

9/17/2008

Minutes of a Town of Riverhead scoping hearing held by the town board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Wednesday, September 17 2008 at 3:40 p.m.

**PRESENT:**

Philip Cardinale,	Supervisor
Barbara Blass,	Councilwoman
John Dunleavy,	Councilman

**ALSO PRESENT:**

Diane Wilhelm,	Deputy Town Clerk
Dawn Thomas,	Town Attorney

**ABSENT:**

James Wooten,	Councilman
Timothy Buckley,	Councilman
Barbara Grattan,	Town Clerk

Scoping hearing opened: 3:40 p.m.

Scoping hearing to solicit public comment on the scope of issues of the environmental impact statement of REPCAL LLC to subdivide and develop 300 acres of land within the Enterprise Park at Calverton (EPCAL) zoned light industrial; such real property being more particularly described as Suffolk County Tax Map No. 0600-135.1-p/o7.33.

Supervisor Cardinale: "Okay. This is a special hearing of the town board, Sept. 17<sup>th</sup> in regard to the REPCAL project. It's a scoping hearing. It's significant in the sense that it's the first public hearing in a long process we're beginning on the REPCAL proposal for a 2.7 million square foot industrial technology park.

It's not required by law but we're just that kind of people. We go above and beyond the call of the law to get the public input at this critical juncture as to what issues should be studied within the draft environmental impact statement which will be required.

There's a scoping document that was made public, I think it should be on the web site, it should be at the clerk's office. It's here for the public which I appreciate that people have made it available which is the rendition of the draft that has been supplied us as a starting point by the applicant.

Last night, Mr. Amper who I see is here, how are you, Dick—actually quite eloquently summed up the reality that neither the

9/17/2008

town nor anyone else associated with this project wants anything other than a really good process to begin today where we get all the issues requested into the study, studied thoroughly, completely so that we have that data base upon which to base our findings at the end and our conclusions. So the more correct and complete that is, the better for all parties, no matter where in your heart you start out concerning this project.

So those are the points I wanted to make at the outset. This is optional but we've decided to do it to open this process up to the public that no one is served by a process that will not be complete and correct and we are- I also might add that this draft has been made available to the DEC who has commented and we'll continue to take their comments and every other involved agency.

So without further adieu I would like to point out that Frank Isler is here, who is our counsel; REPCAL's representatives are here, and all of them are just watching the other people who are here who want to make comments from the public because this is your opportunity to do that. We can always hear from them.

So, would anyone from the applicant or our side like to comment initially and then I'd like to have the public take over. Please."

Chick Vorhees: "Good afternoon, Mr. Supervisor, Members of the Board and town representatives. I'm happy to be here this afternoon. My name is Chick Vorhees with the firm Nelson Pope and Vorhees. I am here representing REPCAL LLC who is the applicant in this project.

I am also joined by Tom Kerwin (phonetic) the project manager on behalf of REPCAL and Andy Tung (phonetic) sitting next to him, the design professional that prepared the plans that are before you that in effect are the action that we are considering today.

I'm a certified environmental professional and a certified planner and I've spoken before this board many times in the past. So as I said, I'm happy to be here today.

The process is multifaceted. I'd like to just identify a little bit about the project summary, talk a little bit about the applicant's understanding of the process, and then briefly overview the scope and then, of course, get to the public so that we can hear and assist in any possible the town in the issuance of the final scope.

Basically this process and the project itself started sometime ago with the conveyance of land by the US Navy to the town of Riverhead and I was at the hearing last night that pertained to the pine barrens overlay district and have reviewed the record and

9/17/2008

understand that approximately 3,000 acres was conveyed for open spaces purposes to public entities a number of years ago and at the same time roughly 3,000 acres was conveyed to the town.

The purpose of that land which is referred to as the inside the fence land was for economic growth and development and a portion of the property that we're talking about today is within that area.

The project that we have before you was submitted in response to REPCAL being selected by the town as the preferred developer for 300 acres of the overall project site. And there were certain contract requirements for submissions that have been met by the applicant involving subdivision application and filing of an environmental assessment form, site plan application and the various steps that preceded today's hearing.

The property is proposed to be divided into five blocks and the first block is 48.9 acres. That is supposed to be divided into six parcels, one of which is the subject of a site plan that is in your file for a 318,475 square foot building and ultimately as you indicated roughly 2.7 million square feet of development is envisioned for the site itself.

All of those facts and information are contained in our pending application as well as a fairly detailed summary of that in the draft scope dated September 5<sup>th</sup> that's on the table and available to the public.

Our understanding of the process is that now that we've made these submissions, the town has assumed lead agency after conducting a coordinated review with involved agencies and you've issued a positive declaration. I believe the date is August 5<sup>th</sup> and that identified certain issues that were the reasons for the determination to prepared an environmental impact statement.

We're pleased that a full process is being completed as well, that's in our best interest as well.

The meeting today is for the purpose of scoping. As you indicated, 617.8 of the SEQRA law indicates that scoping is optional and also the process by which scoping is conducted is not that well defined in SEQRA. So we do believe that a meeting and input from the public as well as a written comment period is the most appropriate and the scoping process has been initiated by the lead agency in their adoption of the resolution setting today's hearing.

Our office and a team prepared the draft scope to assist the town in beginning this process and ultimately under the law the lead agency would issue a final scope within 60 days of submission of the draft scope.

9/17/2008

I understand that this scope was first made available at the end of last week and as I said there is no formal process but if there are concerns about the time period that's been allocated for input, certainly allowing an additional written comment period to digest and provide input on the scope would be reasonable and we would suggest that again for more complete process.

The scope itself is 17 pages in length. It meets the SEQRA requirements for a draft scope under 617.8. In preparing the scope, we conducted a number of meetings, met with town officials, planning staff, engineering staff, representatives of the Calverton sewer district and the Riverhead water district and gained input for the purpose of constructing the scope as well as understanding the process for the project's submissions.

