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Minutes of a Public Hearing held by the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Monday, July 1, 1996, at 1:00 p.m.

Present:

James R. Stark,	Supervisor
Victor Prusinowski,	Councilman
James Lull,	Councilman

Also Present:

Barbara Grattan,	Town Clerk
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Absent:

Otto Wittmeier,	Councilman
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Supervisor Stark called the hearing to order at 1:00 p.m.

Supervisor Stark: "Let the record show that the time of 1:00 has arrived, Special Board Meeting for the purpose of a Public Hearing. Would the Clerk please read the notice of Public Hearing."

Barbara Grattan: "I have affidavits of publishing and posting of a public hearing to be held at Riverhead Town Hall, Riverhead, New York, at 1:00 p.m. on Monday, July 1, 1996, to hear all interested persons who wish to be heard regarding the consideration of the establishment of a proposed sewer district extension to be known as the Commercial Sewer District Extension."

Supervisor Stark: "Thank you. Malcolm Pirnie."

If you are going to be speaking, would you please at the time you come to the podium, state your name, where you live, or the firm or the client of which you represent. We are going to have you, Miles, you are going to have to be at the podium because this has to be recorded, so if your compatriot-- okay. Somebody work that. The -- both of them basically have to be used, one for the vocal one, one for recording."

Miles Moffet: "My name is Miles Moffet. I'm with the firm of

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Malcolm Pirnie, Inc. and we've been hired by the Sewer District to study in particular any Sewer District extension, we call it the Commercial Sewer Extension if it is primarily serving commercial users-- potential commercial users along Old Country Road. And I know the map is a little small here, but we are talking about an extension from the existing boundary of the Sewer District, and over here on or about the intersection of Osborne Avenue and Old Country Road and it's extending the District out to possibly the LIE terminus by Tanger I.

The outline on this drawing shows the outline of the proposed extension and the intent is to try to include everybody that will be abutting the road, Old Country Road, or who have access to Old Country Road through an access or an easement. There are some flag properties on here where the actual property owner is off the road, however, he has access to the road through some land.

And the District itself-- the extension itself will be composed of two pump stations and a combination of gravity sewers and force mains-- force mains being a pipe in the ground taking the (inaudible) from the pump station downstream into the plant. (inaudible)

The (inaudible) will be done in phases-- identify three to four phases at this time and they will be phased according to people-- when they (inaudible) and their flows and how much their flows are, and once it flows in a certain amount, we have to make further improvements in the new extension area to accommodate those flows. So there are four phases we've identified right now.

The first phase is to construct a pump station at the very end of the extension (inaudible). That's right on Old Country Road at the property where Tanger II construction is proposed. That will be pump station-- that will be intended for long term use, however, in the interim until the other phases are constructed, it will be used for Tanger's flow from their new Phase II development.

Phase II will commence shortly thereafter in a coordinated fashion and that will be actually construction of the lines down the roadway, eastward, and it will include gravity lines on or about the peak of the road. Old Country Road has a natural raise that it follows and the peak of the road-- it's hard to describe here right now-- I believe it's near the racetrack area-- will be (inaudible) by

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(inaudible) from that peak down to the low point. One low point is the Tanger pump station already constructed. The second low point would be another pump station that will be installed in Phase II, somewhere on or around the Mill Road intersection.

Along with Phase II improvements will be improvements in the existing Sewer District at the existing (inaudible) pump stations. There will be improvements to the pumps themselves in anticipation of the flow that's coming from this area.

Phase III should that be necessary, when the additional flow is perceived or additional (inaudible) come in, will include further improvements (inaudible) and that will be replacing or relining (inaudible).

That's about it."

Supervisor Stark: "Okay. Miles, if you will just kind of hang out there, I'll-- you can go ahead now. Is there anybody here who would like to make comment on this particular proposed extension of the Sewer District either on behalf of themselves or on behalf of a client or on behalf of a business? Whatever. Stephen? Steve, just turn those mikes around for me if you would, please."

Stephen Angel: "My name is Steve Angel, of the law firm of Hesseks, Hefter & Angel, 108 East Main Street, Riverhead, New York. And I'm here on behalf of Nathan Serota, who is the contract/vendee of a portion of the Anderson Farm located on the north side of Route 58, nearer to the business district of Riverhead. And the property that the Serotas are under contract to buy is substantially located within the Sewer District.

