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T O W N O F B R O O K H A V E N

- - - - -x

TOWN BOARD MEETING

HELD VIA ZOOM VIDEOCONFERENCE

- - - - -x

February 11, 2021
5:00 p.m.

TRANSCRIPT OF PROCEEDINGS

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A P P E A R A N C E S :

BOARD MEMBERS :

JANE BONNER
NEIL J. FOLEY
KEVIN LaVALLE
MICHAEL A. LOGUERCIO JR.
DANIEL PANICO
SUPERVISOR EDWARD P. ROMAINE

ALSO PRESENT :

DONNA LENT, TOWN CLERK
ANNETTE EADERESTO,
TOWN ATTORNEY

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SUPERVISOR ROMAINE: Welcome to the Brookhaven Town board meeting tonight and I'm going to bang the gavel, call it to order and with that, if we would all stand and pledge our flag.

(Pledge of Allegiance.)

SUPERVISOR ROMAINE: At this time, I'm going to ask for a moment of silence and I'd like us to remember all of those people who are facing health issues, whether it be from COVID or whether they're facing a serious operation or they have some serious health issues. Let's keep them in our prayers and in our thoughts. We really want everyone to be as healthy and as happy as they can be, so let's give it a moment of silence.

(Moment of silence.)

SUPERVISOR ROMAINE: With that, we'll start the meeting with the roll call from our clerk.

(Pause.)

SUPERVISOR ROMAINE: Donna.

MS. LENT: Yes, one second.

SUPERVISOR ROMAINE: Okay. Sorry.

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COUNCILWOMAN BONNER: She said she has
a little bit of a delay with the new system,
Ed.

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SUPERVISOR ROMAINE: Oh, right, okay.
We have a new system in which whatever we're
saying, Donna hears about 30 seconds later.

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MS. LENT: Well, I have a few more
steps to take in between, that's all.

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SUPERVISOR ROMAINE: Yup.

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MS. LENT: Councilwoman Bonner.

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COUNCILWOMAN BONNER: I'm here.

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MS. LENT: Councilman LaValle.

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COUNCILMAN LaVALLE: Present.

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MS. LENT: Councilman Loguercio.

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COUNCILMAN LOGUERCIO: Present.

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MS. LENT: Councilman Foley.

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COUNCILMAN FOLEY: Here.

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MS. LENT: Councilman Panico.

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COUNCILMAN PANICO: Here.

21

MS. LENT: Supervisor Romaine.

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SUPERVISOR ROMAINE: Present.

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MS. LENT: You have a quorum, sir.

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SUPERVISOR ROMAINE: Thank you very

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much.

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We're moving right to reports to the board. The first will be by our Town Clerk and after that report is given, then by our Town Highway Superintendent.

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MS. LENT: No, sir, I have no report tonight.

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SUPERVISOR ROMAINE: Okay. So we'll move right to our Highway Superintendent, Dan Losquadro.

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MR. LOSQUADRO: Thank you, Mr. Supervisor.

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13

As we all know, we are unfortunately in a very active winter weather pattern right now. What meteorologists were referring to as an atmospheric river coming off the Pacific Ocean and spreading storms clear across the United States, so we've had a number of storms that have hit us back to back to back, some larger, some smaller, but the one issue that we are having right now that is impacting all of the downstate region is the ability to get salt deliveries. We are not in imminent danger of running out at the moment, but I would estimate that we are only at about 25 or

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30 percent capacity right now.

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The issue is not that the New York State contract vendor does not have enough salt at their facility, the issue is getting it off of Staten Island where their facility is located.

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The route that they take involves going up the Brooklyn-Queens Expressway and there is a cantilever bridge in the vicinity of the Brooklyn Navy Yard/Brooklyn Bridge area that has suffered structural damage, so the weight limits have been drastically reduced, which means they're running lighter loads and more trucks and the trucks that are doing these deliveries are waiting three, four, five hours on line just to go over the scales to get into and out of that salt facility. It is leading to a shortage.

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This afternoon I spoke with one of the directors upstate regionally from the DOT. They're aware of the situation, they are looking at the two alternate vendors, which are Morton Salt and Apalachee Salt and we are looking to get material from those alternate

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vendors if Atlantic Salt cannot increase their rates of delivery.

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I am staying open with a skeleton crew in the evenings, on weekends, trying to make it as easy as possible for Atlantic Salt to get those deliveries to us, but I just want you to be aware of the situation. There are other townships who have far less than us who are essentially out at the moment. Again, we are not in that situation, but I wanted to make you aware that this is something that I am monitoring, I am in touch with the governor's office and they put me in touch with the DOT today and with our local senators, who have been assisting in facilitating that contact.

So we will continue to be open throughout this weekend getting those deliveries in, but again, those deliveries are much smaller than what they would usually be, so our rate that we're taking it in is greatly reduced.

As far as the storms are concerned, obviously I'm sure as everyone has seen, the

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2

past couple of storms, about a six-inch storm

3

and last night, between two and four inches

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depending on where you were across the Town,

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we have handled very quickly, very

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efficiently. Even with some of the reductions

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in the workforce that we have with outside

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contractors, these storms are well within our

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capability to handle within a very reasonable

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time frame.

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The one very large storm that we had,

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we had a number of vendors, even after giving

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us their insurance certificates and signing up

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with us, we had close to a hundred of them not

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come in. We have been actively pursuing

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additional vendors, but again and speaking

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with my colleagues and I am currently

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president of the Suffolk County Superintendent

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of Highways Association and speaking with my

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colleagues across the County, with the last

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two snow seasons being very minimal and with

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insurance premiums increasing, many of the

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previous vendors that had worked for

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municipalities in the past have gotten out of

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that line of work.

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We are running ads in local newspapers, we are trying by word of mouth to get additional vendors, but even with the capability we have and I do want to say, take a moment to say thank you not only to the men and women of the Highway Department, but also, the Parks Department and Waste Management Department, who have been pitching in to help us on the roads as well.

We have been able to meet our stated in-house goals, but I ask people to be patient. During a storm like the one we had with 16 or 18 inches, my goal was always to have a road open, meaning a path down the road within 24 hours of the storm ending and that's very important to note because that storm lasted 30 hours, so people were looking at it from the time the storm started, but from the time the storm ended, we did have all roads at least passable within that 24-hour window, but then it took us two to three days after that to go back in with heavier equipment because many of those smaller pickup trucks just could not push that volume of snow, so we had to go

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back in with heavier dump trucks, with

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payloaders, widen those roads, clear those

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intersections, clear those cul-de-sacs and it

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did take a considerable period of time.

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I appreciate the understanding and

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obviously I had many conversations with

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members of the Town board as we move through

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this as some of our residents were frustrated

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with that volume of snow and how long it took

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to widen those roads and then when we did

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widen them, they had already shoveled their

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driveways out, so it pushed snow back into the

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end of the driveway and again, I sympathize

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with that, but this is Long Island where

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sometimes you get heavier snow seasons and

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sometimes, like the past two years, you get

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much lighter snow seasons, so we will continue

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to work on each and every one of these storms.

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It looks like we could have some more

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inclement weather coming up the middle of next

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week and we'll be keeping a very close eye on

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that and we will be endeavoring, whether it is

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through Atlantic Salt or through those

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alternate vendors, to increase our salt supply

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on hand to make sure that we have enough for

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back-to-back storms. You know, being in a

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position where we only have enough for one

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storm is never a comfortable one, so we're

6

working to increase that capacity on the

7

ground as we move into additional potential

8

storms upcoming.

9

If there's any questions, I'll be happy

10

to take them.

11

(No response.)

12

SUPERVISOR ROMAINE: Thank you.

13

MR. LOSQUADRO: Thank you,

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Mr. Supervisor.

15

SUPERVISOR ROMAINE: Any questions from

16

the board members?

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COUNCILMAN FOLEY: Thank you, Dan.

18

COUNCILWOMAN BONNER: Thanks, Dan.

19

This might be a good opportunity to

20

appeal for private contractors, Dan.

21

MR. LOSQUADRO: I think I already did

22

that, I think I covered that pretty clearly.

23

If there is anyone out there who's

24

watching this who has not yet signed up,

25

please come down to 1140 Old Town Road

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beginning of next week, see Linda. We will

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closed on Monday for the holiday, but on

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Tuesday morning, come down, we'll get you

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signed up right away, we're always happy to

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have additional contract vendors; the more we

7

have, the faster we can get that work done.

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SUPERVISOR ROMAINE: Okay.

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COUNCILWOMAN BONNER: Thank you.

10

SUPERVISOR ROMAINE: Thank you. Good

11

luck with the coming storms.

12

MR. LOSQUADRO: Thank you.

13

SUPERVISOR ROMAINE: Okay. Thank you

14

again.

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We'll go onto the communication

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consensus agenda, on which there are three

17

items.

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MS. LENT: Yes, there are three items

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on the communication consensus agenda.

20

May I have a motion to accept these

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items?

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COUNCILMAN LaVALLE: So moved.

23

COUNCILWOMAN BONNER: Second.

24

MS. LENT: All those in favor?

25

COUNCILWOMAN BONNER: Aye.

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2 COUNCILMAN FOLEY: Aye.

3 COUNCILMAN LaVALLE: Aye.

4 COUNCILMAN LOGUERCIO: Aye.

5 COUNCILMAN PANICO: Aye.

6 SUPERVISOR ROMAINE: Aye.

7 MS. LENT: Opposed?

8 (No response.)

9 MS. LENT: Motion carries.

10 SUPERVISOR ROMAINE: We go onto the
11 highway consensus agenda, which is two items.12 MS. LENT: All right. And if I could
13 just ask you to just slow up a little bit
14 moving between items because of this new
15 system, I would appreciate it.

16 SUPERVISOR ROMAINE: Absolutely.

17 MS. LENT: Because I'm setting the time
18 clock on it, the time stamp on it.19 So yes, we have two items also on the
20 highway consensus agenda.21 May I have a motion to accept those
22 items?

23 COUNCILMAN LaVALLE: So moved.

24 COUNCILWOMAN BONNER: Second.

25 MS. LENT: All those in favor?

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2 COUNCILWOMAN BONNER: Aye.

3 COUNCILMAN FOLEY: Aye.

4 COUNCILMAN LaVALLE: Aye.

5 COUNCILMAN LOGUERCIO: Aye.

6 COUNCILMAN PANICO: Aye.

7 SUPERVISOR ROMAINE: Aye.

8 MS. LENT: Opposed?

9 (No response.)

10 MS. LENT: Motion carries.

11 SUPERVISOR ROMAINE: Okay. We are onto
12 the consensus resolution agenda.

13 Who is handling that today?

14 COUNCILMAN FOLEY: I am, Supervisor,
15 thank you.16 I have resolution 0033-2021 to
17 resolution 0042-2021.

18 So moved.

19 COUNCILMAN LOGUERCIO: I'll second
20 that, Councilman.

21 MS. LENT: All those in favor?

22 COUNCILWOMAN BONNER: Aye.

23 COUNCILMAN FOLEY: Aye.

24 COUNCILMAN LaVALLE: Aye.

25 COUNCILMAN LOGUERCIO: Aye.

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COUNCILMAN PANICO: Aye.

3

SUPERVISOR ROMAINE: Aye.

4

MS. LENT: Opposed?

5

(No response.)

6

MS. LENT: Motion carries.

7

Now I need to go down. Here we go.

8

SUPERVISOR ROMAINE: Okay. We'll move

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onto the resolution agenda and I'm taking the

10

first one.

11

Resolution 116 of 2021, authorizing to

12

transfer a recharge basin to the Village of

13

Port Jefferson pursuant to Section 72-H of the

14

General Municipal Law. This recharge basin is

15

on Ellen Drive in Port Jefferson and I so

16

move.

17

COUNCILMAN PANICO: Second.

18

COUNCILWOMAN BONNER: Second.

19

MS. LENT: Mr. Panico.

20

All those in favor?

21

COUNCILWOMAN BONNER: Aye.

22

COUNCILMAN FOLEY: Aye.

23

COUNCILMAN LaVALLE: Aye.

24

COUNCILMAN LOGUERCIO: Aye.

25

COUNCILMAN PANICO: Aye.

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SUPERVISOR ROMAINE: Aye.

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MS. LENT: Opposed?

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(No response.)

5

MS. LENT: Motion carries.

6

SUPERVISOR ROMAINE: Okay. Michael.

7

MS. LENT: Go ahead.

8

MS. EADERESTO: Mike, you're next.

9

SUPERVISOR ROMAINE: You are muted.

10

COUNCILMAN LOGUERCIO: It says district

11

two on it.

12

COUNCILWOMAN BONNER: 0117.

13

COUNCILMAN FOLEY: It's four, Mike.

14

MS. LENT: It's you, Mike.

15

MS. EADERESTO: 0117, setting a public

16

hearing, condemnation of property --

17

SUPERVISOR ROMAINE: I'll do it.

18

0117, setting a public hearing,

19

condemnation of property for open space

20

purposes, Country Road, Medford, New York,

21

with the tax maps listed. This is Grand

22

Medford Estates, LLC and I so move.

23

COUNCILMAN FOLEY: Second.

24

MS. LENT: Mr. Foley.

25

That public hearing will be held on

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March 11, 2021 at 5:30 p.m.

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All those in favor?

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COUNCILWOMAN BONNER: Aye.

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COUNCILMAN FOLEY: Aye.

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COUNCILMAN LaVALLE: Aye.

7

COUNCILMAN LOGUERCIO: Aye.

8

COUNCILMAN PANICO: Aye.

9

SUPERVISOR ROMAINE: Aye.

10

MS. LENT: Opposed?

11

(No response.)

12

MS. LENT: Motion carries.

13

COUNCILWOMAN BONNER: Resolution 0118

14

is authorizing the acquisition --

15

MS. LENT: I need you to just pause.

16

COUNCILWOMAN BONNER: Sorry.

17

MS. LENT: Okay.

18

COUNCILMAN FOLEY: Madam Clerk, do you

19

want us to wait for your go before we start

20

the resolution?

21

MS. LENT: Yeah, maybe I can say next.

22

COUNCILWOMAN BONNER: Okay, perfect.

23

SUPERVISOR ROMAINE: Next is good.

24

COUNCILWOMAN BONNER: Perfect. Just

25

let me know.

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MS. LENT: Go ahead.

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COUNCILWOMAN BONNER: Resolution 0118 is authorizing the acquisition of property for open space in partnership with the County of Suffolk located at Swezeytown Road, Middle Island. Suffolk County tax map numbers are provided. Owner is Lilvic Realty Corp.

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COUNCILMAN LaVALLE: Second.

10

MS. LENT: All those in favor?

11

COUNCILWOMAN BONNER: Aye.

12

COUNCILMAN FOLEY: Aye.

13

COUNCILMAN LaVALLE: Aye.

14

COUNCILMAN LOGUERCIO: Aye.

15

COUNCILMAN PANICO: Aye.

16

SUPERVISOR ROMAINE: Aye.

17

MS. LENT: Opposed?

18

(No response.)

19

COUNCILWOMAN BONNER: Aye. Sorry. Let me know.

20

21

MS. LENT: All right. So I have a

22

first, I have you, Jane and I have Mr. LaValle

23

is second.

24

All those in favor?

25

COUNCILWOMAN BONNER: Aye.

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2 COUNCILMAN FOLEY: Aye.

3 COUNCILMAN LaVALLE: Aye.

4 COUNCILMAN LOGUERCIO: Aye.

5 COUNCILMAN PANICO: Aye.

6 SUPERVISOR ROMAINE: Aye.

7 MS. LENT: Opposed?

8 (No response.)

