

Minutes of the Town of Riverhead Board meeting held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, October 21, 2014 at 7:00 p.m.

**PRESENT:**

Sean M. Walter	Supervisor
John Dunleavy	Councilman
James Wooten	Councilman
George Gabrielsen	Councilman
Jodi Giglio	Councilwoman

**ALSO PRESENT:**

Diane Wilhelm	Town Clerk
Robert Kozakiewicz	Town Attorney

Supervisor Walter: “Ok, 7:25 having arrived I open a public hearing for the Consideration of a Special Permit Application of United Riverhead Terminal New York to Expand an Existing Fuel Storage and Distribution Facility at 212 Sound Shore Road (SCTM #0600-6-2 lots 5,6 and 7 - #0600, Section 70, Block 1, Lots 2 & 6). Is there anybody here for the applicant that wishes to be heard?”

Vic Prusinowski: “Good evening members of the Town Board, Ladies and Gentlemen. My name is Vic Prusinowski. I’m a consultant, 533 Elton Street, Riverhead.”

Robert Kozakiewicz: “Before you get too far along. Do you swear the truth you’re about to give will be the truth, the whole truth and nothing but the truth so help you God?”

Vic Prusinowski: “I do.”

Robert Kozakiewicz: “Thank you.”

Vic Prusinowski: “First I want to present the Town Clerk two affidavits; one for posting the property for the notice of the meeting and my mail affidavit for the certified letters that we sent out that was identified beyond the five hundred feet that were required there were some other requirements because we’re in an Ag District which was identified by Joe Hall in the Planning Department so we sent out all the letters with the proper notices (inaudible).”

United Riverhead Terminal has made a Special Permit application to the Riverhead Town Board to convert Tank #4 eighty-seven thousand barrels to regular gasoline and convert Tank 5, sixty-seven thousand barrels to premium gasoline. Tanks four and five will be outfitted with the eternal floating roofs for vapor control. Both tanks four and five have been approved for gasoline storage by the New York State DEC which now regulates the tank farm.

Once the IFR rephrase is complete, in addition, two nineteen thousand gallon ethanol premium pre-manufactured tanks will be added to the facility for the blending of ten percent

ethanol into the gasoline at the truck rack. The two ethanol tanks have also been approved by the New York State DEC.

The distribution of gas at this facility is nothing new. When Northville Industries, if people remember they had gas stations throughout Suffolk County, they would bring in the gasoline by barge and they would divide it into this three blends of gasoline and distribute it for years and years.

I have a team with me tonight which we're going to make a presentation. Among them which is a traffic study which was requested by the Town Supervisor and the Town Board to address certain intersections of the impact of this proposal. So next I want to introduce Scott Kamm the General Manager of the facility who will give you a little bit of history and an overview of the project."

Robert Kozakiewicz: "Will you raise your right hand Sir? Do you swear the testimony you're about to give will be the truth, the whole truth and nothing but the truth so help you God?"

Scott Kamm: "Yes."

Robert Kozakiewicz: "Thank you and your name and address for the record."

Supervisor Walter: "You work for Northville Industries?"

Scott Kamm: "I work for United Riverhead Terminal. Like Vic said I am the General Manager for United Riverhead Terminal and United Metro Energy Corp.

As many of you know the facility was built in 1955. Over the years the terminal has maintained a great safety record in storing and distributing gasoline over the years. Though we haven't stored or distributed gasoline in several years; sorry. Over the years the terminal has maintained a great safety record storing and distributing gasoline at the facility by its previous owners. Although we haven't stored or distributed gasoline for several years we were prompted by government officials and emergency services following the aftermath of Hurricane Sandy in 2012 which caused a gasoline disruption on Long Island.

After many discussions with the new management and the New York State DEC we decided to put a plan in place to propose a project to meet the newer New York State Air Emissions Storage Distribution Gasoline. We employed the help of Dave Colvert and his company Matrix Engineering to do so. Dave has a long history in the petroleum industry and helped us put a project together to store and distribute gasoline under the new Air Emissions Regulations which is approved by the New York State DEC. The gasoline project will create jobs, support our local contractors and secure the east end of Long Island from another gasoline disruption. Thank you for your time tonight to discuss post plan."

Supervisor Walter: "When was the last time Mr. Kamm that gas was stored there?"

Scott Kamm: "Approximately the year two thousand."

Supervisor Walter: "Ok, so if the folks; I want the residents to understand what's happening here. Normally they would not be here if they were just switching from fuel oil to gas

or from #6 or whatever other #4 to gas, they would not come here because we don't regulate the storage. The New York State DEC under the Petroleum Bulk Storage Permit regulates the bulk storage. It wasn't the DEC it's the County Health Department but it is the DEC in this case.

The reasons, so everybody understands there here, is not to conversion from fuel oil or #6 or #4 the gasoline, it really is because they are adding to the non-conforming use in the tank size and that is those two twenty-one thousand gallon tanks, nineteen thousand gallon tanks, the pencil tanks, the very long tanks that would hold ethanol I presume, to mix. So it's not necessarily the conversion of fuel oil to gas, that wouldn't make them come here for a special permit. It really is the addition, they could really do that on their own and we don't have jurisdiction over that, it's the addition of those two nineteen thousand gallon tanks that they're here. So and as we know during Hurricane Sandy we were begging them to bring gas in to Northville. All elected officials throughout the entire northeast region.

Scott, I just have another question. Is it true that you're the only deep water port in the Northeast or is that?"

Scott Kamm: "That is correct. We are the only deep water port in the northeast and we were the only terminal operational the next day after Sandy."

Supervisor Walter: "So it is sort of a critical resource. Are you the only deep water port on the east coast?"

Scott Kamm: "That is correct."

Supervisor Walter: "That's pretty interesting that we have the only deep water port on the entire east coast. That's an interesting thing for the Town of Riverhead and for Suffolk County. Ok. I didn't have any other questions."

Councilman Dunleavy: "Can I ask one? Are you going to answer any of these questions regarding the traffic site?"

Vic Prusinowski: "Yes, we have the engineer, Sarah's here from Schneider Engineering. They've been in business for forty years. They're known for their traffic studies. They have a tremendous reputation in the field.

One thing I do want to point out as a matter of clarification. The residents up there the last two or three weeks saw the installation of the blue pipe and a lot of people confused that as part of our distribution operation. That's not the case. That is National Grid installing gas service down Sound Avenue up the Sound Shore Road and actually to the tank farm we're going to be hooking up to natural gas to switch over some of our operations from burning fuel oil to natural gas which is a cleaner environmental staple.

I'm now going to turn this over to David Calvert from Matrix Engineering who's just going to give you a brief technical explanation of the actual construction that we're going to take place on the site which is really less than two percent of a disturbance of our entire site. David?"

Robert Kozakiewicz: "Do you swear the testimony you're about to give will be the truth, the whole truth and nothing but the truth so help you God?"

David Calvert: “I do. My name is David Calvert and I am an engineer retained by United Riverhead Terminal to assist in the design of the facility. This is the first large scale drawing, I’ll move to the other to show more detail, but on this drawing you see the entire site of the United Riverhead Terminal and this box here represents the next drawing which will show more detail as to what is going on and then the third one zooms in a little bit better but I’ll put the second one up for starters. This is the overall site and how it fits into the overall area along with a non-scaled tax presentation, a tax map.

The project consists of these two tanks, four and five, existing. They’re existing tanks and they’re being converted from fuel oil to gasoline storage. Tank thirteen is shown to have a new annular ring around it which will be for containment. It is slightly different use, holding commodity or mixture of product which is a mixture of oil and gasoline which would be, what is called trans mix.

The real project is the two tanks holding gasoline and here are the two pencil tanks that the Supervisor was referencing. They are nineteen thousand gallon tanks. They will store denatured ethanol. The ethanol and the base gasoline are blended together at the truck rack which is shown here, the existing truck rack. Ethanol gasoline is blended together as it’s being loaded into trucks. Two lanes at this truck rack, the rack has twelve different loading spots available to it, two of them at lane four and lane six are going to have their controls upgraded to accomplish that blending with the latest controls that are common in the industry for accomplishing loading and blending.

We also show here some, these rectangles represent pump pads. New pumps will be put in. This pad here is representing a pad for two new regular gasoline transfer pumps. This rectangle here is representing a foundation for one replacement pump. There’s an existing pump there and we’re changing some of the float characteristics of that pump.

This rectangle here near the ethanol tanks represents two ethanol transfer pumps that will transfer. These bold lines coming up out of the tank farm towards the rack are new pipe runs that are will carry the various commodities to the truck rack.

We also show some other features here. There’s a new additive tank being placed on the existing and pervious surface. It’s a fifteen hundred gallon tank for additive that will be blended into the finished product gasoline. We’re also upgrading the existing foam tank for fire foam, fire protection systems, and then we have some electronics over here shown a new motor control center with cable tray with the cabling able to control the pumps with all the different signaling that is required to manage the operation.

That is; in order to accomplish the annular ring we are looking at modifying this access pathway. We’ll be expanding this steel ring by about eight feet. So to maintain access into this area for maintenance and other reasons we’ll be coming back here and putting in a retaining wall.

This last view is the same thing, it’s just a little bit closer in to show the same thing that I just described. So if there’s any questions?”

Supervisor Walter: “What is this annular ring; is that secondary containment?”

David Calvert: “It is secondary containment. It is the same kind of feature that exists on four and five right now.”

Supervisor Walter: “What do you have now on this tank?”

David Calvert: “There is no annular ring. It’s not required because of the commodity that’s stored within.”

Supervisor Walter: “Number six?”

David Calvert: “Number six oil; heavy oil.”

Supervisor Walter: “So it doesn’t go anywhere?”

David Calvert: “Correct, it’s very viscous and when it’s cooled it almost solidifies.”

Supervisor Walter: “Ok. Does the Board have any other questions?”

Councilman Gabrielsen: “My question is the ethanol is being pumped to the loading area, correct?”

David Calvert: “That is correct.”

Councilman Gabrielsen: “At what point does it get mixed. Is there a tank there to mix it?”

David Calvert: “Right as it’s going into the truck.”

Councilman Gabrielsen: “Oh, it’s blended right into the truck.”

Councilwoman Giglio: “It’s computerized?”

David Calvert: “Yes, it’s computerized, validated, formatted. (inaudible).”

Councilman Gabrielsen: “(inaudible) goes in at the same time.”

David Calvert: “There are two different ways of doing it. This is going to be ratio blended so it will go in simultaneously but it could be sequencel moving?”

Councilman Gabrielsen: “Whatever the flavor of the day?”

David Calvert: “Your option, your choice.”

Supervisor Walter: “Alright if there are no other questions from the Board. Vic are you going to do traffic?”

Vic Prusinowski: “Following this process of the special permit we will have to then file for a site plan review with the Planning Department just to keep everybody informed.

