

Minutes of a Scoping Hearing held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Wednesday, September 25, 2002, at 3:00 p.m.

Present:

James Lull,	Councilman
Barbara Blass,	Councilperson

Also Present:

Barbara Grattan,	Town Clerk
Dawn Thomas, Esq.,	Town Attorney

Absent:

Robert Kozakiewicz,	Supervisor
Edward Densieski,	Councilman
Rose Sanders,	Councilwoman

(Councilman Lull called the hearing to order at 3:15 p.m.)

Councilman Lull: "(inaudible) publishing and posting, if you will?"

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on September 25, 2002, at 3:00 p.m. to consider the environmental impacts to be assessed in the preparation of North Shore Farms, Inc., to allow the processing of land clearing debris and vehicle repair on real property located at Middle Country Road, State Road 25, Calverton, New York. This is supposed to take all (inaudible)."

Rick Hanley: "Rick Hanley, Planning Director. There is a petition before the Town Board for the approval of a non-nuisance industry on this property which is located within the Industrial A District. Upon the submission of the application, of the EAF, the Planning Department had a number of questions on the processing of the mulch, number of trucks per day, just environmental questions about the operation, and recommended that these be discovered through the preparation of a EIS.

By resolution of the Town Board, a pos dec was required and an EIS is being prepared. The purpose of this hearing as the Clerk has said, is to identify the scope of issues to be dealt with in the EIS.

We have a draft scope of issues from the applicant which I've given to the Board. It looks pretty complete. The attorney and the environmental professional for the applicant is here, if they would like to make any statements of the record.

And that's all I have. Thank you."

Councilman Lull: "(inaudible) Go ahead."

Charles Voorhis: "Good afternoon. Charles Voorhis, Nelson, Pope and Voorhis. Just to indicate that I am here and that we did prepare the draft scope after reviewing the positive declaration from the town and believe we have reflected the issues that were of concern and we'd look to have the final scope issues so that we can move forward with the final environmental impact statement."

Councilman Lull: "Charles."

Charles Cuddy: "To complete the record, Mr. Charles Cuddy, the attorney for the applicant. This is- as the Board may have before it and on the maps, it shows it's a 12 acre site on the north side of New York State Route 25. And basically what this application is about is the number of trucks, less than a dozen a day, come in with debris. The debris essentially is tree stumps, tree limbs. They take this, they put it in a pressure type of machine, and they make mulch and they sell that mulch. And that's all that's done at this site.

I've been to the site. Physically, it's not imposing. It's my impression from seeing it operation that it isn't noisy, it doesn't create odors. I think it's a fairly innocuous situation and hopefully we can narrow the scope and complete this and satisfy the town. There is- really, there's no imposition upon the town's welfare and well-being by having the site (inaudible)."

Dawn Thomas: "The vehicle repair. I think, Mr. Cuddy, there was some indication of vehicle repair as part of the application?"

Charles Cuddy: "What they have, they have two sets of companies. The have North Shore Farms and North Shore Express. North Shore Express has half a dozen trucks that bring in the debris and in connection with that, they sometimes repair those trucks. It's not a

truck repair shop."

Dawn Thomas: "So the repair- vehicle repairs solely in connection with- "

Charles Cuddy: "With the- that's right. It's nothing else. It's not a repair facility for anybody else but their (inaudible)."

Dawn Thomas: "Okay. Do you want to ask that question- I mean insofar as SEQRA is concerned, how do they address the previous condition- "

Councilwoman Blass: (Inaudible) "I hope it's okay to ask a couple of questions because I'm not certain that the issue is covered sufficiently until I get the answers to certain questions like where the material is coming from. Is that something that, hopefully, will be- "

Charles Cuddy: "Yes. We can show- it comes locally. It's not from great distances away."

Councilwoman Blass: "It comes from within the town only?"

Charles Cuddy: "No. I think it comes from both within the town and some of it without the town in the sense that he's bringing in tree stumps and limbs and brush from areas around here but not just confined to the Town of Riverhead."

Councilwoman Blass: "I think we would probably want to know to the extent that we're- "

Charles Cuddy: "We're not bringing in from Queens or from further out- we may bring some from Brookhaven. We bring some from Southold, that type of thing. But, no, they're not-- it's not a great distance but we'll give the parameters when (inaudible)."

Councilwoman Blass: "And there's no yard waste or anything that's involved? It's just- "

Charles Cuddy: "This is not yard-- "

Councilwoman Blass: "-- clearing. And when you assess the conditions of the site, inasmuch as this activity has already been occurring without the benefit of a special permit, shouldn't we really be assessing the site as it existed prior to the operation taking

place and then compare that to what you expect to have happen?"

Charles Cuddy: "Well, the reason that they don't have a permit, is that they had the DEC come to the site. The DEC determined that they really didn't have jurisdiction. And they had letters which are current letters from the DEC saying that they did not have jurisdiction over this and they didn't understand that they needed more than that from the town. That's- I'm just indicating why the permit is in its current position, that is, that we're operating without the permit."

That site has been in use for a number of years. I don't know what it was previously but we certainly can indicate the history of the site so that you can compare what was there and what is there. It's in an Industrial Zone so it would appear to be an appropriate type of use in Industrial Zone. But, yes, we can compare both of them."

Charles Voorhis: "I'm making notes so that we'll revive the scope so that it's complete."

