

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead held in the Town Hall, Riverhead, New York on Tuesday, January 2, 1990 at 7:30 p.m.

**Present:** Joseph F. Janoski, Supervisor  
John Lombardi, Councilman  
Denise Civiletti, Councilwoman  
Victor Prusinowski, Councilman  
James Stark, Councilman

**Also Present:** Patricia Moore, Town Attorney  
Irene J. Pendzick, Town Clerk

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

Supervisor Janoski, "Well, this is the first meeting of the new year and the new decade and I would like to welcome back Councilman Prusinowski and welcome to the Board Councilman Jim Stark. Reports."

#### REPORTS

Tax Receiver-Total collections as of December 29, 1989 being \$4,423,496.51. Filed

County Legislature-Resolutions re: tax levies and time extension for warrant. Filed

Supervisor Janoski, "Way to go Dottie. You're doing fine. Two million more than last year. Applications."

#### APPLICATIONS

Site Plan-Shoppes at Wading River-24,000 square feet of retail space at Route 25A and Wading River Manor Road. Filed

Petition-19 people requesting that Vail Leavitt Council retain deed and continue management. Only one petitioner from Riverhead. Filed

Supervisor Janoski, "Correspondence."

#### CORRESPONDENCE

Riverhead Fire District, 12/14/89-Request permission to construct storage building on training grounds. Filed

S.C. Dept. of Planning, 12/21/89-If no resolution of objection received by 1/7/90 it will be assumed there are none.

Filed

Peter Danowski, Jr., 12/22/89-Asks that Mr. Obser's Change of Zone be granted and suggests rezoning area from Route 58 to Route 105 to Retail.

Filed

Laverne D. Tennenberg, 12/27/89-Resigning position as Sr. Account Clerk Typist as of January 1, 1990.

Filed

N.Y.S. Dept. of Environmental Conservation, 12/20/89-Confirmation that filing of positive declaration re: Chesterfield Estates has been received.

Filed

Riverhead Fire District, 12/21/89-Requests blinking light at Fire Station #2, Hubbard Avenue.

Filed

Supervisor Janoski, "Thank you. The time for the first scheduled public hearing has not yet arrived. There is of course, a list of Unfinished Business. Its status and location in the process is indicated on the back of the agenda. And I would recognize anyone who wishes to be heard on any subject. Mr. Schmelzer, did you want to be the first speaker of the long year?"

Councilman Prusinowski, "George, I've talked to you already."

Supervisor Janoski, "Well, you know George, I think because Alice is like a regular at our meetings, I'm going to recognize Alice to be the first speaker of the decade."

Alice Graff, Riverhead, "At this time I will take the opportunity to also wish everyone a healthy and happy New Year. There are two questions in particular I'd like to have information on. It notes in here that there's a designation of an official newspaper for our town. I do hope that the town members will not be politically influenced and choose the paper that is the most beneficial to our town and I would say that is the News Review which is primarily concerned with Riverhead and the environment. And as far as Suffolk Life and the Traveler are concerned, they won't even publish my letters to the editors. So I certainly don't want those people to be designated as official papers. And so to me, those are really out completely. Who pays for the training of the new Assessor? Being qualified to take on the job that I would presume that's a personal expense. Not a town expense but I'm checking on that. Thank you."

Supervisor Janoski, "Thank you Alice. George."

George Schmelzer, Calverton, "We were honored to have two native sons as new Board members. At least they ain't city

slickers. They're native sons. You were just sworn in yesterday. I hope it's a long time before you get sworn at. That's all I can think of now. Thank you very much."

Supervisor Janoski, "Thank you George for being brief. Warren."

Warren McKnight, Wading River, "I'd like to speak in the capacity of a project coordinator for the Long Island Regional Education Center of Economical Development in New York State. I spoke with you briefly over the phone in reference to benefits that are available by New York State to encourage business and industry to stay in Riverhead. Also to entice new business and industry into Riverhead and also to retrain people when, unfortunately, businesses leave Riverhead. I'd like the Town Board to explore these benefits with me and John Clifford who is the Assistant Director. I spoke with him. He is willing to work with the Town Board, with the County to entice proper small business and industry to come out here to provide jobs for our people here. Jim, you spoke about this in June to me; enticing small business and light industry to come out here. Okay. I will follow up with a letter to the Town Board. Send it to your attention Joe? Okay. If any type of business or industry you want, the state is available as a benefit that we pay in our taxes that we're not getting here. Two telephone numbers you could reach myself at: 727-1692 and 727-1984. Ask for Debbie Vermont and she'll get the message. It's a serious thing we need. Gainful employment out here for the people in Riverhead, decent wages and benefits. It's essential. Many people mentioned this in their campaigns. I hope we can get started on this as soon as possible. Good luck to everybody and happy New Year." "

Supervisor Janoski, "Is there anyone else wishing to address the Board on any subject whatsoever, anything on the agenda, any resolutions? Let's take up the first resolution."

