

Minutes of a Special Meeting of the Town Board of the Town of Riverhead, held at the Town Hall on Friday, June 27th, 1969 at 9:30 A.M.

Supervisor Zaloga called the Meeting to order at 9:43 A.M.

Town Clerk submitted the following:

WAIVER OF NOTICE AND CONSENT OF MEETING

WE, the undersigned, being all members of the Town Board, of the Town of Riverhead, Suffolk County and State of New York, do hereby waive notice of the time, place, date and purpose of a meeting of the Town Board of the Town of Riverhead, to be held at the Town Hall, Riverhead, New York, at 9:30 A.M., on the 27th day of June, 1969, and do consent to the holding of such meeting for the purpose of discussing the matter of the Airstrip of Brush and Fanning.

Dated: June 27th, 1969

Signed: \_\_\_\_\_  
 Bruno Zaloga  
 Supervisor  
 \_\_\_\_\_  
 Thomas R. Costello  
 Town Justice  
 \_\_\_\_\_  
 Robert G. Leonard  
 Town Justice  
 \_\_\_\_\_  
 Vincent B. Grodski  
 Councilman  
 \_\_\_\_\_  
 George G. Young  
 Councilman (Filed)

Also present: William C. Haugaard, Town Attorney  
 Edward R. Munson, Building Inspector

Supervisor Zaloga explained the reason for the Special Meeting was brought about by the many telephone calls objecting to the recently publicized plans of Messrs. Brush and Fanning to commercialize the operations of their airfield.

Supervisor Zaloga stated that when the Town Board issued a Special Permit for this airfield on February 18, 1969, it was with the understanding that only private planes of the owners and friends would use the airstrip.

Richard Lark, Attorney, representing Messrs. Brush and Fanning appeared before the Board and stated: That it is his understanding that the FAA has jurisdiction over the airspace here and the Zoning Law of Riverhead. That Messrs. Brush and Fanning did not need permission from either of these agencies to land airplanes on their own potato fields. However, to allow others to utilize the field, permission was sought from both the FAA and the Zoning Board. In order to establish an airport in the Town of Riverhead, one way is to have written approval of the Town Board and to obtain safety and space clearance from the FAA. On February 18, 1969, the Town Board granted such permission to operate an airstrip subject to certain conditions. FAA approval was granted on December 23, 1968 and attached to the application to the Town for such airstrip.

Mr. Lark further stated that it clearly read that back in September a hearing was held in this room and Messrs. Brush and Fanning changed their airport status from one of a private nature to one of a public nature, and it was made fairly clear at that time and their permission expires on July 13, 1970. That the FAA stated in its report that the use of this airport as a public airport would have no adverse affects provided the airplanes operated there during day light hours only and under stipulations of the Town Board.

Mr. Lark continued saying that thereafter Messrs. Brush and Fanning entered into a three year lease with Montauk Caribbean Airways, wherein they gave them permission to utilize this field for air taxi or air charter service. The field itself is 1940 feet long only 50 to 60 ft. wide and by its very nature is limited as to the type of airplanes that can come in.

Mr. Lark continued saying that the use of this airfield was in no way intended to depreciate properties, harrass or irritate people - it was thought it would be a benefit to the Town. The only other operation invisioned by Mr. Brush is for light airplanes like his own- piper cubs or planes of that nature, helicopters for crop dusting or aerial mapping and the three year lease to Mr. King of Montauk Caribbean Airways for air taxis and charter service.

Mr. Robert O. King, President, Montauk Caribbean Airways, stated that he doesn't think Mr. Brush acted in a clandestine fashion and that he is surprised that the Town Board is surprised that the airport is going to be used for public use. That on July 8, 1968 when the FAA solicited objections from the Town Board and residents and the proposal was discussed, Messrs. Brush and Fanning stated they desired to change from private to commercial. The FAA gave formal approval on December 23, 1968 and two months later the Town Board issued a permit for that airport.