Now I would like to bring up Sarah Oral. She is an engineer with Schneider Engineering; she’s going to explain in detail. I know people have concerns about the traffic impact of this project and the Planning Department issued us a scope letter of what we had to investigate in this

study and site entry onto Sound Shore Road, the offset intersection of Sound Avenue with Pennys Lane and Northville Turnpike, Sound Avenue and County Road 105, Sound Avenue and Edwards Avenue. Sarah?”

Robert Kozakiewicz: “Do you swear the testimony you’re about to give will be the truth, the whole truth and nothing but the truth so help you God?”

Sarah Oral: “I do. The Board has reports that do have these diagrams in them? As Vic previously mentioned we were asked by the Planning Department to look at five key intersections. One of them are the site access points with Sound Shore Road. We have the intersection of Pennys Road and Sound Avenue. Going further west we have Northville Turnpike and Sound Avenue. Then we have New York 105 and Sound Avenue and about six miles down the road we have Edwards Avenue and Sound Avenue.

The first diagram here shows the site access points. What we did was we took the largest possible tractor-trailer which are the typical ones that you see on the roadway on the highway that have fifty-three foot trailers attached at a pivot point to what is called in the industry a tractor. That’s actually the pulling force that moves the vehicle forward.

There are some green lines here. These green lines represent the track of the wheels and the outside edges of the vehicle. We don’t only care where the front of the vehicle’s going to go. This trailer will trail behind. We want to make sure that that stays on the road as well.

This diagram right here is the entry point to the site. As you see, a tractor-trailer traveling eastbound on Sound Shore Road has absolutely no problem pulling into the entrance point of the facility. All the green lines stay within the lines like they’re supposed to.

Over here is the exit point to the facility. This tractor-trailer, when making the right turn out of the facility, slightly comes into the eastbound lane. However that really isn’t an issue because due to the queue of the driveway this driver has full view of Sound Shore Road and can see any vehicles coming and there’s also a sign planted right about here if this diagram were to continue warning drivers that there are trucks entering and existing the facility in close proximity to the road and to be careful.

I’m going to skip over the intersection of Pennys Road at Sound Avenue for the moment if you don’t mind and we’re going to go over to Northville Turnpike and Sound Avenue. This diagram here would be trucks headed towards the facility coming northbound on Northville Turnpike and making the right turn onto eastbound Sound Avenue. As you can see all of the green lines stay where they’re supposed to stay and there are no traffic safety issues from this truck maneuvering through this intersection.

This diagram right here is the trucks that would be leaving the facility traveling westbound on Sound Avenue and making the left turn onto Northville Turnpike. Again beautiful turn, everything stays where it’s supposed to. It’s not all perfect.”

Supervisor Walter: “Folks, folks, let them make their presentation. You’ll have the opportunity to speak.”

Sarah Oral: “This intersection right here is New York 105 at Sound Avenue and this first diagram shows a northbound truck that wishes to make a right turn onto Sound Avenue. As you see, the lines indicate that the truck would have to travel into the left turn lane in order to properly make the right turn lane, that’s due to the angle that New York 105 makes with Sound

Avenue. That is not a desirable movement however if you are familiar with the area you know that Northville Turnpike and New York 105 create an X.

This isn't that large but this is a drawing and vehicles that are traveling north on 105 can easily make a right turn onto northbound Northville Turnpike instead and completely eliminate the need to make this movement and do the safe movement that we saw on the previous slide.

This diagram right here is an eastbound tractor-trailer making a left turn onto southbound New York 105. Again due to the geometry of the area this truck will probably have difficulty making the turn onto Northville Turnpike however if it does decide to make the left hand turn here it would be fine. It does not encroach on any opposing traffic.

This is the intersection of Edwards Avenue and Sound Avenue. This intersection is located approximately six miles west of the facility and the facility is currently, the current plan is to drop off fuel within a ten mile radius of the facility. There are no gas stations between the facility and this intersection and it doesn't make sense that it would come to this intersection however we still looked at this intersection because this is a busy intersection in the area that people care about.

Our first point new to this which is a westbound truck on Sound Avenue making a left turn onto Edwards Avenue. This movement has no problem. I witnessed it while I was waiting behind the stop bar right here. This tractor-trailer was able to make this left turn without coming into the lane of traffic.

The northbound right turn lane is a little more problematic. It would require a tractor-trailer to slightly enter the westbound lane on Sound Avenue before coming into the eastbound lane and that causes a problem because that is a signalized intersection and if there's a car stopped at the light on westbound Sound Avenue the truck will not be able to pass. Like I stated earlier it is not necessary for the trucks to take this intersection and the facility is willing to make sure that the trucks are routed to the previous intersections that we've spoken about instead of Edwards Avenue and Sound Avenue and I also want to state that there will only be twelve additional trucks generated to the facility. There will only be twelve pickups so we want to be as safe as possible but it's also not going to be that large of an impact.

The largest geometric problem that exists is at Pennys Road and Sound Avenue. A truck wishing to make the left turn from eastbound Sound Avenue onto Pennys Road; it looks like it might be a problem because the rear of the trailer does come into the southbound lane however the sight distance that is available here for a driver coming, that's the distance that the driver can see unobstructed from the driver's seat is such that it can see any vehicle coming southbound on Pennys Road so that truck would be able to safely make that left turn without having any issue. The issues exist when you have a truck coming southbound on Pennys Road that wants to make a right turn onto Sound Avenue. This angle is quite acute, it's very small and tractor-trailers, they're not able to go through curves as well as your sedan or SUV and what happens is it has to pull into the northbound lane of Pennys Road, then come into the eastbound lane of Sound Avenue and then right back into the westbound lane of Sound Avenue. This is not desirable at all.

One way to fix this is to reroute all vehicles coming from the facility to make a left turn onto Sound Avenue from Pennys Road that would also eliminate the trucks going through 105, Northville Turnpike and consequently Edwards Avenue to go southbound.

A southbound truck on Pennys Road could easily make the left turn onto eastbound Sound Avenue, continue down Sound Avenue for approximately a quarter of a mile and make a

right turn onto West Lane with no problem and take West Lane down to 25 and then from 25 go to their final destination.

Another possible way to mitigate the issues at Pennys Road is to install a censored signal that would normally just be flashing yellow lights on Sound Avenue and a red light on Pennys Road and when a truck is coming that wants to make that right turn from southbound Pennys Road he hits a censor in his vehicle which stops the traffic on Sound Avenue. They each will have a solid red light and the southbound traffic will get a green light and that truck can makes its turn.

Again there's only twelve vehicles the largest of which would have this issue. Some of the vehicles will be smaller, that is a little bit more invasive. The easiest way to do this is to just reroute the trucks to make the left turn off of Pennys Road and the right turn onto West Lane. Those are the five intersections that we had to study. Does anybody have questions?"

Supervisor Walter: "Let's go back up to the. I'm going to start with you're not going down West Lane so the bottom line is John Dunleavy will be the first one for traffic safety (inaudible) west. (Inaudible).

One comment at a time; so I looked at this report pretty thoroughly so I think that you guys have to really focus on a couple of things and then I'm going to open it up to the Board and then Vic is, Vic, you're done with your presentation? Ok, I'm going to comment and then I'm going to open it up to the Board.

So West Lane is out of the picture so either signalization of Pennys and Sound is probably an excellent idea."

Sarah Oral: "There's also one other option that I didn't mention but that would require some kind of agreement with the person who lives on the northwest corner property to allow the corner to be run over by the back of the trailer which may not be desirable. That's why it was not included in the report."

Supervisor Walter: "Signalization is probably the way to go. I'm fairly certain that West Lane is off the table. The movements, I mean the additional twelve trucks probably is not necessarily a problem because you're pulling off more fuel oil trucks I guess in volume or they'll be a commensurate reduction of fuel oil trucks but I need you to address that. What is the reduction of fuel oil trucks verses the other trucks?"

The other problem is much more acute. I understand that you can make the turn to Northville Turnpike and you will head to 105, and understand you can come up that way safely. There's no way in the world you're not coming up Edwards Avenue. You have zero opportunity to; I mean there's zero chance that you're not coming up Edwards Avenue. You might be able to control your vehicles but as one of our Planning Staff saw the other day, he was going home to Wading River, a Metro truck tried to make the turn on Edwards Avenue.

Edwards Avenue is a mess and it's not a mess because of Northville, it's a mess because it's not an intersection that's designed to handle the volume that's there. So one of the things that I'm going to suggest and I think the Board's going to follow my lead on this, is that you're going to have to come up with some sort of mitigation of Edwards. Now I'm not an engineer but to me it seems like a very simple fix. This is your Edwards Avenue intersection and if you make it kind of look like, there's a house right here, if you've kind of make it look like the Northville intersection where you cut the corner, which is going to require condemnation; cut the corner and

correct that intersection, you'll be able to make the right onto Sound Avenue. You'll be able to make the left and if we widen up this intersection we might actually be able to make a straight lane and a left turn lane on Edwards Avenue which is desperately needed.

It's not something, again, that you created but all the trucks that are coming to your facility, they're not going to come down Rt. 58. They're not going to go down 25, Main Street; we don't really want them on Main Street, 25. I don't think they'll want to go on 58 with the traffic on 58. They're going to come up from the Expressway up Edwards Avenue so that intersection has to be addressed because even if we made a special permit condition that you don't send your trucks there, there will be other trucks that go there and we cannot have tanker trucks making a left hand turn into oncoming traffic so my thought is to have you folks, I mean unfortunately you're fixing Pennys Lane, you have no choice, but my thought is and the Board, we're going to have to talk this over a little bit about Edwards Avenue, you guys are going to have to contribute to the fix of Edwards Avenue. I don't know that you're fixing it completely. I think that's where the shared responsibility with the Town and others but you're probably going to share in the cost of the condemnation and realignment of that intersection because there's zero chance that I think anybody wants to see a tanker truck try to make a right hand turn, full or empty, onto that road. So, that makes sense."

Councilman Wooten: "I couldn't disagree with you more but that's ok."

Supervisor Walter: "You couldn't disagree with fixing Edwards Avenue?"

Councilman Wooten: "I would not even encourage that kind of truck traffic to take Sound Avenue."

Supervisor Walter: "Yeah but you won't, there's no."

Councilman Wooten: "I wouldn't make it easy for them I can tell you that right now. (inaudible) especially where it's hard to make turns."

Supervisor Walter: "There's no, Sound Avenue is sort of a thoroughfare for all of the tractor-trailers that go out to Orient."

Councilman Dunleavy: "You get off the Expressway; you go right up Edwards Avenue to Sound Avenue and go east."

Sarah Oral: "You see trucks constantly."

Councilman Dunleavy: "You see trucks constantly. I've been up there, I've been watching them and they constantly, it's the easiest way, they don't want to stop and go on 58 and they don't want to go through Main Street. So they want to bypass that and they go to Sound Avenue, make the right turn and coming west they do the same thing, they come down." (inaudible)

Supervisor Walter: "They can't, Edwards Avenue there's no. If you're trying to get up to the Orient Point Ferry which tractor-trailers regularly travel on it, what's your options? Then

you're coming up Sound Avenue and then you're going over Baiting Hollow Hill. That's not a good situation."