We also met with the DEC. We obtained information from the New York Natural Heritage Program and of course have been very cognizant of the attention that's been paid to this property with respect to grassland and wetland species. We understand those issues and we have incorporated input from the DEC with respect to the parameters for assessment of those species and how best to evaluate potential impacts.

We also met with the State Department of Transportation. Our primary access is on to NYS Route 25 and we wanted to gain input from them with respect to intersections to be studied in the traffic study. That input was gained and that's reflected in the draft scope.

The overall scope identified on page 3 an outline for the purpose of framing out how the document will be prepared. It included a complete description of the proposed project.

One thing I'd like to indicate is that this is a draft supplemental environmental impact statement that really builds on a great body of information that has been assembled over the years, starting with the generic EIS prepared for the transfer and reuse of the Naval weapons industrial reverse plant at Calverton back in 1997. And that included alternatives and assessment of the overall property inside the fence and preceded the transfer of that land but it really as the body of information that we're building on.

Subsequent to that, the town prepared a supplement to the generic environmental impact statement that had to do with the zone changes that essentially facilitated the parameters for development that we're pursuing at this time.

And so that is also part of the record and an important part of the record but it shows that this property has been looked at in

9/17/2008

detail over a period of in excess of 10 years and will continued to be studied on a more site specific basis in keeping with the generic EIS documents that have been prepared in the past.

So the description of the project and the background and the history will incorporate all of that relevant history in order to lay the foundation for the work that will take place with respect to this specific site.

The project description will be complete and you can see the plans that have been submitted to the town and essentially those will be described in detail as well as the construction, operation, phasing and some of those things.

The environmental resource categories include topography, surface soil, subsurface geology, water resources, vegetation and wildlife, and the various methods and intent with respect to the analysis and analysis are outlined in this document.

And human resources include transportation, air noise, land use zoning and plans, community character, community services and cultural resources.

A number of other required sections are identified and those you can see in the draft.

With that, I'd just like to say that we believe we have a project that's appropriate for the site, conforms to the town's goals, and provides jobs, taxes and economic stimulus that will benefit the town and the region and the applicant's team represented in part here today will assist wherever possible to aid the town in issuing a final scope and completing a thorough process so that we're all best served by what the outcome is.

I'll be available for questions and certainly will be listening for comments."

Supervisor Cardinale: "Thank you. Frank, is there anything you wanted to say?"

Any other representatives of the applicant have anything to say or shall we throw it open to the public for comment? Okay.

I'd like to take comment from members of the public in context of my earlier comments and these comments. We'd like to hear what issues you believe should be included in this scope of issues to be studied in the draft environmental impact statement. So, please come forward."

Matthew Atkinson: "My name is Matthew Atkinson. I'm sorry about that. My name is Matthew Atkinson. I'm general counsel at

9/17/2008

Peconic Baykeeper and Peconic Baykeeper is a member of the coalition for open space at EPCAL and we've just provided you with a cover letter to a draft scoping document along with a generalized site plan for EPCAL prepared by the Nature Conservancy.

The draft scope and the site plan will be discussed in greater detail by a representative of the Nature Conservancy later.

I appreciate the applicants at the outset acknowledging that there's been a rather short fuse of this between the dissemination of the scoping document and this public hearing and we agree that more time would be useful for the public in order for us to actually have a chance to you know make informed comments on the scoping document.

In the meantime, knowing that one was going to be forthcoming, we did prepare some items that we feel should be incorporated in any scoping for this project. And so— but we haven't been able to connect the two. So we request that since this board should have until what— early November to complete a final scoping to afford us approximately another 30 days or so to integrate these documents and to look more closely at it.

In addition to the time, the actual scope of the project, what is being proposed, is not— I'd like it— I wish it could be fleshed out a little further. What we have is we have a multi-block development and we have one of those blocks in lots.

We don't have any concept of what actual kind of infrastructure or development may actually be there, what kinds of buildings we're looking at. Are we incorporating any design factors that would be beneficial generally, such as you know, the litany of low impact design, green roofs, things that would make the carbon footprint minimal, that would also be hydro logically neutral, reuse or rainwater.

These types of design elements we believe should be incorporated early on in the phase here so that the town and the public can see more or less what's going on here. Is this going to be a, you know, high, impermeable surface type of development or a low impermeable type of development? And we cannot determine that from these application materials at this time.

There's also looming here, the draft scope, I did look quickly to see what it had to say about cumulative impacts because that's one thing the coalition is very concerned about, is there has been of course all kinds of environmental review as discussed but now the actual projects are beginning to take shape.

9/17/2008

Significant portions of the EPCAL site have this site plan which I believe should be fleshed out further, but also a fairly far along process was Riverhead Resorts, that is to say a conceptual site plan has been submitted, a contract has been signed on that conceptual site plan, so that is moving quite far along and I'm not entirely clear because this draft scope is not explicit, but it would seem to be excluding looking at the cumulative impacts of Riverhead Resorts until such time as that project moves further along.

The advantage, of course, of looking at the cumulative impacts at EPCAL site as a whole is something that, in fact, we discussed last night when we were talking about, you know, what areas should be set aside and preserved and how should the non-disturbance areas be allocated across the site.

Certainly this site plan does not indicate where the non-disturbance areas would be on this site. Would it be better to cluster some of the buildings and maintain some space? This will all come out with the alternatives. Undoubtedly we'll see some alternative designs. But this is pretty sketchy right now.

As I say, we don't really know what kind of design principals are going to go and take place and we also are not entirely clear if the REPCAL is just acting as a land developer and will be selling out the lots or will be developing themselves. Are there any kinds of restrictions that would be considered in terms of design on other contractors?