9 MS. LENT: Motion carries.

10 Next.

11 COUNCILWOMAN BONNER: Resolution 0119

12 is award bid number 20057, security access

13 road and fencing phases I and II to the lowest

14 responsible bidder, Macedo Contracting

15 Services, Inc.

16 So moved.

17 COUNCILMAN LaVALLE: Second.

18 MS. LENT: All those in favor?

19 COUNCILWOMAN BONNER: Aye.

20 COUNCILMAN FOLEY: Aye.

21 COUNCILMAN LaVALLE: Aye.

22 COUNCILMAN LOGUERCIO: Aye.

23 COUNCILMAN PANICO: Aye.

24 SUPERVISOR ROMAINE: Aye.

25 MS. LENT: Opposed?

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(No response.)

3

MS. LENT: Motion carries.

4

Next.

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6

SUPERVISOR ROMAINE: Resolution 120 of 2021, authorizing the Stony Brook Yacht Club to submit the required permit application to all the regulatory agencies for the repair and maintenance of existing docks located at the Stony Brook Yacht Club and I so move.

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COUNCILMAN PANICO: Second.

12

MS. LENT: All those in favor?

13

COUNCILWOMAN BONNER: Aye.

14

COUNCILMAN FOLEY: Aye.

15

COUNCILMAN LaVALLE: Aye.

16

COUNCILMAN LOGUERCIO: Aye.

17

COUNCILMAN PANICO: Aye.

18

SUPERVISOR ROMAINE: Aye.

19

MS. LENT: Opposed?

20

(No response.)

21

MS. LENT: Motion carries.

22

Next.

23

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SUPERVISOR ROMAINE: Okay. Resolution 121 of 2021 is a SEQRA negative declaration authorizing a license agreement with Concerned

1

2

Long Island Mountain Bicyclists better known

3

as C.L.I.M.B. for the bike skills park at

4

Percy Raynor Park and I so move.

5

COUNCILMAN PANICO: Second.

6

MS. LENT: All those in favor?

7

COUNCILWOMAN BONNER: Aye.

8

COUNCILMAN FOLEY: Aye.

9

COUNCILMAN LaVALLE: Aye.

10

COUNCILMAN LOGUERCIO: Aye.

11

COUNCILMAN PANICO: Aye.

12

SUPERVISOR ROMAINE: Aye.

13

MS. LENT: Opposed?

14

(No response.)

15

MS. LENT: Motion carries.

16

Next.

17

COUNCILMAN PANICO: 122 of '21 is

18

authorization for the Supervisor/Deputy

19

Supervisor to submit a consolidated funding

20

application otherwise known as a CFA to the

21

New York State Environmental Facilities

22

Corporation Green Innovation grant program to

23

fund stormwater infrastructure along Laura Lee

24

Drive in Center Moriches.

25

So moved.

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COUNCILMAN FOLEY: Second.

3

MS. LENT: All those in favor?

4

COUNCILWOMAN BONNER: Aye.

5

COUNCILMAN FOLEY: Aye.

6

COUNCILMAN LaVALLE: Aye.

7

COUNCILMAN LOGUERCIO: Aye.

8

COUNCILMAN PANICO: Aye.

9

SUPERVISOR ROMAINE: Aye.

10

MS. LENT: Opposed?

11

(No response.)

12

MS. LENT: Motion carries.

13

Next.

14

COUNCILMAN PANICO: 123 of '21 is

15

authorization for the Supervisor/Deputy

16

Supervisor to accept a grant award from the

17

New York State Department of Environmental

18

Conservation for funding for flood plain

19

restoration in the Mastic marshland

20

conservation area and to authorize the

21

Commissioner of Finance to amend the 2021

22

capital budget in connection with the grant

23

award.

24

So moved.

25

COUNCILMAN FOLEY: Second.

1

2

MS. LENT: All those in favor?

3

COUNCILWOMAN BONNER: Aye.

4

COUNCILMAN FOLEY: Aye.

5

COUNCILMAN LaVALLE: Aye.

6

COUNCILMAN LOGUERCIO: Aye.

7

COUNCILMAN PANICO: Aye.

8

SUPERVISOR ROMAINE: Aye.

9

MS. LENT: Opposed?

10

(No response.)

11

MS. LENT: Motion carries.

12

Next.

13

COUNCILMAN PANICO: 124 of '21 is

14

authorizing the acquisition of land in the

15

Town of Brookhaven for property located on

16

Bayview Drive, Mastic Beach, New York, South

17

Shore Development Corporation is the owner.

18

So moved.

19

COUNCILMAN FOLEY: Second.

20

MS. LENT: All those in favor?

21

COUNCILWOMAN BONNER: Aye.

22

COUNCILMAN FOLEY: Aye.

23

COUNCILMAN LaVALLE: Aye.

24

COUNCILMAN LOGUERCIO: Aye.

25

COUNCILMAN PANICO: Aye.

1

2

SUPERVISOR ROMAINE: Aye.

3

MS. LENT: Opposed?

4

(No response.)

5

MS. LENT: Motion carries.

6

Next.

7

COUNCILMAN FOLEY: Resolution 125 of

8

2021, authorizing the change order number five

9

to contract number 20190023, cell six, phases

10

XI, XII, XIII through budget neutral

11

transfers.

12

So moved.

13

COUNCILMAN LOGUERCIO: Second.

14

MS. LENT: All those in favor?

15

COUNCILWOMAN BONNER: Aye.

16

COUNCILMAN FOLEY: Aye.

17

COUNCILMAN LaVALLE: Aye.

18

COUNCILMAN LOGUERCIO: Aye.

19

COUNCILMAN PANICO: Aye.

20

SUPERVISOR ROMAINE: Aye.

21

MS. LENT: Opposed?

22

(No response.)

23

MS. LENT: Motion carries.

24

Next.

25

COUNCILMAN FOLEY: Resolution 0126 of

1

2

2021, approval of capital professional service

3

requisitions in excess of \$25,000 for payment

4

of 2021 various professional service

5

requisitions in connection with the Department

6

of Recycling and Sustainable Materials

7

Management including landfill operations.

8

So moved.

9

COUNCILMAN LOGUERCIO: Second.

10

MS. LENT: All those in favor?

11

COUNCILWOMAN BONNER: Aye.

12

COUNCILMAN FOLEY: Aye.

13

COUNCILMAN LaVALLE: Aye.

14

COUNCILMAN LOGUERCIO: Aye.

15

COUNCILMAN PANICO: Aye.

16

SUPERVISOR ROMAINE: Aye.

17

MS. LENT: Opposed?

18

(No response.)

19

MS. LENT: Motion carries.

20

Next.

21

COUNCILMAN LOGUERCIO: 127 of 2021 is

22

amending resolution 2020-0292, authorizing

23

award of contract for services to be performed

24

by Vanasse Hangen.

25

So moved.

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COUNCILMAN FOLEY: Second.

3

MS. LENT: All those in favor?

4

COUNCILWOMAN BONNER: Aye.

5

COUNCILMAN FOLEY: Aye.

6

COUNCILMAN LaVALLE: Aye.

7

COUNCILMAN LOGUERCIO: Aye.

8

COUNCILMAN PANICO: Aye.

9

SUPERVISOR ROMAINE: Aye.

10

MS. LENT: Opposed?

11

(No response.)

12

MS. LENT: Motion carries.

13

COUNCILMAN FOLEY: Resolution 0128 of

14

2021, authorizing change order number three to

15

contract number 20200038, E-1 flare system

16

installation.

17

So moved.

18

COUNCILMAN LOGUERCIO: Second.

19

MS. LENT: All those in favor?

20

COUNCILWOMAN BONNER: Aye.

21

COUNCILMAN FOLEY: Aye.

22

COUNCILMAN LaVALLE: Aye.

23

COUNCILMAN LOGUERCIO: Aye.

24

COUNCILMAN PANICO: Aye.

25

SUPERVISOR ROMAINE: Aye.

1

2

MS. LENT: Opposed?

3

(No response.)

4

MS. LENT: Motion carries.

5

Next.

6

COUNCILMAN PANICO: 129 of '21 is

7

amending resolution number 2020-0476 entitled

8

amending resolution number 2016-0723. This is

9

the appointment of Open Space and Farmland

10

Acquisition Advisory Committee members.

11

I'm happy to say that Tom Muller has

12

agreed to join the group and this vacancy

13

unfortunately was created with the passing of

14

Andrea Spilka, who was a beautiful person, did

15

a good job not only for this Town, the Town of

16

Southampton, but also for all of Long Island.

17

She will be missed and I know that Tom Muller

18

has the experience and I wish him the best on

19

this volunteer committee.

20

COUNCILMAN FOLEY: Second.

21

MS. LENT: All those in favor?

22

COUNCILWOMAN BONNER: Aye.

23

COUNCILMAN FOLEY: Aye.

24

COUNCILMAN LaVALLE: Aye.

25

COUNCILMAN LOGUERCIO: Aye.

1

2

COUNCILMAN PANICO: Aye.

3

SUPERVISOR ROMAINE: Aye.

4

MS. LENT: Opposed?

5

(No response.)

6

MS. LENT: Motion carries.

7

Next.

8

COUNCILMAN PANICO: 130 of '21 is a

9

bond resolution authorizing --

10

MS. LENT: Start again, Mr. Panico,

11

please.

12

COUNCILMAN PANICO: Sorry about that.

13

MS. LENT: Go ahead.

14

COUNCILMAN PANICO: 130 of '21 is a

15

bond resolution authorizing the issuance of

16

\$850,000 in bonds to pay the cost of design

17

for the restoration of saltmarshes at Southern

18

Mastic Beach in and for said Town.

19

So moved.

20

COUNCILMAN FOLEY: Second.

21

MS. LENT: That will be a roll call

22

vote, so Ms. Bonner, how do you vote?

23

COUNCILWOMAN BONNER: Yes.

24

MS. LENT: Mr. LaValle?

25

COUNCILMAN LaVALLE: Yes.

1

2

MS. LENT: Mr. Loguercio?

3

COUNCILMAN LOGUERCIO: Aye.

4

MS. LENT: Mr. Foley?

5

COUNCILMAN FOLEY: Yes.

6

MS. LENT: Mr. Panico?

7

COUNCILMAN PANICO: Yes.

8

MS. LENT: Supervisor Romaine?

9

SUPERVISOR ROMAINE: Yes.

10

MS. LENT: Motion carries.

11

Next.

12

COUNCILWOMAN BONNER: Resolution 0131

13

is 2021 various operating budget amendments

14

for employee benefit adjustments.

15

So moved.

16

COUNCILMAN LaVALLE: Second.

17

MS. LENT: All those in favor?

18

COUNCILWOMAN BONNER: Aye.

19

COUNCILMAN FOLEY: Aye.

20

COUNCILMAN LaVALLE: Aye.

21

COUNCILMAN LOGUERCIO: Aye.

22

COUNCILMAN PANICO: Aye.

23

SUPERVISOR ROMAINE: Aye.

24

MS. LENT: Opposed?

25

(No response.)

1

2

MS. LENT: Motion carries.

3

Next.

4

5

SUPERVISOR ROMAINE: Resolution 132 of 2021, authorize the retroactive attendance and

6

administrative leave for Richard Debragga,

7

Assessor, Department of the Assessor, to

8

attend the application of the three approaches

9

to value, virtual training courses on

10

January 25th, 27th and 29th and I so move.

11

COUNCILMAN PANICO: Second.

12

MS. LENT: All those in favor?

13

COUNCILWOMAN BONNER: Aye.

14

COUNCILMAN FOLEY: Aye.

15

COUNCILMAN LaVALLE: Aye.

16

COUNCILMAN LOGUERCIO: Aye.

17

COUNCILMAN PANICO: Aye.

18

SUPERVISOR ROMAINE: Aye.

19

MS. LENT: Opposed?

20

(No response.)

21

MS. LENT: Motion carries.

22

Next.

23

COUNCILMAN LOGUERCIO: Resolution 133

24

of 2021 is to authorize the Commissioner of

25

Finance to amend the 2021 adopted capital

1

2

budget to establish a new project, Cedarhurst

3

Avenue, Medford drainage, to be funded through

4

a budget neutral transfer.

5

So moved.

6

COUNCILMAN FOLEY: Second.

7

MS. LENT: All those in favor?

8

COUNCILWOMAN BONNER: Aye.

9

COUNCILMAN FOLEY: Aye.

10

COUNCILMAN LaVALLE: Aye.

11

COUNCILMAN LOGUERCIO: Aye.

12

COUNCILMAN PANICO: Aye.

13

SUPERVISOR ROMAINE: Aye.

14

MS. LENT: Opposed?

15

(No response.)

16

MS. LENT: Motion carries.

17

COUNCILWOMAN BONNER: Resolution 0134

18

is an authorization to pay various invoices

19

for goods and services provided without a

20

professional service requisition, contract or

21

purchase order as required by the Town

22

procurement policy related to the recycling

23

and sustainable materials management

24

department.

25

So moved.

1

2

COUNCILMAN LaVALLE: Second.

3

MS. LENT: All those in favor?

4

COUNCILWOMAN BONNER: Aye.

5

COUNCILMAN FOLEY: Aye.

6

COUNCILMAN LaVALLE: Aye.

7

COUNCILMAN LOGUERCIO: Aye.

8

COUNCILMAN PANICO: Aye.

9

SUPERVISOR ROMAINE: Aye.

10

MS. LENT: Opposed?

11

(No response.)

12

MS. LENT: Motion carries.

13

COUNCILWOMAN BONNER: Resolution 0135

14

is 2020 various operating and capital budget

15

transfers.

16

So moved.

17

COUNCILMAN LaVALLE: Second.

18

MS. LENT: All those in favor?

19

COUNCILWOMAN BONNER: Aye.

20

COUNCILMAN FOLEY: Aye.

21

COUNCILMAN LaVALLE: Aye.

22

COUNCILMAN LOGUERCIO: Aye.

23

COUNCILMAN PANICO: Aye.

24

SUPERVISOR ROMAINE: Aye.

25

MS. LENT: Opposed?

1

2

(No response.)

3

MS. LENT: Motion carries.

4

COUNCILWOMAN BONNER: And resolution

5

013 --

6

MS. LENT: Wait.

7

COUNCILMAN LaVALLE: Wait.

8

MS. LENT: Go ahead.

9

COUNCILWOMAN BONNER: Resolution 0136

10

is 2021 various operating and capital budget

11

transfers.

12

So moved.

13

COUNCILMAN LaVALLE: Second.

14

MS. LENT: All those in favor?

15

COUNCILWOMAN BONNER: Aye.

16

COUNCILMAN FOLEY: Aye.

17

COUNCILMAN LaVALLE: Aye.

18

COUNCILMAN LOGUERCIO: Aye.

19

COUNCILMAN PANICO: Aye.

20

SUPERVISOR ROMAINE: Aye.

21

MS. LENT: Opposed?

22

(No response.)

23

MS. LENT: Motion carries.

24

COUNCILMAN LaVALLE: Mr. Supervisor,

25

just before we start the public hearings, I

1

2

just want to say real quick, tonight I know

3

the clerk's been working very hard on this,

4

you heard, I think everybody in the audience,

5

that we're working on a new resolution

6

tracking system.

7

Donna Lent, our clerk, has been working

8

with IT, Matt Sabatello, putting together a

9

whole new resolution tracking system so it's a

10

little bit easier on our employees and

11

certainly easier for residents to be able to

12

track what we do here.

13

About six years ago, the clerk and I

14

worked on the system we presently have, we

15

were one of the first townships to broadcast

16

live on the Internet as well as Channel 18 and

17

we changed a lot of what's going on and she's

18

been doing a great job, tonight's really kind

19

of our dry run, so I just want to congratulate

20

her for all of her hard work, we're going to

21

have some bugs that I'm sure we're going to

22

work out and Donna's learning how to do

23

everything as we're going along here, but this

24

is really our dry run tonight, but I just want

25

to commend her and IT on their work on this.

1

2

This is not an easy thing to do, to upgrade

3

technology and make it better and make it

4

easier, so I just wanted to commend you on the

5

work that you're doing on it.

