

# COUNTY OF SUFFOLK



STEVEN BELLONE  
COUNTY EXECUTIVE

DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING  
DIVISION OF PLANNING AND ENVIRONMENT  
COUNCIL ON ENVIRONMENTAL QUALITY

Lawrence Swanson  
Chairperson  
CEQ

## **SUFFOLK COUNTY COUNCIL ON ENVIRONMENTAL QUALITY MINUTES**

DATE: December 12, 2018

TIME: 9:35 am – 12:30 pm

LOCATION: Arthur Kunz Library

H. Lee Dennison Bldg. – 2<sup>nd</sup> Floor

Veterans Memorial Highway, Hauppauge, New York

### PRESENT:

Larry Swanson, Chair

Michael Kaufman, Vice Chair

Robert Carpenter Jr.

Frank De Rubeis

Michael Doall

Eva Growney

Thomas Gulbransen

Hon. Kara Hahn

Constance Kepert

Hon. Al Krupski

### ABSENT:

Mary Ann Spencer

Andrea Spilka

### CAC REPRESENTATIVES:

None

### STAFF:

Sarah Lansdale, Director of Planning

Andy Freleng, Chief Planner

John Corral, Senior Planner

Christine DeSalvo, Principal Office Assistant

**GUESTS:**

Maria Nida, Assistant County Attorney, Suffolk County Department of Law  
Richard Martin, Director of Historic Services, Suffolk County Department of Parks,  
Recreation and Conservation  
Nick Gibbons, Principal Environmental Analyst, Suffolk County Department of Parks,  
Recreation and Conservation  
Frank Castelli, Chief Environmental Analyst, Suffolk County Department of Economic  
Development and Planning, Division of Water Quality  
Walter Dawydiak, Suffolk County Department of Health Services, Director Environmental  
Quality  
Kyle Swaringen, Suffolk County Department of Public Works, Director Bridges and  
Structures  
Ken Zegel, Associate PE, Suffolk County Department of Health Services, Division of  
Environmental Quality  
Hon. Rudy Sunderman, Suffolk County Legislator, District #3  
Diego De La Rocha, Intern, Suffolk County Department of Economic Development and  
Planning Division of Planning and Environment  
Audrey Kessler, Yaphank Historical Society  
Robert Kessler, Yaphank Historical Society  
MaryBeth Billerman, Senior Ecologist, GEI Consultants  
Laura Schwanof, Ecological Practice Lead, GEI Consultants  
Anthony Graves, Chief Environmental Analyst, Town of Brookhaven  
Gwynn Schroeder, Legislative Aide, Legislator Al Krupski, District #1  
Tim Rothchy, Legislative Aide, Legislator Rudy Sunderman, District #3  
Kyle Rabin, Program Manager, Long Island Regional Planning Council/ LINAP

**Minutes:**

- September 17, 2018 and October 17, 2018 Meeting Minutes

A motion was made by Mr. Kaufman to approve the September 17, 2018 minutes as amended. The motion was seconded by Mr. Gulbransen. Mr. Carpenter abstained from the vote. Motion carried to approve the September 17, 2018 minutes.

A motion was made by Mr. Kaufman to approve the October 17, 2018 minutes. The motion was seconded by Mr. Carpenter. Motion carried to approve the October 17, 2018 minutes.

**Correspondence:**

- None

**Public Portion:**

- None

## **Historic Trust Docket:**

Director's Report:

- Updates on Housing Program for Historic Trust Sites

Mr. Martin stated that there is an open house scheduled for a 5 bedroom house in Manorville on River Road on December 15, 2018. Upgrades were made to this house and it is currently available for County employees to rent. This house is one of the largest rental properties that the County has and is part of a complex of three houses the County owns in Manorville.

Mr. Martin also noted that the tenant at the Isaac Mills House in St. James has recently moved out. The County is painting and fixing up the apartment and then it will be reappraised. Mr. Martin noted that he is looking to rent this property again as soon as possible.

- Updates on Historic Trust Custodial Agreements

No new updates on custodial agreements.

Mr. Swanson thanked Mr. Martin regarding the filling of potholes on a Suffolk County Parks maintained road in St. James. Mr. Martin said that the thanks goes to Parks Commissioner Berdolt who worked on this effort with the Suffolk County Department of Public Works.

## **Project Review:**

### **Recommended Type I Actions:**

#### A. Proposed Carmans River/Lower Lake Fish Passage Project, Town of Brookhaven

Frank Castelli, Chief Environmental Analyst with the Suffolk County Department of Economic Development and Planning, Division of Water Quality, provided a project overview and then turned over the discussion to Laura Schwanof, Ecological Practice Lead, GEI Consultants who provided a detailed presentation on the project.

