

Minutes of a Public Hearing held by the Town Board of the Town of Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York 11901 on Wednesday, May 16, 2001, at 3:00 p.m.

Present:

Robert Kozakiewicz,	Supervisor
Edward Densieski	Councilman
Christopher Kent	Councilman (arrived at the end of Public Hearing)

Also Present:

Barbara Grattan	Town Clerk
Diane Wilhelm	

Supervisor Kozakiewicz: "All right. Good afternoon. The time of 3:15 has arrived. We have a public hearing which has been scheduled today pursuant to the State Environmental Quality Review Act. Diane, if you would, please read the affidavits of publishing and posting."

Diane: "I have affidavits of publishing and posting to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on May 16, 2001, at 3:00 p.m. regarding the merits of the Supplemental Draft Environmental Impact Statement prepared in support of the special permit petition of Alvin Benjamin LLC to allow the construction of 296 attached condominium and apartment units upon property located at County Route 105."

Supervisor Kozakiewicz: "Thank you. Rick, do you want to make some preparatory comments?"

Richard Hanley: "Yes. Is this working?"

Supervisor Kozakiewicz: "I think it's on just for purposes of catching it on tape but the mikes themselves were not on."

Richard Hanley: "The project was originally approved as Cross River project I believe was the name of it a number of years ago." Sorry."

Supervisor Kozakiewicz: "Excuse me- oh, yes, for the record, Rick Hanley, Planning Director."

Richard Hanley: "The project as I said was originally approved as the Cross River project on site. There was a change to the project scope by the applicant. Originally it was approved as a condominium project. The applicant desired to build out a combination of condominiums and apartments. Upon that petition being made for special permit, the Town Board saw a significant difference to a completed project or approved project and the proposed and asked that an EIS or a supplemental EIS be prepared.

That was done. Recently the Town Board did accept the draft impact statement and the purpose of this hearing is to allow the public and interested parties to make any comments upon the adequacy or the extent of the DEIS."

Supervisor Kozakiewicz: "Okay, so this hearing was something the Board decided, just as a little bit of backdrop, as part of the resolution which accepted the draft supplemental environmental impact statement and which is provided for in the rules and regulations promulgated. Thank you."

Richard Hanley: "It's a discretionary act but for the most part the Board does schedule hearings on drafts."

Supervisor Kozakiewicz: "Thank you. Mr. Smith, do you wish to speak on behalf of the applicant?"

Allen Smith: "Mr. Supervisor, for the record, my name is Allen Smith. I represent Mr. Alvin Benjamin who is the applicant. And it is his project that is the subject of today's hearing.

With your permission, I'm going to amplify a little bit of what Mr. Hanley said in that this is an unusual application in that it has been pending before the Board in various stages over the past decade plus. Part of the reason for the narrative is that as a supplemental EIS to properly understand the materials that are before the Board as the lead agency, the public has to have some understanding of the DEIS that was previously filed and the supplemental information that has been provided in this regard.

This parcel is a triangular parcel. It is situate between Saw Mill Brook, Long Island Railroad and 105. 105 is to the east, Saw Mill Brook to the west and the Long Island Railroad to the north. It is

known as the Hubbard Farm and since 1970 when the zoning code of the Town of Riverhead was adopted, this property has been zoned Business A on which multi-family dwellings at a density of 14 units to the acre has been permitted and continues to be specially permitted under the current zoning code.

In 1987, William Hubbard, then owner of the property, applied to the Town Board for a special permit to construct 380 clustered residential units on the land. As a result of his application, a SEQRA process ensued. The Town Board in February of 1988, directed that the DEIS be prepared; a hearing was held on the DEIS and several areas of special concern were noted including archaeology and botany which resulted in a response to comments and eventually led to an FEIS and permitting as it sets forth in the materials that I passed up to the Board.

In 1998, Mr. Hubbard entered into a contract with Mr. Benjamin, the current owner, and a process began in 1998. In May and July of 1998 the Town Board required Mr. Benjamin to pay for updates from the town's consulting engineers. As a result of those updates, it has been determined that the extension of the Riverhead Water District is still feasible and the extension of the Riverhead Sewer District is no longer feasible.