So,, I guess just to summarize our concern, is the need for time and the need to consider EPCAL, all of the projects that are well along in the pipeline including Riverhead Resorts together and that these all need to be looked at in terms of the over (inaudible) issues at the site, the small wetland pools and ponds, the tiger salamanders and other endangered species, the need to protect some grasslands, and a more integrated approach is now possible now that we're getting concrete proposals on the table and we look forward to participating in this fully as the time comes.

Thank you."

Supervisor Cardinale: "Thank you. Okay, I'd like the next speaker whoever wishes to speak to come up."

Ann Miloski: "My name is Ann Miloski, of Calverton. And I was looking through this scope hearing here, and on page 11 under transportation, I would like to make a suggestion that you include Fresh Pond Avenue and Route 25 there because that's directly across the street from where Rechler Associates will be building and right

9/17/2008

now we have difficulty getting out of that road. So I think that should also be included.

And the other thing I wanted to ask is in this scope hearing are you including other site plans that are being pursued on the north side right across from Rechler? Because your access road will have something to do with that so it doesn't interfere.

So that's my other suggestion.  
Thank you."

Supervisor Cardinale: "Thank you. Does the north side mean- you're talking the north side of 25?"

Ann Miloski: "Yes."

Supervisor Cardinale: "Are there site plans pending?"

Ann Miloski: (Inaudible)

Supervisor Cardinale: "Okay. That's what I wanted to verify. Because I was- that's one of the joys of- the planning board is doing that. That's why we're not aware of it. Okay, so I get it now. Thank you. I understand your point.

Okay I'd like to take other comment from the public so we can get into this document- the scope of issues- all the issues that are important. Yes, please come up."

Randy Parsons: "Hi, I'm Randy Parsons and employed by the Nature Conservancy and we are a member of the coalition for open space at EPCAL.

I've shown you a map, the board has seen this before. We've refined it a bit now because we have been able to plot the open space in the Burman subdivision which is in the light green color in the core. We've got the core parcel plotted at approximately 300 acres but we're not sure if that's completely accurate or not, so we're showing the core piece on the west already protected at about 300 acres. We're showing the open space in the Burman subdivision of about 92 acres.

So of the 2900 acre site, there's about 392 acres at the present time that are pretty much- I would say they're untouchable. I think that's fair. The core is sterilized by statute and the open space reserves are dedicated to the town as open space.

So the question is really what happens with the remaining 2,620 acres within the compatible growth area at EPCAL?

9/17/2008

I think to just take a slightly perspective, we in the environmental science perspective, we look at this area as formed by the glacier approximately 20,000 years ago, depending on which geologist you listen to. It was formed and its soils and hydrology are very similar. In fact it is part of the pine barrens eco-system.

It's part of the water- it's part of the watershed for the Peconic Estuary in the Peconic River. It's part of the watershed for Long Island Sound. And in terms of its being in the pine barrens, of course, when the Navy- when the Grumman Corporation and the Navy decided to expand Grumman's operations on Long Island, specifically to build planes and test them, of course, the Pine Barrens Maritime Reserve Act had not yet been adopted. I believe we're talking now in the 1960's- 1970's.

The federal government acquired property again in the pine barrens eco-system. They built an airfield. The Grumman Corporation leased the airfield and conducted its operations including building and testing planes, storing jet fuel, some of which as we know has leaked into the ground there, and our map shows approximately 210 acres which the US Navy still owns and it's a cleanup site for the jet fuel primarily. And the maps I've seen of the plume from that jet fuel shows it moving to the southeast into the Peconic River.

So when we look at this site, we look at the site that was ecologically part of the pine barrens and then was developed by the US Navy prior to the recognition of this eco-system by the state legislature in the '90's.

It was, of course, developed with buildings and an airfield and then when it was surplus- or when the pine barrens act came along, there was quite a lot of discussion about whether the EPCAL site should be included in the pine barrens because scientifically the justification is there for it to be part of the pine barrens.

Then the discussion was, well, should it be part of the core or should it be part of the compatible growth area. And as you can see, there was a compromise reached. Because of the US Navy development of the site, it was felt appropriate to make most of the site, 90% of the site, in the compatible growth area and 10% in the western corner was left in the core.

So here we are in the late '90's- mid to late '90's and the Navy surpluses the property and we have essentially a- I wouldn't call it abandoned but a site that is no longer going to be used for military purposes.

9/17/2008

Nevertheless the site is still in the pine barrens, it's still in the Peconic Estuary watershed, it's still in the Long Island Sound watershed, and over the years, the grasslands around these runways have become habitat for grassland dependent species.

There's also quite a complex hydrology both on site, the on site wetlands, and the wetlands to the south known as the Calverton Ponds which are all hydro logically (phonetic) connected to the rainwater recharging on this site.

What we tried to do was take as much ecological information as was available and plot the areas on this site that were particularly sensitive and the areas that could be developed without significant adverse impact and the map shows you in pink, the pink color, the areas that are less sensitive. It includes the 500 acre Burman subdivision. Actually the developed portion of Burman is about 400 acres.

So in the core you have a 400 acre approved light industrial subdivision which we see as part of the context here. It wasn't as far along as when previous environmental work was done. There are new tenants, there are new businesses. There's new wastewater flow. There's new storage of hazardous materials. There's new storm water coming from Burman that wasn't there when the Navy surplused this property.

You can see that we also show the other pink areas, including most of the site proposed to be used by the Rechler Company. In fact, the only real conflict in our map and the Rechler boundary of its project is the grasslands along the long runway which the town has said it intends to keep open.

So there is some potential here for the Rechler site plan subdivision to design around the sensitive environmental features, i.e., the grassland around that runway.

As Matthew said previously though, in order to look at this site holistically we believe that you have to look at the existing conditions which include Burman, the Island Water Park, the SUNY Incubator site, the town sports park, and all of the businesses that are in the existing sewage treatment system and the existing public supply wells.