Mr. King further stated that the license has been approved and unless the Town Board revokes the permit commercial air operations are now legal. That scheduled service is proposed between Riverhead and New York, two flights to be scheduled every day - air planes to come in only when there is traffic to pick up. Will adhere closely to FAA regulations - that the noise factor from Grummann's commercial jet planes and fighter planes is considerably more. The other objections cited is danger to persons and property on the ground, devaluation of property adjacent to airport and lack of public benefit.

Mr. King further continued saying that the Town Board has no right to rule on the safety aspects of an operation such as this. This is not a hazardous location for the airport. That they intend to operate light airplanes only. The fare will be \$20.00 one way and will take only 25 or 30 minutes to New York. Will provide taxi flights all year around. Will carry freight and it will be helpful in postponing the day until a Jet Airport comes to Calverton.

Mr. King invited everyone to come down and witness a "Stol" plane takeoff.

Supervisor Zaloga: "Are you leasing the entire part?"

Mr. Lark: "Only leasing because of the fact that he has the right to use it as an air taxi or charter service."

Supervisor Zaloga: "With Stol planes or others?"

Mr. Lark: "He can utilize piper cubs or other planes of that nature."

Supervisor Zaloga: "Will there be as many flights as traffic warrants?"

Mr. Lark: "Yes".

Mr. Joseph Brush: "This strip is not capable of bringing in jets because of the dimensions of the land. It will be an air taxi service such as Mattituck has."

Councilman Young: "Do you own property enough to put in another runway in a different direction?"

Mr. Brush: "No, not room for another runway - 90 degrees"

Councilman Young: "45 degrees?"

Mr. Brush: "Possibly. Any more expansion would have to get approval of FAA."

Mr. Lark: "Will have to come back for another extension on his permit."

Councilman Young: "But the FAA is only interested in air safety and not any of the Town's problems."

Mr. John Hartmann, Sound Avenue, appeared before the Board and objected strongly to a proposal for a commercial airfield.

Joseph Lopez, Industrial Commissioner stated that the President of the Chamber of Commerce asked him to attend this meeting - that he will report back and ask for opinions.

Mr. Robert Krudop stated he is certain there is plenty of room for two cross airstrips on that piece of land.

Mr. Shirley Hallock asked Mr. King what the horsepower of the Stol plane is.

Mr. King replied: "The one we are using now is 260 horsepower - they are muffled and less noisy than Mr. Brush's private plane."

Mr. Leonard McComb stated that he was a neighbor to Mr. Brush and owns property at the north end of runway and remembers when this matter was discussed with the Town Board that Mr. Brush was asked directly if he intended to have a commercial airway and he said that was not his intention."

Mr. McComb further stated that he talked with two New York attorneys who told him the Town Fathers have no right to grant this permission without a public hearing.

Mr. McComb also stated that we need an airport in Riverhead, but that three miles north of Riverhead is hardly the best place to put it.

Mr. Maurie Semel stated he believes there is room for revocation of the permit where the Town Board has been duped in believing it would be for a small operation. Further there is no doubt that Riverhead does need an airport and this type of operation would certainly be a nice operation if it were located elsewhere.

Mr. Semel asked Mr. Munson, the Building Inspector if Mr. Brush had acquired a Permit to alter a building on his property.

Edward R. Munson, Building Inspector, replied saying, "We have discussed it. He was granted a use permit. We had discussed the cleaning up of a machinery shed."

Supervisor Zaloga: "Are there alterations going on?"

Mr. Munson: "I have not seen them."

Mr. Semel asked if the date July 13, 1970 is the expiration date of Permit or expiration of a permission to establish an airport if the conditions are met by the State.

Mr. Lark stated the determination made by FAA that an airport could be built there and determination expires July 13, 1970 and that he will have to go back and get further permission from the FAA.

Town Attorney Haugaard asked if there is an actual permit issued on the basis of the FAA report.

Mr. Lark stated no, not in the State of New York.

Mr. Haugaard asked if the three year lease is contingent on these permits.

Mr. Lark said: "Absolutely."

Town Justice Costello stated that in his mind the Permit granted to Messrs. Brush and Fanning was not for commercial use but rather for private use and for friends.