At the direction of the Town Board, Mr. Benjamin filed a special permit application in December of 1998, the Town Board declared itself lead agency under SEQRA and declared it to be a Type I action. A scoping hearing was held May 18th of 1999. In support-response to the scoping hearing that had been held, DSC Engineering was retained and has filed the traffic study which was asked for by the Town Board.

Upon the notification by the Town in January of 1999 that the Riverhead Sewer District, the plant which was approximately 100 yards away from this site, could not and would not be used for this purpose, Mr. Benjamin retained the services of Nelson & Pope to design and evaluate an on site sewage treatment plant. That report dated May 26th of 1999, shows that an on site STP will, in fact, work on this site.

As a consequence, again, of the direction of the Board, the supplemental DEIS was prepared and submitted in September of 1999. Those documents that I just cited cumulatively represent the supplemental DEIS that is before the Board there represented here on my left, to the Board's right, and by the initial DEIS of the Water District study, the response, comments of the traffic study. Closer

to me, are the reports on the sewer and the supplemental traffic report, all of which have been filed and my consultant who is here has the materials prepared by H2M.

We're here this afternoon to listen to comments to this work. With me is John F. Stalzer (phonetic) from H2M. Mr. Stalzer is over here on the left, on your right, and will be taking notes for purposes of preparing any responses that might be necessary or directed by the Board. Also present is Mr. Russell Mohr, M-O-H-R, who is a representative of the Benjamin organization. And Mr. James Moore, M-O-O-R-E, who is associated with the John Wesley Village projects which are affiliated with this particular parcel.

With that being said, we're here to listen to comments."

Supervisor Kozakiewicz: "I would just have the record note that Mr. Smith had handed up a written dialogue or written history for lack of a better way of describing it, which consists of six written pages which will be part of this record."

Allen Smith: "Thank you. I'm going to leave extra copies for anybody who wishes to (inaudible)."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board at this time? Charlie Cetas."

Charles Cetas: "I don't know if it's on or not- "

Supervisor Kozakiewicz: "I don't think it's on but it will be all taken down on our handy dandy compact disk recorder. Oh, they are on?"

Charles Cetas: "(Inaudible) on the CD's."

Supervisor Kozakiewicz: "That's what we're trying to do, yes. Technology has finally reached this place. We don't know how to use it, but it's reached it."

Charles Cetas: "My name is Charles Cetas. I'm the Vice-President of the North Fork Environmental Council. And of course we're very concerned about this project and I'll state some comments on the draft supplemental environmental impact statement.

The Draft Supplemental Environmental Impact Statement for the 296 unit North Fork Knolls senior citizen rental apartment and condominium

project proposed for the former Hubbard Duck Farm is already two years old and in our opinion it's getting a little stale, and it does not adequately address a number of issues the North Fork Environmental Council expressed during the scoping for this project.

The Draft Supplemental Environmental Impact Statement summarily dismisses the public acquisition alternative with a few unsubstantiated statements and faulty assumptions in our opinion.

It claims that the developmental proposal would bring tax revenues to the town but fails to address the concerns expressed in the town's staff report that the project would place substantial burdens on town services and that the county health department may require the town to assume responsibility for the project's proposed on site sewage treatment plant.

This property is a preservation priority for the North Fork Environmental Council and every other environmental group concerned about the health of the Peconic Estuary. Addition of this property to the Indian Island County Park would be consistent with the Peconic Estuary Comprehensive Conservation and Management Plan, with the State Coastal Management Plan, with the town's Coastal Areas Plan, and the town's goals to become a regional tourist destination. Even though Suffolk County and New York State have numerous well funded preservation programs the draft supplemental environmental impact statement erroneously states that there are no major sources of funding for public acquisition. In 1999 the Suffolk County Planning Department ranked the Hubbard Farm the second highest of all East End properties for consideration by the County Legislature's Greenways Committee. The county could also use funds from its 1/4% Sales Tax Groundwater Protection Program. This property is also included on the Riverhead Community Preservation Fund List. The FEIS must give serious and thorough consideration to the public acquisition alternative.

The assessment of the site's existing conditions and natural features is not as detailed and accurate as it should and could be.