Councilman Dunleavy: "You have to go up there and watch and see what happens."

Councilman Wooten: "(inaudible) there is ways to Sound Avenue."

Sarah Oral: "Like you said Edwards Avenue situation is the part of the bigger picture of what currently exists. I'm pretty sure our twelve vehicles that will be added will be able to be rerouted away from Edwards Avenue. It's only twelve vehicles that are being added; that's not that many but I completely understand wanting mitigations at that intersection to fix the current climate at that intersection."

Supervisor Walter: "And that's what I'll be asking the Board to ask you is that, I'm not saying you're buying the whole Edwards Avenue intersection. You are buying the Pennys Lane fix, that you can't fix without driving over somebody's grass but the reality is Edwards Avenue has to be addressed. There's no way for us to police all the vehicles that are going to come and go from that (inaudible). Those are my comments, those are what I'll be looking for."

Councilman Dunleavy: "And don't forget, these gas trucks are very flammable. It's not like a box truck going up there. If anything happens at that intersection, it's all dangerous to everybody; the houses up there, the vehicles, so that has to be addressed. The other thing, the traffic light is the best idea you had but there has to be a trip line so regular cars can use that traffic light to get out of Pennys Lane too."

The other thing I want to ask Scott, Scott now, the hill coming down, ok? The tractor-trailers with oil, if anything happens that oil is not going to go far but if a gas truck comes down sliding down that hill and the turns right at the bottom of the hill, it could be dangerous, are you going to, in the winter, time keep that portion of the road salted so these tractor-trailers can make it without having ice or snow involved?"

Scott Kamm: "Since I've been there since 2005 we've always monitored that curve in the winter time and if the Town hasn't got to it or hasn't had time to get to it, we would always try to maintain it and salt it and obviously we would still do that."

Councilman Dunleavy: "Because oil is not that flammable, your #6, but this gas if anything happens, the truck turns over and there's a house right at the end of that and there's houses on the right hand side into the woods so I mean that's. You know, I'm trying to protect the citizens of this gasoline accident; it only takes one. Ok? Thank you Scott."

Scott Kamm: "Can I say two things for the record real quick? I took some notes. The trucks have been making that right turn from Pennys to Sound Avenue since the seventies when Northville had their gas stations and we've been supplying the Shoreham Power Plant since the seventies with the eighteen wheelers. Also regarding Edwards Avenue and rerouting the trucks to 58, I can mitigate that and have that completed. No trucks filling up at our facility can go up Edwards; they would have to take 58. If they did take Edwards I can control that whether they load at the facility or not. Regarding the trucks picking up at the facility, more than likely it's

going to be early morning or the evening because when the gasoline trucks deliver to the gas stations they want to do it at a time when it's convenient for them so they're not tying up the gas stations. I just want to put that on the record."

Supervisor Walter: "Ok. Jim you spoke, Jodie."

Councilwoman Giglio: "When they said, first of all what size trucks are you using now? Are you using the forty-eight foot truck trailers or are you using fifty-three foot trailers? What are you using right now for the fuel?"

Scott Kamm: "Fifty-three and obviously the smaller trucks."

Councilwoman Giglio: "Ok. And then where are the fuel trucks going to park at night? They come from all over or they're your trucks?"

Scott Kamm: "That has yet to be decided. If they're our trucks they can either be stored at the Riverhead terminal or the Calverton terminal."

Councilwoman Giglio: "Ok, so and then what route do they take right now when they deliver because I heard mentioned within a ten mile radius that you'll be delivering and you're not going to be delivering near Edwards Avenue so as far as I'm concerned Edwards Avenue is a residential road and we'd like to keep it that way and I don't think the trucks should be making that turn either at that intersection of Edwards and Sound but is it within a ten mile radius? They're going to come, they're going to load up and then they're going to service gas stations where?"

Scott Kamm: "Currently, obviously it's undecided where they're going to load. It's going to be within a ten mile radius. Obviously we have competition up Island who also service the area. That competition will be taken away where we'll be servicing those gas stations probably within a ten mile radius and it all depends what stations they are and who owns the product."

Councilwoman Giglio: "The only station you might have a problem with is the Hess station at the Expressway and Edwards Avenue but the other gas stations you would be able to access if you were to head east on Sound Avenue from Pennys or down Northville Turnpike or Rt. 58."

Scott Kamm: "Absolutely."

Councilwoman Giglio: "Ok, and you had indicated at the work session that the trucks would be prohibited from going east on Sound Shore Road coming out of the terminal. Is that correct?"

Scott Kamm: "That is correct."

Councilwoman Giglio: "Ok."

Scott Kamm: “They are now. We’ve always had signs up and if we notice anybody making that left out of Sound Shore Road we do pull their card if they weren’t making a local delivery. I know there were some interruptions within the last month due to the natural gas line being installed but obviously that was due to construction.”

Councilwoman Giglio: “Ok, and how many trucks do you have in the winter months loading up with fuel at the terminal? How many trucks a day and then how many additional trucks because of the gasoline fuel do you anticipate on top of the number of trucks that you currently have?”

Scott Kamm: “The additional trucks, you know, additional twelve trucks a day, it would be the tractor-trailers. In the winter time obviously with the fuel demand you’re going to have more volume of trucks where in the summer time the volume drops right off. There are some days in the summer where we’ll have maybe one or two small fuel trucks load. Obviously it’s all seasonal.”

Councilwoman Giglio: “So in the winter time do you have any idea how many trucks visit the site at day or fuel up at the site for the heating fuel?”

Scott Kamm: “I can get those numbers for you. I just hate to sit and guess how many trucks. I can sit down and do the calculations.”

Councilwoman Giglio: “Ok, I’m just wondering about the wear and tear on the roads as well as the truck traffic in and out of the facility during the winter months.”

Scott Kamm: “Ok, I know the volumes that we did in 2009, 2010 and 2011; we’re not going to meet those volumes with this new proposed gasoline project so the number of trucks that we’re adding is not going to meet the volume of trucks that we did in 2009, 2010 and 2011. That’s due to the drop off in the fuel demand because of folks converting over to natural gas.”

Councilman Gabrielsen: “To comment on that. I think over the last few years your capacity; you didn’t really hold what you should right? There’s been a shortage where the drivers had to go over to Holtsville to supplement because you guys were kind of?”

Scott Kamm: “During the sale from Philips 66 to United Riverhead Terminal there was a short period where Philips 66 did not hold any product at the facility due to the sale”

Councilman Gabrielsen: “I know some of the drivers said they went up to Holtsville.”

Scott Kamm: “And that was the reason why, it was due to the sale and once the sale went through we got Philips back in to redistribute the fuel.

Councilman Gabrielsen: “And I think the other item to speak about, I think it was made clear by the Supervisor West Lane has got to be out. There’s no way you can get from West Lane to Main Road and make those turns without, you know, pretty much stopping the world

forever and it's impossible, it isn't an option until it's studied at some point. It's so off the charts."

Scott Kamm: "I agree. When we asked for the traffic study we included everything. We gave them all options. I'm not a fan of that option so I agree."

Councilwoman Giglio: "I think you'd have the same problem turning off of West Lane onto Main Road; you wouldn't be able to make that corner."

Scott Kamm: "Again I think Sarah put that in there because the Town was looking for options and we put the options out there."

Councilman Gabrielsen: "So kind of looks like Edwards Avenue's maybe out and West Lane."

Scott Kamm: "That is correct."

Supervisor Walter: "Well Edwards Avenue is not out in my opinion because I don't see how; because you're going to be selling to independents companies too not just metro trucks I would assume right? I shouldn't ask a leading question."

Scott Kamm: "The terminal has total control as who fills up at the terminal so if I'm getting complaints that people are taking Edwards Avenue we can pull their card and it only takes once and that person learns or that company learns not to use Edwards Avenue."

Supervisor Walter: "The question for me is Edwards Avenue. We keep adding traffic, adding traffic, adding traffic and at some point the Town, we've been a little lax in requiring mitigation, and so in my mind this is going to add traffic to Edwards Avenue even with assurances from United which I have no doubt in my mind that you can control most of what's happening, but the fact is that that's not a good intersection. It needs to be realigned and unfortunately you guys are kind of stuck in that cross hairs of that and the alignment."

Scott Kamm: "Sure, obviously we're going to be thrown in with the rest of the tractor-trailers that take that same route and I understand, you know, with that turn from Edwards onto Sound Avenue making that right, those trucks have a tough time, not just Metro trucks but all eighteen wheelers."

Supervisor Walter: "All trucks."

Councilwoman Giglio: "I mean you can also get there from the Long Island Expressway from 24 and then all the way up 105 but you just have to go the long way."

Scott Kamm: "Correct."

Supervisor Walter: “That’s what it’s going to come down to; what’s going to be the easiest way for them to go and the safest. I don’t know that Route 58 would be the safest but I think that if you eliminate Edwards Avenue the trucks go up 58.”

Councilman Dunleavy: “That’s the fastest way because you have Flanders Road where traffic backs up leaving your terminal if they take 105 down to Flanders Road and try to go that way. There’s one question I have. I know Metro petitioned the DOT to have twenty wheelers fuel out here. What’s the difference, maybe a traffic person can answer this question, what’s the difference between eighteen wheeler in length and weight as a twenty wheeler and do you have any knowledge of them going to petition the DOT to allow twenty wheelers to transport your gasoline?”

Scott Kamm: “Not that I’m aware of. Was that petition by Metro or was that?”

Councilman Dunleavy: “That was Metro to bring the fuel out to their terminal at EPCAL; they used the twenty wheelers. So they petitioned the DOT and the DOT is allowing them to use it.”

Councilwoman Giglio: “I think that was for biofuel so they could deliver to the government contracts out here. They were bringing it out from Green.”

Councilman Dunleavy: “But still you can petition them to have these larger trucks and I was just wondering what the difference is between an eighteen wheeler and a twenty wheeler in weight and length and also do you think you would ever, for your biofuel, petition them to allow twenty wheelers?”

Scott Kamm: “I don’t know the answer but I will find out.”

Councilman Dunleavy: “Ok.”

Supervisor Walter: “If the Board doesn’t have any other questions we’ll open it up to the public and what we’ll do is they’re not going to respond directly to your questions. Vic or one of their staff there will take your questions down and we’ll have them come up at the end and respond to the questions that they can. Whatever they can’t they will submit that to the Town Clerk in writing because we will leave the public hearing open until the 31<sup>st</sup>, Halloween. So who would like to be heard? This is open to the public so just form a line behind this gentleman here and you’re going to state your name and hamlet or affiliation for the record.”

Robert Kozakiewicz: “Do you swear the testimony you’re about to give will be the truth, the whole truth and nothing but the truth so help you God?”

John Armentano: “Yes. My name is John Armentano and I’m an attorney with the law firm of Farrell & Fritz with offices in Hauppauge and Uniondale.

