

COUNTY OF SUFFOLK



STEVEN BELLONE
COUNTY EXECUTIVE

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

Tom Gulbransen
Chairperson
CEQ

SUFFOLK COUNTY COUNCIL ON ENVIRONMENTAL QUALITY MEETING SUMMARY

DATE: June 8, 2020
TIME: 9:32 am – 10:44 am
LOCATION: ZOOM Video Conference

Due to the Novel Coronavirus (COVID-19) Emergency and State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 220.1 issued on March 12, 2020 suspending the Open Meeting Law, the Suffolk County Council on Environmental Quality meeting will be held electronically via ZOOM. Instead of a public meeting open for the public to attend in person, members of the public may listen to or log into the video conference. We are encouraging the public to send in their statements for the public portion to the address above or email to Planning@suffolkcountyny.gov . The Minutes of the meeting will be posted on the Suffolk County Council on Environmental Quality website.

PRESENT:

Thomas Gulbransen, Chair
Michael Kaufman, Vice Chair
Rob Carpenter Jr.
Frank De Rubeis
Hon. Kara Hahn
Constance Kepert
Mary Ann Spencer
Andrea Spilka
Larry Swanson

ABSENT:

None

CAC REPRESENTATIVES:

None

STAFF:

Sarah Lansdale, Director of Planning
Andrew Freleng, Chief Planner
John Corral, Senior Planner
Christine DeSalvo, Principal Office Assistant

GUESTS:

Richard Martin, Director of Historic Services, Suffolk County Department of Parks,
Recreation and Conservation
Christina DeLisi, Suffolk County Legislative Aide for Suffolk County Presiding Officer
Maria Nida, Assistant County Attorney, Suffolk County Department of Law
August Ruckdeschel, Farmland Administrator, Suffolk County Department of Economic
Development and Planning, Division of Planning and Environment
Andrew Amakawa, Senior Planner, Suffolk County Department of Economic
Development and Planning, Division of Planning and Environment
Joseph Prokop, Esq. Attorney for the Village of Islandia
J. Lee Snead, Esq. Attorney for Pal-O-Mine
Toni Ann Lucatarto

Call to Order

Thomas Gulbransen, Chair of the CEQ read the following into the record regarding the June 8 2020 CEQ Meeting:

This is the Council of Environmental Quality meeting for June 8, 2020 and we will find out that we do have a quorum present.

The notice of the meeting followed the Open Meetings Law as amended by Executive Order 202.1 and updated by Executive Order 202.28 extending the suspensions and conditions of the OML (open meetings law) until June 6, 2020 allowing meetings to take place telephonically or through other similar services. In this instance, we will be using ZOOM and will be recording the entirety of the meeting.

Additionally, we will be following the voting protocol used by the Suffolk County Legislature at its March 17th meeting. All voting on Board Actions and Resolutions will be done via a roll call and we ask that all Board Members clearly state their name when making a motion and clearly state their vote when their name is called.

A roll call was done and the presence of the quorum was confirmed.

Correspondence:

Mr. Gulbransen noted that there was correspondence received Friday evening (June 6, 2020) after the close of business that was submitted by the Village of Islandia. Mr. Gulbransen noted that this correspondence, which was distributed to the CEQ members, included four items: a letter from attorney Prokop, two letters from an engineering firm and five photographs.

Mr. Corral also noted that correspondence dated May 27, 2020 was received from the Pal-O-Mine Equestrian Inc applicant and this correspondence was forwarded to the CEQ members.

Public Portion:

Mr. Gulbransen noted that he is aware that Mr. Prokop has requested to speak.

Mr. Prokop, the attorney representing for the Village of Islandia, addressed the Council as part of the CEQ public portion. Mr. Prokop noted the Village's concern regarding the proposed action to reaffirm the status of the inclusion of Suffolk County Tax Map Numbers: 0504-004.00-01.00-019.000 and 0504-009.00- 01.00-035.000, which are owned by Pal-O-Mine Equestrian Inc., into a certified Agricultural District. Mr. Prokop also noted that there is ongoing litigation between Suffolk County and the Village of Islandia regarding these properties on this subject matter and that the Council should not proceed while this litigation is ongoing. Mr. Prokop also noted his two correspondence that has been submitted to the CEQ and the issues the Village had with the County's SEQRA review for this action.

Mr. Snead, the Attorney for Pal-O-Mine Equestrian Inc., also requested to speak. Mr. Snead referenced his May 27, 2020 and his June 5, 2020 correspondence that he submitted to the CEQ. Mr. Snead responded to some of the Village of Islandia's comments regarding the proposed action. Mr. Snead also requested that the CEQ focus on the SEQRA for this proposed action and he does not believe that this proposed action would result in a significant adverse environmental impact.