For example, a groundwater map of the property is not included and the draft environmental impact statement merely states that in general the average elevation of the site is equivalent to the approximate depth to groundwater, 12 to 17 feet below grade. It states that groundwater level therefore is at Mean Sea Level and that the freshwater/saltwater interface is near the surface of the groundwater. Curiously, the author further states that for the

purposes of the draft environmental impact statement groundwater is anticipated, they don't know for sure, to be approximately one foot above Mean Sea Level. The draft environmental impact statement does not address the concern expressed in the town staff report that depth to groundwater at the site could be as low as three feet or less which places severe constraints on construction of the project and especially on the function of the sewage treatment plant.

Apparently, no soil tests were done to determine the presence or absence of duck sludge on the property. The draft environmental impact statement merely states that no evidence of duck sludge was found by visual and olfactory observations during a site visit in July, 1999. The archeological report states that soils from the site may have been used to cover duck sludge when the farm was in operation. Since no soil tests were done, one must assume that significant amounts of duck sludge could remain in the soil structure of the site. According to the town staff report, construction disturbances, sanitary discharges and stormwater runoff could cause nutrients such as nitrogen from the duck sludge to be released into the surface waters and groundwater which could have an adverse impact on the Peconic Estuary by contributing to algal blooms. We all know what's been happening in past years with the brown tide. Also, the draft supplemental environmental impact statement assumes without the benefit of sediment tests that duck sludge washed into the bottom of Sawmill Creek. It then wrongly attempts to use the duck sludge issue to minimize the importance of the habitat function of this section of the creek.

The project site plan should include the flood zones to show whether or not the proposed stormwater drainage ponds would become flooded and non-functional during a severe storm.

A fully engineered site plan and landscape plan must be included as part of the final supplemental environmental impact statement.

It should accurately depict how the proposed project would impact the site's identified natural features, wildlife habitats, and cultural and archeological resources.

The draft supplemental environmental impact statement failed to include an updated inventory of the site's flora and fauna generated from on site scientific surveys conducted during all seasons of the year.

The draft environmental impact statement merely reported the

results of a single site visit during July, 1999 and resubmitted the species list from the previous Cross River environmental impact statement of 1988. The draft environmental impact statement acknowledged that the site had been little used prior to the duck farm use and that some of the woodlands contain trees and vegetation that appear to have existed for a substantial period of time. However, the draft environmental impact statement does not report whether or not an attempt was made to determine the age of these old trees. The town staff report states that the proposed project will remove much of what the Cross River environmental impact statement stated was the most mature, contiguous and valuable forest cover on the property. The draft environmental impact statement states that about half of the 32 acres of forest on the Hubbard Farm will be removed and replaced with apartment buildings, roads and conventional suburban style landscaping. The draft environmental impact statement state that no ospreys or hawks were seen during the July, 1999 visit. However, red tail hawks which require large forested areas for breeding and nesting have been seen on this site. The final supplemental environmental impact statement must contain an updated inventory done by competent zoologists, botanists, ecologists, and naturalists. Local experts and data sources such as the New York Natural Heritage Program and the Peconic Estuary Program should be consulted.

The draft supplemental environmental impact statement did not include a new archeological survey.

It only included the archeological report done in 1988 for the Cross River environmental impact statement. That report claims to have found nothing but that does not mean there are no valuable historic or prehistoric artifacts present on the Hubbard Farm. Therefore, the developer should at least be required to have an archeologist certified by New York State present on site during the project's excavation and construction activities. The 1988 report did state that the northwest corner of the property was the site of a water powered sawmill built in 1660 approximately, and this would be the first sawmill in New York State. This site and the mill pond which still exists should at least be marked with a plaque for historic purposes. If the Hubbard Farm does become part of Indian Island County Park, it might very well be feasible to reconstruct the sawmill as an educational and historical museum of 17th century life in Riverhead. And I believe the archeological report did include some pictures of the- that old sawmill which existed until 1938 when I guess the Woodhull family destroyed it unfortunately.

The draft supplemental environmental impact statement did not

incorporate the recommendations of the Brown Tide Comprehensive Assessment and Management Plan (BTCAMP) study and the Peconic Estuary Comprehensive Conservation and Management Plan.