6

MS. LENT: And what's happening is I'm

7

actually time stamping this meeting, so when

8

people go back to watch the video later, they

9

can just simply click on a resolution, it will

10

take them to the right portion of the video

11

and there's a little bit of a delay to set

12

that time stamp each time and that's why I

13

just asked you to pause a second before you

14

start reading the next resolution and I'm sure

15

by the next meeting I'll figure out a way to

16

cut that down somehow, but for now.

17

COUNCILMAN LaVALLE: I was the Town

18

councilperson working on the computers, rest

19

of my colleagues will be doing the same pretty

20

soon, but I was kind of the guinea pig tonight

21

to just track everything on what we're doing,

22

I'll have some recommendations for IT

23

tomorrow, just things that I think could help

24

us function, but looking at the system now, I

25

think it's really a good upgrade on what we

1

2 have, so I'm glad we're trying to work on this
3 initiative.

4

MS. LENT: It allows me to do the
5 minutes as we're doing the meeting, which will
6 make them available sooner to the public, so
7 that's a good thing.

8

SUPERVISOR ROMAINE: What's the name of
9 the system, Donna?

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MS. LENT: And we had no choice really
to move to a new system because our prior
system is no longer being serviced by the

1

2

software company, there are no upgrades or

3

anything, so we had to move to a new system.

4

SUPERVISOR ROMAINE: Right. Okay.

5

We finished the resolution agenda.

6

We don't have any dates to set or any

7

other business before we take up the public

8

hearings?

9

MS. LENT: No, I do not have dates. I

10

don't have a folder. No, no dates to set.

11

SUPERVISOR ROMAINE: Okay. It's 5:29,

12

we're going to start in one minute.

13

What I would say is we only have one

14

public hearing tonight. I would remind anyone

15

speaking on the public hearing that they are

16

to speak to the issue. This is not a wide

17

open discussion, this is a specific public

18

hearing, all the comments should be directed

19

to this public hearing and the issues

20

revolving and the public hearing is to

21

consider the application of Peconic

22

Environmental Services for a Town board

23

special permit for a transfer station and Town

24

board waivers of a special permit criteria on

25

property located on Peconic Avenue, Medford,

1

2

New York.

3

4

5

6

7

8

This is property that in 1971 was zoned light industry and then in 1973 was zoned heavy industry, L2 and they do not need a zoning change, but they do need a special permit and it is now 5:30, so I'm going to let our clerk open the public hearing.

9

10

11

12

13

MS. LENT: Public hearing number one is to consider the application known as Peconic Environmental Services Corp. for a special permit on property located in Medford, New York.

14

15

16

17

18

19

Legal notices for public hearings are published no less than ten days, no more than 20 days prior to a public hearing in one of the legal Town newspapers. My office has received a signed affidavit of publication from the newspaper.

20

21

22

A SEQRA negative determination will be submitted by the Law Department via resolution if applicable.

23

24

25

I am in receipt of a letter from the Suffolk County Planning Commission determining it to be a matter of local determination with

1

2

comments as well.

3

4

5

6

7

The applicant was required to post the property as well as notify all property owners within a 500-foot radius of the subject property and my office is in receipt of the affidavits of mailing and posting.

8

9

The letter from Suffolk County Planning Commission is dated January 27, 2021.

10

Dear Ms. Lent:

11

12

13

14

15

16

17

18

19

Pursuant to Section 239 l & m of the General Municipal Law, the following special permit which has been submitted to the Suffolk County Planning Commission is considered to be a matter for local determination as there appears to be no significant county-wide or inter-community impact(s). A decision of local determination should not be construed as either an approval or disapproval.

20

21

22

23

Special Permit Peconic Environmental Services Corp. - Medford. The address, the tax map number is listed and their file number is also listed.

24

The comments:

25

Generally accepted land use practice

1

2

defines a permit as a permission or approval

3

granted an applicant to use land in a district

4

for a purpose other than that generally

5

permitted outright in that district. Special

6

permit uses are intended to be very carefully

7

controlled to avoid adverse effects of the

8

use. The special permit use must show that

9

the proposed use meets the categorical

10

definition as a use type and then that the

11

specific requirements contained in the

12

ordinance **will be met**. The Board grants the

13

special permit if the proposal meets the

14

special permit standards found in the zoning

15

regulations.

16

The Town of Brookhaven L-2 District

17

zoning category, is intended by the Town of

18

Brookhaven Zoning Law as "Heavy Industry".

19

Heavy industry is generally an industry that

20

involves one or more characteristics such as

21

large and heavy products; large and heavy

22

equipment or complex or numerous processes.

23

Section 85-581 of the Town of Brookhaven

24

Zoning Law indicates that "...special permit

25

criteria **shall** be required ..." for Transfer a

1

2

Station.

3

4

Or is that supposed to be for a transfer station, I think they . . .

5

6

7

8

9

10

11

12

13

14

The applicant requests three variances from the special exception requirements which are established as the "minimum standards" that shall apply (85-581 A. (4), (5) & (9)), three variances from the Planning Board and three variance from the BZA. This appears excessive and not in the spirit of the special exception concept or the Brookhaven Town Zoning Law. The degree of nonconformity should be mitigated.

15

16

17

NOTE: Does not constitute acceptance of any zoning action(s) associated therewith before any other regulatory board.

18

19

Signed Very truly yours.

20

21

Andrew P. Freleng, Chief Planner
SUPERVISOR ROMAINE: Okay, thank you very much.

22

23

24

25

To briefly explain this application, which I think most board members are familiar with, we have Beth Reilly, our Planning Commissioner.

1

2

Beth.

3

(No response.)

4

SUPERVISOR ROMAINE: You're muted,

5

Beth. You're muted.

6

MS. REILLY: I know. Joe is going to

7

do the presentation.

8

SUPERVISOR ROMAINE: Joe is going to do

9

the presentation, okay. We have Joe Sanzano

10

from our Planning Department.

11

Joe, take it away.

12

MR. SANZANO: Thank you,

13

Mr. Supervisor. I will share my screen.

14

This site is located along the north

15

side of Peconic Avenue west of Buffalo Avenue

16

in Medford. The majority of the site is

17

currently zoned L2 Industrial by a change of

18

zone in 1973. A strip of land approximately

19

60 feet wide runs along the Long Island Rail

20

Road, which is currently zoned L1 Industrial.

21

The parcel is 6.05 acres and is currently

22

developed with a salvage yard.

23

The current land use has enjoyed a

24

certificate of occupancy since 1979. The

25

applicant seeks a special use permit in order

1

2

to redevelop this site with a new transfer station.

3

4

5

6

7

8

9

A proposed concept plan shows a new 38,775 square foot steel building to be used for the processing and sorting of C&D materials. A century gatehouse is proposed along with inbound and outbound truck scales, truck parking and continuous storage.

10

11

12

The site is proposed to be screened with a landscaped front yard buffer along Peconic Avenue.

13

14

The following waivers for special use permit criteria are required:

15

16

17

18

19

20

The century building is 543 feet from the residentially zoned land to the south. The proposed sorting and processing building is 75 feet from the MTA Long Island Rail Road properties to the north. The proposed sorting and processing building is 67 feet high.

21

22

23

24

Variances may also be required at the time of site plan review and the 1996 comprehensive Town land use plan designates this site for industrial land use.

25

With that, I will turn it over to the

1

2

applicant for their further comments.

3

4

SUPERVISOR ROMAINE: Okay. The applicant is Mr. Shea. I believe you're the attorney for the applicant.

5

6

MR. SHEA: Yes, I am.

7

SUPERVISOR ROMAINE: Okay.

8

9

So why don't you and I see you have a team of people here, why don't you take it from there?

10

11

MR. SHEA: Thank you very much,

12

Mr. Supervisor, members of the board.

13

14

J. Timothy Shea, Jr., Certilman Balin, 100 Motor Parkway, Hauppauge, New York, for the applicant. With me tonight are Joe Cline, Ron Hill and Pat DelCol of H2M Engineering, who will be testifying in regard to this hearing.

15

16

17

18

19

SUPERVISOR ROMAINE: Okay.

20

21

At this point I'm going to stop and ask that the Town Clerk, since this and all our public hearings we ask people to raise their right hand and take an oath.

22

23

24

25

MR. SHEA: Mr. Supervisor, if I may, also Mike Marinis may answer questions; he's

1

2

not scheduled to speak, but I'd like to have

3

him sworn in, too, just in case.

4

MS. LENT: Please, also, Mr. Marinis,

5

take yourself off mute so I'll be able to hear

6

you both, please.

7

SUPERVISOR ROMAINE: Michael, take

8

yourself off mute.

9

MR. SHEA: Joe, Pat, Ron.

10

SUPERVISOR ROMAINE: Joe, the whole

11

group.

12

MS. LENT: Do you swear to tell the

13

truth, the whole truth and nothing but the

14

truth so help you God?

15

MR. CLINE: Yes, I do.

16

MS. DELCOL: Yes, I do.

17

MR. HILL: Yes, I do.

18

MR. MARINIS: Yes, I do.

19

MS. LENT: Okay.

20

MR. SHEA: Okay. Thank you.

21

Mr. Supervisor, members of the board,

22

the site in question, as Joe said, is a 6.05

23

acre lot with 5.45 acres being zoned L

24

Industrial 2 and .5 acres along the north side

25

of the property adjacent to the Long Island

1

2

Rail Road right of way being zoned Light

3

Industrial 1.

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The application before the board is for a special permit with waivers from criteria for a distance of structures to residentially zoned property and for height of a building to allow construction of a 67-foot high 38,775 square foot transfer station building, a proposed 800-foot scale house and a preservation of a 512 square foot office/security building for operation and -- excuse me, for construction and operation of a construction and demolition debris transfer station. That will be located exclusively on the L2 industrial property.

The applicant meets all the special permit criteria listed in Section 85-581(A) of the Brookhaven code except with regard to the waivers requested herein. Specifically the applicant is in compliance with criteria that requires that all materials shall be stored, handled, unloaded, loaded and transferred indoor on an impervious floor surface; that all toxic and hazardous materials are

1

2

prohibited.

3

4

5

6

7

We agree to periodic inspections from the Commissioner of the Department of Recycling and Sustainable Management of the Town of Brookhaven and its designated employees.

8

9

10

11

Further, the applicant has demonstrated adequate on-site parking is provided so vehicles waiting to load and unload will not park on public highways.

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As you can see from the site plan, we have designated a substantial area in the middle of the site for parking of vehicles and in cooperation with the Town Planning Department, have agreed to locate the entrance gate on the west side of the property a distance 150 feet -- sorry, landlord -- 150 feet north of the property line along Peconic Avenue to allow for adequate queuing onto the property for trucks at all times. The gate will only be closed after hours, so trucks will be able to pull into the large parking area in front of the building during operational hours, thus we meet the criteria.

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The applicant has provided a routing plan demonstrating no impact on residential streets. We have Ron Hill here from H2M Engineering who will provide testimony with regard to the routing plan and the fact that there are no impacts upon residential streets associated with this application. We meet this criteria based upon the routing plan and traffic study submitted in connection with this application and such will be buttressed by Mr. Hill's testimony.

13

14

15

16

Outdoor use of the property shall be limited to the parking and maneuvering of vehicles and storage of empty containers and shall be suitably screened.

17

18

19

20

21

22

23

As indicated on our site plan, the truck parking area is located in the middle of the site and will be surrounded on three sides by fencing and on the fourth side by the proposed transfer station building. The fencing will screen activity from the east, south and west sides of the property.

24

25

Additionally, the applicant has proposed to supplement the landscape treatment

1

2

in the front yard so as to further insulate

3

the site and screen all activities and parking

4

of vehicles from view, especially from

5

properties to the south.

6

The next criteria is on street parking

7

of vehicles, containers and equipment shall be

8

prohibited. The applicant has designated --

9

designed the site, excuse me, with adequate

10

parking areas for storage and parking of

11

vehicles and containers as indicated before

12

and agrees that it shall not allow street

13

parking or storage of containers or equipment

14

on public road.

15

The applicant acknowledges that all

16

construction and demolition debris shall be

17

removed within three days unless an emergency

18

extension application is made and approved by

19

the Commissioner of Recycling.

20

We have identified the geographic

21

sources of the C&D as required and shall not

22

accept C&D from any truck or trailer without

23

cover or top, tarp, approved by the New York

24

State Department of Transportation. The

25

applicant understands and agrees that the

1

2

permit is limited to the transfer and sorting of C&D debris, which will be transferred to a solid waste facility and the applicant shall file quarterly and annual reports to the Commissioner as required.

7

8

9

10

The debris will be shipped to Tunnel Hill in Ohio and an alternative site which Mr. Cline will -- which is also in Ohio which Mr. Cline will elaborate on.

11

12

13

14

15

As you can see, the site is substantially cleared except for the existing wooded areas along Peconic Avenue, which is proposed to remain natural and be supplemented with substantial landscaping.

16

17

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19

20

The site is currently CO'd for a junkyard and has been used and operated in such manner since 1979. There is also a CO for the 512 foot office/security building located on the front half of the property.

21

22

23

24

25

The junkyard activity is almost exclusively outside, as you can see. The applicant, if granted, would obviously cease the junkyard use of the site and the transfer station activities will occur only inside the

1

2

transfer station building. This is an obvious benefit of this application.

3

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12

The applicant proposes to close one curb cut located in the middle of the street frontage along Peconic and replace that area with new landscaping. The site plan provides two curb cuts, one for ingress and one for exiting, along the westerly side of the property; the west curb cut with the ingress or entry only and the east will be used for exiting only.

13

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16

The waivers are for distance of structures from residentially zoned property and for the height of the proposed transfer station building.

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23

With regard to those waivers, it is important to understand that the first waiver is for the distance of the transfer station building to the Long Island Rail Road right of way property to the north and not for the distance from the residentially zoned property located to the south on Eileen Court.

24

25

All Long Island Rail Road property in Brookhaven and the County of Suffolk is zoned

1

2

residential. In this case, the proposed

3

transfer station building is 75 feet from the

4

Long Island Rail Road property and that is the

5

reason and nature of this waiver. As such and

6

based on the fact that the property is owned

7

by the Long Island Rail Road and utilized

8

solely for the purpose of railroad tracks and

9

passage, it cannot be said that there is any

10

impact upon residentially zoned property by

11

the railroad in connection with the waivers

12

sought for the transfer station building.

13

It is also important to note that we

14

placed the transfer station building greater

15

than 750 feet from the nearest residentially

16

used and residentially zoned property located

17

on Eileen Court. Thus the waiver for the

18

transfer station building is not related in

19

any way to the residentially zoned,

20

residentially used properties on Eileen Court.

21

The second waiver involves the 512

22

square foot office security building and its

23

distance from the residentially zoned property

24

to the south on Eileen Court. Although the

25

waiver is for the distance to the

1

2

residentially zoned property to the south,

3

this waiver only applies to the 512 square

4

foot office/security building.

5

I would submit that the grant of the

6

applicant's waiver will have no negative

7

impact upon those neighbors. I base this upon

8

the following:

9

Peconic Avenue in this area is zoned

10

for industrial purposes both to the east and

11

to the west of the current site and all along

12

the southerly side of Peconic Avenue abutting

13

the residential neighbors. That a

14

preponderance of those properties to the south

15

on Peconic Avenue are developed with outdoor

16

storage of cars, heavy equipment and trucks.

17

Most of these lots have been this way for many

18

years. In fact, directly across the street

19

from the subject site are a number of lots

20

that are used in this way and have been for

21

many years.

22

Additionally, we propose to keep and

23

enhance the existing trees and fencing and

24

landscaping that are along the street frontage

25

between the 512 square foot office/security

1

2

building and the southerly property line,

3

which will further insulate the activities

4

from those neighbors to the south.