The proposed project involves the construction of a fish passage structure connecting Lower Lake and the Carmans River. The Lower Lake dam at Yaphank Avenue in Yaphank, New York currently impedes movement of fish migrating upstream from the Long Island South Shore Estuary Reserve and prevents movement of resident river fishes. The proposed fish ladder will target three fish species Alewife (*Alosa pseudoharengus*), American Eel (*Anguilla rostrata*) and Brook Trout (*Salvelinus fontinalis*) and is designed to include the swimming ability and behavior of these target species.

The proposed fish passage would be constructed through the existing concrete arch culvert and would consist of three primary segments: an open channel fishway within Lower Lake that is contained by a steel sheet pile cofferdam and constructed on grouted

riprap; a fishway contained within the existing arch culvert that allows passage underneath Yaphank Avenue and an open channel fishway that follows the existing stream channel downstream of the arch culvert and discharges into the Carmans River. The proposed project also includes the construction of an approximately 3,769 square foot aquatic bench on the Lower Lake side of the fish ladder that will be vegetated in accordance with the projects planting plan.

Ms. Schwanof also noted the historic location of the project and its close proximity to the historic Robert Hawkins House and Homan Gerard House. Ms. Schwanof also noted the historic significance of the dam itself which runs below Yaphank Avenue (CR 21). Ms. Schwanof also stated that as a result of the historic nature of the area a Phase IA Archaeological Survey and Sensitivity Assessment has been completed and follow up field mapping will be conducted to document potential cultural resources.

After the presentation the CEQ had questions regarding the hydrological implications of the project including the ability of the fish ladder to accommodate the flow from Lower Lake to Carmans River and as well as being able to accommodate varying lake levels. Due to the specificity of the CEQ questions Ms. Schwanof said that she would attempt to reach their project hydrologist to answer the questions.

While the consultant was working to reach their project hydrologist, Anthony Graves, Chief Environmental Analyst, with the Town of Brookhaven provided the CEQ with background information on the Carmans River, Lower Lake and the Town of Brookhaven's fish passage work at Upper Lake. Mr. Graves noted that this fish passage at Lower Lake will remove the last significant fish barrier on the Carmans River and will allow fish to migrate from the Atlantic Ocean to the upper reaches of the Carmans River. Mr. Graves also provided the CEQ with information on the Town of Brookhaven's Lower Lake restoration project which involves the removal of sediment and invasive species. Mr. Graves discussed some of the issues that have been encountered during the Lower Laker restoration project including the issue of the turbidity and downstream sedimentation.

After Mr. Graves' presentation the CEQ temporarily tabled their discussion on the Fish passage project and proceeded with the meeting Agenda while GEI worked to set up a teleconference call with their project Hydrologist.

After the CEQ completed the LADS Report, and the update of the Suffolk County Subwatershed Plan, the CEQ resumed their Fish passage project review by speaking via teleconference with Kerry Price, GEI's project water resource engineer who was located in GEI's Michigan office. Ms. Price noted that the proposed project was designed to maintain flow into Carmans River during the construction of the coffer dam by using a pipe bypass or a syphon over the coffer dam. She stated that the project plans will require the construction contractor to accommodate normal as well as higher than normal flows during construction. Ms. Price also noted that the plans include sediment control which will include upstream and downstream turbidity curtains as well as silt fencing surrounding the land areas of the project. Ms. Price also noted that any sediment that accumulates in front of the coffer dam during construction will be removed and disposed of offsite. In response to questions about the ability of the fish passage to accommodate changing water levels in the lake Ms. Price noted that the project was designed to allow

for the lake to be drained, to accommodate variability in lake levels and for the passage of design storm flows. Ms. Price stated that a low level outlet will be included underneath the fish passage that will allow the lake to be drained if necessary; that the fish passage will be built into the lake and will be designed to accommodate changes in lake level and will be designed to allow flood flows to pass over the passage and through the culvert. It was also noted that due to the hydrological nature of the Carmans River and Lower Lake system that even in drought conditions the lake level will not drop below the height of the fish passage.

After the discussion a motion was made by Mr. Kaufman to recommend classification of the proposed project as a Type 1 Action with a Negative Declaration. The motion included the following:

- during construction of the fish ladder maximum efforts will be employed through the use of silt curtains, and the monitoring and replacement of said silt currents as required, to capture silt and minimize turbidity from passing downstream;
- flow to the Carmans River will be maintained during the construction of the fish ladder project;
- all work will be done in accordance with final design plans and specifications and in compliance with federal, state and local permit conditions.

The motion was seconded by Ms. Kepert. Motion carried.

### **Project Review:**

### **Recommendations for LADS Report:**

Recommendations for Legislative Resolutions Laid on the Table November 7, 2018 and November 20, 2018

Mr. Kaufman made a motion to accept staff recommendations on Legislative Resolutions Laid on the Table November 7, 2018 and November 20, 2018. The motion was seconded by Mr. DeRubeis. Motion carried.