Both of these management plans call for a no net increase of nitrogen pollution into the Peconic Estuary. This project would be an additional potentially significant source of pollution impacting Sawmill Creek and Flanders Bay, not only from the on-site sewage treatment plant but also from stormwater runoff, and disturbance by construction activities of duck sludge that may still be present on site. According to my calculations, the sewage treatment plant when working as designed will discharge about four pounds per day of nitrogen into the groundwater under the leaching field. This is an equivalent amount of nitrogen found in a forty pound bag of 10-6-4 lawn fertilizer which is enough to fertilize 5,000 square feet of turf for several months. This amount of additional point source daily nitrogen discharge into the marine environment could have a significant effect when added to the current level of nitrogen pollution going into the Peconic River from the Riverhead sewage treatment plant. Four pounds per day is about 2% of the 170 pound daily nitrogen discharge limit set for the Riverhead sewage treatment plant by the New York Department of Environmental Conservation (DEC). It is our understanding that in 1992 the Riverhead Town Board adopted the no net increase policy that came out of the brown tide plan and the Peconic Estuary Plan.

The draft supplemental environmental impact statement did not contain an Organic Pest Management Plan to maintain the grounds or a landscape plan such as a zero scape plan that use native plantings that require little or no maintenance.

This type of environmentally friendly landscaping and grounds maintenance would help minimize pollution of Sawmill Creek and Flanders Bay from inorganic fertilizers and synthetic chemical pesticides. It would also be more healthy for the residents of the project and the wildlife that would remain on the site.

The draft supplemental environmental impact statement failed to discuss the cumulative impacts this project and other projects proposed or already built along Sawmill Creek would have on the Creek, Flanders Bay, and the community character of Riverhead and Aquebogue Hamlets.

Other projects that we feel must be considered in the final supplemental environmental impact statement are the proposed River

Club, the existing East End Commons Shopping Center, the yet to be finished Mill Pond Commons condominium project, and potential build out of all other properties available for development in the Sawmill Creek watershed.

The draft supplemental environmental impact statement failed to disclose how the 50 acres of the property not proposed for development would be dedicated as open space.

In the unlikely event- we feel that it's unlikely- that this project does gain approval from all involved permitting agencies, then we feel the 50 acres of the site that is proposed not to be built on should be set aside in perpetuity as natural undisturbed open space by way of a general municipal law 247 conservation easement. Environmental organizations and individuals competent to oversee management of such environmentally sensitive lands should be included as parties to the easement along with the landowner and the town.

We reserve the right to make additional comments on this impact statement at least until the comment period is ended on May 30th. Considering the complexity of the issues associated with this project we request that, if possible, the comment period be extended for at least two weeks past May 30th. Other organizations may want to send their comments in letters. In addition, we believe that the town should hire independent experts to review the draft supplemental environmental impact statement and the final supplemental environmental impact statement for this project and charge the applicant for the cost of such review as provided for in the State Environmental Quality Review Act regulations at Part 617.13(a)(b). We request to be on the distribution list for the final supplemental environmental impact statement when it does become available.

Thank you."

Supervisor Kozakiewicz: "Thank you for making all of that available. So we'll make that part of the record as well. Anybody else who would like to address- that was quick. I didn't even get to finish that sentence. Come on up. Please state your name and address for the record, please."

Mary Haeseker: "My name is Mary Haeseker. I live on the (inaudible) Court in South Jamesport."

Supervisor Kozakiewicz: "Okay."

Mary Haeseker: "I don't have any report with all these letters that everyone, DEC, DEIC- first of all, I didn't know what half of them meant but I'm just a homeowner and a person who loves Riverhead and in my mind all the reports can go in, but the fact that once this property is built on, it will never go back to the wetlands and the woodlands. And all the environmental reports can say what they want, but it's going to affect us and our children and our children's children.

That's the main thing. The traffic- that it will generate is another situation that I find difficult to deal with and I just don't think it's necessary to build on these particular spots. If you build a building or you are trying to save a building, you can always build another building but you can't build new wetlands and you can't build new woodlands. It's over then. That's my comment."

Supervisor Kozakiewicz: "Could you do me a favor? Could you spell your last name?"

Mary Haeseker: "H-A-E-S-E-K-E-R."

Supervisor Kozakiewicz: "Thank you. Thank you very much. Anybody else?"

Charles Haeseker: "My name is Charles Haeseker. H-A-E-S-E-K-E-R, also of South Jamesport. My concern is that this is only one of one, two, three, four, five, six others that are going on in the same general area that will take into account 660 acres if this report in last week's News Review, or April 26th rather News Review is correct. It says Peconic riverside forest is going to be an YMCA and a condominium on 70 acres; Casey's Creek is 153 acres; Broad Cove is 94.6, this is one of the smaller ones; Hubbard Farm is 87.2; Terry's Creek watershed is 85.4; and Meetinghouse Creek is 170 acres. Now we're going to have an awful lot of traffic, an awful lot of people coming to the schools.