Resolutions #1-#51 found on pages #1 - of the 1990 Resolution Book.

Supervisor Janoski, "Let the record show that the hour of 7:45 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:45 P.M.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, January 2, 1990 at 7:45 p.m. to hear all interested persons who wish to be heard regarding: **Scoping Hearing for Environmental Impact Statement of the Special Permit Application for Splish-Splash at Adventure Island, Inc.**

Supervisor Janoski, "Let me explain that a scoping hearing is part of the New York State Environmental Quality Review Act. This is the first step in the process. This is not a public hearing with regard to the application. This is a public hearing with regard to what you feel should be addressed in the preparation of the draft environmental impact statement. So that if you would direct your comments to that subject matter, it would meet the requirements of the procedure which we are engaged in. If you are for or against the application, it has no bearing this evening. What we are interested in is what you believe should be addressed in the environmental impact statement. Mr. Smith, did you wish to be recognized first?"

Allen Smith, Attorney, "Members of the Town Board, I would give to the people assembled, a thumb nail sketch of what is proposed by my client. Mr. Cleary is present who will supervise the construction and operation of this facility on behalf of the corporation. And the various engineering firms that will prepare the environmental impact statement are present to take notes from the comments that are given by the people present and additionally, from the Planning Department in their particular review of the application. Again, the location is in Calverton at the intersection of Route 25 and the Long Island Expressway which is just to the west of the clover leaf and the large sump that is found at that location. It is a water slide theme park which would consist of eight rides. Several points should be made in evaluating the environmental impacts. There are no mechanical rides. It is not an amusement park as such. These are passive rides. You will change into your swimsuit, get your tube or your float or whatever and get wet is the theme of it. It is not an "Action Park" type facility. This is orientated towards a family activity similar to one that you may have visited in Lake George or other places of that nature. It is seasonal in operation. It would operate only during those months that anyone would wish to get wet and stand outside in their bathing suit. It is a daylight operation, not an evening operation. There are no exterior lights. And for reason of safety, this type of facility only works during the daylight hours with the guards and attendants present. By comparison to the other permitted uses in the industrial zone, there is relatively few structures involved. The structures would be the admission area, the refreshment area and the like. There is of course, a parking lot. But by comparison to a factory facility or the like, it does involved a lot of square footage of construction. The facility will require the extension of the water district going to the property and a petition to that effect has been prepared and I will file it this evening. In the preparation for tonight's meeting, the applicant and the consulting engineers will be identifying two primary areas of concerns. Those are the issues relative to sanitary concerns and the effect on the water table. That particular topic will be addressed by the sanitary engineers in the draft environmental impact statement and will meet the standards of the Suffolk

County Department of Health Services. Secondly, there is the issue of traffic. We have hired the firm of Dunn Engineering and they will address the traffic concerns in the submission of draft environmental impact statement. Mr. Supervisor, I will take my seat and take notes. I'll listen to what people have to say. If they wish to submit things in writing also. Lastly, we'll get the comments from the Planning Department and we'll prepare as best we can, a document that will address the environmental concerns with this project. Thank you."

Supervisor Janoski, "Thank you Allen. Yes, Mr. Goldman."

Rob Goldman, N.F.E.C., "We would expect and we know that with Mr. Smith's projects we usually get a full environmental impact statement covering all the bases. We just have a question. Could I direct it to Allen? Allen, who will be preparing the statement?"

Supervisor Janoski, "Well actually, no you can't. You can ask the question but ask it here and I'll get you an answer."

Rob Goldman, "Well, we would like to know who would be preparing the statement. We always take an interest in Mr. Smith's projects."

Supervisor Janoski, "Well, why don't we just take some comments and then later on. Way in the back. Sherry Johnson."

Sherry Johnson, Manorville, "Good evening, happy New Year members of the Board. I had prepared a letter on this application last week and I would like to read that letter into the record now. I realize with Mr. Smith's statements some of the questions that I raise may not pertain. However, In case his application for extension of the public water is denied, they will. Members of the Board. I would like to take this opportunity to discuss the Splish-Splash application for a water slide theme park with you. I have had the opportunity to review the application and the accompanying EAF and would like to point out that there are several discrepancies between the two and that several questions have not been completely answered. Considering the form was professionally prepared, I would expected greater care to detail. I would also expect the town to require that any application for a new project within the Peconic River corridor include a long EAF form which would give more information on which you base your SEQRA determinations. As the D.E.C. has yet to adopt a final boundary, this project site is current within the half mile line and therefore subject to W.S.R.R. regulations at this time. The following are areas that I feel should be subjected to more detailed information than what is given. And the special permit has stated that the fifteen acres of the 27 plus acre site will be utilized. In the EAF, number 14; states that 24 acres will be developed. There is a significant difference in the amount of land that will be left undisturbed. Will it be twelve acres or only three. This should be clarified