And I'm here not to voice-- well, what I'd like to say is I'd like to voice something sort of as a conditional objection. We don't really have a problem with the concept of expanding the Sewer District to serve the area contemplated, but what we are concerned about is that it may negatively impact the system's capacity to serve parcels like the one that my client is interested in purchasing. If there's an increase in capacity or taxing on the existing improvements of the District so as to make it difficult or impossible for us to hook up in the near future, we're concerned about it. We don't know enough about the technical phases and how it's been designed, but

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that's our concern. We don't want to be left out in these situations.

We have properly zoned property and we have property that's located within the District within easy access of a hookup point, and we certainly don't want to be closed out in the event that it turns out that the system is going to be overtaxed by the proposed expansion.

Now, I have a letter which essentially says this in a more articulate way which I would like to submit to you, Supervisor Stark and to the members of the Town Board, and I would like to introduce it in the record, and it essentially sets forth our conditional objection."

Councilman Prusinowski: "Just leave extra copies-- Steve, you have extra copies for the two Board members? Kim will put it in their mailbox. Okay. So they have it. Because there is two Board members who are not here. Thanks."

Stephen Angel: "I don't want to belabor the Public Hearing. That concludes my comments. My conditional objection is what I wanted to express. Thank you."

Supervisor Stark: "While you are up there, Steve, I believe that the property that you are talking about is half in the Sewer District and the other half is not in the Sewer District?"

Stephen Angel: "It's about-- I would guess-- 60-40, yes, in and out. Right."

Supervisor Stark: "And you have made application for the back portion to be included in the District?"

Stephen Angel: "That's correct. We do have an application pending and part-- to be honest with you-- part of my concern is because we're-- at the same-- part of my concern-- the reason for my concern is partly based upon our technical people delving into the issue and delving into the issue of mains and pump stations and capacity, we're afraid that additional capacity to the system may negatively impact our connection. There may not be any basis for that theory. I don't know. We're not at the point we can evaluate what's going on, but it's in the back of our minds."

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Supervisor Stark: "Okay. Thank you."

Stephen Angel: "Thank you."

Supervisor Stark: "Anybody else who would like to-- yes, Charlie?"

Charles Cuddy: "I'm Charles Cuddy. I represent the Ramada Inn and also East End Properties. And I have several matters to address the Board about, but first I would like to find out from the engineer if he could, give us some idea of the time frame that would be operating in as far as when does it start and when is it going to finish so if you have some idea when this will (inaudible)."

Supervisor Stark: "Okay. If you just note some of these questions. You want that answer right now, or-- "

Charles Cuddy: "Well, if we could get it soon."

Supervisor Stark: "Certainly. All right. Charlie, if you would just step back, I'll ask him to come up. Miles? I keep wanting to call you Malcolm "

Miles Moffat: "It's all right. Pending the decision made by the Board, we are prepared to begin design on certainly Phase I which is the Tanger pump station. It's a very short design period and construction period to get the pump station in and operating by October, sometime in October of this year.

Phase II likewise we would begin design soon, meaning this summer and I think our construction-- our preliminary construction schedule showed that construction could begin on that this fall, September, October is the time frame. That would be about a 10 to 12 month construction period. So Phase II, which is the main-- like I said before, in the other pump station everything connects into the district should be done by October of '97."

Supervisor Stark: "Go ahead, Charlie. You can continue."

Charles Cuddy: "Just for my edification, Phase II is the rest of the-- . I would ask that the Board note that I'm going to give you a survey and a copy of a Planning Board resolution that, along

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Mill Road you show a parcel of land that's approximately 600 feet on the east side in depth. That has been increased to approximately 1,500 feet in depth and is owned by the same parties. And we have a resolution from the Planning Board of the Town of Riverhead granting that lot line change, dated June 10th, so it wouldn't have been known but it should be known now. And I would just offer that up together with a copy of the map so that that line could be increased to appropriately include this entire parcel."

Supervisor Stark: "So noted."

Charles Cuddy: "In addition, I would ask that the Board direct its concern to the Ramada Inn because in order to service the Ramada Inn in the Sewer District, we need to have a connection made. That is when you have a line to go across Tanger property, I don't know if there's a problem doing that, but we haven't had a positive response from Mr. Tanger and we would like very much in order to expand our services in the present and in the future be able to hook in as promptly as possible.

To do that, we would be pleased to have Mr. Tanger's cooperation and allow us to have a line underground. If he doesn't do that, we are aware that the Town has the authority to necessary condemn the easement so that we can have that hookup. We are willing to certainly do it either way, but we prefer through some means of discussion, we have not been able to have that discussion with Mr. Tanger to do that on a voluntary basis so that we can (inaudible). But if that does not pass and we are in a position where we do not have that service, (inaudible). So we want to be part of the Sewer District. We are in this map that's here but we need that connection to be made. We ask that the Board perhaps order Mr. Tanger to grant us the easement.

