than not conservative and
22 underestimate a few professions.
23 Increases of runoff, water
24 contamination, and road and foot
25 traffic will very possibly degrade

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2 the areas surrounding the region in
3 question.

4 "In conclusion, not only do
5 these plans for development come
6 under much scrutiny of the public,
7 but they also perpetuate the
8 overdevelopment in associated
9 landscape not -- so many people are
10 fighting against. Important
11 ecosystems that provide us both
12 natural resources and services at
13 risk, and should be made the highest
14 priority in light of this decision.

15 "Thank you for your time and
16 consideration."

17 CHAIRMAN SWANSON: Thank you.

18 Suffolk County Legislator
19 Browning.

20 LEGISLATOR BROWNING: I guess I
21 have to do what everybody else is
22 being told to do. Hold the button.

23 Well, first of all, thank you
24 for giving me some time to speak
25 with you.

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2 As you know, this planned
3 project of Legacy Village is within
4 my district and -- many concerns
5 that are going on with it.

6 You know, the GEIS states that
7 the Yaphank site has a unique, rural
8 character reflective of the
9 surrounding community.

10 The vision in this GEIS is to
11 respect the community, have a
12 positive impact on the school
13 districts, protect the environment,
14 and coexist without conflict.

15 It states there was a public
16 outreach, but it wasn't in Yaphank.
17 Not much anyway. Transparent and
18 lengthy process through the early
19 involvement of the community. After
20 the RFP Committee met, the plan went
21 behind closed doors and the
22 community had little or no
23 involvement.

24 The Yaphank Historical Society
25 has worked very hard to improve the

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2 historic homes. The County's also
3 budgeted to restore the Homan house,
4 which is right near this proposed
5 development.

6 The County Infirmary, which is
7 over 100 years old, and nearby --
8 and there's also the nearby
9 cemetery were residents of the
10 infirmary were laid to rest.

11 The Doctor's Cottage is a
12 valuable structure to the Yaphank
13 community. It was the residents of
14 the doctor who cared for the
15 residents in the infirmary. There's
16 a recommendation to demolish the
17 building. The Historical Society
18 has a desire to restore the
19 building. And demolition is
20 certainly not support in historical
21 character of the community.

22 Building a state-of-the-art
23 5,500 seat arena does not respect or
24 coexist without conflict of the
25 historical community.

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2 I researched the building of a
3 5,500 seat arena, and what I've
4 learned is that the size of the
5 arena cannot sustain itself. It
6 can't attract the venues to bring in
7 adequate revenue, and the County
8 would need to donate the land and
9 make it tax free to the developer to
10 make it worthwhile to build.

11 The arena would become a modern
12 day Vanderbilt where the taxpayers
13 would have to subsidize it. I don't
14 think that they will sign up for
15 that.

16 The County Executive just
17 vetoed funding needed for the
18 Vanderbilt for much needed
19 restorations. Why would you want to
20 build a white elephant and further
21 burden the taxpayers?

22 It costs approximately \$17,000
23 to educate one child. And let's
24 take about 785 of the housing units.
25 And if each one of those has maybe

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2 one child, that would be about
3 \$13 million a year to the Longwood
4 School District.

5 The average home has
6 2.5 children, and how could this
7 be a tax positive if there's
8 1,250 units? The taxes in one home
9 doesn't pay to educate one child.

10 The study says 207 students. I
11 think that number is very
12 understated.

13 \$17,000 for a child who does
14 not require special services.
15 That's about what it costs. But
16 many children these days, the high
17 rate of autism -- and the Longwood
18 School District is very well known
19 for the great services they provide
20 for special needs kids, and there is
21 a real concern about how much it
22 would really cost per child.

23 And since the population
24 increase would be about one-third
25 and -- you know, what community

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2 wouldn't complain with that kind of
3 an increase to the population in
4 their community?

5 And you also have to take into
6 consideration the other developments
7 within the Longwood School District.
8 There's one a little further
9 southeast of that, off of William
10 Floyd Parkway, the AVR property,
11 and there's a proposed, I believe,
12 800 units of housing. So that will
13 have an impact on the school
14 district also. However, I have to
15 say, they did do phenomenal outreach
16 with the Town of Brookhaven and with
17 the local community to make this a
18 project that would work.