That's the existing conditions on the site. Then you have to look at the proposed projects for this site which not only include the Rechler Project but also include the Riverhead Resorts project.

As Matthew said because there's such a strong commitment and such definition of that project at this time, it seems that it would

9/17/2008

be necessary to review them, the cumulative impacts of those two projects at the same time in terms of traffic and water, etc.

What we've tried to do, we would have preferred to respond to the applicant's draft scope which it sounds like we may have time to do. But as time-- as we got closer to the hearing, we prepared our own draft scope to try to include all of the issues that we were concerned about.

I'm not going to read it but I do think that we have identified some areas that are not yet under consideration. We're very concerned about the hydrology, what comes out of the aquifer there and what goes into it. It affects the level of the ponds, it affects the chemistry of the pond, it affects the chemistry and the level of the water table. It affects the chemistry of the Peconic River and it's possible-- it's quite away yet, but it's possible that the groundwater moving to the north to the Long Island Sound could affect the quality of Long Island Sound.

We're very concerned that a complete and thorough inventory of species be done and we believe that you need to do it in all four seasons to get a thorough inventory.

We think some of the species are known there and some aren't. So we feel that that needs to be part of this impact analysis.

Some of the alternative-- we think noise and light is very important to many of the species there. Community services I think will be addressed by many of the civic organizations that are part of our coalition, are very concerned about traffic and impact on community character. And we'll get into more detail on that if we're given an opportunity to provide written comment.

I'd like to read you some of the alternatives that we think in our view should be considered.

We think that the analysis should discuss and quantify the impacts of both Riverhead Resorts and Rechler together and separately and consider the alternative of approving one but not both projects.

Consider a public buyout of some of the developable land in EPCAL to protect grassland, forest habitat, open space, community character, water quality and quantity and to avoid all of the impacts associated with these projects.

Considering requiring large contiguous open space set aside in excess of the minimum 35% requirement in the town code as conditions of subdivisions and site plans for both projects.

9/17/2008

Consider retaining both runways at the site as limited use facilities as this use is compatible with protecting grassland habitat.

Consider reducing the intensity of projects and impacts in exchange of lower purchase prices.

Compare the economic and environmental benefits to the town of proceeding gradually with land leases at EPCAL as is being done at Gabreski Airport instead of large scale sales of public property.

Thank you."

Councilwoman Blass: "Excuse me, Mr. Parsons, could I just ask you a question? You read letter d and you read limited use runways although our copy says active runway. Are you making a distinction between considering retaining both runways at the site as active runways, is what our copy says and your said- "

Randy Parsons: "Well, you're right, it's a good point, Barbara. I'm reacting to what I know is a very sensitive subject in the town that people in Riverhead and especially in Calverton did not want a high impact airport facility and I know you guys have talked about it and agonized over it for many years.

So I should cross that out- "

Councilwoman Blass: "Okay, that's why I'm asking for clarification of what you mean."

Randy Parsons: "I think there are many uses of air facilities as you know that are not obnoxious or less obnoxious.

So I think the question is and you all have dealt with this before. Having a built air facility with runways like the town has is certainly an amazing resource, not one likely to be built on Long Island.

Can there be some use of the shorter runway that doesn't offend the Calverton community but allows some economic return to the town? We think it's worth looking at again. I think that's what I'm trying to say."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "Okay. I'd like to take any other comment. Please come forward."

George Fernandez: "It's nice to see you all again."

9/17/2008

Supervisor Cardinale: "Yes, nice to see you again. Go ahead."

George Fernandez: "Once again, I'm from the Ridge Civic Association and I am also a member of the coalition. My name is George Fernandez.

In the past, we've addressed grandiose concepts. Right now we're looking at some concrete plans. The draft currently under review does mention that the EIS must address not just Rechler's impact on the environment, but must include any future development which justly raises the question of why we are not taking a new hard look at the cumulative impact of all existing and proposed development in and around EPCAL.

My community's concerns have always been since we began commenting in 1997 related to traffic, community services and community character.

In the '97 FEIS under traffic, it was noted that 1,000 vehicle trips during peak hours on Route 25 would result in having to have that road widened. All right. Now in the conclusion of that document, under an outdated baseline— an outdated baseline, it was stated that there will likely be 4,000 vehicle trips per hour during peak hours. Four thousand, not 1,000. One thousand required to widen Route 25.

As far as I know, the DOT has no intention of widening Route 25 in the distant future. So my community is extremely concerned about this because my community is a dead community if you do something like this without really thinking about what you're doing.

Community services, community character? My services to my community are impacted directly by what you do at EPCAL. If I have bumper to bumper traffic coming up to William Floyd Parkway and my emergency services have to go to a call over near— on the William Floyd Parkway, well, God forbid one of my friends, or relatives or neighbors is having a heart attack in a retirement community up in Ridge, you're having an impact on our community services.

So it is required under SEQRA that you not just in your scoping document look at a neighborhood which you use the word neighborhood and community as if— all you are concerned with is your neighborhood and your community.

There are other neighborhoods and other communities that are going to be directly impacted by this and you had better— you had better address that and you had better address that now during this part of the process.

9/17/2008

We have stepped to the plate and we have been ignored since 1997. You're bringing some concrete proposals to the table now, we're not to be ignored anymore. I will tell you that. Because this is not the last that you will hear of us if that is the case.

You know, I have to be perfectly honest with you. I'm very disappointed in the amount of people that I'm seeing from the board here. It's such a historically significant meeting and I have to also tell you that I'm extremely disappointed in this town in being blessed with the responsibility of stewardship over this property to actually allow an unauthorized taking of an endangered species on your watch. I think that that's really, really discouraging to those of us who are expecting you to be able to do right by- "

Supervisor Cardinale: "What are you talking about?"