One other point that I would make and that is the pumping station referred to here, it's opposite Mill Road. My client, East End Properties, owns a parcel that is approximately 2,000 feet on the north side of the road, east of that intersection. They would be willing-- East End Properties would be willing to have that pumping station at that site. They can't go much more westward, in other words they can't go back to the corner, but if they want to put it on the other side of the road, we have a piece of property that would allow the pump station-- "

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Supervisor Stark: "There is a range probably say from Tryac Property-- I don't know what it is now-- it probably would extend down to almost Leo Sterling (phonetic) in its-- "

Charles Cuddy: "We're right about in the range-- we're in the east end-- "

Supervisor Stark: "Well, you are in that range, but you-- but that pumping station could slide anywhere in that length of distance from about Tryac down to Leo's."

Charles Cuddy: "We just make the offer, on the record, that we would be willing to have that-- "

Supervisor Stark: "Yes, no problem."

Charles Cuddy: "-- on our site and we offer that (inaudible). Thank you."

Supervisor Stark: "Thank you, Charlie. Is there anybody else who would like to make comment at this particular time? Allen?"

Allen Smith: "Yes, sir. Mr. Supervisor, Members of the Board. My appearance today is on behalf of David J. Wilmott, Sr. and his son, David J. Wilmott, Jr., and his other children who own properties identified on this map as tax lots numbers 101.2, 15.2, and 125.1. Additionally, I represent the Pufhal Company. That is the (inaudible) site, including the property running between the power lines and the main highway and the property behind the power lines which contains the adhesives factory. That, for whatever it's worth is misnamed on the drawing or misentitled. The title (inaudible). The last client that I represent in this particular matter is Mr. Irwin Garsten, by the way, the Pufhal Company properties are 119.1, 2 and 101.1, 2. The Garsten property is identified as 101.2, 612.

I'm not sure Mr. Angel's comments for a conditional approval-- or a conditional negative. These particular clients are neutral as to the policy decisions to be made by the Board in extending the Sewer District onto these parcels. The purpose of my appearance is to state the following:

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The engineering report that flows under the Town law assumes as best I, a social scientist can determine, a capacity that is not only sufficient for the properties that are being included within the proposed extension, but additional capacity for parcels that may be beyond the proposed district to the west or within the district but not included. For instance, the (inaudible) parcel which is right in the middle of the Tanger project.

As the Board is well aware but for the record, this type of bond will be (inaudible) loaded in terms of capital, payback. It will spike in the early years and it will fall off dramatically in the later years.

What that means is that these clients that are appearing before you will, in fact, pay for this additional capacity in the early on years. That is both unfair to them and not reasonable to have them pay for the additional capacity and then allow 80 for instance to hook up at some future date without having participated in the cost of this additional capacity. I suggest to you that what is needed in this particular instance assuming that you extend the district and do the bonds, is a line extension policy such that whether it's Tanger or the motel or whatever, that at the point that Mr. Hagey (phonetic) comes along and attempts to pick up that capacity which has been paid for by Mr. Cuddy's clients, that there either be an adjustment in the rate for those parties that pay for it in the first instance, or as sometimes occurs, a credit, which is given to these users (inaudible) or something of that nature.

Thank you."

Supervisor Stark: "Thank you, Counselor. Is there anybody else who would like to talk at this particular time? To make comment? Yes, sir, I'm sorry. Joe. Okay."

Joe Baier: "My name is Joe Baier. I'm a resident of Wading River and am here actually wearing several different hats. One is a resident, the second is a member of the Riverhead Town Planning Board, and also, thirdly, as a representative of the Suffolk County Department of Health Services. And I would like to really address the Board in regard to this proposal from all three perspectives if I might.

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As a citizen of Wading River and Riverhead, the Town of Riverhead, I just would like you to know that I support this proposal. I think this is-- the direction that the Town Board is taking for extending the Sewer District and opening up the properties along 58 is a positive sign, and a positive direction for the Town of Riverhead.

As a member of the Riverhead Planning Board, I see the importance of providing sewer service for the development and the orderly development of the properties along Route 58. I also see this as certainly a very large benefit for the town in terms of bringing in jobs, bringing in more commercial activity, and certainly bringing tax money without necessarily bringing in an influx of population to affect the school district tax base.