Councilwoman Blass: "Or at least accurately reflect the condition prior to when we would have been considering- "

Dawn Thomas: "Yes. Because I know there was some clearing that this applicant did- "

Councilwoman Blass: "In order to- "

Dawn Thomas: "-- when he took over the site that hadn't been- or previously-- it wasn't part of any previous operation. It was his action in clearing areas of the property and I don't know how you address the- I don't know how you address that in the EIS insofar as, you know, how do we even know what was there."

Charles Cuddy: "Well, we are going to explain all this."

Rick Hanley: "I have a suggestion. The organization of the EIS requires the existing conditions or the environmental setting. So what you might want to do in the final scope is ask the applicant to describe the environmental setting prior to any disturbance. That's (inaudible)."

Councilwoman Blass: "And will this operation- the sale of the mulch, be on a wholesale basis?"

Charles Cuddy: "They basically- yes, they basically don't sell to people that just are coming there. They bring it off site. It's not something you drive up and normally get a bale of mulch. They sell it to various vendors, to various landscape people, that sort of thing."

Dawn Thomas: "From that location? From the Calverton location?"

Councilwoman Blass: "So this is not considered a wholesale business, non-nuisance, as opposed to a non-nuisance industry? Trying to determine where it appropriately (inaudible), definition-wise."

I guess maybe there's some discussion that should- could take place in the land use section that clearly outlines that it meets that definition as opposed to wholesale business, wholesale business non-nuisance."

Dawn Thomas: "Right."

Charles Cuddy: "We'll describe exactly the nature of the business, the type of sales that are made and to whom they are made so that you'll know exactly what (inaudible)."

Councilman Lull: "Also, Charlie, and I didn't see what section it would be, but there really needs to be a good look at the potential for disease, beetles- disease- "

Councilwoman Blass: "Asian long- "

Dawn Thomas: "Long horn- Asian long horn."

Councilman Lull: "Yeah. He's one of them. But that kind of thing. It has been confined quite narrowly I think to about three or four locations on Long Island but I think it's spread to a good deal more than that now. Some sort of- some sort of description of what mitigations are going to be taking place."

Charles Cuddy: "I understand. We can address that so that it can be disposed of without a problem."

Councilman Lull: "Anything else, anybody?"

Jeff Seeman: "Jeff Seeman of Coastal Environmental Corporation in East Quogue. Is the draft narrative available and for how long

will we entertain comments on- I'm sorry, the draft scope before you finalize the scope?"

(Some inaudible discussion among the Board members)

Councilman Lull: "Yeah, I think, Jeff, we'll leave it open for two weeks for written comment."

(Unidentified): "Let me just check my- okay?"

Councilman Lull: "Forty-five days?"

(Unidentified): "I did provide Mr. Seeman with a copy of the draft scope (inaudible)."

(Some inaudible discussion among the Board members)

Councilman Lull: "Is there anyone else who would like to speak to the issue? Sure."

Frank Priolo (phonetic): "Hi. I'm the owner of the property, Frank Priolo. Like you say, I've been operating on that property for nine years. I don't have any complaints from any neighbors. I run a really clean operation. Many people have been down to my site to inspect it. The DEC has been down to my site and they have sent letters in, I have no violations on the property, and like I said, there is nobody complaining about my operation.

I invited the town last time to come down to see it and they have been down. I sell to local people in the area. We donate the mulch and topsoil to 911 memorial so that some of the products that we make, we do a complete recycling, 100% recycling of land clearing debris. A lot of local people in Riverhead, Southold and Brookhaven can come in, a clean facility. Nobody even knows we're there. There's not (inaudible) people protesting against me over there like other facilities in Riverhead."

Barbara Grattan: "Frank, could you spell your last name again, please?"

Frank Priolo: "P-R-I-O-L-O."

Barbara Grattan: "Thank you."

Councilwoman Blass: "I appreciate your comments, Mr. Priolo,

and they're probably more appropriately made at the time when we get to this special permit hearing- public hearing. This particular hearing is for information- "

Frank Priolo: "Well, this was in the paper and people came to this also."

Councilwoman Blass: "But- "

Frank Priolo: "A lot of people read it in the paper."

Councilwoman Blass: "But the purpose of them coming today and they would have been told accordingly as well, was not to voice an opinion as to whether they approve or are in favor of or support the application or not. This is a very specific kind of hearing that we have under State law that merely is to have your representatives prepare a document that allows us to make the appropriate decision. It's a SEQRA hearing and it's not meant to elicit support for the project but merely to give information to your consultants as to what they need to provide to us in a draft environmental impact statement. Though I do appreciate your comments and I'm sure when we get to the public hearing we will reiterate them and have the public as well attest to the fact that you've been a good neighbor to them."

Frank Priolo: "My neighbors have sent letters about my operation to the town. I'm sure you received them and they're happy I'm there."

Councilwoman Blass: "Right. That's part- "

Councilman Lull: "They become part of the record."

Councilwoman Blass: "-- of the special comment record."

Frank Priolo: "Okay. Thank you."

Councilman Lull: "Thank you. Rick, quick."

Rick Hanley: "The Town Board as lead agency has by law 60 days to formulate the final scope from the date you receive the draft which was yesterday, I believe. So 10 days would be a reasonable period of time to keep it open."

Councilman Lull: "Okay. Is that okay with you, Charles?"

Charles Voorhis: "That's fine."

Councilman Lull: "Then I at this point declare the hearing closed."

Hearing closed: 3:30 p.m.

Barbara Heaton
Coun Clerk