5

Eventually I'll hand this presentation

6

over to Joe Cline of H2M to discuss in detail

7

the operation of how trucks will enter the

8

site, pull into the building and unload its

9

C&D and leave the site. He will also testify

10

that the transfer of C&D onto railroad

11

containers will be done inside the building as

12

required.

13

Further, the only activity going on in

14

the office, for which the waiver is sought,

15

will be office and security related activities

16

occurring inside the building. Thus the

17

waiver for the 512 square foot office building

18

will not cause any impact upon the residential

19

neighbors to the south.

20

The last waiver is for the proposed

21

67-foot high C&D building. The need for the

22

height will be discussed further by Mr. Cline,

23

but in short, the board should understand the

24

design and need for the height waiver.

25

Pursuant to New York State DEC

1

2

regulations and the Town of Brookhaven codes

3

special permits criteria, the material must be

4

stored, handled, loaded, unloaded and

5

transferred indoors on an impervious surface.

6

In order to meet that criteria within the

7

operations of the transfer station, we require

8

the height variance.

9

Specifically, the C&D will be delivered

10

by tractor trailers, which will dump like a

11

traditional dump truck the C&D by raising its

12

dump and depositing the material inside the

13

building. When trucks -- when fully extended

14

to dump, they reach a height of up to 35 feet.

15

The trucks must dump the material inside the

16

building and then drive forward with the dump

17

mechanism extended to full height in order to

18

properly unload the C&D. As such, overhead

19

doors must have a clearance of greater than

20

35 feet in order to avoid the truck hitting

21

the overhead doors and damaging either the

22

truck or the building.

23

In this case, the overhead garage doors

24

are -- the door clearance is designed at

25

38 feet. Further, these trucks will be

1

2

driving through the building at the same time

3

as there will be C&D within the building, a

4

payloader, a crane and containers.

5

After the trucks deposit their material

6

onto the impervious floor and drive away, the

7

payloader and excavator crane will be scooping

8

up the material and placing it into

9

containers. The scooping of the material and

10

placing them into containers requires the

11

ability of both the payloader and crane to

12

maneuver through the building and to raise the

13

transfer station debris to a height wherein

14

they can place it into the containers. Thus,

15

the building cannot be designed with columns

16

or piers, steel piers, which would impede

17

operations and which would be susceptible to

18

damage or damaging the equipment and trucks.

19

Thus, the applicant requires a clear, stand

20

building with no columns or piers to interfere

21

with the operation.

22

Given the size of the building, a flat

23

roof building would require columns or piers

24

to hold up the roof. Thus the only solution

25

was to design the same with a pitched roof and

1

2

trusses to support the roof for engineering

3

reasons. The pitch must meet minimum

4

standards to meet good engineering standards.

5

This resulted in the design with a 38-foot

6

high overhead door span for the tractor

7

trailers to enter and exit with an additional

8

3.5 feet of wall on one side of the building

9

to arrive at a total wall height of 41.5 feet.

10

In addition, there is the 26-foot high

11

pitched roof, which will be pitched north and

12

south away from the residences to the south

13

and to the Long Island Rail Road to the north,

14

thus the nearest part of the building to the

15

south is really 41.5 feet in height sliding

16

back and up to arrive at its 67-foot peak

17

height. The 67-foot height is truly the

18

minimum required given the operation of the

19

transfer station.

20

Before handing the presentation off to

21

Mr. Cline -- and I'm almost done -- I would

22

like to address the comments of the Suffolk

23

County Planning Commission in their local

24

determination letter of January 27, 2021.

25

Normally I would not respond to comments

1
2 because they carry no legal significance as
3 opposed to conditions, but in this case I want
4 to make it clear that in our opinion, the
5 Planning Commission did not truly understand
6 the nature of the waivers and just to be
7 clear, the waiver for the transfer station
8 building is only for the distance to the
9 residentially zoned Long Island Rail Road MTA
10 property and the waiver for the
11 office/security building for a distance to
12 truly residentially zoned, residentially used
13 property is insignificant given the reasons
14 already provided.

15 One cannot say that the Long Island
16 Rail Road property will suffer any impact as a
17 result of the waiver nor can there be any
18 impact by grant of the waiver for the existing
19 512 square foot office/security building on
20 the residential neighbors to the south.

21 Additionally, the 67-foot high transfer
22 station building will be over 750 feet from
23 the nearest residentially zoned use property,
24 is in the nature and character of the
25 neighborhood, which has a number of 50-foot

1

2

high and one 69-foot high building in the

3

vicinity.

4

5

Further, the grants of the waivers will clear the way to replace the legally existing

6

junkyard, where all activity occurs outside

7

and exposed to the elements to having all

8

activity occur inside a building on an

9

impervious surface in compliance with Town and

10

State regulations.

11

Based on those facts, there is no

12

impact in granting the waivers sought or the

13

special permit applied for and I will now hand

14

the presentation off to Mr. Cline.

15

MR. CLINE: Thank you, Tim.

16

Good afternoon, Mr. Supervisor and

17

members of the Town board. My name is Joseph

18

Cline. I'm a professional engineer for H2M

19

Architects and Engineers, 538 Broadhollow Road

20

in Melville. I reside in Miller Place and I'm

21

here today to offer an engineering discussion

22

for the requested waivers and also explain the

23

site design and how we envision the site will

24

operate.

25

As Tim stated earlier, we're seeking

1

2

two waivers for distance from residentially

3

zoned property and a third waiver for building

4

height.

5

A waiver is required for criteria five

6

in the section of the Town code, which states

7

any structure located on the site shall be a

8

minimum distance of 750 feet from the property

9

zoned for residential use.

10

If you were to look at the aerial, the

11

distance of the proposed transfer station

12

building from the residentially zoned Long

13

Island Rail Road right of way is 75 feet. The

14

distance of the existing security building on

15

the site from the residentially zoned parcel

16

of Eight Eileen Court in Medford is 543 feet.

17

This existing structure will see little

18

activity during a typical day and have a low

19

impact on the project.

20

The second item in which we are seeking

21

a waiver from is criteria nine, which states

22

the maximum height of the facility shall not

23

exceed 40 feet. The proposed transfer station

24

peak height is 67 feet. The need for the

25

building to be this height is driven by

1

2

several factors.

3

4

5

6

7

8

9

10

The first factor driving the height of the building is simply the size of waste hauling dump trailers used to move waste in the region. The dump trailers raise their trailer portion, it extends about 35 feet high. This results in needing 38-foot tall doors, which is typical for facilities such as this one.

11

12

13

14

15

The second factor influencing the peak height is there are no support columns in the center of transfer station buildings. These buildings are only supported at the perimeter of the building footprint.

16

17

18

19

20

21

22

Structural steel is used to transfer the dead loads and snow loads to the foundation with large steel members above the eaves. This structural steel ends up being quite tall and takes up a good portion of the space between the top of the doors and the peak of the building.

23

24

25

Another factor that drives the height of the transfer station buildings is just the physical dimensions and bulk of the heavy

1

2

equipment used to load the waste. The height

3

is necessary to effectively load and pack the

4

waste at the rail cars. The machine

5

anticipated at this site, for instance, can

6

reach over 62 feet in the air.

7

The final factor driving the peak

8

height is roof pitch. This building has what

9

is referred to as a four on 12 pitched roof.

10

What that means is for every 12 inches of roof

11

going horizontally, it then goes up four

12

inches vertically. This pitch is needed to

13

shed rainwater and snow from the top of the

14

building.

15

When you have a building that's

16

165 feet wide -- and we use geometry -- the

17

building peak is 27 feet in height above the

18

eaves and contributes to the necessary 67 feet

19

in height.

20

I'm now going to discuss some of the

21

design and operation of the proposed facility.

22

We're proposing a large steel building

23

measuring 235 feet by 165 feet next to an

24

existing railroad track that is designed to

25

move construction and demolition debris in the

1

2

most efficient manner possible from waste

3

delivery trucks into rail cars. We're doing

4

this to effectively manage a portion of the

5

C&D, the construction and demolition debris,

6

waste stream in the region and keep

7

approximately 97 tractor trailers off local

8

highways on a daily basis by instead utilizing

9

20 rail cars.

10

We're proposing to handle C&D only

11

debris at this facility. The material will be

12

New York State Department of Environmental

13

Conservation permitted construction and

14

demolition debris such as brick and glass.

15

The site shall have three buildings

16

when complete including a small existing 512

17

square foot building near the entrance that

18

will be retained and used for security and

19

monitoring the flow of vehicles into and out

20

of the site.

21

There will be the new transfer station

22

building, I mentioned, just mentioned, that

23

ends up being 38,755 square feet. It will

24

have a tipping floor space that will be

25

constructed to house the transfer operations.

1

2

This building is large enough to allow trucks

3

that bring debris to the facility to off-load

4

the material completely within the building.

5

It will also be large enough to efficiently

6

load railroad cars entirely within the

7

building.

8

The transfer station building will size

9

with input from the New York State Department

10

of Environmental Conservation. With their

11

input, we sized this building to be able to

12

handle 50 tons per day per thousand square

13

foot of available floor space.

14

A third small 800 square foot scale

15

house building shall be constructed

16

immediately adjacent to and be attached to the

17

transfer station building. From the scale

18

house, two scales shall weigh the incoming

19

trucks carrying the material and weigh them

20

again before they leave the site thereby

21

determining the weight of material left at the

22

site.

23

The railroad will be utilized to remove

24

the waste off of Long Island and ultimately

25

dispose of the material at one of two Subtitle

1

2

D landfills in Ohio, the first one being Sunny

3

Farms Landfill in Fostoria, Ohio and Tunnel

4

Hill Reclamation in New Lexington, Ohio.

5

If you would look at the site plan now,

6

delivery trucks enter the site from Peconic

7

Avenue. They'll have over 600 feet to queue

8

before the first inbound scale. Trucks will

9

then enter the transfer building on the west

10

side, the vehicle will dump on the tipping

11

floor and then proceed to exit the building

12

either to the south or east. Heavy waste

13

handling equipment shall then be utilized to

14

transfer the waste to waiting rail cars at the

15

north end of the building. The loading of the

16

rail cars will occur entirely within the

17

building. The rail car, once loaded, will be

18

covered and staged to leave the property after

19

midnight each evening.

20

Regarding dust, construction and

21

demolition debris transfer stations may

22

generate small quantities of dust. This

23

fugitive dust will be controlled by conducting

24

the transfer operations entirely inside the

25

new building. Should additional mitigation be

1

2

required, this facility will have a water

3

misting system installed. The misting system

4

will create small water particles to suppress

5

fugitive dust.

6

Regarding odors, C&D, construction and

7

demolition, debris that is not exposed to the

8

elements for long durations does not typically

9

generate offensive odors. In the event odors

10

do occur on the tipping floor, they will be

11

effectively contained inside the new building

12

walls and roof structure.

13

Facility staff will clear the tipping

14

floor of waste at the end of the day and

15

should additional mitigation be required, a

16

final measure that could be utilized involves

17

spreading an odor retardant on the tipping

18

floor. There are biodegradable odor

19

counteractants regularly used to control any

20

odor generated on the tipping floor of waste

21

handling facilities.

22

Finally regarding noise, the fully

23

enclosed facility and its physical distance

24

from receptors shall ensure that noise

25

resulting from equipment and operations at the

1

2

facility is not objectionable. The distance

3

to the nearest residential property is over

4

750 feet from the transfer station. The

5

on-site waste handling equipment will operate

6

indoors and have modern insulated engine

7

compartments and mufflers. The noise levels

8

generated by the use should be less than the

9

noise levels generated by distant truck

10

traffic on Peconic Avenue and existing

11

industrial activities along Peconic Avenue in

12

the immediate vicinity.

13

In addition, the building design,

14

itself, will assist in mitigating noise. All

15

the steel walls will have insulation on the

16

interior surfaces. It is also anticipated

17

that the first ten to 12 foot of building

18

height will be constructed of 12-inch thick

19

concrete and provide additional sound

20

attenuation beyond the insulated steel panels.

21

Thank you.

22

SUPERVISOR ROMAINE: Thank you.

23

MR. SHEA: Next we have Ron Hill.

24

(No response.)

25

MR. SHEA: Ron, you're on mute.

1

2

MR. HILL: Good evening, Mr. Supervisor
and members of the board.

4

5

6

7

The proposed -- my name is Ron Hill.
I'm with H2M Engineers, I'm a senior traffic
engineer. Our address is 538 Broadhollow
Road, Melville, New York.

8

9

10

11

12

13

14

15

16

17

18

19

20

The Peconic transfer -- proposed
transfer station is being developed to provide
services needed following the closure of the
Brookhaven Town Landfill. The Brookhaven
facility, as you know, is located on
Horseblock Road just south of the proposed
facility and the trucks bringing material to
that facility commonly use the major highways:
Long Island Expressway, Sunrise Highway,
Horseblock Road, Sills Road. These same
roadways will be used for the new facility,
exiting from Horseblock Road onto Peconic
Avenue.

21

22

23

24

25

The site has been designed to receive
traffic, all traffic including trucks, from
Horseblock Road east of the site and traffic
exiting the site will be forced to turn east
out of the site to return to Horseblock Road.

1

2

This is demonstrated in the routing plan that

3

has been submitted in accordance with Town

4

code. Only the roadway that will experience

5

new traffic will be Peconic Avenue east of the

6

proposed site.

7

We have conducted a traffic study of

8

the impacts of the proposed site on Peconic

9

Avenue. As noted, all traffic to the site

10

will come from the east and return to the

11

east. No traffic will be added to Peconic

12

Avenue east -- west of the site where

13

residents are and thus, the proposed site will

14

generate no traffic that will impact

15

residential neighborhoods.

16

We did traffic counts taken last year

17

on Peconic Avenue and it carries approximately

18

400 vehicles per hour during the day. By

19

comparison, peak volumes on Horseblock Road at

20

the same time are about 1,400 vehicles while

21

the volumes on Route 112 are about 1,600

22

vehicles per hour. Trucks as a percentage of

23

vehicular volume on Peconic Avenue exceed

24

20 percent.

25

During the peak hours of the operation,

1

2

the proposed facility will only generate a

3

maximum of 27 trips in and 27 trips out based

4

on the absolute use of the site, the absolute

5

maximum use of the site. However, the site is

6

expected on a daily basis to operate closer to

7

the 50 percent range and the percentage of --

8

the number of trucks to the facility will

9

proportionally reduce to about that 50 percent

10

of the 27 trips in and out. The site will

11

only reach those maximum operating levels for

12

short periods of time such as after Superstorm

13

Sandy when there was a lot of cleanup of

14

buildings destroyed during the hurricane.

15

The site's access onto Peconic Avenue

16

will operate at level of service B. The small

17

amount of traffic added to Peconic Avenue can

18

readily be accommodated and will not cause any

19

undue traffic operating problems for any

20

properties along Peconic Avenue.

21

It is also worth noting that when the

22

traffic counts were taken last year, they were

23

taken while Horseblock Road was closed for the

24

bridge reconstruction over the railroad.

25

During this period, Peconic Avenue experienced

1

2

elevated traffic levels due to the rerouting

3

of traffic around the bridge closure. The

4

additional detoured traffic is likely to be

5

more significant than the traffic that the

6

proposed site will generate.

7

In conclusion, the proposed transfer

8

station and trucks using the facility will not

9

impact residential communities, the site

10

access on Peconic Avenue will operate at level

11

of service B and the small amount of traffic

12

added to Peconic Avenue will readily be

13

accommodated and will have no -- will have

14

negligible traffic impact.

15

Thank you.

16

SUPERVISOR ROMAINE: Thank you.

17

MR. SHEA: Thank you.

18

Now I'd like to hand it off to Pat

19

DelCol.

20

(Pause.)

21

MR. SHEA: You know what, Pat, why

22

don't we hold you, okay?