We’re here to represent some of the interests of the Northville Beach Civic Association. We were retained today actually for this matter so we’re trying to catch up on some of the technical aspects. We heard a lot tonight so. Our main concerns are basically the adequacy of

the SEQRA review that this Board is charged with reviewing. Obviously a properly evaluated traffic study is necessary for this application as well as the adequate health and safety precautions that are taken with respect to this property in terms of what's being stored on site and with respect to obviously traffic moving patterns in the location.

From what I've heard tonight it seems it's been fourteen years since gasoline has been stored on the property and I believe a lot has change in the area with respect to traffic patterns and local communities and development in the area.

So with respect to the SEQRA analysis, from what I've seen briefly from the file, it appears that there's been an unlisted classification of the matter. A short form was utilized. You know we would recommend that a long form be utilized to further evaluate any potentially significant impacts that may arise from this application. Although the main impact appears to be traffic there may be others that the planning staff could recognize with respect to what a long form might reveal.

Obviously with respect to traffic the Board was right to request a traffic study be performed at this time though a lot of information that has been thrown out at the community I think that this group, in particular the Civic Association, is inclined to hire its own traffic expert to at least evaluate the study so that is something we would like some time to evaluate to make sure all issues have been considered here adequately. Obviously we can foil that information or if one can be provided to us at the end of the night that would be helpful for us in our endeavors here."

Supervisor Walter: "What happens with this is if we approve or disapprove; we don't approve the special permit it's over but it still goes through site plan at the Planning Board and this is an amendment to the site plan. Jeff did they have the public hearing yet? No, so there's a second public hearing for the site plan. This is just for the use of the site plan, well before the rest, the design of the facility itself and I would assume the Planning Board is also going to look at traffic as well; that is my assumption, I can't speak for them."

John Armentano: "Right I would think at this time though the SEQRA is when the traffic is really isolated as an issue. I mean if you grant, say a negligible declaration I think traffic is pretty much va complete, that's done. I mean they could obviously consider certain aspects of that. Jeff obviously knows that issue well but I think now is the time to isolate the traffic issues and we would request that there be time for the group to review that information. I heard that the end of the month seems to be the cut off but I would recommend that additional time be."

Supervisor Walter: "What would you be looking at?"

John Armentano: "I have to speak with my clients to find out. I would like to expedite this too. I mean we would like to expedite this too. We'd like to have a traffic expert who could review their reports."

Supervisor Walter: "Why don't you talk to your clients and normally we don't let people just keep coming back up but I would have you come back up. Speak to your clients and see what kind of time frame they're looking at. You know I'm not going to leave it open for a tremendous amount of time."

John Armentano: “We wouldn’t want that either so it would be a reasonable amount of time.”

Supervisor Walter: “Ok.”

John Armentano: “Those are my comments for right now and I appreciate your time.”

Supervisor Walter: “Thank you Sir.”

Neil Krupnick: “Hi, my name is Neil Krupnick and I’m the President of the Northville Civic Association.”

Robert Kozakiewicz: “I’m going to ask you to stop if you could. Do you swear the testimony you’re about to give will be the truth, the whole truth and nothing but the truth so help you God?”

Neil Krupnick: “I do. I was planning on speaking after some other people speak but I do have a letter here from two of our Trustees who can’t be here tonight so I would like to read if that’s ok?”

Supervisor Walter: “Ok. Are you submitting that also?”

Neil Krupnick: “Yes.”

Supervisor Walter: “Ok.”

Neil Krupnick: “This letter is from our neighbors Noel and David Gale. Dave has been part of the Northville Beach Community for decades. He can actually tell you stories about swimming in the sound as a child and having his mom clean off the oil on his body with turpentine and gasoline so he’s very familiar with what’s going on in the area.

We’re writing to you with regard to the application for special permit submitted to the Town of Riverhead by United Riverhead Terminal New York (URT). We oppose granting this special permit and hope the Town Board will give this application the intense scrutiny it requires. Our reasons for opposition are as follows:

- According to the Town of Riverhead 2013 Zoning Map, the entire area encompassing URT’s application is zoned Residence A40. Expanding URT’s non-justified use is not acceptable. URT must demonstrate that the specially permitted use will be in harmony with the appropriate and orderly development of the district in which it is located, they have not. The entire Sound Shore Road residential area is totally different from what it was in 1955 when the oil terminal was first approved. There are more homes, more year-round residents and fewer farms.
- The additional traffic in the form of large tank trucks is a major concern. These large trucks may hasten the degradation of Sound Shore Road and Pennys road, they would have extreme difficulty making turns at the intersection of Pennys Road, Sound Avenue and Northville Turnpike and their impact on traffic at the terminal entrance should be

further studied. We also need to know what restrictions there are to changes made to Sound Avenue since it is designated historic corridor.

- A thorough study of the ability of URT and the Town of Riverhead to handle emergency situations should be made. What is Riverhead's hazmat capability? Is the Town's firefighting equipment up to date? Are the hydrants on Sound Shore Road sufficient to fight a storage tank fire? Can Sound Shore Road handle emergency evacuation procedures if necessary?
- What about the age of the existing tanks? We should have proof they are in good condition. Have they been maintained properly? We are concerned because we cannot imagine that ethanol and/or gasoline getting into our groundwater can be anything but devastating. We recommend a soil test analysis be done to set a baseline in the event of future leaks.
- We think an environmental impact study should be required.
- We question some of URT's responses on Appendix B of the Short Environmental Assessment Form. Our questions are:
  - ❖ In Part 1, #4 (land uses on, adjoining or near the proposed action), URT checked "Industrial" and "Residential". We believe they should also have checked off Rural, Forest, Agriculture, Aquatic and Parkland. Please note that Suffolk County's purchase of the North Fork Preserve for the purpose of creating a County Park and undisturbed forest land is near URT's proposed action.
  - ❖ In Part 1, #8a (substantial increase in traffic above presents levels), URT checked "No". We are concerned about the nature of the traffic with large gas trucks and their impact on road degradation and traffic flow. We're also concerned about the future, because if this venture is a success, the traffic congestion will obviously expand.
  - ❖ In Part 1, (Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action), URT checked "No". There are bicycle routes on Pier Avenue and Sound Avenue and in spite of the fact that there are no designated pedestrian walkways or bicycle routes on Sound Shore Road or Pennys Road, many bicycle groups route their members along Pier Avenue, Sound Shore Road and Pennys Road for a scenic ride. Also many residents walk, jog, push babies in strollers, cross the road to their mailboxes, etc., year round. Marked or not, there are pedestrian walkways and bicycle routes on these roads.

We also believe the Town Board must conclude that "Moderate to large impact may occur" to the following questions in the Short Environmental Assessment Form:

- ❖ Part 2, *will the action create a material conflict with an adopted use plan or zoning regulations?* The answer is "Yes". It is currently residential and should remain so.
- ❖ Part 2, #3 *will the action impair the character or quality of the existing community?* The answer is "Yes". Do not allow this commercial enterprise to expand its use of this site within our residential community.

- ❖ Part 2, #5 *will the action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?*)The answer is “Yes”.
  - ❖ Part 2, #8 *will the action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?* The answer is “Yes”. The oil terminal, over the years, has had a history which include (a) fumes escaping with a foul order; (b) blowbacks which spread a fine oil coating over nearby houses, yards, laundry and at least one pet and (c) oil spills, which required a significant cleanup just east of the Town Beach at Pier Avenue.
  - ❖ Part 2, #9 *will the action result in an adverse change to natural resources; wetlands, water bodies, groundwater, air quality, flora and fauna?* Eventually yes. Accidents happen and when it involves oil and gasoline, the results can be devastating.
  - ❖ Part 2, #11 *will the action create a hazard to environmental resources or human health?* Spills, leaks, blowbacks and escaped fumes may not happen often but they do happen.
- Finally, does this addition of ethanol and gasoline at the URT site create an additional level of security needed for our protection? They are clearly more volatile than home heating oil. We remember after 9/11 the Coast Guard conducted regular visits at the platform in the Sound by boat and over the URT site by air for several months because of a heightened concern over the terminal being a potential terrorist target. Does this make URT a more attractive target and if so what will be done about it?

Thank you Mr. Supervisor for your attention to this matter. Once again, we hope the Town Board will give this matter the intense scrutiny it deserves and we reiterate our opposition to granting the special permit. Sincerely, David Gale and Noel Gale.

Supervisor Walter: “Ok, so what I’m saying it’s probably going to go past ten days because I’m going to ask URT to respond to those things in writing to the Town Board. Some of them may be more easily handled than others but I think they’re going to need more than ten days to respond to those things so we can gather information. I’m not going to ask them to make a presentation in that detail at this moment so at the very least I’m thinking thirty days. Mr. Armentano, does that work?”

Councilwoman Giglio: “Can we leave it open Bob, not close the meeting?”

Robert Kozakiewicz: “You can do that too.”

Supervisor Walter: “Well, that’s not my preference to leave it open if we can move it along to a conclusion one way or another.”

John Armentano: “On that point, thirty days, I think, is an adequate period of time for us to analyze what’s been submitted but I would suggest that the Board keep the public hearing open for that period of time as well and not close the hearing.”

Supervisor Walter: “Ok. Thank you. Next.”

David Gruner: “My name is David Gruner; I live on Sound Shore Road just east of the oil terminal.”

Robert Kozakiewicz: “Mr. Gruner, do you swear the testimony you’re about to give will be the truth, the whole truth and nothing but the truth so help you God?”

David Gruner: “Yes. Not much of a testimony just questions really. Our President really covered most everything I wanted to bring up. Just one think related to the number of trucks which seems to have come up several times. Right now we have a lot of tanker traffic in the winter only and with the addition of twelve more trucks I don’t know what that really means; twelve trucks per day or. Well with the addition to twelve trucks per day that’s many more trucks per year and if that is so, this legislation is approved will there be a limit imposed upon that there can never, ever in the future be more than twelve trucks? Once the door is open I know how things go and little by little things change.

Everything else I had wanted to bring up was pretty much covered by the President. I think in today’s world with terrorism I think additional security is needed there, even at this point. There doesn’t seem to be very much going on that I could see unless there’s a lot of secret security going on there but I pass the terminal several times every day and I don’t see much and in terms of the number of trucks too many times when I come home in the winter if it’s late at night I’ve seen trucks lined up on Sound Shore Road; you know as many as twelve or fifteen trucks where I could hardly get around them in the other lane; they’re waiting to come in to fill up. If we have gasoline trucks waiting as well on a regular schedule, the gentleman who addressed the issue as to where the trucks would be parked suggested at the Northville facility being one possibility so I think that could be something that could be a serious problem as well. Thank you.”

Supervisor Walter: “Thank you Sir.”

Joe Vicari: “Engineer, lawyer and generally all an around nice guy.”

Robert Kozakiewicz: “Do you swear the testimony you’re about to give will be the truth, the whole truth and nothing but the truth so help you God?”

Joe Vicari: “A very simple question, the pencil tanks, the ethanol tanks, what is the height?”

Supervisor Walter: “Well, we’ll ask them to tell us when they come back up.”