I think somebody said they're allowed to have 23 houses on an acre, is that what they said, Mr. Smith?"

Supervisor Kozakiewicz: "No."

Allen Smith: "No."

Charles Haeseker: "How many houses are you allowed to have on an acre?"

Supervisor Kozakiewicz: "The Business A zoning, 14 plus or minus. No, not in this- you can't deal with it generically like that because there's different zoning affecting different parcels."

Charles Haeseker: "I know. But right down the road, we're going to be talking about a total of 660 acres, not just this 95 acres."

Supervisor Kozakiewicz: "The 660 something acres you're talking about, is this Mr. Amper's wish list as opposed to stuff that's actively under development?"

Charles Haeseker: "Some have development proposals- "

Supervisor Kozakiewicz: "Some do, some don't. So just so we clarify the point. Okay."

Charles Haeseker: "When we come down the road, right next door to this is going to be another set of houses or condominiums or whatever. What are we going to do with- "

Supervisor Kozakiewicz: "Right down the road from- "

Charles Haeseker: "The one that we're talking about today."

Supervisor Kozakiewicz: "You're talking about the River Club?"

Charles Haeseker: "Yeah. This is Broad Cove, correct?"

Supervisor Kozakiewicz: "No. This is Hubbard."

Allen Smith: "Hubbard."

Charles Haeseker: "Hubbard."

Supervisor Kozakiewicz: "The Knolls. North Fork Knolls."

Charles Haeseker: "This says at Broad Cove- a former duck farm, 94.6 acres, south of Hubbard Avenue?"

Supervisor Kozakiewicz: "Broad Cove- excuse me? It was on that list, but this is not Broad Cove. This is the Knolls or Hubbard."

Charles Haeseker: "Hubbard's Farm."

Supervisor Kozakiewicz: "Correct."

Charles Haeseker: "97.2 acres. Practically the same difference. Right? One is going to be 500 condominiums- "

Supervisor Kozakiewicz: "I'm just- what I'm saying is some of the comments that you're making, I'm looking to clarify. Not all of them are Business A. Some of them have different zoning. There's different rules. So you can't lump them together as you just did. That's the point I'm making."

Charles Haeseker: "If they build a sewage treatment plant because ours can't handle what they're going to put in there, where would it be- they said they were going to build- "

Supervisor Kozakiewicz: "They indicated they were looking to extend the sewer treatment plant to this and they received a letter back from the town indicating that the extension was not being granted so they are looking at a sewage treatment plant on their site. Correct."

Charles Haeseker: "Where does it exit into?"

Allen Smith: "Groundwater recharge- "

Supervisor Kozakiewicz: "You'd have to look at the studies and address those. The purpose today is to address the draft supplemental environmental impact statement to identify issues that you feel have not been adequately addressed in that environmental impact statement review process. The hearing as I pointed out, is part of a resolution that was adopted by the Town Board at its second meeting in April accepting the draft supplemental environmental impact statement and in accordance with the rules and regulations promulgated by the state as far as the New York State SEQRA law, the New York State Environmental Quality Review Act, we have an option and the option is to allow for this hearing, the SEQRA hearing, in order to consider these issues. So- "

Charles Haeseker: "Okay. But all I'm thinking about is the 660 acre total that's going to go along within a mile of each other."

Supervisor Kozakiewicz: "I understand your comment and, again, not all those- again, we're mixing apples and oranges perhaps a little bit. Some of those projects are, in fact, before the Board. Some of these involve a wish list or a list that's been identified by Mr."

Amper's group as far as parcels he's looking to acquire for preservation. I guess the point I'm trying to make is that not all of them are in fact- "

Charles Haeseker: "Well, but they probably will be."

Supervisor Kozakiewicz: "Well, we're looking to enact the moratorium. They may or may not be, but they're not presently, so I-okay? Thank you."

The gentleman over here, I know you had your hand up as well. Come on. Your name and address for the record, please."

