

6/24/86

Minutes of a Special Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, June 24, 1986 at 10:00 A.M.

Present: Joseph F. Janoski, Supervisor
Louis Boschetti, Councilman
Robert Pike, Councilman
Victor J. Prusinowski, Councilman
John Lombardi, Councilman

WAIVER OF NOTICE AND CONSENT OF SPECIAL 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 10:00 on the 24th day of June, 1986, and do consent to the holding of such meeting for the purpose of Considering a resolution Re: Peconic River, and any other matters that may come before the Board.

Dated: June 24, 1986

TOWN BOARD MEMBERS,
TOWN OF RIVERHEAD, NEW YORK

Joseph F. Janoski
Supervisor

John Lombardi
Councilman

Robert Pike
Councilman

Louis Boschetti
Councilman

Victor J. Prusinowski
Councilman

FILED.

RESOLUTIONS
#394 SUPPORTS THE ENACTMENT OF LEGISLATION PRE-DESIGNATING THE
PECONIC RIVER AS SCENIC: RECREATIONAL AND EXEMPTS A PORTION
OF THE DOWNTOWN AREA

RESOLUTIONS Continued:

Councilman Pike offered the following resolution which was seconded by Councilman Prusinowski.

WHEREAS, the State Legislature, under the provisions of the Wild, Scenic and Recreational Act, did impose a moratorium along the Peconic River in the Town of Riverhead; and

WHEREAS, said moratorium has represented a burden to the people of the Town of Riverhead; and

WHEREAS, the State Department of Environmental Conservation has indicated its support of legislation which would set a pre-designation of scenic and recreational along the Peconic River.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead support State Legislation setting a pre-designation of scenic along the Peconic River from its head waters to a boundary Eastward of Mill Road and recreational Eastward to a boundary of Pulaski Street, Raynor Avenue and West Main Street (Route 25) exempting the remainder of the moratorium area to the dam at Grangabel Park.

A discussion followed.

Councilman Pike: He commented that the State has inappropriately imposed a moratorium in a blanket fashion on the Town of Riverhead. He feels that the State now recognizes that the moratorium is inappropriate in its scope. The compromise position that has been negotiated clears the concern by withdrawing some of the clearly inappropriate areas.

Councilman Pike went on to say that the fundamental problem of the moratorium is that there are no clear rules and regulations of what to do. If kept in the current position, growth and changes will be stopped in all areas. The advantages of the resolution and legislation that would develop are:

1. The Town would gain some control over the areas in question.
2. There would be clear rules and regulations.
3. The time table of the DEC would be accelerated, also their consideration of the problem.
4. A unanimous message would be sent by this Board.

Councilman Pike continued by stating that there is no question that the DEC has the authority to impose this moratorium. He also advised that legal action to fight it will go nowhere.

Councilman Prusinowski: He agreed with some of the points raised by Councilman Pike. He said that he felt that they have included a lot of unnecessary areas.

Supervisor Janoski: He observed that the Town has been dealing with this for some time. Pressure has come about which creates a need for action. He said that he thinks the State wants to get out of it, and there is only one man in Albany who is deciding the planning use of our Town. He stated that he could not support this legislation, that the Board is the representative of the people and right or wrong, the Board should make the decisions regarding land use. He also observed that land use is a constitutional provision, not legislative.

RESOLUTIONS Continued;

Councilman Boschetti: He stated that he didn't see where the DEC has been above board with the Town. They say we haven't addressed the problem when their own representatives have attended some of our meetings. He stated that pre-designation at this point is a mistake. He said that he could not support this resolution. There is no basis to have scenic designation up to Route 58.

Councilman Lombardi: He observed that with the scenic designation, the DEC will be telling us what to do with our land. He said that he had been told that one hundred sixty permits are out. He stated that he could not go with this and he could not accept the scenic designation.