And, finally, as my position with the Department of Health Services as the Director of Environmental Quality, once again, and as a representative of the Suffolk County Health Department, I would like to just point out that one of the things that we're responsible for is protection of Suffolk County groundwater. And one of our programs provides-- some of our programs provide different degrees of protection. And one of the ways that groundwater is protected is by breaking up the county into groundwater management zones which you may or may not be familiar with but there are eight of them and the most heavily protected in the groundwater management zone is zone three. And zone three happens to be where you are providing these sewers.

Without the sewers, the-- any development of property as far as the regulations are concerned, is limited to 300 gallons per day to an acre. When the sewers are provided, that provision-- there is-- that provision is gone, there is no actual flow restrictions placed on the development of the property and it's really based on what the town decides is appropriate and adequate for development of the area.

So from that standpoint, I think this will work very nicely and is something that will enable the groundwater of Suffolk County to be protected and also be something that will allow Riverhead to develop. Thank you."

Supervisor Stark: "It sounds like the third hat would be a lot

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to work with."

Joe Baier: "It certainly will from our aspect, the review aspect of any proposal once the sewer is there it becomes very simple and straightforward."

Supervisor Stark: "The second hat would be easier, too. Thank you, Joe. Yes, sir?"

Henry Bookout: "I'm Henry Bookout, 6107 Sound Avenue, in the Town of Riverhead. I'm town monitor for the North Fork Environmental Council, Route 25 at Love Lane in Mattituck. The Council has asked me to read the following statement to be introduced to the record at this hearing concerning the proposed Sewer District extension.

The North Fork Environmental Council (NFEC) is very concerned about the proposed commercial extension of the Riverhead Sewer District and had intended to comment on this proposal at this Public Hearing. Unfortunately, the North Fork Environmental Council has not as yet obtained copies of the plan, report, and environmental assessment form prepared by Malcolm Pirnie, Inc. These documents are the subject of this Public Hearing and the North Fork Environmental Council must have copies of them to be able to form an intelligent and fair position on this 5.3 million dollar proposal.

On Wednesday, June 26, 1996, the North Fork Environmental Council attempted to obtain copies of these documents from the Planning Department and was told that it must first file a freedom of information application with the Supervisor's office. In Section 2 of the freedom of information application form used by the Town of Riverhead the applicant is asked to "... allow 15 business days for processing before contacting the Supervisor's office." Resolution #483 which calls for this Public Hearing was adopted on June 18, 1996. Fifteen business days from June 18th is July 9th, 1996.

Mr. Supervisor, the North Fork Environmental Council respectfully requests that in fairness not only to the North Fork Environmental Council but to all persons interested in this matter, the Town Board not close the Public Hearing today but schedule another session for verbal comments to be held on an evening no fewer than 10 business days after July 9, 1996."

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Supervisor Stark: "Thank you. Yes, Judge. It's typewritten, right? Good. Some people put in written comments and they are hard to-- "

Richard Ehlers: "Richard Ehlers, special Counsel to the Sewer District. In response to the gentleman's comments, under the Town law the (inaudible) to be filed with the Town Clerk, which it was, and I think it would be appropriate to ask the Clerk to confirm she had it on file."

Barbara Grattan: "Yes, I do, Mr. Ehlers."

Richard Ehlers: "And did some members of the North Fork Environmental Council come to your office and ask for it?"

Barbara Grattan: "Not to me personally. I don't know if they had gone to the girls or not."

Richard Ehlers: "Thank you."

Supervisor Stark: "Thank you, Judge. Is there anybody else who would like to make comment at this particular time? Yes, sir. Please, just restate your-- so that the girl listening to this can-- "

Henry Bookout: "Right. I just would like to say-- "

Supervisor Stark: "Now, restate your name so she can attach-- "

Henry Bookout: "Okay. My name is Henry Bookout."

Supervisor Stark: "That's good. She'll pick it up."

Henry Bookout: "The Town of Riverhead. I just would like to say that I was the person Wednesday who attempted to get this information. I went to the Planning Board because I noted that the environmental form was reviewed by the Planning Board in part two. And I was told by Mrs. Jane Stromsky that an environmental impact statement would be necessary. Under those circumstances, I think it's unreasonable to expect a representative of the North Fork Environmental Council then to have gone to the Town Clerk to apply for this material and it's for this reason that the (inaudible)."

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Supervisor Stark: "I do believe that-- counsel can correct me if I'm wrong-- that all of this information is always at the Town Clerk's office and that's where it's obtained.

Is there anybody else at this particular time that would like to make comment on this particular Public Hearing? If not, I declare the Public Hearing closed."

Public Hearing closed: 1:31 p.m.

Barbara Mattan
Town Clerk