Paul Adams: "Yes. My name is Paul Adams. I'm a biology professor at SUNY, Stony Brook, and despite my accent, I've lived in Riverhead, in Baiting Hollow, for the last 10 years, and I'm also on the Board of the North Fork Environmental Council."

I'd just like to say that everything in that long list that Charles Cetas read out, those are all very serious concerns. I don't think that's just boilerplate. If you go through this supplemental DEIS objectively, those are legitimate concerns and they should all be very carefully addressed in the final supplemental environmental impact statement.

For me, really, there are three things that are special about Riverhead. There's the Peconic River and the bays on the south and rich farmland in the middle and the Long Island Sound (inaudible) forest. And the project that we're talking about today is undoubtedly going to do significant harm to the Peconic River. In particular, if you look at this DEIS, it fails completely to grapple with the reality that the Peconic is a sick system with frequent massive die offs of aquatic plants and animals which are largely triggered as we all know by excessive nitrogen. And all the competent authorities, everybody that's looked at this problem, agree that the- what we have to do is to stop increasing and, if possible, decrease the amount of nitrogen that we put into the Peconic.

Now, this DEIS falsely claims that the project's new large sewage treatment plant will not adversely affect the Peconic. That's what it says. But it's wrong. Because it's clear that it will deliver a very large load of nitrogen right into shallow groundwater which will then move straight over just a few hundred feet straight into Sawmill Creek and so into the Peconic.

So I really feel that the banks of the Peconic, this place or anyplace, the banks of the Peconic are simply the wrong place to put a new sewage treatment facility. It will be going in the wrong direction. And this is just one example that this DEIS is just not a balanced reasonable assessment of any of the adverse impacts of the project. All it is as I see it is a lopsided developer's propaganda.

And one more- I'll just give you one more particularly bad example. It claims, the DEIS on page 13 of section 3 and also in appendix C, that the accident analysis that they conducted showed that there were no accidents on this stretch of Route 105. But then if you look at the figure, figure 39 which is in the DEIS, you actually see that there were a total of 18 accidents over a three year period, I think 31 injuries and most of these accidents occurred at the intersection of 105 and Riverside Drive, which are not even discussed. That intersection is not even discussed in this enormous collection of traffic data. And that's where all the accidents occurred.

Now the intersection that they're proposing to build out of this project, is essentially the same. It's going to be an unsignaled intersection. But it's going to be even worse if there's a curb there, you've got traffic driving at up to 70 miles per hour and you've got old people that have a few seconds to get out into the traffic. So there's bound to be additional accidents at that site plus there will be additional traffic at Riverside Drive which is not even discussed, the traffic at that intersection and which is where all the accidents occur. Maybe that's why they didn't discuss it, because that's where the accidents are occurring.

So really it's an obvious no brainer that the ideal use of this parcel is to add it to the county park which surrounds it on two sides. The third side you've got the railway and the other two sides, you've got the county park. And there there is already an overpass in place. You don't need to do anything. A completely safe accident free overpass that gives access to the west part of the park which is really underused at the moment. It's not being used, I think it's too small and if combined with this additional parcel, perhaps including some recognition of this remarkable 1660 sawmill site that gave the name to the creek, it would be just a wonderful addition to Riverhead.

I'm going to submit some written comments to you in addition to the ones that Charles has submitted. But I'd really like to have an assurance from the Town Board that these comments and the other comments will reach the developers. What we've seen in the past is that we have hearings, comments, criticisms, I personally have spent

days going through draft environmental impact statements, detailing everything that's wrong, and then when we come to the final environmental impact statement, not a single criticism is responded to. It just disappears into some black hole. The whole exercise seems to be futile. It's being swept under the rug and if we don't stop doing this, it will be very bad I think for Riverhead. Thank you."

Supervisor Kozakiewicz: "Anybody else? Yes. State your name and address, please."

Kevin McAllister: "Yes. Kevin McAllister, Peconic Baykeeper. I live in Quogue, New York. My office is in Bridgehampton. Mr. Kozakiewicz, a couple general comments. I recognize this Town Board, your Planning Board, ZBA, is under enormous daunting task to balance land use issues but this village, this town is positioned right at the mouth of the Peconic River. It's an enormous economic resource. And as the gentleman indicated, that system, that ecosystem, the Peconic ecosystem is under enormous stress.