as site flexibility is important when attempting to mitigate impacts. The total area to be graded, number 23 on the EAF, will also be effected by how much of the site is to be developed. The EAF states that there is to be minimal grading. However, if 40% of the site contains slopes that may be 15% or greater, if 24 of the acres are to be used, almost half the site will be substantially altered. When dealing with slopes it is also helpful to know what soil types exist on the site. That information is not known. A site plan showing a topography of the parcel should accompany this application. The next area of concern is that of water, both source and consumption. It has been documented that pumping ground water in river corridors has resulted in the reduction of stream flows. An on site well is being considered. What direction does groundwater flow beneath this site? Which aquifer will be tapped? Estimates on total water usage should be more detailed. How much water is involved in the daily makeup, how many gallons will the slide system hold initially, what will the total usage be over the entire season? And what if any, will the accumulative impacts on the Peconic River be with other projects in the same area such as the Warner project on River Road. Serious consideration should be given to requiring an alternative source to groundwater. That and alternative source to groundwater be utilized in years with extreme drought conditions for the spring fill up. Language to such effect should be included in the special permit. Finally, this EAF limits its scope of concern to only wildlife in question number nine. And that answer is deficient in that it states the information is unknown. This site is on the fringe of both the Pine Barrens and the Peconic River corridor. Both habitats where high concentrations of rare plant and animal species have been documented as occurring. A thorough field check over the site should be made. Thank you for allowing me to share my concerns and suggestions with you. When these questions are answered, you will be able to more accurately assess the impact that the project might have. I will get a copy to Irene and I'm sure Mr. Smith can pick out my questions. Thank you."

Supervisor Janoski, "Is there anyone else wishing to address the Town Board in the scoping of this environmental impact statement? Mr. Schmelzer."

George Schmelzer, Calverton, "If nobody else wants to speak, I'll speak."

Supervisor Janoski, "Does anybody else want to speak? George go right ahead."

George Schmelzer, "It's getting pretty silly this stuff is. I suppose if somebody wanted to start a shoe store, they'd have to tell the environmentalists what kind of shoes they're going to sell. Maybe so their feet won't sweat or something. Now this land, anybody can look at a soil map and see what kind of soil it is. It's not the best soil. It isn't all that hilly. Some places maybe. And the soil isn't that good otherwise it would

have been farmed. I guess those woods were cut down for firewood some time. But people that pay taxes on that for many years without any source of income, I see no good reason why people shouldn't get some gainful income out of it. No good reason. A lot of this stuff is nonsense. That's all I've got to say. Thank you."

Supervisor Janoski, "That's good George. Thank you. Is there anyone else present who wishes to address the question of what should be addressed in the preparation of the draft environmental impact statement? Allen, did you want to answer?"

Allen Smith, "In response to Mr. Goldman's question, I will prepare the document in coordination with the various professionals that are involved. All of these men and women who work on it are professional engineers who are licensed in the particular fields. Mr. Dunn has done engineering. Mr. Frieling is the botanist. Mr. Sioss will deal with the sanitary engineering. And in a job of this nature, we have several different specialists. There is a concern of hydrology in the movement of the water. We have a specialist on board for that and although I do not believe the contract has been executed at this particular point in time, the manufacturer and their engineering representatives, one of the finalists is the same people who developed the typhoon lagoon at Disney World. So that's the type of engineering specialties we're bringing to this thing. And I will as I do in other instances, assemble them all for review by the town and the town's Planning Department."

Supervisor Janoski, "Allen, just a question."

Councilwoman Civiletti, "Traffic impact and Allen said something...."

Allen Smith, "Dunn Engineering. Alternatively, we're trying to mitigate impacts upon the residences that are on that particular cul-de-sac that was designed by the state. We will in fact apply for an alternatively access directly off that clover leaf. I don't know what degree of success we will have in that regard but we are in fact, going to try."

Supervisor Janoski, "Thank you Allen. Is there any other comment? That being the case and without objection, I declare the hearing to be closed."

7:45 PUBLIC HEARING CLOSED AT 8:00

Supervisor Janoski, "I'm going to recess until 8:10 p.m."

TOWN BOARD MEETING RECESSED AT 8:00

TOWN BOARD MEETING RECONVENED AT 8:10 P.M.

Supervisor Janoski, "The meeting will come to order. We will continue with the resolutions."

Resolutions #10-#51 found on pages of the 1990 resolution Book.