23

Mr. Supervisor, I think that closes our

24

hearing.

25

SUPERVISOR ROMAINE: Okay.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

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17

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19

20

21

22

23

24

25

I thank the applicant, his representatives for presenting the information. We're going to open it to the public. Should there be any questions raised by the public about this application, you will have an opportunity at the end of the hearing to come back and address those questions.

MS. EADERESTO: You're going to let them in --

SUPERVISOR ROMAINE: Yes.

So who is controlling the people who are coming into the hearing now?

MS. EADERESTO: Okay. So my attorney monitors are going to let the public in one at a time.

Right now --

SUPERVISOR ROMAINE: Leigh Rate. Okay. Attorney Leigh Rate. Okay. Very good.

MS. EADERESTO: And the first speaker is available.

SUPERVISOR ROMAINE: Okay.

MS. ASARE: Hello.

MS. LENT: Good evening, but could I please just swear you in, if you don't mind

1

2

raising your right hand?

3

MS. ASARE: Sure.

4

5

MS. LENT: Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

6

7

MS. ASARE: Absolutely.

8

MS. LENT: Great.

9

10

I'm going to set your clock here. I don't know that you're going to see it, but I'm going to see it, I have it on my phone. I'm starting the timer. You'll have five minutes to speak and I'll stop you when your time is expired.

11

12

13

14

15

MS. ASARE: Okay, great. I'll do my best to stay in that time, I am a person who stutters, so actually I might need a bit of extra time and I hope that you will allow that.

16

17

18

19

20

So I am Abena Asare and I live in Brookhaven hamlet.

21

22

23

24

25

I feel that in the absence of an appropriate waste plan, there should be no special waivers extended for waste infrastructure at this time.

1

2

Now this is why I feel this way:

3

4

5

6

7

8

9

This proposal at hand seeks to use rail to take out approximately 600,000 tons of C&D waste a year. Now there are two other waste transfer stations on the dock in this area and then, of course, we have the Town's ashfill plan, which is in the midst of the SEQRA process.

10

11

12

13

14

15

16

17

18

19

20

So now here is the problem that I have. We do not know whether any of these proposals will actually bring us any closer to our waste goals here in Brookhaven Town because those goals have not been articulated and this unfortunately is on all of you here at the Town board. You are the ones who have to take the lead in actually trying to develop a sustainable and regional plan for waste that prioritizes human life, clean air and clean water.

21

22

23

24

25

So I am a member of BLARG, which is the Brookhaven Landfill Action Group and we believe, along with most of our neighbors and most of the country and most of the world really at this point, that any sustainable

1

2

waste plan must include efforts to actually

3

bring down waste and unfortunately here in

4

Brookhaven Town, that we don't have any

5

measurable waste reduction targets, so the

6

proposal at hand focuses on actually trying to

7

move C&D out, right, to dump hundreds of tons

8

of C&D into someone else's landfill.

9

Has the Town actually looked at efforts

10

to use building reconstruction and salvage

11

practices that are found in many parts of our

12

country and are actually used to try to divert

13

C&D away from landfills?

14

These strategies offer incentives,

15

guidelines and support to help contractors and

16

builders actually bring down the amount of C&D

17

that ultimately gets landfilled. So there are

18

strategies for this. There's an International

19

Green Construction Code, the IGCC, that I

20

would urge you all to actually look at, that

21

we have 14 states and over 25 cities across

22

the country that have used these exact

23

strategies to actually try to bring down C&D

24

targets.

25

So why are we not among them, right?

1

2

We live on an island. We have a garbage

3

crisis, we have 50 years of complaints from

4

North Bellport and other proximate areas about

5

the harm associated with our mountain of

6

waste, which has included lots of C&D.

7

Now what you all on the Town board have

8

been doing and are actually trying to do today

9

is to allow the private sector to steer the

10

ship in terms of how we all deal with waste.

11

This business has a plan for railways and so

12

it's brought to us. Others have a plan for an

13

ashfill and so it's brought to us and then

14

we're meant to actually embrace it. Here is

15

the problem with this strategy. The waste

16

haulers and other business sectors have no

17

incentive, right, to actually bring down

18

waste. On the other side, their profit

19

margins increase based on how much waste they

20

are able to move.

21

So my appeal to all of you, our elected

22

officials, is that it's really time to roll up

23

your sleeves and do the work to create a waste

24

plan that is rationable and sustainable

25

that --

1

2

MS. LENT: Ma'am, your time is expired.

3

I'm going to give you ten more seconds --

4

MS. ASARE: Thank you.

5

MS. LENT: -- and then I will stop you.

6

MS. ASARE: Thank you.

7

That actually includes clear targets

8

for waste reduction. We are decades behind

9

our peers in other cities and towns and

10

unfortunately, real human lives are being

11

impacted.

12

MS. LENT: Ma'am, your time has

13

expired.

14

MS. ASARE: -- for a lack of vision

15

and --

16

MS. LENT: Ma'am, I'm sorry, but your

17

time has expired.

18

MS. ASARE: -- turn over a new leaf.

19

MS. EADERESTO: All right.

20

Please bring in the next speaker.

21

(Pause.)

22

SUPERVISOR ROMAINE: Okay.

23

Are we ready for the next speaker?

24

MS. EADERESTO: Yes. The next speaker

25

is in.

1

2

SUPERVISOR ROMAINE: Okay, good.

3

MS. LENT: I don't see the speaker, so

4

. . .

5

MS. EADERESTO: He's not showing his

6

video, but I believe it's a he . . .

7

MS. LENT: I don't see a phone number,

8

I don't see anything.

9

MS. EADERESTO: Amos1 on your screen,

10

it says PUBLIC amos1 and he's just unmuted.

11

MR. McNAMARA: Yeah, I just started to

12

unmute now.

13

MS. LENT: Okay. I'm sorry, but I do

14

not see you, so I --

15

MS. EADERESTO: There he is.

16

MS. LENT: Okay.

17

Sir, please, if you won't mind raising

18

your right hand.

19

MR. McNAMARA: Sure.

20

MS. LENT: Do you swear to tell the

21

truth, the whole truth and nothing but the

22

truth so help you God?

23

MR. McNAMARA: Yes, I do.

24

MS. LENT: State your name for the

25

record.

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MR. McNAMARA: My name is John McNamara and I'm a resident of Rocky Point, New York.

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My concern and this sounds like an environmentally friendly plan in the sense that it would remove trucks from the road, which is positive, but I come at it from the point of view of environmental stewardship as well and my concern would be the recycling of as much as possible of the brick and the glass.

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I've been recently looking at some different towns across the country and very interesting to me is the plan in Colorado Springs, Colorado. They've cut the waste that they use radically. One of the things that they've gotten involved in is really three different recycling systems, one of which, of course, we have in Brookhaven with our plastics and metal and paper recycling.

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The two other ones, one of which is a C&D recycling, which they're able to take a lot of the C&D that comes in and find alternative uses for it and they've been very successful in it and also, what that does is

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it generates more income for the Town.

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The third aspect of their recycling is a reuse center where in that reuse center, they take things that people normally throw out, you know, the plastic toys for the kids and that type of thing, furniture and they establish a place where residents can come and take advantage of that.

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What they found, two things that have helped, it generated more income for the town, for the community and they've also increased the number of people they can employ.

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So I think that this is something that we should consider with regard to this -- these waivers. The waivers seem benign to me and generally speaking, I like the way the company has taken into consideration the residents, the traffic patterns, it seems like they've done their homework there, but I think the concept of the recycling of the materials is something that we as a town should explore, I'd be only too happy to work with my local councilperson, Jane, who's fantastic with this issue in terms of that --

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COUNCILWOMAN BONNER: Hi, John.

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MR. McNAMARA: Hi, Jane.

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-- in terms of that recycling, you know, in working on a plan together where we can generate more income for the Town and really be a positive impact in terms of the environment.

One of the things that environmentalists do in general is the idea of dealing with your own waste in your own community rather than transferring it to another community. I realize that's an ambitious goal for us, but I think it's something that we should begin to explore as a town.

Thank you very much for the opportunity to speak.

SUPERVISOR ROMAINE: Thank you.

Could we let the next speaker in, please?

Thank you, John.

I believe Mr. Houdek is next, Brett Houdek.

MS. LENT: Mr. Houdek, hello, would you

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please raise your right hand?

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MR. HOUDEK: Yes.

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MS. LENT: Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

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MR. HOUDEK: I do.

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MS. LENT: I'm going to start your clock, you have five minutes.

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MR. HOUDEK: Okay. Thank you for the time.

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So I am Brett Houdek. I'm the president of the Medford Taxpayers and Civic Association. I believe I sent a memo to each one of the Town boards and Donna, I just sent it to you; I failed to do that the other day, I apologize.

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MS. LENT: That's how it becomes part of the record, if you send it to me.

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MR. HOUDEK: It's there, you have it now.

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MS. LENT: Okay.

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MR. HOUDEK: All right.

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So we as a civic met with Kevin Gershowitz several times concerning this

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project, all right and I hear what the prior

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speakers have said and with some degree, I am

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in agreement with them.

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The Medford Civic sees Peconic as one

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of our big issues and as you know, we've been

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trying to do a land use plan for Medford and I

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believe our last meeting was back in 2018, so

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lacking that, we have to take the approach of

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meeting with people like Kevin and he was

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very, very forthcoming, we had very frank

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discussions and tried to work out what was

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best for this parcel and we recognize that the

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parcel is zoned L2 and this is an appropriate

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use on the parcel, but what is also

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appropriate for the whole of Peconic and the

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Medford area in general.

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So the letter I sent you outlined

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basically five areas of concern and I think

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Tim can come back on later and speak to this,

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but Kevin was basically in agreement with

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everything we outlined in our letter, all

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right, we met with him last Thursday as a

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matter of fact before I drafted that and we

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went down each one of these points. So how

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these things get implemented is basically the

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crux of it; is it an agreement with Kevin, is

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it a condition of the special permit, is it a

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covenant, all right, those are things that

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should be worked out.

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But what we discussed was first our

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concern for the residential community and you

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know, everybody knows the noises that emanate

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from Peconic Avenue, they do concern the

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surrounding residential homes and we had asked

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that there be some limitation to the hours of

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operation there, all right?

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As part of our -- that was the first

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item.

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As part of our land use plan, we were

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seeking some limitation to the overuse of

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Peconic and right now we have a municipal

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solid waste transfer station under the

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auspices of Winters Bros. This will now be a

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C&D transfer station, all right and we are of

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the opinion that Medford has stepped up to the

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plate, all right, with the landfill and these

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two should be it, all right, for the Peconic

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area.

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Now again, lacking a full plan, we have to do it piecemeal and I think Kevin was agreeable to have nothing other than C&D and put some restrictions on the future use should somebody consider municipal solid waste on his properties and since he owns a significant portion of that road, I think that's appropriate moving forward.

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SUPERVISOR ROMAINE: Brett, I'm just going to interrupt you to say the special permit is only for C&D. If they wanted to do municipal solid waste, they'd have to come back, there would have to be another full public hearing with notice and it would have to be granted by the Town board. So that's, you know, I'll speak for this board, that's not going to happen for this board.

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MR. HOUDEK: Okay.

We understand that and we're just trying to put it out there as our areas of concern for the Peconic area there.

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The next item is as you've noted, this property has been used as a junkyard since '73, all right? One of the fears is the

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containment of contaminants underneath the
impervious flooring that will be constructed.

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Now we think the impervious flooring's
a good thing, but we don't want items trapped
underneath this facility, all right, which
might make its way to the groundwater and we
already have a groundwater situation in this
area, so I think Kevin was agreeable to take
soil samples for contaminant when he takes
soil samples for the footings on the
foundation, all right, for the soil
densification portion of that and we're
agreeable to that. We want our community to
know that nothing was encapsulated under this
parcel, so I think that's important and then,
you know, we always hear well, who manages
this, who keeps an eye on this facility, all
right?

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There is in your Town code a reporting
requirement the department --

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MS. LENT: Mr. Houdek, I'm sorry, but
your time has expired.

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SUPERVISOR ROMAINE: Brett, the DEC and
the Town will work together on that and we'll

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2 talk more. You can definitely speak with
3 Councilman Foley, your councilperson.

4

COUNCILMAN FOLEY: Brett, obviously I
5 read your email and I'm glad that you and
6 Mr. Gershowitz are communicating, which is key
7 here and I would love to be involved in
8 anything you need for that, with that letter
9 going forward, too.

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SUPERVISOR ROMAINE: Okay. Next public
speaker, please.

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MS. LENT: Is that Catherine Johnston?

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MS. JOHNSTON: Yes, hello, can you hear
me?

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MS. LENT: Yes. Hi, would you mind
raising your right hand, please, so I can take
your oath?

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MS. JOHNSTON: Sure.

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MS. LENT: Do you swear to tell the
truth, the whole truth and nothing but the
truth so help you God?

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MS. JOHNSTON: Yes.

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MS. LENT: I'm going to start your
clock, you'll have five minutes.

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MS. JOHNSTON: Okay, thank you very

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much.

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Good evening. My name is Dr. Catherine Johnston and I appreciate this opportunity to speak and to read a letter written on behalf of the City of Fostoria, Ohio, the Concerned Citizens Group and the Greater Fostoria Environmental Coalition. I'll begin.

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We are a small rural community in Ohio that's been suffering for over a decade from this massive landfill that is actually owned by a foreign investment company. Their only concern is profit since they live far away. For years, we have been fighting for clean air and water.

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MS. EADERESTO: Excuse me, Doctor.

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MS. JOHNSTON: Yes.

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MS. EADERESTO: Are you going to speak to this application?

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MS. JOHNSTON: Yes.

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MS. EADERESTO: Because you have to speak to this application, this is not public comment.

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MS. JOHNSTON: Yes, ma'am, this is --

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MS. EADERESTO: I don't know exactly

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how a landfill in Ohio ties into the

3

Gershowitz and my comments won't take --

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MS. LENT: I've stopped her clock.

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MS. EADERESTO: The clock is stopped.

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MS. JOHNSTON: Okay, thank you, yes.

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This is the community where our waste will be

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transferred to according to the proposal.

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MS. EADERESTO: Okay. Thank you,

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Doctor.

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MS. JOHNSTON: You're very welcome.

12

Okay. So I'll start the letter again.

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We are a small rural community in Ohio

14

that's been suffering for over a decade from

15

this massive landfill that is actually owned

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by a foreign investment company. Their only

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concern is profit since they live far away.

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For years, we've been fighting for clean air

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and water.

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As a doctor, a mother, a business owner

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and homeowner in the area, I have felt it my

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duty to do anything I can to protect the

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health and welfare of the citizens here as

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well as future generations.

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Our health and property values are

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deteriorating as a result of this landfill

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that has made the news over the past few

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years.

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There is little to no oversight over

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this specialty waste that flows in at the rate

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of 7,000 tons per day by rail. There are

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hundreds of EPA notices of violation as well

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as class action lawsuits and two attorney

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general consent orders against them. They

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admit to mismanagement and cutting corners.

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My plea for you is to reconsider who

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you are doing business with. We --

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SUPERVISOR ROMAINE: I'm going to stop

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you, Doctor, for a second.

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MS. JOHNSTON: Yes.

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SUPERVISOR ROMAINE: We're not doing

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business with anyone. This is an application

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by a private owner to build a transfer station

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within our town.

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MS. JOHNSTON: I am just reading the

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letter that was written on their behalf, I'll

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tell you when the letter's over. This is

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still in her words.

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We fully understand that your

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construction and demolition debris must go

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somewhere and we do not want us to yet pollute

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another community if we stop it from coming

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here.

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My suggestion is to send your C&D

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debris to a landfill with an actual C&D debris

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permit. Our landfill has an MSW permit. In

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Ohio that includes a loophole for C&D debris,

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which means they do not follow the rules or

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laws set up to regulate C&D debris landfills.