This town also has probably one of the last areas of open shorelines, natural shorelines. I can't stress enough the connection between water quality and protected shorelines. It's a- with respect to the nitrogen levels that we're talking about, it's a (inaudible) factor of pollutants. The greatest distance you have from surface waters, wetlands intact, adjacent woodlands intact, it's a natural filtration process and we are reaching a point where the system is feeling distress at the time.

With respect to the sewage treatment plant, again the Comprehensive Conservation and Management Plan which is multi-agency, multi-town partnership, a document plan that took years to develop, I believe it has full endorsement by all the towns, DEC, EPA, Suffolk County, all levels of government. It's very clear in there that there shall be no net increase in nitrogen loads from STP's. Clearly- I know the town has done a lot of hard work to make improvements at the existing plant, but the location in the estuary, the headwaters, essentially as well as Sawmill Creek, this is no place for additional loads to be entering the system because of the (inaudible) in the further extremes.

And if you would give me a bit of latitude here, there's some talk about other ongoing projects. I know River Club I spoke to several months ago; obviously Broad Cove is on the horizon. We have to find a way to look at the cumulative impacts because, again,

there's enormous pressure being put on the town to development of these parcels that for many years it sat there idle and now the development push is on. And, again, I can't stress enough, we have to protect these natural shorelines and woodlands and wetland areas.

With respect to the latitude I asked you, with some of these parcels that we identified, has the town made overtures to the property owners for acquisition and before you answer that if you are willing to, I recognize that, you know, there's budgetary constraints within the town. You don't have the next egg to go out to every parcel, but is the town actively trying to pursue these parcels and talking to other levels of government, the State in particular and Suffolk County as well to see if there is opportunities for acquisition?"

Supervisor Kozakiewicz: "I can tell you what I know with respect to Broad Cove. Obviously we went through a long exercise with that property. There was much support at this level for the County to acquire it and that didn't occur. As far as the Hubbard parcel, I am not privy to conversations except that I had some discussions with the county as far as the possibility but I don't know if the current owner is a willing seller or not but I know that there's been some discussions along the lines to see if there might be some willingness on his part to sell, and I don't know if that's been referred over to Mr. Smith's client. But I know that I've had those discussions with the County representatives. Because the numbers I believe that would be required for this parcel would be more than what we presently have available.

We're looking to- as you may know, to do a partnership with the county to acquire property at Miamogue Point. We have been partnering for lack of a better way of describing it, on acquisitions of farmland development rights and a number of parcels recently went to public hearing with that mind set set forth, that if the county felt they were \$250 short or \$500 short or \$750 short per acre, the town contributed. So certainly the idea of acquiring properties is not something that's new to the town. I believe the town has had discussions; I know I've had discussions. So, Mr. Smith, if you want when Mr. McAllister has concluded, I'll let you respond. Is that okay?"

Allen Smith: "(inaudible)-- don't know what the history is that he wishes- "

Supervisor Kozakiewicz: "Sure."

Kevin McAllister: "I guess- I pose that question. I want to feel for the mind set of the town, presently whether or not you view this as valuable parcels for acquisition. You know, is it in the town's interest to in some fashion acquire these lands and to protect them?"

Supervisor Kozakiewicz: "Well, I guess the question I have in response- I know there's been a number of parcels identified on a wish list. If I add up those acreage, I think it amounts to 2,000, 3,000 acres of property when I did it. I don't know how the town can or the county can reach those numbers. Do we prioritize? Is there a priority that's set forth and I guess I throw the question back to you."

Kevin McAllister: "Obviously I view any waterfront parcel, shore front parcel as a priority and looking again at your budgetary constraints and the need to partner, obviously you have to prioritize. But to me it's somewhat reassuring that you are at least making overtures. Because that's important. Long term, this is not in our interests and this town's interest from my humble opinion to see the entire shoreline developed. When you have the beautiful vistas in this town, don't take that for granted and certainly don't take the bounty of life that the Peconic estuary systems has been delivering historically because we're at a time where if we don't collectively- and I'm not speaking just the town of Riverhead, collectively the five towns really start to prioritize the marine resource, this ecosystem, we're going to be looking back in cultural value to us as our community, as a waterfront community here, it will be lost forever.

And I appreciate you taking into consideration my comments, and one last item just viewing Mr. Cetas' comments as well. Is the closure on the public hearing May 30th for written comments?"

Supervisor Kozakiewicz: "That's presently the closure date, yes."