Joe Vicari: “Ok, that was my first question. The second question that I had: well first of all, I don’t know how the others took it but those drawings are very old fashion. We have modern technology today, I think what they should have done was a video to show how the trucks make the turn so you can see how much they are encroaching on the adjacent lanes. Ok, that was a point that I wanted to make.

But my last point that I wanted to make, if I could read my writing here, you put a singular light on Northville Turnpike and Sound Avenue would be the biggest mistake you could make.”

Supervisor Walter: “Pennys Road.”

Joe Vicari: “Oh, Pennys and Sound Avenue, the biggest mistake. Have you been there on the weekend for example? My goodness, all you need now is to put a light there and it will be backed up to Edwards Avenue. I think you better think that one over very carefully, really.”

Supervisor Walter: “Well, the light there that they’re talking about I believe, I don’t want to testify for them, is one that would only go off when the truck was there, otherwise it would just be a flashing light, that’s what the traffic report said.”

Joe Vicari: “I don’t think you should put a light up there at all. There should be no light there at all because if you do, those cars on Sound Avenue that go back miles on a weekend will go back double miles so I think you should really look into that before you make a decision like that.”

Councilman Dunleavy: “We’ve had a lot of requests for a light there.”

Joe Vicari: “I’m sorry.”

Councilman Dunleavy: “We have a lot of requests for a light there because people cannot get out of Pennys Road.”

Joe Vicari: “It’ll even be worse if you put a light up, believe me. That’s my point, that’s my opinion ok and I want to find out how high the pencil tank is.”

Supervisor Walter: “That I think they can answer when they come back up.”

Joe Vicari: “Ok, thank you.”

Supervisor Walter: “Ok, thank you Sir.”

Robert Kozakiewicz: “Do you swear the testimony you’re about to give will be the truth, the whole truth and nothing but the truth so help you God?”

Nancy Gray: “Yes. I live on Central Road in Northville and I’m asking all of our Town Board members to take a very hard look at the Short Environmental Assessment Form submitted by Riverhead United Terminal with its request for a special permit for an expansion of a non-conforming use. This expansion has far reaching implications that go way beyond the immediate Northville Community. There are major safety concerns at the land site, the platform site and of course the increased tanker truck traffic.

I feel information about this plan has been misleading. I cite quotes from URT representatives in local news venues that state, “*the terminal is looking to add gasoline*”

*distribution to ensure the east end is supplied in the aftermath of a major storm”* and what if the next major storm hits the East End, what then? The Northville Beach itself happens to be very vulnerable. It only truly makes sense to me that the terminal wishes to add a gasoline, ethanol blending operation to increase its own profits. So we need to take a very close look at what this means for the future of our Riverhead Community.

Besides the ever increasing truck traffic we have to consider what other negative impacts there might be. Things to consider that come to my mind are gas and ethanol being brought in by ship mixed on site and being barged back out, eventual build out of the entire site with many more storage tanks. The increased tanker-truck traffic is a major concern in and of itself.

In the mid 1980’s there was gasoline distribution at the Northville site. I remember it well as I worked in Hampton Bays at the time. Every morning I would dread getting behind one of the full tanker-trucks leaving the terminal as it lumbered up the hill and crept along Sound Shore Road only to down shift at the corner of Pennys Road to almost a stop and make the turn only again to lumber up that hill gaining a little speed and then coming to a stop at Sound Avenue and having to wait for both east and west lanes of traffic to clear in order to be able to make the turn.

That was twenty years ago. We all know how much traffic has increased since then and we all know what a dangerous intersection that is. Then there’s the reverse when trucks are heading toward the terminal empty and are flying. One of my scariest memories is one evening I was traveling south on Pennys Road on a wintry evening and a tanker truck was heading toward the terminal showering me into a tunnel of slush. How lucky I was that there were no other vehicles on the road as I couldn’t see a thing.

In the past twenty years there has also been a tremendous increase in other types of traffic on this beautiful scenic road beside vehicular traffic. There are people walking, running, walking dogs, pushing baby carriages, bicycling, kids skateboarding, motorcycling and not to forget the wildlife that don’t follow our rules of the road at all. People park at Iron Pier Beach and walk to the corner of Pennys Road and Sound Avenue and back.

Riverhead’s historic Sound Avenue corridor has become a destination, the gate way to the North Fork. Somehow an expanding gas-ethanol blending facility does not bode well for its future.

In order to cut this short I will leave you with just a few of the questions that are on mind: What about the anticipated increased traffic when the County/Town Parkland is developed at North Fork Preserve?

What about the increased tanker truck traffic that will surely travel west on historic Sound Avenue to avoid Rt. 58 traffic and its effects on all the agribusiness that is thriving along that route? Remember Rt. 58 was built to bypass downtown Riverhead traffic. Now we’re bypassing Rt. 58.

What about increased security issues related to terrorism? Several years back my husband and I were approached by a Coast Guard vessel while fishing in our little twelve foot aluminum boat and told not to get too close to the platform. Terrorism has a whole new face now.

What about property values not only in the immediate Northville area itself but the Sound Avenue corridor and wherever these tanker trucks travel?

Just plain and simple, what about the quality of life on the North Fork of Riverhead?

Supervisor Walter: “Thank you. Do you want to submit that, your written comments? That would be helpful.

John Cullen: “Good evening John Cullen, Northville. I just want to thank the Supervisor Walter and the Board members.”

Robert Kozakiewicz: “Mr. Cullen, excuse me, just stop for a second. Do you swear the testimony you’re about to give will be the truth, the whole truth and nothing but the truth so help you God?”

John Cullen: “Yes. Supervisor Walter and Board members, I’d like to talk about the potential gas deliveries traveling to and from the United Riverhead Terminal.

Since living here for the past ten years the terminal has always been a #6 oil provider. #6 oil is for home heating which uses small neighborhood delivery trucks departing from the terminal. I read an article a couple of weeks ago stating United Riverhead wants to become a gasoline depot. The article mentions there will be about twelve transport trucks per day traveling both inbound and outbound. These trucks have eighteen wheels and can carry up to nine thousand five hundred gallons of gas weighing up to eighty thousand pounds when filled. The neighbors in the area are concerned about the noise, traffic and safety a gas depot will create.

I’m not sure if all Board members have visited the terminal, but if you are coming west on Sound Avenue you will need to make a left turn onto Pennys Road which is one hundred twenty-seven yards east of Northville Turnpike. This is not your normal ninety degree turn and instead is a sharper turn which needs additional attention as you can see in this diagram.

Pennys Road is roughly one mile long and includes a downhill at the last quarter mile until it meets Sound Shore Road. Once the right turn onto Sound Shore Road has been made, the truck will travel up a steep incline over a half mile long to the terminal entrance. Once filled, the truck will follow the same reverse route now traveling down the steep hill then left up a quarter mile incline on Pennys Road. For a second time the homeowners in this area will hear the loud hitting of brakes necessary to safely manipulate down the Sound Shore hill and the power of the loud engine needed to pull an eighty thousand pound load up Pennys Road incline.

The article mentioned around twelve trucks a day, which actually equates to twenty-four deliveries when you calculate the round trip. I spoke with an employee personally at the terminal and was told if the gas demand increases then more trucks will be added resulting in an undetermined amount of trucks on this route. As if this isn’t already a concern, what many people don’t know is the terminal is open twenty-four seven and many of these larger gasoline transport trucks will be heading down Pennys Road three hundred sixty-five days a year making that turn up the hill to the terminal at all hours of the night.

Before closing, I’d like to revisit the turn from Sound Avenue to Pennys Road. As you know a transport truck is long and when they make that right turn back onto Sound Avenue they will need to use both sides of the road and will obviously block anyone hoping to make a left turn onto Pennys Road as they set this up. Please look at the previous diagram again.

This location of roads is already very populated especially on weekends and when there are festivals at Garden of Eve and five weeks of pumpkin pickers, all this while the traffic continues to increase each year. We would like the Board to consider how the adding of a gas depot will adversely affect the local Northville community. Thank you for your time and consideration.”

Supervisor Walter: “Thank Mr. Cullen. Next.”

Robert Kozakiewicz: “Do you swear the testimony you’re about to give will be the truth, the whole truth and nothing but the truth so help you God?”

Anthony Yarusso: “Yes. Mr. Supervisor, members of the Riverhead Town Board. My name is Anthony Yarusso, Sound Shore Road, Riverhead. My family has been members of the Northville Beach Civic Association and the Northville community for over thirty-two years.

I would like to address the short form application for the Special Permit submitted to the Town of Riverhead by the United Riverhead Terminal.

After several readings of the application, we believe some of the responses by the applicant to be incorrect, insufficient and/or confusing. I would like to address several items in their application.

Under current use of the site, the applicant continually refers to the fuels terminal with a S. To our knowledge, the use of the site has been for home heating oil fuel, singular fuel, not the plural fuels. Under current use of the site, it operates as a fuel oil terminal not fuels oil terminal.

The applicant under *Character/Use of Surrounding Lands* answered–*Developed*. Certainly they should recognize that the surrounding lands in this area are not all developed. The area consists of open lands, residential homes, a state run group home that no one has mentioned, a county park, farming and agriculture usage and two public beaches, two Town of Riverhead public beaches, Iron Pier Beach and Pennys Road Beach.

In appendix B, page 1 of 4, question #1; *Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule or regulation?* Their answer was yes which required a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality. I was unable to find their narrative in the shore form.

Questioning #2 they did not list agency name and permit or approval as required.

Question #4; *Check all land uses that occur on adjoining and near proposed action*. They listed parkland, industrial and residential but neglected to include county/town park, state group home, agriculture and public beaches. Some of this is repetitive, I’m sorry.

Question #7; *Is the site of the proposed action located in or does it adjoin a state listed critical environmental area?* The applicant said no and yet do we not consider the Long Island Sound a critical environmental area?

Question 8A; *Will the proposed action result in a substantial increase in traffic above present levels?* The applicant said no and yet admitted elsewhere that approximately twelve trucks will be entering their facility each day. Of course that means at least twelve more trucks will be exiting their property each day. The total actually is going to be twenty-four truck runs per day minimum.

Question 8C; *Are there any pedestrian accommodations or bicycle routes available or near the site?* Applicant said no although a newly installed bicycle path has been designed and installed on Pier Avenue and Sound Shore Road is also a favorite road for motorcyclists and bicyclists.

The concerns of the residents on this application are numerous. Our safety, preserving our environmental integrity and future uses of this location are key issues to all of us. The community would like to request a SEQRA Environmental Impact Statement.

Thank you for your time, I will submit this and I will be following up with additional letters to you.”

Supervisor Walter: “Thank you Mr. Yarusso. Next.”

Robert Kozakiewicz: “Do you swear the testimony you’re about to give will be the truth, the whole truth and nothing but the truth so help you God?”

Jenn Hartnagel: “I do. Thank you. Good evening Mr. Supervisor and members of the Board. My name is Jenn Hartnagel and I’m here representing Group for the East End. I have a few questions regarding the SEQRA process and the special permit application as well.