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When you mix MSW with C&D debris, the hydrogen

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sulfide gases are then amplified. This causes

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a huge amount of greenhouse gases that affect

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us immediately.

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I am suggesting that you consider

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shipping your C&D debris to a responsible

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landfill that has a standalone C&D debris

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permit. This could make a huge difference in

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the amount of pollution you're creating with

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the breakdown of gypsum drywall and other

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harmful VFC's contained in the C&D debris.

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We all must do our part. Please

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consider if saving money is worth hurting

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other Americans and the planet. If it costs a

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little more to use a C&D debris landfill that

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follows the laws and respects human health,

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it's well worth it to know that you're not

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shipping your pollution to harm your fellow

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Americans. Money cannot always be the bottom

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line.

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We appreciate your time and attention

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to this very important matter.

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That's the end of their letter and I

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also just want to thank you all for hearing

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that really moving and reasonable statement

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from a person who cares as much about her

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community's safety as we do about ours.

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Before ending, I just want to emphasize

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her profound and very practical point that

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cutting costs is not always prudent, it's not

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always responsible and it's not always decent.

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It's my hope that we do not resort to

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temporary or partial fixes and only push our

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shared waste problem down the line or out of

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sight. This is a vitally important issue to

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everyone here and we know that we actually

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have to get this one right.

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It's my hope that our decisions here

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reflect the real intelligence and integrity of

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Long Islanders by respecting the lives of both

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our neighbors here and elsewhere.

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Thank you very much for your time this

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evening.

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MS. LENT: Thank you.

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Could we have our next speaker, please?

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(Pause.)

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MS. LENT: No, that's not him.

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Mr. McNamara has already spoken.

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MS. EADERESTO: Yeah, they're working

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on it, Madam Clerk, one second.

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MS. LENT: Oh, okay.

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(Pause.)

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MS. EADERESTO: All right. We have

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Kelly Lange.

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MS. LANGE: Hello, can you hear me?

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MS. LENT: Yes.

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Would you please, Kelly, would you mind

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raising your right hand so I can swear you in?

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MS. LANGE: Yeah.

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MS. LENT: Do you swear to tell the

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truth, the whole truth and nothing but the

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truth so help you God?

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MS. LANGE: Yes.

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MS. LENT: You know, before I start the clock, is the Law Department, Annette, taking the addresses of the speakers because usually they fill out a card which would have that information?

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MS. EADERESTO: We don't, we only have email addresses.

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MS. LENT: Okay.
So, Ms. Lange -- and I'll do this moving forward -- if you could just state the hamlet that you're from, please, before you start your remarks.

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MS. LANGE: The hamlet? I live in Medford and I live (inaudible); is that what you mean?

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MS. LENT: That's fine, yes.

MS. LANGE: I don't have comment like the previous speakers. I think -- I'm concerned because I live obviously to the south of this.

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My concerns are health concerns with dust and noise. I know some of the other speakers have spoken to the fact that, you

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know, the residents here deal with noise from

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Peconic Avenue and what I'm hearing as I'm

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watching what's happening on Peconic Avenue

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and now this future -- this proposal, to me it

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sounds as if we're sort of shifting the

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landfill that's filling up to Peconic Avenue

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in a way, so I'm really just seeking some

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clarification and I know some of this you

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said, so forgive me, I'm just trying to digest

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it all, it's a lot of information to digest,

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so you're talking nearly 2,000 tons a day,

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which how many trucks a day do we think that

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is going to be to move that much material, can

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you say that again?

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SUPERVISOR ROMAINE: The applicant

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would have to answer, this is not something

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the Town is doing, this is a private

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applicant.

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MS. LANGE: Right.

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MS. EADERESTO: And they will take your

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questions down and they're going to come back

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after --

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SUPERVISOR ROMAINE: They'll come back

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at the end and they'll attempt to answer your

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2 questions.

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MS. LANGE: Okay. So if I just go through all my questions, then they'll come back --

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MS. EADERESTO: Yes.

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MS. LANGE: -- readdress them?

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SUPERVISOR ROMAINE: Yes because we can't, we're not the applicant.

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MS. LANGE: Okay.

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So with all of those trucks, I know somebody said where they're stocking . . .

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MS. LENT: Annette, please mute yourself.

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MS. LANGE: Like the building that is closest to Peconic Avenue, which is the closest building to the residential area we're saying is a gatehouse or an office and so how how far in from the road are the trucks stopping, are they like stopping and starting, are they stopping and idling because I'm worried about, you know, that noise, that exhaust?

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Are trucks only moving in a forward motion because anyone who lives anywhere near

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Peconic Avenue knows that when the trucks back

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up, that beeping that they have to have can be

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batty, so is there any backing up of any of

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the trucks?

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The noise of tipping these trucks, I

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know we said, can we clarify, is it 12-foot

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concrete walls, are there any doors or windows

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on the south side as well; I'm just worried

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about the noise coming through from there?

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We talked about dust suppression and I

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know you talked about water to suppress the

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dust, but if you have an impervious tipping

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floor, where is this water filled with dust

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going, where is that being collected and they

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also discussed the landscaping, so I'm

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confused that if we're talking about

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landscaping a barrier to mitigate for the

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residents to the south side, by landscaping

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you're almost admitting that there is going to

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be a problem that needs to be mitigated, so

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I'm confused as to that piece of it as well.

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I don't know if I had . . . is there

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anything else; sorry, I have notes all over

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the place.

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Oh, the train, they said the trains would be departing after midnight. Like that's the middle of the night for us residents, so I'm not sure what kind of noise we can expect from trains coming and going after midnight. Is it one train car, is it ten train cars, like how many train cars and what kind of noise are we talking about there?

All of this has to be inside. If we do move forward and we find that there is, like as a resident, how can we then like take action to protect ourselves if things are not being loaded inside and we're finding excessive noise and dust, like then what's our . . . like are we just out of luck, I guess that's my question.

I think that was all of them. Thank you.

MS. LENT: Thank you.

MS. EADERESTO: All right.

MS. LENT: Next speaker.

MS. EADERESTO: Okay. The next speaker is in.

MS. LENT: I don't see them yet.

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MS. EADERESTO: Donna will take the
oath. It's Kerim Odekun.

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MS. LENT: As soon as I see her, I can
do that.

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MS. EADERESTO: It's a he, I believe.

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(Pause.)

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MR. ODEKON: Hello everyone, can you
hear me?

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MS. LENT: No. We can hear you, but I
don't see you, so --

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MR. ODEKON: Yeah, I'll fix that.

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Hi.

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MS. EADERESTO: Hello, how are you?

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MR. ODEKON: I'm good.

16

How are you everyone?

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MS. LENT: Okay. So before you begin,
please raise your right hand.

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Do you swear to tell the truth, the
whole truth and nothing but the truth so help
you God?

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MR. ODEKON: I do, thanks.

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MS. LENT: I'm setting your clock for
five minutes, it's starting now.

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MR. ODEKON: Great.

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So thanks for having me. My name is Kerim Odekon. I'm a primary care doc, I'm also a member of the Brookhaven Landfill Action and Remediation Group, I'm also a former city planner.

So my question is why is there no real public information available in advance of this public hearing?

I hear Ms. Lange's comments and a lot of her things -- you know, her questions are actually in the application that has not been posted online.

In order for me to get basic information about this plan, I had to make a FOIL, freedom of information request and I'm glad that I was able to receive it, but this was only after emails to the Town Attorney, Councilman Foley, the Town Clerk to complain and as you all know, this is a Town of 480,000 people. Why can't the public review information about traffic analyses, how many trucks are there, how much waste, where it's going? You know, from the Town Attorney's comments, she doesn't even recognize that this

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waste is going to Fostoria and New Lexington,

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but this is actually in the application that

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was submitted. This stuff should be online.

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The Town posted a site map and some

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brief overview, but that's insufficient and

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even that was only posted less than 24 hours

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before this meeting.

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This lack of public information

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available prior to a public hearing speaks to

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the lack of public input in the creation of

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any waste management planning. The applicant,

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Peconic's application states: "The

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construction of this proposed facility is

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consistent with the goals of the Brookhaven

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Solid Waste Management Plan."

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I'd like to clarify to the Town board

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that the Town of Brookhaven has no DEC

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approved local solid waste management plan

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despite receiving important comments and

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concerns from New York State Department of

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Environmental Conservation three years ago on

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its draft 2021-2022 plan. We are one year

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from the end of the ten-year planning period

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and there is no DEC approved final local plan.

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There is no regional plan.

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We have a Town solid waste ad hoc committee of which Mr. Gershowitz is a member, the principal of Gershow Recycling and Peconic, whatever this is called. The ad hoc committee was created through a resolution mandating: "Open and efficient communication pertaining to current and future solid waste disposal procedures with its constituents" and "community input and suggestions to improve the process."

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Here we are six months later asked to comment on approvals for a major waste infrastructure project with no clue what the ad hoc committee worked on for the past six months shrouded in secrecy.

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In fact, when we asked ad hoc members for community engagement, their response is: "The committee was never asked to do community outreach nor do I believe it's our responsibility. Doing community outreach and listening to community concerns is the responsibility and the role of Town elected leaders and Town agencies."

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Yet here we are, holding a public hearing on a major infrastructure project with no public information on the plan, no public, local or regional waste plan, no public participation in the Town's ad hoc solid waste committee. The Town and our elected leaders all here in front of us today refuse to have any public conversations on waste management planning, yet to continue to function as the largest importer of waste in downstate New York.

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This is not 1971, it's 2021, 50 years later and the public wants a transparent, public, equitable and sustainable solid waste plan before we discuss any approvals for major waste infrastructure plans.

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The other question I have and this is a question for Peconic is, you know, construction and demolition debris can contain lead, mercury, asbestos; the Town of Brookhaven's own waste transfer station in Yaphank has multiple radiation incident reports involving construction and demolition debris. When we as neighbors of this transfer

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station ask the Town of Brookhaven, including

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Supervisor Romaine, which I did in December

4

and Councilman Loguercio, about our concern

5

for contaminants in C&D, we are referred to

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New York State DEC and our councilman refuses

7

to pick up the phone or answer any emails

8

regarding this.

9

So how will this C&D be monitored,

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policed and controlled as part of this plan

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and can you tell us like how radioactive waste

12

will be screened as it makes its way in the

13

facility because we have radiation incident

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reports from the Brookhaven transfer facility

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in Yaphank involving construction and

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demolition debris?

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Anyway thanks, that's it.

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MS. EADERESTO: Okay. The next speaker

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will be Maya Schindler and they're bringing

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her in right now.

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MS. SCHINDLER: Hi.

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MS. LENT: I don't see you yet. Now I

23

do. Yes, hi.

24

MS. SCHINDLER: Hi.

25

MS. LENT: So if you would you please

1

2

raise your right hand.

3

4

Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

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MS. SCHINDLER: I do.

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MS. LENT: Would you please state the hamlet you live in before starting and I'll start your clock, you'll have five minutes?

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MS. SCHINDLER: I live in Brookhaven hamlet.

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12

MS. LENT: Thank you.

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14

MS. SCHINDLER: Thank you all for hearing me and my question is also regarding this topic that we're talking about.

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16

So my question is in regards to the C&D that we've been all -- a bunch of us have been talking about and the C&D that has caused so much complaint here in Brookhaven and continue to and my question, one of my question is who are we passing the buck to?

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21

22

The proposal that we just heard states that the C&D will be sent to two landfills in Ohio, yes? One is in Sunny Farm Landfill that you guys, one of you mentioned and one is in

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2

Fostoria, Ohio, which has -- actually has a

3

Facebook page about the health concern that is

4

including issues with groundwater

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contamination and contamination leachate and

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insist odors and then the Tunnel Hill, Tunnel

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Hill in New Lexington, which is in

8

Appalachian, Ohio and it's a converted mine.

9

In 2019, Sunny Farm Landfill, which is

10

one of the landfill that is being talked about

11

here, was ordered to pay \$3.7 million to

12

resolve violation in past water pollution,

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solid waste and air pollution control laws as

14

well and fine for underreporting and

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mischaracterizing fees associated with waste

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entering its landfill facilities.

17

Our concern here is that there is no

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structure by which equity and environmental

19

justice concern are brought into the process

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by which these proposals are evaluated.

21

The Town asked Gershow where the waste

22

for these transfer station was going. Gershow

23

replied Sunny Farms and Tunnel Hill.

24

The question remains, what did the Town

25

do with this information? Did you look at

1

2

these residence -- at the residents of Sunny Hill Farms that are harmed by these landfills' odors and contamination just like your residents, us and around us?

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9

Has the Town offered any guidelines for companies proposing waste transfer stations that deal with the end of the destination for this waste? If not, there should be.

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There has been lots of talk about equity and environmental justice among the Town board recently, but it often seems to be just words, empty words at that.

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What are we asking for our -- is for policies and procedures to make sure that concerns about equity, human life, disproportionate harm and exposure to polluting merchandise are part of the process when these waste proposal are created, evaluated and ultimately passed or rejected.

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Environmental justice is not just words on papers. I ask you guys to step up to the platform and be the leaders that you were asked to be. You are elected officials and I ask you to please do the jobs that you were

1

2 elected to do.

3

4 Thank you all and thank you for
listening. That's all.

5

(Pause.)

6

7 MS. EADERESTO: Michelle is the next
speaker; I'm sorry, I don't have your last

8

name. The clerk is going to swear you in.

9

10

MS. MENDEZ: Sorry, it's Michelle
Mendez.

11

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MS. LENT: Will you please raise your
right hand?

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14

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Do you swear to tell the truth, the
whole truth and nothing but the truth so help
you God?

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MS. MENDEZ: Yes.

17

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MS. LENT: Would you please state the
hamlet you're from when you start your remarks
and you'll have five minutes?

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MS. MENDEZ: Sure.

21

22

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25

My name is Michelle Mendez. I am a
BLARG member and Mastic resident. I was --
I'm here tonight because I really would like
some input regarding the conflict of interest
that seems to be occurring right now.

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Mr. Gershowitz happens to be Supervisor Romaine's biggest individual donor and Supervisor Romaine also nominated Mr. Gershowitz to be on the ad hoc committee, which is for the Brookhaven Town's waste removal. So with those two things alone, there is a conflict of interest, yet we are also here today adding to that conflict of interest. It is as though the Town of Brookhaven is now playing a game with the public as to how much conflict of interest can we have before the public really starts to notice. So I just really want that to be on the table and to get some input because that seems a little bit sketchy to me.

That is all.

(Pause.)

MS. EADERESTO: I believe we're bringing in Don Seubert, Madam Clerk.

MS. LENT: Hello, Don.

MR. SEUBERT: Hi. Can you hear me?

MS. LENT: I can hear you fine.

Could you please raise your right hand?

MR. SEUBERT: Yes, it is.

1

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MS. LENT: Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

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4

MR. SEUBERT: I do.

5

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MS. LENT: Just state your hamlet for the record --

7

8

MR. SEUBERT: Don Seubert, Medford hamlet and the Medford Taxpayers and Civic Association.

9

10

11

I'd just like to follow up on a few things that Brett had said to get it across.

12

13

As part of our own hamlet study, these -- we've been doing this -- this part has gone on Peconic Avenue for well over a half a century and we'll still end up being the garbage capital.