**#11 DESIGNATES OFFICIAL NEWSPAPER.**

Councilman Stark, "I will offer an amendment to the resolution. I wish the resolution to read as amended; that the official paper be designated as the Suffolk County Life as the designated official newspaper of the Town of Riverhead."

Councilwoman Civiletti, "Seconded."

Councilman Prusinowski, "I received a hand written letter from Troy Gustavson, the publisher of the News Review and he said in number four, I believe that Councilman Prusinowski, as an employee of Suffolk Life, should abstain from voting on resolution #14 to support a resolution of which his employer as an employer's direct competitor has a direct financial history that represents clear conflict of interest I think. I abstain. I have abstained on this motion before in my previous terms."

The vote, Stark, yes, Prusinowski, abstain, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared **AMENDED**.

Councilman Prusinowski, "Since I'm employed in the newspaper industry, I abstain."

Councilwoman Civiletti, "I'd just like to say one thing briefly. That is this is not an easy question. The newspaper that we're voting on this evening is not my first choice. Given the real choice, the reality between the Suffolk Life Newspaper and the Long Island Traveler Watchman, I am compelled to vote for Suffolk Life Newspapers because I think there is a vast (and please don't take offense at this Mr. Traveler Watchman reporter sitting patiently) difference in circulation between the two newspaper. And more particular with regard to the Wading River area. I think that the newspaper that we're voting on in this amendment is far more widely circulated throughout the town and particulārly in Wading River and I vote yes."

Councilman Lombardi, "If I had my choice I'd vote for John Lombardi's newspaper but I'll vote no on this paper."

The vote, Stark, yes, Prusinowski, abstain, Civiletti, yes, Lombardi, no, Janoski, yes.

The resolution was thereupon duly declared **ADOPTED**.

**#16 SETS TOWING AND STORAGE FEES FOR VEHICLES.**

Councilwoman Civiletti, "Does the Town Clerk have the amended version of that that we discussed at the Work Session? I move to amend. The motion to amend is to reflect a discussion we had at Work Session this afternoon. This sets the towing and



storage fees for vehicles which I think we unanimously agreed was rather low for the scheme of things in this day and age. It was set at \$70 flat fee for towing and a \$6 per day for storage. We agreed to change that to \$100 flat fee for towing and \$20 per day for storage. I move to amend that to reflect \$100 and \$20 respectively."

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared **AMENDED**.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared **ADOPTED**.

**Resolutions #29-#38 appoints various instructors to positions with the Riverhead Recreation Department.**

Supervisor Janoski, "Let me just say that these are people who are not full time employees who conduct various programs in the Recreation Department. We are doing it this way to meet the requirements of New York State audit procedures."

**#51 REVOKES RESOLUTION #485-1989 AND APPOINTS LAW FIRM OF SMITH, FINKELSTEIN, LUNDBERG, ISLER & YAKABOSKI AS SPECIAL COUNSEL.**


Councilwoman Civiletti, "I can't let this occasion go without some comment. We had a rather heated discussion about this at the Work Session this afternoon. What this is doing is revoking a resolution that was adopted back in July of last year appointing the law firm Twomey, Latham and Shea to represent the Town of Riverhead before the New York State Department of Environmental Conservation in a proceeding brought by that department by the Town of Riverhead for, among other things, operation of our landfill without a permit from the department. Since July 5, 1989 when Twomey, Latham, Shea and Kelly was retained, that firm has worked quite diligently and I think by any measure, with more than a fair amount of success in that matter. That matter is coming very close to a conclusion. I think that without even beginning to speculate on the motives for this action, on behalf of those who support it, I think that at a minimum, we're making a grave mistake here. It's going to cost the taxpayers of the Town of Riverhead a fair amount of money. Because when you change attorneys midstream in a litigation matter, it's going to take a fair amount of time for the substitute counsel to essentially catch up. I know the Supervisor will say that was his objection originally when he expressed some reservations as he did in appointing Twomey, Latham, Shea and Kelly. And if in fact he truly believes that was a mistake, then he's making that mistake again in supporting the substitution this evening. That being said, I vote no."

Councilman Lombardi, "I would just like to say that when we did interview this law firm, we interviewed two or three others. I felt that at that time, I had a problem with Twomey, Latham, & Shea because of a lawsuit they have against the town. But after speaking to our attorney, I was satisfied that it had no problems. And I have to say that Twomey, Latham & Shea did come across the best out of all the firms that we did interview and I think it was two or three of them. So I have to say that I vote no and still want to stay with Twomey, Latham, & Shea."

Supervisor Janoski, "Without objection, this meeting is adjourned."

There being no further business on motion or vote, the meeting adjourned at 8:32 p.m.

IJP:nm

  
Irene J. Pendzick  
Town Clerk