I’m reading Resolution 684 which you guys adopted last Town Board meeting. Is there already a (inaudible) on file for this application?

Supervisor Walter: “No, it wouldn’t be done at this stage. We haven’t made the determination yet. We’re gathering the information now.”

Jenn Hartnagel: “Alright because in this *therefore be it resolved* it classifies an *unlisted action for the purpose of SEQURA compliance and further declares the action to be without significant impact on the natural, social environmental and that an environmental impact statement need not be prepared*. So I don’t know if that, again all towns do it differently, so I don’t know if this constitutes a (inaudible) or doesn’t.

Supervisor Walter: “Ok, we’ll answer it when all the questions are done. We will endeavor to answer everything that we can.”

Jenn Hartnagel: “If it has been adopted that’s great because we would ask then an environmental impact statement be conducted. I mean clearly there are so many.”

Supervisor Walter: “At the end. Ask the question. If you want to walk over and talk to him you can but ask the question.”

Jenn Hartnagel: “Again we would ask that an Environmental Impact Statement be prepared. Clearly there are so many issues here that came up tonight with the traffic, safety and more importantly the SEQURA process, that’s what it’s designed for. It provides an opportunity to seek alternatives that would mitigate positions. It’s transparent, it’s open to the public and this is a large application that could have a lot of impact on the community.

The second issue that I wanted to address was that: it’s kind of already been addressed tonight. Gasoline hasn’t been stored there, distributed there for a number of years so therefore there’s an argument to be made there that would this proposal constitute a new use, not an expansion of a preexisting, nonconforming use and again that would open up this application to a new permit process, a more in-depth review that should be required of this type of application. That’s a question for the Town Attorney.

Again the twelve truck trips; where did this come from and again how we do insure that it stays at twelve truck trips and the cat doesn’t get out of the bag and this is just a larger issue and there’s mitigation required down the road.

I do have a list of questions that we could submit later and I do agree that the short Environment Assessment Form missed a lot of information and again that should be reviewed by the SEQURA process. Thank you.”

Supervisor Walter: “Thank you, next. Eve, I’m going to digress for a second because it was only a couple of years ago that you were standing in Miss Hartnagel’s shoes but not for the same group though, I don’t think. Who did you work for originally?”

Eve Kaplan: “North Fork Environmental,”

Supervisor Walter: “Welcome.”

Robert Kozakiewicz: “Do you swear the testimony you’re about to give will be the truth, the whole truth and nothing but the truth so help you God?”

Eve Kaplan: “I do, ok. Eve Kaplan, I’m also a member of the Northville Beach Civic, we also have the farm on Pennys Road and a homeowner.

So just to think about the big picture here; you started the meeting or the hearing today talking about that this is one of the only deep water ports; now let’s think back to 1955. Riverhead at that time was viewed essentially as the future armpit of New York City. I think we all know that. There was going to be a nuclear plant here and people were just looking for extractive ways this town land could be used. There was sand mining on a very large scale. There was the plans for the nuclear and there was a fuel tank facility put in. As we know, fortunately the positive aspects of our town have won out and we have a beautiful town today that’s a great place to live. It’s not an industrial town; it’s a rural and residential town with a lot of farming and an excellent quality of life. One of the nicest things about, certainly the Northville area of Riverhead, is that there’s relatively little traffic except for the current trucks and so when we talk about what is the future of our area we have a master plan. It’s zoned, the importance of agriculture in our area is acknowledged. It’s zoned residential. This is a non-conforming use that’s really just a little spot from sixty years ago when it seemed like it made sense for our area so let’s keep that in mind.

Now it’s pretty obvious that every business that comes to you for permits always has an altruistic motive of course but this facility was recently purchased. It’s owned by Katzmantitus who is a multibillionaire. He didn’t get like that by accident and as was just acknowledged they’re not running at capacity. Demand for fuel oil is down and they’re looking for other things they can store there and they’re looking into additional revenue options so I don’t think there’s any reason for this Town Board to fast track this project.

I have heard rumors that there might have been personal invitations from Mr. Katzmantitus to the Town Board. I don’t know if anyone attended any personal events of his family. No, ok, better. Glad to hear that it’s just a rumor. Happy to hear it, I didn’t start it.

Councilman Wooten: “Another bad rumor.”

Eve Kaplan: “Ok, happy to hear it. I didn’t start it. So you know definitely we’re all concerned about traffic; we’d like to see a positive declaration. We’d like to see the long form EAF. I don’t know what they have in writing but this was not a traffic study that was presented today. A traffic study would talk about what the baseline traffic is today, different days of the week, hours of the day. We’d like to see twenty-four hours. What’s going on at night, what’s going on on weekends? My personal sense is that there are certain days of the week, for example Sunday where there’s almost no truck traffic currently. That could change significantly

and we'd certainly like to see what this twelve trucks per day is based on. What are those calculations based on and they also should certainly be looking at different projections like a maximum projected demand and a minimum. You know in the case of maximum truck filling how many trucks is that really going to be. I'm not sure that it's going to be twelve.

Obviously the Town Board has the power to put conditions on, conditions of approval so that would give the Town Board the information you needed to put intelligent conditions on and also help protect the residents.

I'm also wondering about, did you, were you just implying that you would encourage the Town Board to condemn a part of my property as a Republican Supervisor to benefit this fuel company? Is that what I'm hearing?

Supervisor Walter: "I don't know where you heard that?"

Eve Kaplan: "Well you did talk about condemning the corner of Pennys Road."

Supervisor Walter: "No, no, no, Edwards Avenue. (inaudible) folks, Edwards Avenue is what we were talking about. They said they could ride over the corner of your property.

Eve Kaplan: "Well we have a corner which, you know, that has been. You know essentially those roads were laid out in the 1600's as everybody knows. I think, what were they called the hour lines or whatever and certainly was never a problem for horses and buggy's unfortunately is not a problem for regular size vehicles and clearly is a large problem for tanker trucks.

So I appreciate you're setting, keep holding the Public Hearing open, setting the thirty day comment period. This is a very important issue. I encourage you to take that hard look to protect residents and our quality of life from a proposal that has potentially a large impact that has not been clearly flushed out to either the Board or residents and just remember that it's no one's manifest destiny to be the gas station for Suffolk County, thank you."

Supervisor Walter: "Next."

Mary Laura Lamont: "Mary Laura Lamont resident of Sound Shore Road."

Robert Kozakiewicz: "Do you swear the testimony you're about to give will be the truth, the whole truth and nothing but the truth so help you God?"

Mary Laura Lamont: "I do. The Hamlet of Northville in Riverhead is no longer a small summertime community of beach cottages and the occasional year round house that it was in the 50,s but a busy, thriving, year round community with many summer cottages.

New permanent year round houses are being built as I wrote this letter. Travel on the surrounding roads of Sound Shore Road, Pier Avenue and the historic corridor known as Sound Avenue is constant and has increased dramatically.

An increase of at least twelve gasoline trucks daily, the minimum the applicants stated but by their own admission could be more based on demand, will increase.

Sound Shore Road is heavily used by numerous bicycle clubs because it is beautiful and it's not as dangerous as Sound Avenue. Many people jog and walk it. The road is a series of ups

and downs and curves while Sound Avenue, although a historic corridor is already heavily traveled.

There are forested lands, agricultural lands, eroding cliff lands on the Long Island Sound, residential communities, a new County Park all I in the immediate vicinity of this facility. An increase in tanker trucks jeopardizes safety while a new volatile gasoline-ethanol storage facility add-on jeopardizes health and safety and increasingly becomes a terrorist target surrounded by many year round communities.

This application is not at all in harmony with the neighborhood and surrounding communities and therefore is very objectionable and potentially harmful to the entire area. Developing the URT further is not at all acceptable within this site and community. Thank you for your time.”

Supervisor Walter: “Thank you, next.”

Mary Yarusso: “Good evening. My name is Mary Yarusso and I live on Sound Shore Road in Riverhead.”

Robert Kozakiewicz: “Do you swear the testimony you’re about to give will be the truth, the whole truth and nothing but the truth so help you God?”

Mary Yarusso: “I have a question for Sarah Oral about the traffic light and then I would like to read a statement from a member of our community.

My question for Sarah was the location of the traffic light that has been proposed on Pennys and Sound Avenue. It would seem to me that if the truck is making a right hand turn it would need to go into the left land as she clearly stated but if there’s a traffic light there and a car is stopped at the traffic light how does the truck maneuver its’ way around? I’m questioning the location of where the traffic light would be?

Ok, now I would like to read a statement to you from Dr. Eric Lamont who lives in Northville.

United Riverhead Terminal’s application must be denied because the proposed project will have a negative impact on the harmony of the community and is therefore an objectionable project.

URT’s proposed project will have negative impacts on public safety because Sound Avenue cannot withstand any increase in gas truck traffic. Already Sound Avenue is congested and dangerous; increased gas truck traffic will have significant negative impact on this historic corridor.

Sound Shore Road cannot withstand any increase in gas truck traffic. The road curves up and down the Harbor Hill Moraine and is frequently included in bicycle tours and is a favorite road for joggers and walkers. Increased gas traffic on Sound Shore Road will have negative impact on public safety.

United Riverhead Terminal’s application must be denied; submitted by Dr. Lamont.

Supervisor Walter: “Thank you, next.”

Patricia Holland: “Patricia Holland, Northville.”

Robert Kozakiewicz: “Ms. Holland, do you swear the testimony you’re about to give will be the truth, the whole truth and nothing but the truth so help you God?”

Patricia Holland: “Yes I do. I have a question. I understand all these trucks coming to get gasoline. How is the gasoline getting to the tanks to begin with? I know that the heating oil comes in on the barges comes under the tanks; where does this come from? Are they going to bring it in that way too? Do we have an answer?”

Supervisor Walter: “I assume they’re going to barge it but they’re going to answer that question when everybody’s done asking questions.”

Patricia Holland: “And they can’t use the same pipeline that they have now because you can’t mix the oil and the gas so there must be more pipes going to be laid out in the sound. You think?”

Supervisor Walter: “They’re going to answer those questions. I don’t want to testify for them.”

Patricia Holland: “Ok, thank you.”

Supervisor Walter: “Next.”

Neil Krupnick: “Yes, it’s a summary. To Pat’s point, if indeed they are going to bring the gas through the pipeline.”

Supervisor Walter: “What was your name again Sir?”

Neil Krupnick: “Neil Krupnick. On Appendix B of the Short Environment Assessment Form, 13A; *does any portion of the site’s proposed action or lands adjoining the proposed action contain wetlands or other bodies regulated by a federal, state or local agency?* Guess what they checked? They checked no but if they have to bring the gas through the Sound that is a state regulated body of water so I’m just very curious about why they would check no on that and if in deed, they have to put in a new pipeline or clean out the existing pipeline what is that going to do; what kind of an impact is that going to have?

So you can see we obviously, our community has a million questions and we fear that this whole expansion has been fast tracked. We knew nothing about this until we read about it a month ago in the Southold local website. In that web site article the article said the DEC had already approved the expansion and there was absolutely no consultation or input from the community. That is until now and we really appreciate having this forum.