14

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So we were asking for a -- I'm sure it's in the letter -- a cumulative impact study of all these different operations that we have on on the street. Of course, it's not legal to go ahead and selectively segment and take each one as a separate operation when, in fact, many of the businesses are all connected. A lot of them along Peconic

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1
2 Avenue, Long Island, Cedarhurst and whatever
3 about our community are owned by the same
4 people, so we need to do something to our
5 cumulative impact to see what it's done and
6 that involves -- we know we have -- we know
7 there's problems there in the past and
8 currently with air quality, with fires that
9 we've had, okay, the water and what Brett was
10 referring to about the soils test and not so
11 much just on the building, itself and I did
12 ask Mr. Gershowitz and he said he'd consider
13 it about having a plastic liner, but we need
14 testing of the soil samples all about the
15 property and the adjacent properties because
16 they're all south flowing streams that go
17 there, they're part of our drinking water,
18 they're part of our saltwater estuary in the
19 bay and you know, we like to cluster when we
20 had building, we like to cluster and put
21 everything in one spot, okay, so we had a
22 difference of more habitat, but here by
23 clustering, we've clustered the industrial in
24 one area of the Town as well as, you know, we
25 have the major commercial industrial zoning in

1

2

the whole Town of Brookhaven and we're

3

surrounded by the old dump, the new dump and

4

everything in between and so there needs --

5

besides -- Medford's own comprehensive plan,

6

we worked on two, they need to be developed,

7

they need to be accepted and they need to be

8

codified in Town law and we have a waste

9

management plan that's still going, as one of

10

the speakers said, selectively, one step at a

11

time and so we'd ask them use common sense,

12

the common sense, even the idea of sumps on

13

Peconic, it seems like it only brings the

14

toxins closer and more faster into the

15

groundwater that we have, so I'd even question

16

where, you know, even that.

17

So the clustering, the contamination is

18

concentrated and we need -- we have Sills

19

Road, Cedarhurst, Long Island Avenue, the

20

expressway's there; the area quality is known

21

to be one of the poorest in the whole state,

22

Suffolk County and usually is number one and

23

we'd like to see something done about it and

24

you can't keep selecting approving one item at

25

a time and I would just hope that you could

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2 see that.

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I don't think the truck mentioned 25 or 27, we don't know if that's an hour or a day, I think it wasn't mentioned here, so I think it's an hour, but I'm not sure because Mr. Gershowitz spoke to us about it.

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So, you know, we've just gone through outdoor storage on 60 some odd acres, we've just gone through 90 megawatt battery storage on Horseblock Road, these main corridors and that was the purpose of our last hamlet study, were the main corridors and I think that's what we need to do and I think that the people on the board care, but this is gone on for since Ed Romaine and I had -- I had a lot more hair, I was a lot younger anyhow, that's for sure and it's about time we solve the problem and it can't be on one community to solve it, okay?

21

22

Thank you and Happy New Year and be well everybody.

23

24

MS. EADERESTO: Okay. Our next speaker is in.

25

MR. KARCICH: Mike check one, two.

1

2

MS. HERSHKOWITZ: Hello. Can you hear me okay?

3

4

MS. EADERESTO: There she is, Madam Clerk.

5

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COUNCILWOMAN BONNER: Donna, you're on mute.

7

8

MS. LENT: So sorry about that.

9

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Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

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12

MS. HERSHKOWITZ: I do.

13

14

MS. LENT: Just please state the hamlet you're from and I'll start your clock when you do that.

15

16

MS. HERSHKOWITZ: Sure, absolutely.

17

18

My name is Shoshana Hershkowitz and I live in South Setauket and I'll kept my remarks brief.

19

20

My concern is really about how this proposed waste transfer station fits into our regional plan. We know we've got a solid waste crisis on Long Island and we have the DEC saying that the LIRPC is dealing with a regional waste plan and meanwhile, the LIRPC

21

22

23

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1

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is saying that there's no waste planning

3

happening during COVID, but in the meantime

4

we've got these four major waste

5

infrastructure projects going through the

6

pipeline and three of those are within the

7

Town of Brookhaven. We've got Yaphank, we've

8

got this one right here in Medford and the

9

landfill as well as Brentwood in the Town of

10

Islip.

11

So my concern is we need a series of

12

public hearings, not just one today, but there

13

needs to be a real public input in these waste

14

proposals because otherwise this just becomes

15

a transaction between business and the Town

16

board without the robust public input that it

17

deserves because it will impact our lives down

18

the line and that's all I have to say.

19

Thank you for your time.

20

MS. LENT: Thank you.

21

MS. EADERESTO: Thank you.

22

Okay and we have our next speaker,

23

Madam Clerk.

24

MS. LENT: All right.

25

So I'm going to ask you to raise your

1

2

right hand, but when we're done, if you would

3

state your full name and your hamlet before

4

you begin.

5

Do you swear to tell the truth, the

6

whole truth and nothing but the truth so help

7

you God?

8

MR. KARCICH: I do.

9

MS. LENT: You will have five minutes.

10

Thank you.

11

MR. KARCICH: Thank you.

12

For the record, my name is Timothy

13

Karcich. I am a resident of Centereach and I

14

am representing the Suffolk County Democratic

15

Socialists of America as well as the

16

Brookhaven Landfill Action and Remediation

17

Group and I'm also a special education

18

teacher.

19

My suggestion is that any proposed

20

waste transfer station should have a per ton

21

payment to the host school district to offset

22

the negative impact on property values and air

23

quality associated with a waste transfer

24

station, which in turn impacts school funding.

25

This station is expected to receive up

1

2 to 2,000 tons a day, six days a week, 52 weeks
3 a year, which would be \$624,000 a year for
4 each one dollar ton host school district fee.
5 A five ton host fee could generate \$3 million
6 a year for the Patchogue-Medford School
7 District.

8 These host fees are a standard in
9 sitting waste transfer stations, but often
10 just end up in general funds as is the case
11 with the existing Brookhaven transfer station.

12 In this case, the host fee should be
13 targeted to the school district.

14 As we read this week in Newsday, the
15 Patchogue-Medford School District is facing a
16 \$1 million state aid cut and the school
17 district should be at the table in discussing
18 this deal.

19 That's my comment. Thanks everybody.

20 MS. LENT: Thank you.

21 MS. EADERESTO: Mr. Supervisor, that is
22 the end of the speakers. We have a number of
23 times asked other people if they wanted to
24 speak and have gotten no response, so I
25 believe you can turn it back to the applicant

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at this time.

3

SUPERVISOR ROMAINE: Okay.

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If the applicant will come up, there were some questions raised; if they want to address those questions now, that would be good.

6

7

8

Mr. Shea.

9

10

MR. SHEA: Hello again, Mr. Supervisor members of the board.

11

12

I'll try and answer these. I don't know if I can get them in order, but I'll try and answer them.

13

14

15

First I think let's start with Ms. Lange because she's the only person who spoke who was in close proximity to Peconic Avenue as a resident.

16

17

18

The 1,800 tons a day of material is not what is anticipated. The DEC in their --

19

20

SUPERVISOR ROMAINE: What is anticipated, Tim?

21

22

MR. SHEA: I'm sorry, what?

23

24

SUPERVISOR ROMAINE: What is anticipated?

25

MR. SHEA: Well, okay.

1

2

So the 1,800 tons a day is a maximum allowed by the DEC and you have to put a maximum on that allowed.

3

4

5

The actual tonnage that is expected per day is somewhere between 700 and 800 tons a day. There will be exceptional days every once in a while where, you know, where circumstances provide where we will accept more, but we will be topped out at 1,800 tons a day.

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It's further anticipated that there will be 27 trucks per hour going in and out, okay, that was a question that was asked.

13

14

15

Right now, I think that Mr. Hill testified that there's about 400 vehicles a day -- pardon me, an hour going up and down Peconic Avenue, trucks mainly, so it's not a significant increase in the amount of trucks.

16

17

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19

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The trucks should be only moving forward, there should be no reason for them to go into reverse. They are driving into the building, they are dumping in the building and then they are going straight out of the building off onto the other scale, so there

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should really be no or very little reason for
any trucks to reverse.

3

4

As far as idling, the trucks are not
allowed to idle past five minutes under New
York State law.

5

6

7

We have designed the site in such a way
that trucks will be able to access the site
during all operational hours inside the
parking areas, we've designed it with a large
interior parking area for trucks that have to
wait in order to dump.

8

9

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11

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13

With regard to dust suppression, there
will be a mister provided. It's a mister,

14

15

it's not a hose, it gives a very gentle mist
if you have a dust activity that comes

16

17

through, it will not lead to large puddling or
anything like that and every day at the end of

18

19

the day, the operator will be cleaning the

20

floor so that he can start new with a new --

21

on the new day.

22

With regard to landscape, landscaping
is always used by planners and site plan

23

24

people in mitigating any potential or

25

perceived impacts, they don't even have to be

1

2

real, but we regularly engage in landscaping

3

on almost every single project in order to

4

give -- soften the look of any building,

5

whether it be an industrial building, whether

6

it be a commercial building or whether it be

7

residential buildings next to existing

8

residential buildings, so it is not in any way

9

unusual. It is used as mitigation on a

10

regular basis and this is no different than

11

that.

12

With regard to the pickup, we

13

anticipate that -- that is the Long Island

14

Rail Road jurisdiction, but we do not

15

anticipate more than one or two pickups in any

16

particular night, I would think it would be

17

one because all of the cars will be joined

18

together, so I don't think it will be more

19

than that.

20

I think that covers those comments.

21

Oh, with regard to noise --

22

MS. EADERESTO: Mr. Shea.

23

MR. SHEA: Yes?

24

MS. EADERESTO: Ms. Lange had two more

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questions that she's put in the question and

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2

answer.

3

MR. SHEA: Okay, go ahead.

4

MS. EADERESTO: She wanted

5

clarification about trucks traveling to the

6

west of Peconic.

7

MR. SHEA: Trucks will not be permitted

8

to travel west of Peconic. Our routing plan

9

requires all trucks to come east of Peconic,

10

come in from the east and exit to the east off

11

of Horseblock Road. It also makes complete

12

sense. Route 112 at the other end of Peconic

13

is a traffic nightmare, trucks are not going

14

to want to go down that way. Here, Horseblock

15

Road has been reconstructed, the bridge over

16

Horseblock Road has been reconstructed and

17

it's now open for business. It is the fastest

18

way to get back onto the Long Island

19

Expressway.

20

If you're going to travel eastbound,

21

you're going to get to Sills Road and you're

22

either going to make a left up Sills Road or

23

you're going to make a right south down Sills

24

Road to access Sunrise Highway, so it just

25

makes complete sense, plus all truck drivers

1

2 will be instructed that they must go eastbound
3 and westbound traffic will not be allowed.

4

5 SUPERVISOR ROMAINE: You should know
6 that as you proceed west on Peconic Avenue,
7 there is a weight limit --

8

9 MR. SHEA: That is correct.
10 SUPERVISOR ROMAINE: -- that should be
11 enforced by the Suffolk County Police
12 Department and if someone sees a heavy truck
13 going down Peconic Avenue west I think of
14 Buffalo, they should contact the Suffolk
15 County Police.

16

17 MS. EADERESTO: The second question she
18 had is about the mister and what would happen
19 to that water.

20

21 MR. SHEA: Again, that water will be
22 cleaned up at the end of every night, so it
23 will be mopped up and it will be disposed of
24 properly according to law.

25

26 We don't anticipate a lot of water,
27 it's going to be basically just a little bit
28 of water. The mister isn't on all day, it
29 will be only used when needed.

30

31 Let's see. With regard to the doctor

1

2 from Ohio, we are now apprised of the comments
3 that she has made. I will talk to the client
4 and we'll weigh our options moving forward.
5 Obviously we don't want to contribute to
6 anybody else's problems, but I can't make a
7 decision for my client today, I'll have to
8 talk to him about his options moving forward.

9 With regard to Mr. --

10 COUNCILMAN LaVALLE: Tim, Mr. Shea,
11 obviously we have to ship product out of
12 state, you know, whether it's waste or
13 construction debris.

14 Where do you get those options from,
15 you just don't pull it out of the air --

16 MR. SHEA: No, you can't pull it out of
17 the air and you have to think about what your
18 options are. There's certain landfills in
19 certain areas that will accept C&D material,
20 there's certain areas that won't and you know,
21 Long Island is going to be one of those ones
22 that eventually probably will not be accepting
23 C&D, so we need a solution to that problem and
24 as some of the speakers said, we have a
25 garbage crisis here.

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This is not a major project in the grand scale of things. It's six acres. It's going to be a good project, it will help with getting C&D off of Long Island. It will help with the garbage crisis and it's just a small step in the right direction and we are only talking about this particular project. Our application is only for this specific site, which is properly zoned and only for the special permits that we're requesting with the waivers.

13

14

15

COUNCILMAN LaVALLE: To the question, I believe the New York State DEC actually sets a list where this waste can go.

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17

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19

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21

22

I know when we're dealing with -- when we knock down houses with asbestos, it has to go to a specific spot, be taken care of and what have you. I believe it's the same response right now, that it has to be approved by the State to dispose where we can dispose of it.

23

24

MR. SHEA: We have to dispose at licensed facilities.

25

COUNCILMAN LaVALLE: Yes.

1

2

MR. SHEA: They have to be licensed to accept this material.

3

4

One other -- somebody else said what about, you know, dangerous materials.

5

6

We are not accepting anything that would be dangerous, radioactive or otherwise. The loads will be inspected. If anybody tries to sneak anything past us that would be unacceptable material, it will be rejected, we will have it put back up on the truck and we will not accept material from that contractor in the future.

7

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COUNCILMAN LOGUERCIO: Tim, my question is this, my concern is that there wouldn't be a back-up of material waiting to be shipped; is there enough capacity on the Long Island Rail Road tracks after midnight, as someone suggested, that that's the time or indicated that that's the time it would be shipped, that there wouldn't be material waiting to be loaded and taken away because there isn't the capacity on the railroad?

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MR. SHEA: We've sized the site and the client has been in constant contact with the

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Long Island Rail Road. There's going to be

3

more than adequate capacity to service this

4

transfer station.

5

COUNCILMAN LOGUERCIO: Okay, thank you.

6

COUNCILMAN PANICO: Mr. Shea, how would

7

you know if it was radioactive; how would your

8

client know if it was radioactive?

9

MR. SHEA: Well, all we can do is look

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at it and see what it is, okay and there is a

11

acceptable C&D material and there is

12

unacceptable C&D material and if we see

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anything that is in any way unacceptable, if

14

somebody's going to try and slide MSW past us,

15

we are not going to accept it, we are going to

16

take that material, put it back up on the

17

truck and Mr. Gershowitz has indicated to me

18

that he will not accept material from those

19

contractors in the future.

20

COUNCILMAN PANICO: I have a question

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for Annette.

22

MS. EADERESTO: Yes.

23

COUNCILMAN PANICO: Annette, as Town

24

Attorney -- and this was a question, Tim

25

touched on it earlier -- if the Town board did

1

2 not like the location which was given in the
3 application where the materials were being
4 brought to, does the Town board have legal
5 standing to deny a special permit?

6 MS. EADERESTO: No and I wanted to say
7 that before, but I wanted to let the speakers
8 all have their time.

9 Basically that involves interstate
10 commerce. We have certain jurisdiction. The
11 Town board's jurisdiction here is land use.
12 The DEC has jurisdiction over this site. When
13 this material travels interstate, that's a
14 different jurisdiction, so there's different
15 entities that have jurisdiction.

16 What's before this Town board is the
17 land use and you know, listening to the public
18 and is this a proper use of the property
19 and --

20 SUPERVISOR ROMAINE: So those people
21 that are complaining about the landfill where
22 it's going in Ohio, when they complain to the
23 Town, they're not only in the wrong pew,
24 they're in the wrong church. They need to go
25 to the agency that regulates that, which is

1

2

not with our purview; is that correct?

3

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MS. EADERESTO: Correct. But the applicant has said they will look into that, so that is a good thing and in regard, there's another question in the queue if everyone else is finished with that --

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COUNCILMAN PANICO: No, I just want to follow up on the question.

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MS. EADERESTO: Yeah, sure.