George Fernandez: "The Riverhead Lumber- the Riverhead Lumber project was allowed to move forward when endangered species, when owls were spotted on that site. There has been no permit for that action to take place. No permit whatsoever. That is an unauthorized taking."

Supervisor Cardinale: "Not according to the DEC. Because the DEC was specifically given an opportunity and we have been cooperative with them as to anything they wanted anybody there to do and they have no requested any- they have not asked us to do anything that we haven't done."

George Fernandez: "Well, the reality of politics is that maybe you speak quite loudly in Albany, you know. I don't know what else to say."

Anyway, I welcome the beginning of this process and I do pray that you all can really handle what's about to occur here. Because it's going to have a severe impact on outside communities, not just inside the fence. It's going to have a severe impact on the pine barrens, the entire eco-system. This is really tied in on such a profound level that you really need the understand the levity of the responsibility that you have right now.

And that's all I'm going to say."

Supervisor Cardinale: "Thank you. Any other comment, please."

Dan Morris: "Good afternoon, Supervisor Cardinale and the few town board members who are here. My name is Dan Morris, I'm a board member of the open space council environmental advocacy group based in the town of Brookhaven but with concerns that spread throughout Suffolk County."

9/17/2008

And the open space, I would like to read parts of my letter that I provided to the board for your review.

And the open space council supports the comments provided separately by the coalition to preserve the Calverton grasslands open space at Calverton we've been calling ourselves at different times regarding the draft scope of the environmental impact statement for the Rechler, etc. business and technology subdivision and Riverhead Resorts.

However, we must express our belief that the consideration of any approval or either of these projects will be premature without first producing a supplemental generic environmental impact statement for the entire EPCAL property that analyzes new or changed information that was not covered in the previous studies.

The following issues need to be addressed in the context of existing conditions, planned future development and newly provided information. Failure to address these issues together and in a cumulative impact analysis will be segmentation of the SEQRA process.

First, other people mentioned it, is documented use of the grasslands by species designated by New York State either endangered, threatened, or special concern. Similarly mentioned was the initiation of planning steps to create a theme park whose traffic impacts would outstrip any contemplated in previous environmental impact studies.

Third is something that's out there-- been out there and has not been resolved and was never adequately-- the ramifications of it was never adequately addressed in any environmental impact statement is the change in the wild scenic recreational river boundaries within the fence of EPCAL.

Also, the original environmental impact study contemplated that the sewage treatment plant was going to be moved out to an area which is approximately where this subdivision that's being considered today is to be located and I have yet to see any further discussion of moving that sewage treatment plant.

If the sewage treatment plant is not going to be moved, we need to notify-- identify those impacts of what additional sewage is going to do to the Peconic River. If it is going to be moved, that needs to be addressed as well.

Additionally the town's proposal to rehabilitate the abandoned railroad spur that runs through the pine barrens core preservation area along Connecticut Avenue was never addressed in any GEIS. I'm not sure how you even acquired that parcel. It wasn't part of the

9/17/2008

original proposal that you would receive it and I am disappointed in your freedom of information response to my request for information concerning that. That's another matter.

And in addition something also was discussed here today and probably discussed more last night was the revised wording and a map that nobody had seen as of today concerning the overlay- pine barrens overlay district. The REPCAL study could be done concurrently but the above mentioned impacts need to be quantified and mitigation if possible identified before any approval is given for the REPCAL project.

It's not the mere passage of time that dictates a new study be conducted although that factor certainly enhances but does not trigger the necessity of a new hard look.

The EPCAL that has been evolving with each subdivision site plan approval or proposed change in rules will yield sufficiently different impacts from what was envisioned in the 1997 EIS. Simply put, the town of Riverhead must reopen the process and reevaluate where EPCAL is and where it will be going.

I leave you with this thought from Aldo Leopold. We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect.

Thank you."

Supervisor Cardinale: "Thank you. Next comment, please."

Jennifer Skelbred: "Hello, my name is Jennifer Skelbred. I'm an environmental advocate with the Group for the East End. The Group is also a member of the coalition for open space at EPCAL.

I just wanted to highlight a few of the issues that we feel are essential to the scoping process.

Of course, we're concerned about the natural resources present at the site and this includes the groundwater, the Peconic Estuary, the Long Island Sound watersheds, the pine barrens habitat, the grasslands habitat and the rare and protected species that are present on site.

We're also concerned about protecting the regional community character in the face of these proposals. This includes studying the potential travel problems and developing solid mitigation plans for any issues that may arise, whether they are regional or right next door.

9/17/2008

We feel that developing a proposed energy budget could be helpful in understanding what issues could arise in regards to energy availability, usage, and even air quality issues.

I'd also really like to stress the importance of including more alternatives in the environmental review. Although we're aware that there was this prior GEIS created for the site, we feel that there are a wide variety of alternatives which could be reviewed in regards to any individual proposal or all of these proposals throughout the EPCAL site.

Some examples of these alternatives, could include scaled back versions of the proposal, alternative layouts for the proposal, reduced density design or other plans that could mitigate any negative environmental or community impacts.

Again, we believe that the SEQRA process requires the town to look at all proposed and approved projects on the EPCAL site simultaneously in a comprehensive manner. We also echo the request for an extended written comment period because we feel that we do not have an adequate amount of time to review the developer's draft scoping document.

So thank you for holding this hearing and for listening to all these comments."

Supervisor Cardinale: "Thank you. Next comment, please."

Jo Ann Schmidt: "Hello, I'm Jo Ann Schmidt and I'm here on behalf of the Long Island Pine Barrens Society.

The Long Island Pine Barrens Society does not believe that the scoping document provided by Riverhead town of September 11, 2008 was supplied with sufficient time to enable proper review and comprehensive input.