### **Other Business:**

- Update on the Suffolk County Subwatersheds Wastewater Plan and its Draft Generic Environmental Impact Statement

Walter Dawydiak, Suffolk County Department of Health Services, Director Environmental Quality, and Ken Zegel, Associate Public Health Engineer, Suffolk County Department of Health Services, Division of Environmental Quality gave a presentation regarding the status of the Suffolk County Subwatersheds Wastewater Plan. As part of the presentation Mr. Dawydiak provided an overview of the Subwatershed Plan and how it fits into the County's overall Reclaim Our Water initiative and then Mr. Zegel provided additional details on the Subwatersheds Wastewater Plan and the GEIS.

Mr. Swanson noted that there is anticipated to be an accelerated schedule to review the Subwatershed Plan and in order to accomplish this, the CEQ will set up a series of weekly or by-weekly working group meetings to review this Subwatershed Plan. Mr. Swanson noted that these publically noticed working group meetings will be scheduled and then if a meeting is determined not to be needed it will be canceled and the public will be notified. Mr. Corral noted that the CEQ staff will work with the CEQ members to set up these working group meetings and that the meetings can include teleconferencing. Mr. Corral also noted that staff will work with the CEQ members, including those who cannot attend these working group meetings, to help facilitate the CEQs review of the GEIS. Mr. Corral also provided the CEQ with an outline of the anticipated meetings that will be involved with the CEQ review of the Subwatershed Plan GEIS. Mr. Kaufman noted that due to the accelerated review schedule the more information the CEQ can be provided in advance of the anticipated formal review dates (i.e. portions of the GEIS that are available be provided to the CEQ before the whole document is available, etc.) the more helpful it would be in enabling the CEQ to review GEIS and provide input.

- Discuss the CEQ's North Fork Preserve Subcommittee

The Chair of the CEQ, Mr. Swanson, noted that the CEQ created a subcommittee made up of CEQ members to research whether there should be an advisory committee created for the North Fork Preserve property. Mr. Swanson noted that after a discussion with the CEQ's legal counsel it was determined that the CEQ subcommittee meetings shall be public meetings that are publically noticed but do not have to include a public portion.

Mr. Swanson noted that he had discussed with Mr. Corral the concern he had of groups requesting an advisory committee be formed for each different project that comes before the CEQ. Mr. Swanson noted that Mr. Corral agreed that the CEQ was not designed to get involved in the organization of outside groups to oversee different County projects. Mr. Corral also noted the different ways in which the County already allows the public comment including through the CEQ process, the Legislative Process and via individual County Departmental processes. Mr. Corral also noted that Nick Gibbons would like to comment on the Suffolk County Parks public process for major park projects including park master plans. Mr. Swanson noted that with this being said the CEQ made a commitment to explore for the North Fork Preserve property whether an advisory committee is needed and that he wants to make sure that the CEQ follows through on that commitment. The CEQ members who volunteered for this subcommittee include Tom Gulbransen, Michael Kaufman, Andrea Spilka and with input from Legislator Al Krupski.

Mr. Swanson noted that that the mission of this subcommittee is to explore whether an advisory committee is needed for the Park and then for the subcommittee to make its recommendation back to the full CEQ. Mr. Swanson noted that the subcommittee's recommendation may include that an advisory committee is not needed based on the public process that already exists or that an advisory committee is needed. Mr. Swanson stated that if the CEQ subcommittee recommends an advisory committee then he would recommend that the advisory group include different types of interest groups based on the fact that the North Fork Preserve property was purchased under different County programs which have different objectives and requirements. As a follow up to this, CEQ Member Rob Carpenter noted that the County owns the Farmland Development Rights on a sizable portion of the North Fork Preserve property and as result, he recommends that if an advisory committee is recommend that a member of the Suffolk County

Farmland Committee is included as a standing member on the advisory committee.

Mr. Swanson asked the CEQ subcommittee to come to its conclusions and report back to the full CEQ at its March, 2019 meeting. Mr. Swanson also recommended that Nick Gibbons sit in on the CEQ subcommittee meetings. Mr. Swanson also noted that these subcommittee meetings must include public notice at least one week prior to the meeting. Mr. Corral noted that if the CEQ subcommittee informs the CEQ staff when they would like to have a meeting the CEQ staff can help organize the meeting and provide the required public notice.

- CEQ Meeting Schedule for 2019

The CEQ discussed the CEQ meeting schedule for 2019. It was determined that the anticipated additional meetings regarding the Suffolk County Subwatershed Wastewater Plan should be incorporated into the meeting schedule.

Mr. DeRubeis made a motion to accept the amended CEQ 2019 Meeting Schedule, Mr. Gulbransen seconded the motion. Motion carried.

**CAC Concerns:**

None

Meeting Adjourned