Project Review:

Recommended Unlisted Actions:

Reaffirm status of inclusion of Suffolk County Tax Map Numbers: 0504-004.00-01.00-019.000 and 0504-009.00-01.00-035.000, which are owned by Pal-O-Mine Equestrian Inc., into a certified Agricultural District

August Ruckdeschel, Farmland and Open Space Administrator with the Suffolk County Department of Economic Development and Planning provided a brief presentation to the CEQ on the proposed action. Mr. Ruckdeschel gave a brief overview of the Agricultural District Program and the intent of the Program. Mr. Ruckdeschel also discussed the Suffolk County Agricultural District application process and noted that the Suffolk County Agricultural and Farmland Protection Board, at its April 29, 2020 meeting, recommended that the Suffolk County Legislature reaffirm the inclusion of the above referenced property in a certified Agricultural District and determined that the parcel(s) consists of viable agricultural lands that would serve the public interest by assisting in maintaining a viable agricultural industry within the district.

After Mr. Ruckedeschel presentation, John Corral, Environmental Projects Coordinator and Staff to the CEQ, gave a presentation regarding the SEQRA review for the above referenced action. Mr. Corral noted that the CEQ at its May 20, 2020 meeting tabled the SEQRA review for the action to reaffirm the status of the inclusion of the Suffolk County of Suffolk County Tax Map Numbers: 0504-004.00-01.00-019.000 and 0504-009.00-

01.00-035.000, which are owned by Pal-O-Mine Equestrian Inc., into a certified Agricultural District to allow the CEQ Members and CEQ staff time to review the public comments received on May 19, 2020 from the Village of Islandia and the Pal-O-Mine applicant. Mr. Corral noted that in particular the CEQ requested that the CEQ staff respond at this Special Meeting to the 17 items that the Village of Islandia raised regarding the Part I of the EAF. Mr. Corral noted that the CEQ staff would go through these 17 issues raised and the CEQ's response to these issues. Mr. Corral also noted that the CEQ staff is also available to respond to any questions.

As part of this presentation Mr. Corral noted that the CEQ's responsibility is to review the SEQRA for this proposed action and then make a recommendation to the SC Legislature. Mr. Corral noted that the SEQRA review involves what is the environmental impact of reaffirming the status of the inclusion of the Suffolk County of Suffolk County Tax Map Numbers: 0504-004.00-01.00-019.000 and 0504-009.00- 01.00-035.000, which are owned by Pal-O-Mine Equestrian Inc., into a certified Agricultural District. Mr. Corral noted that it is the CEQ Staff's view that the impact of this proposed action on the environment is very similar to the impact of the inclusion of a parcel into an Agricultural District and therefore the environmental review is very similar to reviewing what is the environmental impact would be for the inclusion of the properties into a district.

Mr. Corral also noted that in reviewing the environmental impact it needs to be considered what is the effect of a property being placed in an Ag District. Mr. Corral noted that as indicated by guidance received by New York State Agriculture and Markets, inclusion in an Agricultural District does not preclude local law review; it is only "unreasonable" laws, rules and regulations that may be preempted. Mr. Corral noted that in CEQ staff's view, from an SEQRA environmental review perspective, the practical impact of the inclusion of the subject property in an Ag District is the possibility that an "unreasonable" local law may be preempted. Mr. Corral noted that it is CEQ staff's belief that this protection afforded by the Agricultural District may have a small impact on how the local municipality can regulate the property but this level of protection that would be placed on this subject property does not have the potential to result in a significant adverse impact on the environment for this property. This was explained because under the Agricultural and Markets Law this preemption does not apply to health and safety issues and does not apply to rules and regulations imposed by the state or federal government. It also does not appear that placing this subject property in an Ag district will have a significant environmental impact due to the fact that the subject property is not located in or adjacent to: a Critical Environmental Area (CEA), mapped freshwater or tidal wetlands, a flood plain or an historic district.

In addition, as part of the presentation, Mr. Corral also noted that in reviewing the most recent ownership of the adjacent parcels CEQ staff recommends that Question 3.c. on Part I of the EAF be amended from 1.8 acres to 10.58 acres and that this amendment to the EAF should be forwarded to the Suffolk County Legislature.

After the presentation by Mr. Corral, the questions the CEQ asked during the presentation, and some additional discussion by the CEQ after the CEQ presentation, a motion was made by Mr. Kaufman to recommend classification of the proposed project as an Unlisted Action with a Negative Declaration. The motion included that the CEQ recommends to the Legislature that the answer to Question 3.c. on Part I of the EAF CEQ

be amended from 1.8 acres to 10.58 acres. The motion was seconded by Mr. Carpenter. Motion carried.

Other Business:

Mr. Gulbransen noted that at the May 20, 2020 CEQ meeting it was discussed that introductory resolutions IR 1413-2020 and IR 1414-2020 may be reviewed at the June 8, 2020 CEQ meeting. Mr. Gulbransen noted that the CEQ has been informed that based on the updated review schedule it is not required that these items be reviewed at the June 8, 2020 CEQ meeting.

The special CEQ Meeting adjourned.