As a result, we are retaining the right to supply supplemental comments through the next 30 days. Not making the pine barrens overlay map available prior to the town board meeting on September 16<sup>th</sup> and not releasing the draft scoping document until six days prior to the scoping meeting, are two examples of the town's attempt to limit or control the amount of input from the public.

We support the scoping recommendations being supplied today by the coalition for open space at EPCAL. However, we would add that consideration should be given to the transfer of some or all of the proposed Repecal Development, to (inaudible) Gabreski site which would certainly lessen impacts on endangered species of plants and animals as well as to the fragile coastal plain ponds and Peconic River corridor which are proximate to EPCAL.

9/17/2008

We are concerned in the recent months, recent town officials have suggested environmental concerns about development in EPCAL are coming at a late hour relative to the REPCAL and Riverhead Resorts proposal. In fact, the sensitivity of the site has been cited as far back as the 1980's and the constraints on development documented in detail in the Long Island Regional Planning Board's joint airport use study of 1993.

This report should be thoroughly reviewed in completing the scoping exercise for REPCAL and Riverhead Resorts.

Given the magnitude of the REPCAL and Riverhead Resorts projects and the early failures of the town of Riverhead to properly undertake environmental review of this projects and in which Riverhead has a conflict of interest, we renew our request that a regional agency such as the New York State Department of Environmental Conservation review these developments of regional significance as lead agency moving forward.

Whether one supports or opposes these projects, a competent and unbiased assessment of the relative economic and environmental impacts will be essential to the interests of the town, the region and the integrity of state environmental law.

Thank you."

Supervisor Cardinale: "Thank you. Come forward, please."

Suzanne Ruggles: "Good afternoon. My name is Suzanne Ruggles. I'm a board member for the Wildlife Rescue Center for the Hamptons and I also lecture all over the county regarding native plant use for wildlife.

I noticed in your scope that you didn't write anything in the community character- "

Supervisor Cardinale: "Excuse me. This is not the town's scope. It's the applicant's scope. We had actually no input in the scope."

Suzanne Ruggles: "Okay. In the scope under community character, there was nothing listed about mental health and I would just like to say a few things about mental health and nature.

Researchers are just starting to research the health effects that nature has on human beings as if we need research to verify what we all know about nature. Nature has tremendous health benefits, much more than any resort can give us and here in Riverhead where we're up to our waist in crack and cocaine

9/17/2008

addiction, I think we should be considering the mental health benefits of nature.

Breast cancer patients do better, they recover faster when they have time in nature. Surgery patients are being prescribed wilderness therapy and we really should be looking at what nature can provide for us.

If you look around Riverhead and the east end of Long Island, nature is disappearing. And my heart breaks and I know a lot of people's heart is breaking over this.

As far as native plants, if we're going to destroy what is already there, we should consider if we're going to re-landscape the property, we should use native plants. Native plants require no fertilizer, no pesticides. They don't need life support to live here. If we're worried about the hydrology and our water system, we shouldn't be putting turf grass into any of this development. We should try to re-vegetate with native plants.

Native plant re-vegetation is the avant garde in landscape architecture. And the world is going green and I think as a community we can be part of that trend and really set an example for future development not only on the east end of Long Island but around the world. Let's try to care about our natural resources.

Thank you."

Supervisor Cardinale: "Thank you. Please come forward and let us have your comment."

Maryann Johnston: "My name is Maryann Johnston and I'm president of the affiliated Brookhaven Civic Organization.

We represent over 40 civic groups that are interested parties in any development that happens at EPCAL. The reality is that we may be two towns but essentially we're one community.

The people who live in Brookhaven benefit from the natural resources that are available in Riverhead and the people who live in Riverhead benefit from the infrastructure that exists in Brookhaven. They cannot be separated. They are interdependent, they are intimately connected to one to the other.

To do less than a cumulative review on the entire 2600 acres that you're planning to develop here would be disastrous. That would be segmentation under SEQRA and would adversely affect the communities of both Riverhead and Brookhaven town.

You have no way to get to this site without coming through us. That's clear. Unless you plan to go and build roads through the core of the pine barrens, through the Calverton ponds area.

9/17/2008

I want you to consider realistically the growth inducing aspects of both these plans, Riverhead Resorts and Rechler. There seems to be nothing in the document about growth inducing. We know that it will induce growth. That is what it does.

If you build it, they will come. We have learned that from the Queens line all the way out to Montauk Point.

I am very concerned also that the scoping document does not address the issue that we all really understand far more clearly today, that is the inter-connectedness and we are one planet. There is a global warming aspect to the development of what is now presently a developed site for industrial uses but is gradually going back to nature.

I would ask respectfully that the town limit the development that goes on at EPCAL, limit the impact on our environment, on global warming, and on the use of fossil fuels. We cannot replace and repair the damage you do today 20 years from now. We simply can't do it.

As an environmentalist and as a community activist, I can assure you that Brookhaven town is far more than just an interested party. The very character of our community will be adversely impacted by the development at EPCAL, the very character.

Already we have plans to institute a railroad spur along a road on Connecticut that I have never seen tracks on. I have never even seen a railroad and I've lived out here 40 years. That is disturbing to use. Those trains run east-west to east, and they run through Brookhaven town.

We ask realistically that you actually do a cumulative impact study of both the Riverhead Resorts project and the Rechler project. To do less than that is unconscionable and I would ask very honestly that you make Riverhead residents and Brookhaven residents a party to that process.

Holding a scoping hearing at 3:30 in the afternoon. I can tell you I give Brookhaven town hell regularly over daytime hearings because it disenfranchises large segments of our population from coming forward and being heard. And I would ask that in the future you schedule those hearings so that the largest populations of both these towns can be heard, can come forward at their convenience without taking time from work and be heard on this matter. Because nothing is more important than for us to be able to control the direction our development and our environment goes in.