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COUNCILMAN PANICO: To the Supervisor's point, part of the frustration -- and we all see it as elected members of this board -- is that DEC in many ways takes a hands-off approach to a lot of aspects when it comes to solid waste and I'll give you another example. I heard from my colleagues and I've been taking this way to work every morning, I've gone down Peconic Avenue in advance of this application, but I've been taking Horseblock Road and the lack of regulation with regard to mulch and compost in the I believe the part 380 regulations, we experience it out in Manorville in a portion of my district, this has been going on and on

1

2

and on in the state, I understand that the

3

entity that currently exists, Great Gardens,

4

I'm not sure what their corporate name is,

5

they've cleared 40 acres of property, I've

6

gone by now for the last couple of days and it

7

smells. It smells when they turn those

8

windrows and I know the Supervisor has called

9

for more leadership when it comes to the DEC

10

taking an active role. We have yet to see

11

that and I think what we are, are the most

12

accessible level of government where we've

13

heard from people tonight, where we can have

14

people come and speak and if there is a way in

15

which we all can get the DEC to do more on

16

many of these levels, I think it would be

17

advantageous for everyone.

18

SUPERVISOR ROMAINE: Councilman Panico

19

makes an excellent point.

20

We've received a lot of complaints,

21

people think it's the landfill when, in fact,

22

it's the expansion of the composting facility,

23

Long Island Compost, which has almost doubled

24

if not tripled in size in recent weeks and has

25

all this compost that they're turning and

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2

anyone that's lived next to a compost pile

3

knows when you turn compost, it smells.

4

COUNCILMAN PANICO: I have a question

5

for Mr. Shea because we dealt with this with

6

regard to the misting system back -- this

7

predates Councilman Loguercio when

8

Councilwoman Keperter was on the board -- at the

9

fence line along County Road 21, a misting

10

system was installed as a means of trying to

11

resolve a dust and odor issue and it was

12

virtually worthless as to what occurred.

13

My question for you, Mr. Shea, is

14

whether or not that misting system is going to

15

be inside the building and being kept from

16

being frozen in inclement weather or is it

17

going to be outside and if inside the

18

building, will it truly do its job in keeping

19

down the fugitive dust that was referred to by

20

Mr. Cline?

21

MR. SHEA: Absolutely.

22

Like we said earlier, all activities

23

for the transfer station will be inside the

24

building, itself, which will contain most, if

25

not a substantial amount of the fugitive dust

1

2 or potential fugitive dust.

3

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The misting system is kind of like a fallback and a safety guard. It will be inside the building and if there are days where there is some fugitive dust, it will be employed. It will only be inside, it will work with standard plumbing, much like a sprinkler system would, you know and we feel between the fact that all the activities are going to occur inside and the fact that -- and being moved from outside to inside like -- unlike what's happening now at the junkyard and the misting system that we will more than adequately handle any dust and fugitive dust on this site.

17

18

19

20

I would like to go backwards. I have been apprised that there will be radiation detection equipment located on the inbound scale.

21

22

MS. EADERESTO: That was one of the questions that I was going to ask. Okay.

23

24

SUPERVISOR ROMAINE: As it is I believe in our landfill.

25

MS. EADERESTO: Yup.

1

2

And there's another question in the Q
and A.

3

4

Mr. Shea, Peconic application states
the construction of this proposed facility is
consistent with the goals of the Brookhaven
Solid Waste Management Plan.

5

6

7

8

What plan are you referring to?

9

10

MR. SHEA: Well, we are referring to
the last plan that was submitted to the DEC.

11

12

13

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18

The Town of Brookhaven, you know, does
need private industry to help with the C&D
transfer of material. The only solution here
that's going to work is to have public and
private solutions, private enterprise, taking
in the C&D and transferring it off Long
Island. Otherwise it's going to be a
continuing problem.

19

20

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22

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25

Furthermore, what this will do, it's a
small step, it's not a major -- this is a
six-acre lot, you know, this is not going to
solve all the problems, but it's going to be a
help. But if this board or anybody turns down
good transfer station applications on
properties that are zoned for it and where it

1

2 will be no any -- there will be no impact on
3 anybody, you're going to have a problem.

4

Contractors, the people who do the
5 construction of houses, the people who do the
6 remodeling of houses, they're going to need a
7 place to be able to take their commercial
8 construction and debris.

9

COUNCILMAN FOLEY: Tim, it's --

10

MR. SHEA: If they don't have that
11 place, they are going to dump things on the
12 side of the road. They are going to take the
13 best way out and this is actually proactive
14 environmentally and if it's denied and there
15 are future denials with this, then you're
16 going to end up in a crisis and you're going
17 to end up in a place where people are just
18 going to simply disobey the law and they are
19 going to dump this material in the Pine
20 Barrens, they're going to dump this material
21 on the side of the road as we've seen even
22 with the solutions that we have in place. So
23 we do -- we need this type of facility.

24

25

COUNCILMAN FOLEY: Mr. Shea, I would
agree with you, I understand that, but I

1

2

understand this board is asking questions

3

because we just want to make sure -- if this

4

project goes forward, we want to make sure

5

it's built correctly and it's safe and my two

6

questions for you are one, if radiation

7

material is found with your machines and

8

monitors, what happens with that material at

9

that point and number two is, when it comes to

10

the property, is this property inspected once

11

a year or is it once a quarter?

12

MR. SHEA: This property is inspected

13

on a regular basis, I believe it's once a

14

quarter by the DEC.

15

COUNCILMAN FOLEY: Okay.

16

MR. SHEA: I will double check on that,

17

I should have an answer shortly and as far as

18

the radioactive material, obviously it's going

19

to be rejected and it will not be accepted at

20

this site.

21

Once we reject it and give it back to

22

the truck driver, I mean we can report it, but

23

we don't have any other power to do anything

24

about it, but we'll be happy to report any of

25

those incidences.

1

2

COUNCILMAN FOLEY: Supervisor, would you like to . . . at this point what would you like to do?

3

4

5

COUNCILMAN PANICO: I have a few more questions, Councilman.

6

7

COUNCILMAN FOLEY: Okay.

8

MR. SHEA: Excuse me.

9

I will say that we will call New York State on report of any radioactive material.

10

11

SUPERVISOR ROMAINE: Councilman Panico.

12

13

COUNCILMAN PANICO: Mr. Shea, this building's going to be 67 feet in height, am I correct?

14

15

MR. SHEA: Correct. At its peak.

16

17

COUNCILMAN PANICO: At its peak. Along Peconic Avenue now existing, what is the tallest building that currently is situated on any of the properties on the north or south side; do you know?

18

19

20

21

MR. SHEA: There is a 69-foot high building, which I think is actually currently under construction, it's been approved, it's got a building permit, it's currently under construction and there are a number of 50-foot

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23

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25

1

2 buildings along Peconic Avenue.

3

4

5

COUNCILMAN PANICO: Okay. So it doesn't sound like it's wildly out of character.

6

7

8

There was a recent board of zoning appeals grant for a height variance; was that for your client?

9

MR. SHEA: Correct, yes.

10

COUNCILMAN PANICO: How high --

11

MR. SHEA: That was 69 feet.

12

13

COUNCILMAN PANICO: That was the 69 you're referring to?

14

MR. SHEA: Correct.

15

16

COUNCILMAN PANICO: Okay. I'm just going through all my scribble.

17

18

19

COUNCILWOMAN BONNER: Tim, Mr. Shea, how are you dealing with the water after it's been used for misting?

20

21

COUNCILMAN FOLEY: I think he answered that.

22

23

24

25

MR. SHEA: It's disposed of properly and again, I don't anticipate that there's going to be a lot of this water. I think the idea that this thing would be on on a regular

1

2 basis is a misnomer, it will only be utilized
3 when it's necessary and every night after, you
4 know, all of the transfer station activities
5 are done, they're going to clean the floors
6 and they're going to clean the entire inside
7 of the building in preparation for the next
8 day.

9

COUNCILMAN PANICO: What time,
10 Mr. Shea, will you stop receiving material?

11

MR. SHEA: I believe that we would be
12 stopping receiving material around the end of
13 the normal business days, around 5:00 or even
14 before then.

15

COUNCILMAN PANICO: When the truck
16 pulls into the building, are the doors closed
17 behind it?

18

MR. SHEA: Not on a regular basis. It
19 depends. I mean there will be doors that will
20 be closed and then there will be doors that
21 will remain open and especially the ones for
22 trucks coming in, you know, because you're
23 going to have trucks coming in on an interval
24 basis, we don't -- you know, we'd be opening
25 and closing that door all day long, but we

1

2

would close the doors that are not being

3

utilized.

4

5

COUNCILMAN PANICO: Because the closest residential structure or use, residential use

6

structure, is 750 feet away, I believe that

7

was Mr. --

8

9

MR. SHEA: The structure that is going to be the transfer station is more than

10

750 feet away from the nearest residentially

11

zoned property, which is used for residential

12

use.

13

14

COUNCILMAN PANICO: Okay because when trucks pull in, if you've ever been around a

15

30-yard tractor trailer, as it tilts up and it

16

dumps and that door swings out and then swings

17

back, it is quite loud, so if you were ending

18

that operation, as you said, at 5:00, it

19

certainly would help the residential

20

communities and neighbors.

21

22

MR. SHEA: Yes, but just so you

23

understand the design, the doors that the

24

trucks will be accessing will be on the east

25

and the west side, not the south side. There

be south side doors for getting equipment in

1

2 and out, but those will be closed most of the
3 time.

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COUNCILMAN PANICO: I'm not a sound expert, but I would think and I'm familiar with it when that door, the big iron door or steel or whatever it is swings out, swings back, it does, you know, reverberate and usually hits the lock mechanism or wherever the back of the truck is a couple of times, so . . .

12

13

14

15

MR. SHEA: Again, that's why we're having everything indoors, to cut down on the noise and in compliance with DEC and Town of Brookhaven regulations.

16

17

18

19

COUNCILMAN PANICO: Okay.

COUNCILMAN LaVALLE: Tim, just along Councilman Panico's lines of questioning, a little bit just on the access in and out.

20

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When the trucks come in, when they first roll in, that first building, they get weighed right there, right, this is where they get weighed, they get checked for radiation, everything in that first building when they're coming into the facility; is that correct?

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2

MR. SHEA: Yes. Before they enter the transfer station building, there's a weigh scale with the radiation detector.

3

4

COUNCILMAN LaVALLE: Okay.

5

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And then this and just to clarify this, when the train does come in, the train is going to be coming into the building and stopping and that's where the loading is going to happen?

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MR. SHEA: Well, I think that the train is going to come in as designated by LIRR. I don't know if they're going to come -- the full engine is going to go into the building or if it's going to be -- the containers will be adjacent, like right --

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17

COUNCILMAN LaVALLE: Right next to it.

18

19

MR. SHEA: -- at the wall of the building, I can't say, but that's the goal.

20

21

COUNCILMAN LaVALLE: Okay.

22

23

COUNCILMAN PANICO: On the rail spur that you have that is existing, correct, you have an existing rail spur?

24

25

MR. SHEA: We have existing rail spurs and rail spurs that are going to be

1

2

constructed.

3

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COUNCILMAN PANICO: So as the line east of Ronkonkoma is not electrified, the train that would pull into the station would be diesel?

7

8

9

MR. SHEA: I don't have the answer to that question off the top of my head. I would have to look into that.

10

11

12

13

COUNCILMAN PANICO: Unless the railroad has some new technology that I'm not aware of, I would think, Mr. Supervisor, everything east of Ronkonkoma is diesel?

14

15

16

COUNCILMAN FOLEY: Correct, correct.

MR. SHEA: The answer is yes.

COUNCILMAN FOLEY: Yes.

17

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COUNCILMAN PANICO: How long will that train at midnight be idling potentially for the loads to be put onto the cars or to couple or attach?

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22

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MR. SHEA: I don't think it would be a very long time because all the containers will be attached already other than the one container, other than the end container that the train would hook up against.

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COUNCILMAN PANICO: So the train would be formed with the cargo cars and you would have to couple up with the engine that would pull?

5

6

MR. SHEA: Yup. And then they would just pull it out.

7

8

COUNCILMAN PANICO: Can you get us an answer as to how long and give us examples elsewhere how long that usually takes; perhaps not tonight, but at some point?

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11

12

MR. SHEA: I have an answer. It will be 20 minutes or less.

13

14

SUPERVISOR ROMAINE: Other questions?

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COUNCILMAN FOLEY: I'm good, Supervisor.

17

SUPERVISOR ROMAINE: Okay.

18

What is the pleasure of the board at this moment?

19

20

COUNCILMAN FOLEY: Supervisor, I have a motion to close this public hearing, but I would like to keep it open for a ten-day written comment.

21

22

23

24

SUPERVISOR ROMAINE: Absolutely. I'll second that motion and it will stay open; if

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2

anyone has any written comments that they

3

think about after the fact that they spoke

4

tonight and they want to add a written

5

comment, they can send it into the Town

6

Clerk's office, One Independence Hill,

7

Farmingville, New York 11738. You can send

8

your comments in, it will stay open for ten

9

days for written comments, so we'll make a

10

motion to close.

11

You made that motion, I've seconded it.

12

MS. LENT: Yes.

13

All those in favor?

14

COUNCILWOMAN BONNER: Aye.

15

COUNCILMAN FOLEY: Aye.

16

COUNCILMAN LaVALLE: Aye.

17

COUNCILMAN LOGUERCIO: Aye.

18

COUNCILMAN PANICO: Aye.

19

SUPERVISOR ROMAINE: Aye.

20

MS. LENT: Opposed?

21

(No response.)

22

MS. LENT: Motion to close carries.

23

COUNCILMAN PANICO: And Donna, those

24

comments can be emailed, correct?

25

SUPERVISOR ROMAINE: Those comments can

1

2 be emailed --

3 MS. LENT: Yeah.

4 SUPERVISOR ROMAINE: -- they can

5 written out, they can sent in by mail.

6 MS. LENT: We have an email set up for

7 that. Annette. I'm just trying to . . . it

8 is -- they can send them to

9 townclerk@brookhavenny.gov and --

10 SUPERVISOR ROMAINE: Say that again.

11 Townclerk@brookhaven . . .

12 MS. LENT: Brookhavenny.gov.

13 SUPERVISOR ROMAINE: Ny.gov. Okay.

14 So you can email your comments in, you

15 can mail them in if you write them out and it

16 will be open for ten days.

17 We're closing this public hearing

18 tonight. Let's take a vote on that, Donna.

19 MS. LENT: Yes, all those in favor?

20 COUNCILWOMAN BONNER: Aye.

21 COUNCILMAN FOLEY: Aye.

22 COUNCILMAN LaVALLE: Aye.

23 COUNCILMAN LOGUERCIO: Aye.

24 COUNCILMAN PANICO: Aye.

25 SUPERVISOR ROMAINE: Aye.

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MS. LENT: Opposed?

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(No response.)

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MS. LENT: Motion to close carries.

5

SUPERVISOR ROMAINE: Okay.

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Having no further business, I'll

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entertain a motion to adjourn this meeting at

8

this time.

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COUNCILWOMAN BONNER: So moved.

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COUNCILMAN FOLEY: Second.

11

MS. LENT: The second, yes.

12

All those in favor?

13

COUNCILWOMAN BONNER: Aye.

14

COUNCILMAN FOLEY: Aye.

15

COUNCILMAN LaVALLE: Aye.

16

COUNCILMAN LOGUERCIO: Aye.

17

COUNCILMAN PANICO: Aye.

18

SUPERVISOR ROMAINE: Aye.

19

MS. LENT: Opposed?

20

(No response.)

21

MS. LENT: Motion to adjourn carries.

22

Thank you.

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SUPERVISOR ROMAINE: Okay, we stand

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adjourned. Thank you everyone.

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I, JOANN O'LOUGHLIN, a Notary Public
for and within the State of New York, do hereby
certify that the above is a correct transcription
of my stenographic notes.

JOANN O'LOUGHLIN