19 And let's get real about
20 Yaphank train station. We talk
21 about improving that. This is
22 really, right now, next to no
23 service. And as we all know,
24 Long Island Rail Road has cut
25 service on the East End. So

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2 reality is, to think that they will
3 improve the system in Yaphank, I
4 think, is a pipe dream.

5 You know, they're expanding the
6 jail. And I've received numerous
7 complaints about prisoners that have
8 been released and probationers who
9 have to report to the Probation
10 Department are knocking on doors of
11 the homes in the surrounding area
12 and littering the bus stops. I've
13 requested to have that bus stop
14 moved in closer to the jail. And
15 I'm sure the 1,250 units of housing
16 that are being proposed, those
17 local residents, will certainly be
18 pleased to know -- I'm sure they're
19 not going to be pleased to know that
20 people who are released from the
21 jail will be riding on the bus in
22 their community while they're at
23 work.

24 I also would like to know, is
25 there going to be a buyer beware if

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2 this project was to move forward.

3 There's a landfill -- I think we've

4 all been reading about the landfill

5 and the sludge -- and a compost

6 facility which still continues to be

7 a problem, a fireworks facility, a

8 jail and a probation department.

9 And when you put that out there, who

10 wants to live next to that?

11 And I'll finish up with the

12 environmental issues. Parcel A -- I

13 do have a piece of legislation

14 currently to preserve Parcel A.

15 The -- not the developed area,

16 however -- where it is not currently

17 developed, to preserve that. That's

18 smack dab right on top of the

19 Carmans River Watershed.

20 And I'm also reading here --

21 where is it here? Streams in the

22 Carmans River -- I believe its page

23 20, and it says here, "Although

24 distant from the Carmans River, the

25 proposed developments in areas B

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2 through D could negatively affect
3 both water quality and quantity
4 within the river due to decreased
5 groundwater recharge. Increase
6 groundwater withdrawal, introduction
7 of contaminants, and shallow
8 groundwater can surface runoff, and
9 increased use of fertilizers and
10 deicing materials."

11 This is a GEIS. It's a general
12 environmental impact study. I think
13 there could be more work done on
14 this and I really do -- I think as
15 it stands right now, the Yaphank
16 development is looking like it's
17 going to die. And I hope it does.

18 But I have serious concerns --
19 I've always had serious concerns
20 about this proposed development in
21 Yaphank. And I know that most of
22 the Yaphank people are currently at
23 the town hall tonight, there's
24 another meeting at town hall
25 pertaining to the landfill. So I --

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2 I will tell you that, only for that,
3 there would many of them here
4 tonight.

5 But, again, I think more needs
6 to be done. And, like I said, I
7 hope this Yaphank project dies. I
8 think it is dying a slow death. And
9 I think we really need to look
10 seriously at the Carmans River
11 Watershed study and make sure that
12 whatever is decided by this -- this
13 body that -- you know, it's the
14 right thing for Yaphank.

15 Thank you.

16 CHAIRMAN SWANSON: Thank you.

17 Emmett Phinney.

18 MR. PHINNEY: My name's Emmett
19 Phinney, and I'm a Stony Brook
20 University student as well as a
21 resident of Suffolk County. And as
22 a resident of Suffolk County, I do
23 agree that development needs to
24 occur. However, I think that the
25 Carmans River is not the correct

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2 spot, mostly because of it's
3 uniqueness as a river on
4 Long Island.

5 Many people know that there
6 aren't many rivers on Long Island,
7 and wetlands are unique in their
8 ability to protect areas from floods
9 and filter groundwater. And it just
10 does not seem like to correct spot
11 for development because of its
12 uniqueness.

13 That's all I have to say.

14 CHAIRMAN SWANSON: Thank you.

15 James Zarvos.

16 MR. ZARVOS: Hello. My name is
17 James Zarvos. I'm an Environmental
18 Studies student at Stony Brook
19 University.

20 I just have a quick statement
21 saying that I do -- I oppose the
22 development on top of the Carmans
23 River Watershed because of the
24 runoff from all the houses and stuff
25 that would be built, from -- from

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2 fertilizers and the roads -- will
3 contaminate the river and also the
4 aquifers that are very nec -- like
5 necessary for our drinking water on
6 Long Island.