Kevin McAllister: "I would ask if possible to extend that slightly for an opportunity to bring this to other's attention and bring forth other comments. Thank you."

Supervisor Kozakiewicz: "All right, thank you. Mr. Smith, do you wish to respond to that one comment? And then if others can get up and address the Board with respect to the DSEIS- the- say that three times fast."

Allen Smith: "I realize that it may be a little beyond the scope of why we're here today but it may be helpful in the analysis of what is before the Board and what is of concern to the public."

Supervisor Kozakiewicz: "Well, it's relevant in a small part because there was some discussion raised about the adequacy of that alternative."

Allen Smith: "This parcel has been before the county for acquisition since 1987 of my own personal knowledge and on prior occasions when we appeared before this Board, we have said should any particular agency wish to acquire it, Mr. Benjamin is in the business and he will entertain an offer to acquire the property. There was a minor swap of land consideration that was done. It was with reference to the prior project which was addressed by one of the gentlemen earlier relative to the access to the parcel. The proposal was made to the County of Suffolk to exchange a piece of this parcel for access north of the cloverleaf that currently exists and serves the county park. Both I and the traffic engineers, etc. thought that that would be a much better way to handle this problem of access as did the speaker and, in fact, that offer was rejected by the county."

The last thing in this particular regard goes back to the farmland study for preservation of farmland within the Town of Riverhead and as a function of that particular study the receiving parcels were identified as those being along the sound and those being along the bay. This parcel was identified within that context of the farmland preservation area as a receiving parcel and for a higher residential density. So there are certain planning as to whether we're interested in preserving farmland through TDR or using these other parcels which are not (inaudible) use farmlands any longer for residential purposes. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board with regard to the draft supplemental environmental impact statement? Okay. Not seeing anybody's hands, we will declare this hearing closed. The time- perfect timing- the time of 4:04 p.m. having arrived."

There was some discussion about keeping the written comment period open. It's presently open until May 30th. That is 15, 16, 14 calendar days, which is essentially two weeks. I'm trying to understand the time constraints in getting written comments in within that time period."

Charles Cetas: "Two more weeks would be- "

Supervisor Kozakiewicz: "It's two more weeks. Two more weeks would be March 30th-- I mean May 30th."

Charles Cetas: "Two more weeks beyond that would be helpful."

Supervisor Kozakiewicz: "Why? Just tell me why."

Charles Cetas: "Well- "

Supervisor Kozakiewicz: "I'm trying to understand why 14 days is not enough. Not that I want to be difficult but- "

Charles Cetas: "There are probably additional comments that we could come up with and other organizations would sure have additional comments they could come up with so an additional two weeks beyond the two weeks that are now available (inaudible)."

Supervisor Kozakiewicz: "That makes the report more stale."

Allen Smith: "For the record, my client objects to the extension. This is what's provided for in the statute. We should stick with what's provided for in the statute. (Inaudible) 25 days to prepare a two page report. Either the statute meets or the statute doesn't meet something. The statute provides for these timetables. We would respectfully request that we stay with the timetables."

Supervisor Kozakiewicz: "Unless there's objection from the other Board members, I would- "

Paul Adams: "Could I make one additional remark?"

Supervisor Kozakiewicz: "Sure, go ahead, but I think my decision is made but go ahead, I'll listen to you."

Paul Adams: "Well, I mean- "

Supervisor Kozakiewicz: "And I'll listen to the other Board members since- "

Paul Adams: "If you give us another two weeks to put all this together, that we've just had some additional new information from Mr. Smith which I think has to be analyzed and talked about. The information essentially is that the response of the developer to the

idea that the county might be interested in this parcel is the developer comes back and says yes, we'd like to talk to the county because we'd like to acquire this parcel from the county."

Supervisor Kozakiewicz: "But that's something- "

Paul Adams: "So we can extend our project. I mean that was the most amazing response that we just heard from Mr. Smith and I think a number of organizations would like to think very carefully through that issue and the extra time would be very, very helpful."

Supervisor Kozakiewicz: "I don't see its relevance to the purpose for which this is. I could see it's something that could be explored independently of that process and accordingly it's May 30th. Thank you."

Public Hearing closed at 4:04 p.m. Left open for written comment to May 30, 2001

Barbara G. Gatten
Town Clerk