Councilman Grodski stated he was under the same impression as Judge Costello.

Councilman Young suggested the matter be re-opened and a public hearing be held to get the opinion of the people.

Supervisor Zaloga stated that it was also his understanding that it was to be a private field for the owners and friends.

Mr. King read excerpts from Minutes of Hearing with FAA in 1968 and spoke at length on the matter of a commercial operation, the space needed for same and compared other airports.

Mr. King also stated that putting an airport down anywhere is not popular and that they would be happy to limit their flights. That he was not talking of a commercial airport that would have to accommodate airplanes over 12,500 lbs which would need a runway of at least 5 or 6 thousand feet long and was talking simply of a private airport for public use.

Supervisor Zaloga asked Mr. King what is the difference between cargo and commercial.

Mr. King replied saying they were not commercial carriers but are what is considered a scheduled air taxi operation and are limited as to the size of airplanes they use.

Town Attorney Haugaard: "It seems to me that you are saying that this is an unexpandable field site and can only be used for these smaller planes - whereas it seems that if we are going to have a real airport in town, you are going to need the larger planes, etc."

Mr. Lark: "It was meant in the spirit that it's limited - it is limited by the FAA Commission. To expand it FAA and Town Board approval would have to be had. If you acquire enough land anything is possible. It says on the present land of Messrs. Brush and Fanning that it is not feasible to expand this operation but if other land was acquired in the area anything is possible."

Town Attorney Haugaard: "Unless you expand in that area you have lost the purpose of putting an airport there."

Mr. King: "There is enough land to expand on that property either way"

Mr. King's remark was followed by laughter from audience.

Town Attorney Haugaard: "If it's going to be for all the people in town, my point is that it will have to be larger then it is now."

Mr. King: "That's not so - it doesn't have to be expanded."

Further discussion was entered into by the Town Attorney, Mr. King, Mr. Semel, Don Hildershein, Mr. McComb, Mr. Hallock, Mr. Krudoff and Mr. Hartmann.

Mr. Munson: "This thing started by Mr. Brush coming to me with respect to having an Airport. I directed him to Section 301K which refers to Special Permit of Town Board and at all times as at the present time I felt it was for a private airstrip and that this document from FAA states Case number, proposal-Airport Establishment-Public Use - and I issued the Use Permit on the basis of a private airstrip.

Mr. Munson read excerpt from FAA report and stated that this is the only report that could be if the Town desired a private airport for public use.

Mr. Lark stated that this report was attached to Mr. Brush's application.

Mr. McComb asked if the Zoning Ordinance relating to Special Exception of the Town Board could be changed to be heard by the general public and advertised prior to the hearing.

Town Attorney Haugaard: "This would have to be studied as there are many uses that are granted by Special Exception without a public hearing and in some cases we would want to hold a hearing wherein others it would be a tremendous burden and expense."

No one else wishing to be heard, Supervisor Zaloga thanked everyone for coming at such short notice and declared the hearing closed.

The Town Board recessed to deliberate the issue.

The Town Board resumed the meeting with all members present.

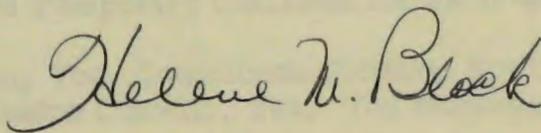
Town Justice Costello offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, that the resolution of February 18, 1969, of the Riverhead Town Board, Riverhead, New York, granting a Special Permit for an airstrip on the west side of Union Avenue, between Northville Turnpike and Sound Avenue, is hereby RESCINDED, without prejudice to the applicant therein to make an application for airstrip for public and/or commercial use.

BE IT FURTHER RESOLVED, that if such application be presented, it be granted only after a duly advertised public hearing with ten (10) days public notice.

The vote, Councilman Young, Yes, Councilman Grodski, Yes, Town Justice Leonard, Yes, Town Justice Costello, Yes, and Supervisor Zaloga, Yes. The resolution was thereupon declared duly adopted.

The meeting adjourned at 11:30 A.M.



Helene M. Block, Town Clerk

HMB.