Councilman Pike: He observed that the multi-headed hydra problem will always be present when dealing with the State. The idea that litigation will move the DEC in our direction will not work. It may even make them more intransigent. He reminded the Board that the DEC is enforcing a law that they did not pass. He also said that there is no way that Kroemer Avenue is going to remain with scenic designation. Vern Yousik is protecting his domain, and he again stated that he felt that litigation to get control of the river won't work. He estimated that if a population study was made, sixty to seventy percent would be taken out of the designated area if we adopt this resolution today. He observed also that if the resolution was not adopted, the Board was basically saying the moratorium is okay.

Councilman Prusinowski: He said that he agreed with about half of what Councilman Pike said. He said that he did not agree that the Board was perpetuating the moratorium if they didn't adopt this resolution. He observed that our State representatives were responsible for this predicament and that he is one hundred percent for preserving the Peconic River. He also observed that most of our elected representatives, and the DEC staff had never seen the Peconic River.

Councilman Boschetti: He objected to the statement regarding acceptance of this resolution. He stated that just because the Board doesn't accept what is proposed doesn't mean they support the moratorium. He stated that he is not in favor of these boundaries and that the crucial key is the interpretation of the law. He observed that if the law was more explicit, the DEC would not be able to negotiate this proposal.

Richard Hanley: He observed that the DEC has reviewed the 1983 study report on the Peconic River done by the Town and have found deficiencies. The Towns of Brookhaven and Southampton are included and changes will have to be made by all three towns. He thought that it would take at least a year to get this to them. He asked what would happen if this resolution was not adopted.

RESOLUTIONS Continued:

Councilman Prusinowski: He said then the moratorium would stay in place.

Supervisor Janoski: He stated that the Town Board has adopted resolutions opposing the moratorium in the past and that this is not the issue here. He observed that he thinks the DEC is looking for an out.

Councilman Prusinowski: He asked Mr. Hanley if he had any recommendations.

Richard Hanley: He answered by asking if a caveat could be included in the resolution.

Councilman Prusinowski: He observed that the area along Route 58, especially where the expressway terminates can be developed industrially in the future, but not with this designation.

Supervisor Jansoki: He stated that the moratorium has obstructed an industrial park on Route 58.

Richard Hanley: He asked if there was a way that could be found for the DEC to accept the designation of recreational instead of scenic.

Supervisor Janoski: He said that the scenic designation with Kroemer Avenue in the middle is totally unacceptable.

The Supervisor then asked the Town Clerk to take roll call on the vote.

The vote, Boschetti, No, Pike, Yes, Prusinowski, No, Lombardi, No, and Janoski, No.

The resolution was thereupon duly declared denied.

Supervisor Janoski: Then called Albany. After his call to Albany, he addressed the wording of the second resolution and observed that it was purposely vague.

Councilman Prusinowski: He said that the Town gets its authority from the constitution and the state legislature but that our representatives always came to the Town officials for information.

Councilman Pike: He suggested that the Board not entertain the second resolution. He observed that they had no budget for litigation of this kind and no attorney in mind. He said that if the Board wanted to make a political statement to do so, but not through litigation.

RESOLUTIONS CONTINUED:

Supervisor Janoski: He said that he had a third resolution in mind that would address the problem in just that way.

Councilman Pike: He said that he would prefer that kind of resolution than the one under consideration.

#395 AUTHORIZES THE SUPERVISOR TO TAKE LEGAL ACTION AGAINST
THE STATE OF NEW YORK REGARDING THE PECONIC RIVER

Councilman Boschetti offered the following resolution, which was seconded by Councilman Lombardi.

WHEREAS, the Town Board of the Town of Riverhead, representing the people of the Town of Riverhead, does oppose the usurpation of Home Rule by the State of New York and the Department of Environmental Conservation with regard to land use management.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead does hereby authorize the Supervisor to take all legal steps necessary in order to return back to the Town and its people authority over its land and uses.

The vote, Boschetti, Yes, Pike, No, Prusinowski, No, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon duly declared adopted.

There being no further business on motion and vote, the meeting adjourned at 10:52 A.M.



Irene J. Pendzick
Town Clerk

IJP:bg