

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: September 28, 2022
TIME: 9:30AM – 10:25 AM
LOCATION: ZOOM Video Conference

PRESENT:

Frank De Rubeis
Thomas Gulbransen, Chair
Michael Kaufman, Vice Chair
Rob Carpenter Jr
Mark Haubner
Kaetlyn Jackson
Hon. Anthony Piccirillo
Mary Ann Spencer
Herbert Strobel

ABSENT:

Anthony Graves

CAC REPRESENTATIVES:

None

STAFF:

Sarah Lansdale, Commissioner, Suffolk County Dept. of Eco Dev and Planning
Andrew Freleng, Chief Planner, Suffolk County Dept. of Eco Dev and Planning
John Corral, Environmental Projects Coordinator, SC Dept of Eco Dev and Planning
Richard Martin, Director of Historic Services, Suffolk County Departments of Parks,
Recreation and Conservation
Jennifer Kohn, Assistant County Attorney, Suffolk County Department of Law

GUESTS:

Hon. Al Krupski, Suffolk County Legislator, District 1
Mark Eberle, National Park Service
John Nickelson, Federal Highway Administration
Kyle Swaringen, Director of Bridges & Structures Engineering, Suffolk County
Department of Public Works
Bill Nyman, Hardesty & Hanover Engineering
Jesse Moore, Hardesty & Hanover Engineering

CEQ Chair Tom Gulbransen read the following opening Meeting statement:

“This is the CEQ meeting for September 28, 2022 meeting of the Suffolk County Council on Environmental Quality. This is the rescheduled September Meeting, as the originally scheduled September 14, 2022 CEQ Meeting had to be cancelled. For the record, we do have a quorum present.

In accordance with Suffolk County Local Law No. 26-2021, the CEQ, as an Advisory Body to the Legislature, will hold this meeting 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. Public comments may be provided during the Meeting’s public portion. We will be using ZOOM and will be recording the entirety of the meeting. The minutes of the meeting will also be posted on the Suffolk County CEQ website.

Additionally, we will be following the voting protocol used by the Suffolk County Legislature at its March 17, 2020 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.”

Minutes:

Mr. Corral noted that due in part to the cyber-attack on the Suffolk County computer system, CEQ staff was unable to complete the August 10, 2022 Meeting Summary and the August 24, 2022 Special Meeting Summary. It was noted that the minutes review will be postponed until the October CEQ meeting.

Correspondence:

The CEQ acknowledged receipt of the following correspondences:

- August 1, 2022 and August 18, 2022 correspondences letters from Joe May with the Mastic Park Civic Association.

The CEQ discussed these correspondence letters. The CEQ clarified that the CEQ reviews projects as they are presented and that these comments regarding a project change to preserve the current bridge landings as a “High Line” type facility relate more to a policy question for the Suffolk County Legislature and the County Executive. The CEQ noted that the Legislature was included on these correspondences and therefore the CEQ

did not need to take further action in regards to these correspondences.

- A September 8, 2022 email correspondence from the New York State Department of State regarding potential updated approvals from Army Corps of Engineers for the Revised Smith Point Bridge Project.

CEQ Staff noted that this correspondence had also been provided to the Suffolk County Department of Public Works and that the CEQ can discuss this correspondence in further detail during the project review portion of this meeting.

- The August 10, 2022 Dormitory Authority State of New York (DASNY) letter regarding the Proposed Kings Park Acquisition for the Construction of a Treated Effluent Disposal Facility. The letter indicates that DASNY has no objection to Suffolk County serving as SEQRA Lead Agency.
- The August 15, 2022 New York State Parks, Recreation and Historic Preservation (SHPO) Letter regarding the Proposed Kings Park Acquisition for the Construction of a Treated Effluent Disposal Facility.

CEQ Staff noted that Suffolk County, as part of the SEQRA review for the Kings Park Acquisition, sent SHPO a project consultation request and this received letter indicates that SHPO found that the project acquisition would not result in impacts to historic or archeological resources.

- The August 16, 2022 Town of Southampton Planning Board's SEQRA Coordination for Polsinelli Management

The CEQ Staff noted that the CEQ staff worked with the CEQ Chair to send a letter to the Town of Southampton Planning Board indicating that the CEQ does not have an objection to the Town of Southampton Planning Board being SEQRA Lead Agency for the Polsinelli Management Site Plan Application. The CEQ letter also clarified that the CEQ does not have a formal approval role in the Site Plan application but that the CEQ would appreciate receiving the Town's SEQRA documentation for informational purposes in the event that the CEQ does review an Ag District application for this property in the future.

Michael Kaufman, Vice Chair of the CEQ, clarified that this year's Polsinelli Ag District application did not move forward at the Suffolk County Legislature and agreed that the CEQ does not have a formal role in the Town's Site Plan Application process.

Public Portion:

None

Historic Trust Docket:

Mr. Martin, Director of Suffolk County Historic Services, was not present. No updates given.