9/17/2008

As we look at Wall Street today we see the interconnectedness that different firms and brokerage houses have done that have been to the detriment of communities, of the very lives of Americans.

So I would ask that you reconsider your lead agency status based on the fact that you are actually the stakeholder who will be selling the land, getting the money, and that it is probably not in your best interest to change the direction that you're going in.

I would ask respectfully that you reconsider your status.

Thank you."

Supervisor Cardinale: "Any other comment? Incidentally I want to point out that this— when this was obtained we sent out as we always do to all involved agencies the request for comment and request for anyone who wished to be lead agent. No one asked to be lead agent so it's us or nobody. That's the reality. So nobody asked to be lead agent other than the town of Riverhead. So go ahead, please."

Tom Stock: "My name is Tom Stock. I live about three miles from the EPCAL site in the town of Brookhaven on Mill Road which parallels the Long Island Expressway between exit 70 and 72 Edwards Avenue.

My road Mill Road runs in the core area of the Long Island pine barrens. On the road, there's only 30 homes in the seven mile distance. That road is not mentioned in the scoping project by the developers.

It's a small rural road that winds and twists, ups and downs, through the pitch pine trees of the Long Island pine barrens core area.

I can see that once this development comes about that the drivers are going to discover my little road, Mill Road, and use it so the rural character and serenity and peace that I have on my little neck of the woods, an acre in the pine barrens, I think I can see the end of my sojourn coming.

I have had the opportunity to visit EPCAL in 2000 and bicycle along the runways and that time as a naturalist I got to see the meadowlark, the eastern meadowlarks which nest there and as a naturalist and person who works in the outdoor education field with children and adults for the last 40 years, the memory of those meadowlarks has stuck with me and I'm very concerned about the meadowlarks.

9/17/2008

I want to be able to take people and to show them, children and adults, because the meadowlark has a "V" on its breast for imitating the shadows that it lives in in those grasslands. And I'd like to show you a poster that I made to try to celebrate the meadowlark which I want to see the populations continue to exist there and even increase.

Thank you."

Supervisor Cardinale: "Thank you. Dick."

Richard Amper: "Your observation about the lead agency status needs some clarification. We have for many months tried to make it clear that the town that stands to make all the money from these projects is not the right lead agency.

While you have insisted time and time again that there are a lot of approvals that have to be obtained, the fact of the matter is the process is controlled by a lead agency and while it has been said that the lead agency has not been sought by other agencies, one of the DEC's concerns, or two of the DEC's concerns is that this project would be positive dec'd, that is been done, and the second that there would be a functioning operative review process, scoping process.

You said at the commencement of this meeting that you were just nice guys and you were doing something that was not strictly required under SEQRA but it was understood that part of the discussions concerning who was going to be lead agency had to do with whether or not the public would have input.

Now last night you convened the proceeding that was intended to change zoning that could accommodate these projects without anyone having seen a map and we are responding today having only had six days to look at the material that we're supposed to be responding to.

That is not responsive to public participation and it is not inclusive. That is the very nature of our concern about the role the town has played.

I want to reiterate for the purpose of this hearing that we need to consider everything.

There were constraints identified on this parcel site back in the 1973 Joint Airport Use that are extensive and if you don't look at it you're not doing your job. It can't be just who did the most recent report, we have to consider everything.

9/17/2008

There is no reasons why we cannot do significant economic development at EPCAL if we do it properly. But there has been nothing that we've seen up to this point that suggests it's being done that way.

So let's fix it. We're early in the process. There are any number of people who have come out here today to express their concerns about how this is reviewed so that we produce a result that benefits the economy and the environment of Long Island.

We're not doing so good so far. Let's see how we can improve ourselves."

Supervisor Cardinale: "Okay, thank you. Next comment, please."

Karen Bloomer: "Hello. My name is Karen Bloomer. I'm with the Open Space Preservation Trust. We're a small land trust with some big missions especially when it comes to watersheds and rivers.

Right now we're working on the Carmens River watershed but this does about the Peconic watershed between Brookhaven and Riverhead.

We would like to ask that-- we are a member of the coalition, but we'd like to ask that you go beyond just a cumulative for the few projects that are proposed for this property to look at a cumulative impact for the entire watershed.

This is not rocket science. This certainly can be done and should have been proposed by the consultants who were looking at this.

You already have a number of heavy duty inputs for pollution to the river and again as Dick just said we can have some sort of commercial and industrial development here but it should be looked as a whole of the entire watershed and not just for this site.

We'd also like to add to Miss Ruggle's comments about native plants, certainly, native plants should be used for whatever is done here but it should not be-- plants should not be brought in from the outside. Again, we are-- this site is filled with rare species and grasses and they should be salvaged from any footprint that is done, not just native plants but certainly things that are salvaged, so please put that into your scoping as well as a larger cumulative review for the entire watershed.

Thank you."

Supervisor Cardinale: "Thank you. Next comment."

9/17/2008

Caroline Spellman: "Hi, I'm Carolyn Spellman. I'm the Long Island Bird Conservation coordinator with Audubon New York. We're a member of the coalition for open space at EPCAL and I am here today on behalf of Audubon New York which is the state program of the National Audubon Society. We represent 50,000 members and 27 local chapters across New York state.

And what our comments today naturally focus mainly on the wildlife portions of the scoping document.

The EPCAL property where the development is supposed to occur contains one of the last remaining expanses of contiguous grassland habitat on Long Island, also in New York State. And I can't emphasize how important this is.

The site is part of the grassland focus area designated by Audubon New York and the Department of Environmental Conservation and other partners and that was done for its importance to grassland birds which is a suite of bird species that are fastest declining in New York state and also across the nation.