We now know that this proposal goes way beyond emergency storage and it’s the initial step in the day to day gasoline distribution business. United made it very clear to John and me that this would be daily. That the terminal is open twenty-four hours a day and that the amount of trucks coming in and out will all depend on demand.

If United decides it wants to dominate the East End gasoline market they will be the ones determining the demand so twelve trucks per day turns into twenty-four truck per day perhaps

thirty-six trucks per day. Two tanks can turn into four tanks or worse they decide they need to build additional tanks.

At the very least we're asking the Town Board to refer this matter to the Planning Board. As mentioned before there are some very serious items that need to be considered before approval; chiefly to prove that this site is particularly suited for the location of such use in the community.

So much has changed in Northville since these tanks were sweat up in the fifties. Where once there were mostly farms, summer cottages and a few houses, there's now a thriving residential community. If the entire existing operation were to be proposed today I doubt very much that it would be approved.

I'd also like to point out that while we're of course concerned with our immediate area surrounding the terminal, we believe this expansion will have an adverse effect on all of Riverhead. As already mentioned in terms of the traffic report and your concerns up there concerning the devastating impact it could have on Edwards Avenue in Calverton, Baiting Hollow would be affected if they're turning onto Edwards right onto Sound Avenue and at that point you're at the very beginning of the North Fork wine trail; this is your entry into the North Fork.

United says they are not planning to service any stations point west of Edwards at this time. Are they quarantining this operation is not going to expand ever? How do we know that? Suddenly if there's a demand they're going to go west and then there's Sound Avenue itself which is the beautiful gateway to the North Fork.

When you get to the intersection of Sound Avenue and Pennys there's a sign that says "Welcome to the Wine Country" how welcoming would it be if you get stuck behind a giant gas tanker at the beginning of your day trip or weekend or worse seeing a truck coming at you head on as it makes its turn onto Sound because its size requires the use of both lanes? We must ask how is all of this increased traffic, air pollution and noise pollution going to affect the bustling agri-tourism businesses along Sound Avenue that provides the livelihoods for so many of our Riverhead residents? I don't think we're asking for much we just want to keep our community safe and clean. We urge the Town Board to seriously scrutinize the traffic study. The study did not even mention the dangerous curve where Pennys turns into Sound Shore Road plus that traffic report seemed to place all their trust in these truck drivers. We also urge that there by an engineer study, a safety study and an environment study before allowing this expansion for (inaudible).

We hope if United Riverhead Terminal cannot meet all the criteria that this application would be denied. Thank you."

Supervisor Walter: "Ok, did anyone not get heard tonight? Ok. Mr. Armentano did you want to? Ok, then we're going to go to the applicant."

John Armentano: "To the point of order for the next public meeting, I know we agreed on a thirty day period of time."

Supervisor Walter: "I think my preference, hopefully that the Board agrees is that we will close the public comment portion in this format, leave it open for written comment I'm thinking sixty days and then we'll probably take it up at work session which are pretty much open forums. We let people speak at work sessions. They get published, we meet every

Thursday, they get published a day or two before Thursday so if you check the web site, obviously it's tough for an attorney because we don't publish a week or two in advance, but we will put them on the web site because we're going to need to have some work sessions together to deal with this.

Unfortunately this is not a great forum for the Town Board to deal with it with staff and everything so I think that's what we'll do. If the Board's agreeable we'll close the public comment portion in a hearing format, leave it open for sixty days which could go out longer if we don't get the data we need and then put it on for work sessions that if you come to the work session and you want to speak we're pretty open to letting you speak. I think that's probably the best way for us to tackle the issue."

John Armentano: "I had a conversation briefly with the applicant's representative that he agreed to December 2<sup>nd</sup> for the extension of the public comment period."

Supervisor Walter: "Oh, I think sixty days is probably going to be."

Councilwoman Giglio: "I think leaving it open so that the public has a respond, a chance to respond to all the documents that they will be submitting over the next thirty to sixty days."

Supervisor Walter: "Do you understand that if you leave it open then every Town Board Meeting that we have the first thing we do is open this hearing?"

Councilwoman Giglio: "Yes."

Supervisor Walter: "I don't think that's an appropriate way to handle it. I think that the folks can come to a work session as we always do and allow them to speak and digest the information with the Town Board and the slightly more comfortable setting then sitting at the dais like this because we don't have the ability to have our staff respond back and forth."

Councilwoman Giglio: "Yes but their comments won't be on the record."

John Armentano: "I don't know why you have to have it open, I mean I don't know your point of order here but my understanding would be you'd adjourn this until December 2<sup>nd</sup> and that's the next time it's on your agenda as a public "

Supervisor Walter: "We would close; usually we close the public comment portion. We've never done what the Councilman is suggesting. We close the public comment portion, the hearing, leave it open for written comment and during that time period we would take it up in work session that we publish; we have an agenda every week and that's the opportunity for the Town Board to interact with staff members, planning consultants, members of the public to try to work out these issues. This is not a good forum for us to try to work with staff, try to work with community members and I mean that's how we normally handle; that's how the Planning Board handles it. That would be my recommendation to the Town Board because otherwise to keep it open the residents are all going to have to keep coming out on the evenings, it's going to keep getting opened whatever date we select and this is not a good format for us to conduct business, unfortunately."

Councilman Dunleavy: “I just have one question. If we did what you suggest would that go in the public record? Would that be part of this hearing because we would have to hire someone to take those comments out and put them into this public hearing.”

Supervisor Walter: “The document would be.”

John Armentano: “We could record them if we chose to.”

Councilman Dunleavy: “That’s what I’m saying. I still want everything on record. If we do it at work session you know it’s going to be hard for people, for a stenographer to take it out of there. We would have to submit, correct Diane, every work session tapes and she’d have to go through them and take that portion out and put them into the public record.”

Supervisor Walter: “Do you have any other comments?”

John Armentano: “That was my comment that we had agreed, at least (inaudible).”

Councilman Dunleavy: “One extra meeting, open meeting like this I think would suffice.”

Supervisor Walter: “Ok, does anybody else wish to be heard? What can you respond to?”

Scott Kamm: “I can respond to, he had asked me about the 2<sup>nd</sup> and I said I was leaving it up to the Board. Having the 2<sup>nd</sup>, I did not agree to that, I was leaving it up to the Board.”

Supervisor Walter: “You don’t have to because it’s going to go longer than thirty days.”

Councilman Dunleavy: “When I asked for the traffic study I thought we we’re going to have a real traffic study with the traffic that Sound Avenue has, that Pennys has, instead of just these five intersections. So you know, because I mentioned don’t do it in the middle of winter and everybody told me oh don’t worry about it we know everything and nothing of that showed up. So I was very disappointed when I got your report and only the five intersections were on it.”

Vic Prusinowski: “When we had the work session which is on television and the reporters were here if you remember we, it was brought up by the Supervisor and the members of the Board, to conduct a traffic study and at that time we all agreed that whatever the scope of the, we were to get a scoping letter from the Planning Department which was put together by Mr. Handley and Mr. Hall on how to conduct or what they wanted to see in this particular traffic study and the scope of the letter that we received is exactly what we did in the study so if there was any additional scoping that should have been done then the Town Board members should have communicated that with the staff of the Planning Department

That doesn’t mean we’re not going to address the rest of these concerns that were brought up tonight because we are but just to answer that particular question “how come we didn’t do a full blown traffic study” because we all agreed at the table, Supervisor if you remember this, the

Planning Department was going to prepare a scoping letter, a scope of the traffic study and that's what we addressed here."

Councilman Dunleavy: "We did not see a letter."

Supervisor Walter: "We talked about the intersections that were."

Vic Prusinowski: "Yeah, there was concern about the truck traffic on the intersections and the traffic and how many trucks, how large they are and the impact. Jodi brought up the impact on the roads, the actual physical plant of the road and things like that. So those things can be addressed but briefly I think."

Supervisor Walter: "Is there another member of the public who wants to be heard? Is there any other member of the public because I'm going to let the applicant respond so if there's nobody else we're going to let the applicant respond? Go ahead Sir, if there is stand up if not we'll let the applicant respond."

Robert Kozakiewicz: "Do you swear that the testimony you're about to give will be the truth, the whole truth and nothing but the truth so help you God?"

Michael Cronin: "Yes Sir. My name is Michael Cronin, I live on Pier Avenue and I am a member of the Northville Beach Civic Association and I apologize for coming up late but there's one thing that hasn't been mentioned and I just wanted to throw it in that we can get an answer from United.

With the introduction now of natural gas, you're talking about natural gas, you're talking about bringing in natural gasoline and after fourteen years and you're talking about bringing in ethanol. You're talking about three very unstable substances being on that property. I'd ask them to please clearly address the safety concerns of the community regarding those three entities being on that site. Thank you."

Supervisor Walter: "Ok, Mr. Prusinowski if you could have your, you and the experts address."

Vic Prusinowski: "There was a question that was directed to Sarah. Let's start with Sarah."

Sarah Oral: "It seems that most of the questions were about the traffic light and the content of the traffic study. As Vic just spoke we gave the Planning Board exactly what they asked for. There are many different types of traffic studies. This was not a traffic impact study. This was a turning safety study at the intersections that we were asked to study.

As for the specific layout of the traffic light that we said could be one of the mitigating factors, one of the mitigating ways that traffic could come off of Pennys Road safely, it has not been designed yet however there are many design elements that can be implemented. You could have the stop bar for traffic on Sound Avenue recessed back from Pennys Road so that there will be a safe amount of clear space for the trucks to turn and also you could position the poles accordingly as well. That obviously would be determined in the next phase. Once it is

determined that yes we will make a traffic signal you then go through the design phase and you take everything into account.

Also the mitigating measures that we put forth in the report, not all of them were, I'll say popular, but what you have to do is you have to look for any possible way to mitigate and it could be very unpopular and then that doesn't get done but you really do have to think of every way to possibly mitigate the issue and that's why things are listed even if they are not what you residents would want. I think that answered all the traffic questions, thank you."

Vic Prusinowski: "Generally there were some questions about how the gas will be transported onto the property. What is our status with the DEC as far as the permit? What we're permitted to do on the site and I'll turn that over to Scott to answer."

Councilwoman Giglio: "I think what I would like to see is the applicant, no, no, I just want to say what I want to say. I think that it would be preferable to me if the applicant answered all the questions and then came back on December 2<sup>nd</sup> with all the documentation and everything to support."

Vic Prusinowski: "Jodi we're definitely going to do that it's just the Supervisor was asking me tonight some questions that were posed by the audience tonight so we could address them but the more comprehensive. I know exactly what you want, I sat up there for sixteen, I know exactly what you want and that's what you're going to get ok? We're going to address the concerns. I also got to get the minutes of the meeting and I have to speak to some of the civic leaders who, you know, they were thoughtful enough to put all their thoughts in writing so we can get that data, take a look at it and formulate a response which is what you want and that's why it's going to be held over."