Project Review:

Recommended Type I Actions:

- A. Proposed Revised Replacement of the Smith Point Bridge and Associated Approach Roadways Project, Town of Brookhaven

A presentation regarding the proposed Revised Replacement of the Smith Point Bridge and Associated Approach Roadways Project (aka the proposed action) was given by Kyle Swaringen, Director of Bridges & Structures Engineering with Suffolk County Department of Public Works and Bill Nyman with Hardesty & Hanover Engineering.

Mr. Swaringen noted that Suffolk County Department of Public Works brought this project back to the CEQ as a result of the project change that moved the fishing pier to the south "Fire Island" side of the bridge from the north "mainland" side of the bridge. Mr. Swaringen said that this project change was the result of public input and coordination with the Suffolk County Parks Department.

CEQ Staff then provided the CEQ with a review of the CEQ's past review of this project. In 2016, Suffolk County conducted a State Environmental Quality Review Act (SEQRA) review for the original Smith Point Bridge replacement project and Suffolk County, as SEQRA Lead Agency, issued a SEQRA Negative Declaration for the original project.

On July 13, 2022, the CEQ then reviewed the Revised Replacement of the Smith Point Bridge Project (which included the following proposed revisions to the original project: the bridge piers will be "T" shaped instead of "U" shaped, the bridge will be one foot wider and the two originally proposed sidewalks will be replaced with one 12 foot wide protected Shared Use Path (SUP)) and recommended to the Suffolk County Legislature that the proposed Revised Project be classified as a Type I action and that the Revised Project would not have a significant adverse impact on the environment. However, this July 13, 2022 review considered the fishing pier on the north "mainland" side of the bridge instead of the south "Fire Island" side of the bridge.

It was noted that after the July 13, 2022 CEQ Meeting, the location of the proposed fishing pier was changed from the north "mainland" side of the bridge to the south "Fire Island" side of the bridge. As a result of this change, the project sponsors updated the Revised Project EAF to reflect the updated fishing pier location and submitted the proposed Revised Replacement of the Smith Point Bridge Project back to the CEQ for review.

The CEQ discussed how the CEQ did not need to revisit the aspects of the project that

the CEQ had reviewed during its July 13, 2022 meeting but instead should focus on the areas of the project that had changed. CEQ staff also recommended to the CEQ that because the Legislature had not considered the July 13, 2022 CEQ recommendation (the Legislative SEQRA resolution was withdrawn due to the pier location change) the CEQ should update its July 13, 2022 CEQ recommendation with the new information considered today and then send the Suffolk County Legislature the CEQ's SEQRA recommendation for the Revised Replacement of the Smith Point Bridge Project.

Mr. Bill Nyman then gave a presentation on the Proposed Revised Replacement of the Smith Project and the project change that would result in the fishing pier on the south side of the bridge instead of the north side. Mr. Nyman also addressed the New York State Department of States' correspondences regarding the potential need to update the Army Corps of Engineer approvals for the project. Mr. Nyman noted that the project team is aware of this question and will be addressing the potential need for updated approvals with both the Army Corps of Engineers and the New York State Department of Environmental Conservation.

Mark Eberle, with the National Park Service, spoke and noted that Revised Project should be coordinated with the National Parks Service in regards to to National Park Service permit compliance and the Section 4f review in connection with the National Transportation Act of 1967. Mr. Nyman noted that Suffolk County received a De Minimus Determination for the original project but that they are planning to revisit this determination as part of the permitting process for the Revised Bridge Replacement Project.

The CEQ also discussed the issue of wetland mitigations. The project team noted that the pier location change will not substantively affect the wetland mitigations that are associated with the Revised Bridge Replacement Project. The CEQ also discussed the issue of boating safety and the proposed fishing pier. The project sponsor noted that the fishing pier as well as the overall new bridge will be required to comply with all United States Coast Guard safety requirements including any required lighting requirements.

After the above noted CEQ discussion, Mr. Kaufman made a motion to recommend that the Proposed Revised Smith Point Bridge Replacement Project be classified as a Type I Action with a Negative Declaration. The motion included that the project sponsors will coordinate with the National Park Service/Fire Island National Seashore and confirm that all applicable National Park Service/Fire Island National Seashore related approvals/determinations (including the Section 4(f) De Minimus Determination) that were issued for the original Smith Point Bridge Replacement Project are still valid for the Revised Smith Point Bridge Replacement Project. The Motion was seconded by Mr. De Rubeis. Motion Carried.

Project Review:

Recommendations for LADS Report:

Recommendations for Legislative Resolutions Laid on the Table September 7, 2022

After a brief CEQ discussion, Mr. Kaufman made a motion to accept the staff recommendations on Legislative Resolutions Laid on the Table September 7, 2022. The motion was seconded by Mr. DeRubeis. Motion carried.

Other Business:

None

CAC Concerns:

None

The CEQ adjourned the Meeting