It was also recognized by Audubon New York as an integral part of the Long Island pine barrens important bird area. The site is known to support a variety of grassland dependent birds and state listed species of conservation concern including the common nighthawk, grasshopper sparrow, (inaudible) sparrow, upland sandpiper and (inaudible).

In fact, surveys conducted in 2000 found this to be the most productive site in all of New York for grasshopper sparrows which is a species of special concern.

In addition to providing critical breeding habitat for those species that I mentioned, the site also provides valuable foraging and roosting winter habitat for the threatened northern (inaudible) an endangered short eared owl.

And while some may assert that the short eared owl sighting this past winter were a recent occurrence, we know from our local Audubon chapters who played an important role in collecting bird data at this site, that these endangered short eared owls has been seen at the property numerous times in years past.

Because of the significance of this site to grassland birds during the breeding and wintering season, it's imperative that the survey protocol include an adequate number of survey days and hours in all seasons. Surveys should be conducted year round with emphasis on the breeding and wintering seasons and should continue for multiple years to account for seasonal differences in annual fluctuations in population numbers.

9/17/2008

The survey protocol should also consider the confirmed presence of endangered, threatened and special concern species documented at the site thus far.

Drafting of the environmental impact statement should also include an effort to collect data from resources other than those specified in the scoping document that we have seen here.

I believe that they only specifically mention the breeding bird (inaudible) and the New York National Heritage Program. But as recent events have proved it's often our local resources that provide valuable data relative to the diversity and number of bird species at a site.

In addition to the resources that were mentioned in the scoping document, the environmental review process should also utilize resources through the Cornell Lab or Ornithology and Audubon including the avian knowledge network, (inaudible), and others. Local Audubon chapters can also provide valuable historic data relative to avian use at this site.

I would also like to echo the coalition's concerns about the time line of the draft scoping document and also the consideration to cumulative impacts of all development at the site.

Thanks for your time."

Supervisor Cardinale: "Thank you. Any other comment? Yes, sir."

Dan Morris: "If nobody else wishes to speak, I'd like to get a clarification on something that the supervisor said earlier in response that this document that is being passed around is not a town document. It's something proposed by the-- "

Supervisor Cardinale: "The draft scope."

Dan Morris: "-- by the applicant."

Supervisor Cardinale: "That's correct."

Dan Morris: "The town of Riverhead has lead agency has not prepared a draft scope?"

Supervisor Cardinale: "The town of Riverhead-- the draft scope document is prepared, as I understand it, correct me if I'm wrong, Dawn, as an aid to the town. We approve the final scope, not the draft scope. That is a draft scope. That's why we're having a hearing to determine what the final scope will look like, which we

9/17/2008

will approve. It is essentially approving the areas of study. That's not what we approved."

Dan Morris: "You- "

Supervisor Cardinale: "That's a draft of what the applicant indicated he'd like to study."

Dan Morris: "Exactly what I want to get on the record and understand- "

Supervisor Cardinale: "Right."

Dan Morris: "-- is that the town of Riverhead does not have at this time its own document that- you will be taking this document as well as comments here today and any other written comments that are provided and you will give them equal weight."

Supervisor Cardinale: "That is precisely right."

Dan Morris: "Thank you."

Supervisor Cardinale: "In fact we might give yours more weight because the applicant always wants to do as little as possible in my experience."

Okay. Yeah, and incidentally SEQRA requires that they- Barbara is pointing out. The applicant- "

Councilwoman Blass: "The applicant is actually responsible for producing the draft."

Supervisor Cardinale: "We take all this data in and we get- after we see the draft, we get the comment which doesn't include a public hearing but in this case we've asked that it does include it, we get the expertise from our own sources and then we determine what the extent of the comprehensive study is."

And some of the things that have been said today have been very valuable and have been fodder for discussion at our- with our counsel as to enhancement of this.

I want to point out that the scoping hearing as you pointed out earlier is optional. I'm pleased we did it. We do it in this and in every other important case where there's an important matter in front of us.

The scoping document is- was made available a week early to all involved agencies. There is no requirement that we make it available so many days before a hearing but I understand that seven

9/17/2008

days is relatively short. It is not intended to cut off- if we wanted to cut off public deb

ate as has been suggested, we wouldn't have had a scoping hearing much less put the document on the website seven days in advance, sent it to all the involved parties, sent it to all the interested parties a week in advance.

But I think you do have a legitimate point that seven days is pretty short but it's a 17 page document or something.

I'm going to suggest to my board who I am sure will agree that we leave this open for 30 days as requested so that all written comment can come in.

They're paying, the applicants, they- we've got to take all this in. They're going to have to read it, they're going to compile it, we're going to have to put together a scope of what issues need to be studied and the more material we get, the better.

I'd also like to- I want to keep this open for written comment for 30 days.

I also want to say a word in defense of my colleagues who are not here. Tim Buckley has the best excuse that anybody could ever have for not being at this meeting or last night's meeting or tomorrow's work session. He's down with the National Guard assisting those who were injured and made homeless by the hurricane on the gulf coast.

Jim Wooten is at a long planned vacation with his pre-school age daughter at Disneyworld. So that's why they're not here. Not because they don't care. We do care or we wouldn't have had the hearing.

So please get in all your written comment. I am very aware, so is this board. We invite our friends from Brookhaven to fully participate. In fact, Brian Foley I believe has sent a letter. And isn't he an interested- the whole town is an interested party pursuant to a request letter sent in.

So we will keep you informed. We're aware this is a regional impact project, therefore, it will impact Brookhaven and we can't run from that and we don't intend to. But there will be some positive impacts, too, which we should not ignore.

Okay, and I thank you all for coming and please give us your written comments in the next 30 days through October 17<sup>th</sup> at 4:30."

Scoping hearing closed  
Left open for 30 days for written  
comment to October 17, 2008 at 4:30 p.m.