Supervisor Walter: "What I'm going to do." (inaudible)

Vic Prusinowski: "I was saying tonight just some questions that they wanted to have answered or we don't have to do that we can come back."

Councilwoman Giglio: "Some of the backup documentation can be accessible to the public so that they can review it also so that when we come back we approach it again on December 2<sup>nd</sup> and we discuss."

Vic Prusinowski: "Well we're going to turn it over to Town Hall; we'll give it to the Planning Department. It'll be open documents and we'll certainly provide."

Supervisor Walter: "Can you give me a second here Victor what I'm going to recommend because this is a question of first impression, I'm going to ask for a motion to go into Executive Session for legal advice for just the question of how we handle taking of the information to make the decision as to how we're going to hold the public hearing open, whether we can do it within the work sessions which are our typical format or otherwise and it would be easier to handle it that way then shoot from the hip so."

Councilman Wooten: “We’ve dealt with this before. You close the public hearing and then.” (inaudible)

Supervisor Walter: “We didn’t close the public hearing. What I’m suggesting is we seek advice of Council which would be prudent because we have not dealt with this question before of whether we can do this in a work session or a public session so we get our ducks in order from a legal stand point and then come back to the public and tell them exactly what.”

Councilwoman Giglio: “And I’m saying that if we close the public hearing tonight and documents come in and the public wants to speak on them and the sixty day period has passed the public will not be afforded an opportunity to speak. The only way they’ll be able to; let me finish.” (inaudible)

Supervisor Walter: “That’s why I want to get legal advice on how to do it.”

Councilman Dunleavy: “How many more speakers do you have.”

Vic Prusinowski: “We’re done, we’re answering questions.”

Councilman Gabrielsen: “Ok, let’s go back to the format. You were asked to answer the questions let’s stay with that, we’re getting off, the Board’s being unprofessional here. Let’s follow the directions.

Supervisor Walter: “Can you?”

Vic Prusinowski: “I just want to say for the records, on behalf of the applicant we will do whatever is in the best interest of the Town of Riverhead where they’ve been a neighbor here since 1956; they support the community, they’ve done, all the owners, I’m not just talking about the present ownership, so we’re going to do whatever is in the best interest of the community and the Town of Riverhead to present our case so that an intelligent and thoughtful decision hopefully that will benefit all parties. So, we’re open to that. We’re not here to try and sneak it through; we’re not going to cut the corners.

When traffic study was brought up we didn’t say “oh my God we don’t want to do a traffic study because you’re going to do a negative declaration here”. We didn’t say that. We said “ok so tell us what you want in the traffic study” and the Planning Department was given the task of putting together a scoping letter or a scoping of the study so that we could have something. We just can’t, and some of the people here, the attorneys and the people in the environmental community, they know you don’t say “do a traffic study”. You’ve got to have parameters on what the traffic study is going to tell, something, John, you were talking about so we did what we were asked to do but that’s not the end of it; this is only the beginning of the trail. So whatever you guys decide we’ll abide by the procedure.”

Supervisor Walter: “Ok. There were some other questions that could be answered. I’m going to take this over for the moment. There are some other questions that could be answered such as the height of the pencil tanks. Do you have answers on those things?”

Vic Prusinowski: “No, we didn’t forget about the height.”

Supervisor Walter: “Let’s bring up, one question at a time. Did you take notes on what the public’s looking to have answered?”

Vic Prusinowski: “Twenty-six feet high.”

Supervisor Walter: “Ok. There were other questions. Are you prepared to answer any of those other questions?”

Vic Prusinowski: “Some of them I think we can, that’s why I was going to turn to Scott on how is the gasoline going to get to the facility and what is our present permit status of the facility which is regulated by the DEC.”

Supervisor Walter: “Ok, Scott?”

Scott Kamm: “The gasoline would be brought in via barge and stored in the tanks and obviously distributed to the truck loading rack. Currently the facility is regulated to store gasoline, we’re just looking to distribute it at the (inaudible) and to meet that we have to meet the new air admissions for New York State; so that’s why we need to meet the ethanol requirement and also to meet the tank requirements to meet the new air admissions. So, we’re already committed to store gasoline at the facility we just want to distribute it at the gasoline rack.”

This was all brought up after Hurricane Sandy for us to look into it because of the impact it had on Long Island with the disruption of gasoline. So I just want to get that on the record.”

Supervisor Walter: “Ok. Were there any other questions you could answer tonight?”

Scott Kamm: “The natural gas is being used for our three boilers on site which heats our six oil. Currently we burn #6 to run the boilers. Currently we’re going to have those boilers run on natural gas, much cleaner burning fuel.

Supervisors Walter: “And where is the fuel, gasoline coming from that will be dispensed from the trucks? How is getting to the facility?”

Scott Kamm: “It’s going to be via barge and it could come from New York Harbor or whoever purchases it to bring it into the facility.”

Supervisor Walter: “And it’s going to go through the existing fuels lines that are, I guess, sitting on the bed of the Long Island Sound?”

Scott Kamm: “That is correct. We have procedures in place to make those cuts clean, we have clean gasoline and just to put on the record, currently the gasoline that goes to our competitor up Island, comes through the Sound as well into Port Jeff so I think our location is ideal for barge unloading into the Riverhead terminal.”

Councilwoman Giglio: “I think the question was, was there going to be any disturbance to the wetlands or to the marsh areas or to that in order to revitalize those lines for gasoline?”

Scott Kamm: “Absolutely not.”

Supervisor Walter: “Ok. Were there any other questions that; ok.”

Councilman Dunleavy: “I’d like to make a motion that we go into Executive Session to discuss this with our Council about leaving the meeting open and how long we can do it.”

Supervisor Walter: “I second that motion. All in favor, aye, opposed, abstentions, motion carries. We’re going to take a five minute recess for Executive Session on this point of leaving it open and how we should do it so that we protect the record.”

### **Town Board Meeting Closed for Executive Session**

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### **Town Board Meeting Reopened**

Supervisor Walter: “Alright, let’s bring the meeting back to order”

Councilman Dunleavy: “I’d like to make a motion that we reconvene the Board meeting.”

Supervisor Walter: “Second, all in favor, opposed, abstentions, motion carried. You didn’t say anything because you abstained. Diane, when can the transcript be done?”

Diane Wilhelm: “She usually gets it to me within ten to twelve days.”

Supervisor Walter: “Ok. The applicant has a lot of questions to be answered. We talked to our attorney to figure out what was the best way to keep the record open to preserve the record and this is what we’ve come up with.

We’re going to hold the public hearing open until December 2<sup>nd</sup>. We want the applicant to get the record because there were a lot of questions in the record that did not get answered. We would like the applicant to respond to all the questions in the written transcript as well as the questions that were posed in writing to the Town Board. Obviously some of them you may or may not be able to answer but we would like them addressed.”

Vic Prusinowski: “There’s one I can’t answer and that was the invitation from the current owner of the. I never met the gentleman so I don’t know. All I know was he ran for Mayor.”

Supervisor Walter: “Ok, ok, so that’s how we’re going to handle it. We’re going to get you the transcript as soon as possible. We’ll get you copies of the record. We’re going to open it as the first hearing. I don’t know what we have on December 2<sup>nd</sup>. Ok, let’s not put too much on December 2<sup>nd</sup>. We’ll reopen this on December 2<sup>nd</sup>. The goal so everybody understands is we’ll probably, if everything works out, we will probably close it on the second for public

comment but leave it open for written comment for not less than thirty days and we will deal, a lot of the issues will be dealt with at work session because honestly that's how the Town Board interacts with its employees and staff and the public is always welcome and I allow the public to speak. That's the problematic part for the record but we will try to condense everything to writing, even a work session, so that we have a record."

Vic Prusinowski: "Ok, two things and one final thought. I will ask the Town Clerk, I especially want the prepared statements from the people in the audience that handed you statements because we definitely want to look at them. They're our neighbors and their concerns very much matter.

I want to say on behalf of the company, we have been around Riverhead; they have been partners here in Riverhead for a long time. We are going to do the right thing here. Of course we want to have this proposal approved, with conditions probably, that's the purpose of the special permit. Just to clear the record, the reason we did not put in a Site Plan application it was my judgment based on my experience that it was way premature to put an application in to the Planning Department for a Site Plan before we got through the Special Permit hearing because things can change during the Special Permit. That's a whole other procedure and that's more to do with how we physically develop the site and we now have to have a public hearing there too as you know and that will be addressed at that time. So what we want to do is we support the Board on this. We're definitely going to answer the questions to the best of our ability. We'll probably reach out into the neighborhood speaking to some of the people that talked to us tonight and we'll see you in a couple of months. In the mean time we might show up at a work session if you have some things you need."

Supervisor Walter: "Ok. So everybody's clear? We're going to hold the public comment period in abeyance until December 2<sup>nd</sup>. It will be put on, actually December 2<sup>nd</sup>." (inaudible)

Vic Prusinowski: "Aren't you adjourning Supervisor?"

Robert Kozakiewicz: "Just to be clear."

Vic Prusinowski: "You're adjourning the public hearing."

Robert Kozakiewicz: "Just to be clear we're carrying it over from Town Board meeting to Town Board meeting. What's going to happen today is there's going to be a motion to adjourn the public hearing with an adjourned date to December 2, 2014 at which point in time it will be carried over. It will be the first matter on the agenda as far as the public hearing on the December 2<sup>nd</sup> date."

Supervisor Walter: "Now we're going to jam it all back up, because that's a two o'clock meeting and I think the folks probably don't want to see a two o'clock meeting so. Show of hands if you want a two o'clock or a seven o'clock meeting. Two o'clock raise your hands. Seven o'clock raise your hands. Ok, seven o'clock. So now we're in December 16<sup>th</sup>, Merry Christmas to everybody. We're going to, Bob, make the motion for December 16<sup>th</sup>."

Robert Kozakiewicz: “What we’re going to do is move to adjourn the public hearing till December 16, 2014, that’s the motion.”

Councilwoman Giglio: “What’s the last meeting in November and do they think that they can get the information back before then?”

Councilman Dunleavy: “She said twelve days; it takes approximately twelve days to get the printed material.”

Councilwoman Giglio: “Ok, well its October 21<sup>st</sup> so if they could do it by mid-November or.”

Supervisor Walter: “It’s not a lot of time. Ok, we’ve got a motion on the floor.”

Robert Kozakiewicz: “I can’t make that motion.”

Councilman Dunleavy: “I make that motion.”

Supervisor Walter: “Is there a second on that motion?”

Councilman Wooten: “I’ll second.”

Vic Prusinowski: “This is for December 16<sup>th</sup>?”

Supervisor Walter: “December 16<sup>th</sup>.” (inaudible) Moved and seconded. Vote please on that motion.”

Diane Wilhelm: Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes.”

Supervisor Walter: “Ok folks, we’ll see you on the 16<sup>th</sup>. Thank you very much; it’s been a lively debate.”

**Public Hearing Ended at 9:28 p.m.  
Held Open Until December 16, 2014**

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