7 That's it.

8 CHAIRMAN SWANSON: Thank you.

9 Fedora Ferrao.

10 MS. FERRAO: My name's Fedora
11 Ferrao, and I'm also a student from
12 Stony Brook University.

13 CHAIRMAN SWANSON: Just a
14 minute.

15 Can you go back and spell your
16 name for the stenographer?

17 MS. FERRAO: F-E-D-O-R-A, and
18 F-E-R-R-A-O.

19 CHAIRMAN SWANSON: Thank you.

20 MS. FERRAO: I'm a student from
21 Stony Brook University, and I also
22 oppose the Carmans River Watershed
23 protection plan and -- especially
24 because in the plan it notes about
25 building --

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2 CHAIRMAN SWANSON: Hold the
3 microphone a little closer to
4 your --

5 MS. FERRAO: -- about
6 constructing infrastructure,
7 especially to deal with the
8 mortality of wildlife from road
9 kill. So --

10 CHAIRMAN SWANSON: Thank you.
11 Zorina Razack.

12 MS. RAZACK: Hello. Hi. My
13 name is Zorina Razack and I also
14 attend Stony Brook University.

15 CHAIRMAN SWANSON: Spell your
16 name, please.

17 MS. RAZACK: Z-O-R-I-N-A,
18 R-A-Z-A-C-K. And I am also against
19 the Carmans River Watershed
20 protection plan also because of its
21 construction of the infrastructure
22 can reduce mortality of wildlife and
23 road kill.

24 Thank you.

25 CHAIRMAN SWANSON: Thank you.

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2 Do we have anybody else that is
3 desirous to speak?

4 MR. MURDOCCO: (Indicating)

5 CHAIRMAN SWANSON: Yes.

6 MR. MURDOCCO: Hi. My name's
7 Richard Murdocco. I'm a resident of
8 Brookhaven in Suffolk County, and I
9 have my masters in policy from
10 Stony Brook.

11 CHAIRMAN SWANSON: Could you
12 spell your name also, please?

13 MR. MURDOCCO: M-U-R-D-O-C-C-O.

14 I think it's important to
15 mention about the selling of this
16 parcel, or whatever we decide to do
17 with it, that we all recognize that
18 impacts of all the other projects in
19 concert with the Levy town proposal,
20 and to realize that even if this
21 project does, quote, unquote, die,
22 there's still the potential for, if
23 we do sell it, another proposal with
24 even more density and more intensive
25 land use to be put there.

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2 The best option would be
3 preservation of the land, especially
4 in such close proximity to the
5 Carmans River Watershed.

6 The Levy town proposal is not
7 smart growth. And I say that
8 because smart growth is the
9 repurposing and the reuse of, say,
10 an old commercial parcel, old
11 industrial parcel. This is creating
12 a new destination center where there
13 was not a destination, and that's
14 something important to realize.

15 So my recommendation is that we
16 buy the parcel or we donate it to
17 just open space, but not charge the
18 taxpayers for something that they
19 technically already own.

20 That's it.

21 CHAIRMAN SWANSON: Thank you.

22 Anybody else?

23 (WHEREUPON, there was no
24 response.)

25 CHAIRMAN SWANSON: Karen, do

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2 you have any more cards?

3 MR. MULE: No, she doesn't.

4 CHAIRMAN SWANSON: She doesn't.

5 MS. TIMLIN: No.

6 CHAIRMAN SWANSON: Thank you.

7 Okay. If that is all, I would
8 remind you to please submit your
9 statements in writing if you have
10 them. And the record will stay open
11 until April 29th for other comments.
12 And I thank you for your
13 participation and your thoughts.

14 So have a good evening.

15 MR. KAUFMAN: You have to do a
16 motion to close.

17 CHAIRMAN SWANSON: Okay. We
18 need a motion to close.

19 MR. MACHTAY: Motion to close.

20 CHAIRMAN SWANSON: Do we have a
21 second?

22 MS. SPENCER: Second.

23 CHAIRMAN SWANSON: All in
24 favor?

25 ALL: Aye.

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CHAIRMAN SWANSON: The
meeting is closed.

(Time noted: 6:41 p.m.)

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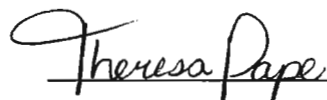
C E R T I F I C A T E

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

That the foregoing is a true and
accurate transcription of the stenographic
notes taken herein.

I further certify that I am not
related to any of the parties to this action
by blood or 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 12th day of April 2011.



THERESA PAPE