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SUFFOLK COUNTY WATER AUTHORITY
CONDEMNATION OF PROPERTY LOCATED AT
165 Fifth Avenue
Bay Shore, New York 11706

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April 22, 2025
6:30 p.m.

180 Fifth Avenue
Bay Shore, New York

TRANSCRIPT OF PROCEEDINGS

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April 22, 2025

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

- JOHN C. MILAZZO, General Counsel
- DANIELLE PUMA, Assistant to General Counsel
- ALYSON BASS, Counsel for SCWA
- BILAL MALIK, Counsel for SCWA
- MICHAEL O'CONNELL, SCWA Director of Production Control

(WHEREUPON, documents were premarked as Exhibits A through J, in evidence, as of this date, by the Reporter.)

MS. BASS: Welcome everyone. So, today is Tuesday, April 22, 2025. We are opening the public hearing to outline the purpose of the proposed location of the public project and review the impact on the environment and resident of the locality for condemnation of real property located at 164 Fifth Avenue, Bay Shore, New York.

My name is Alyson Bass and I am an attorney with the Suffolk County Water Authority. Present with us today is, we can then start from the top, we have Mr. Michael O'Connell, Director of Production Control; we have Bilal Malik, Attorney in Legal; Danielle Puma, Legal Assistant to the General Counsel; and we have the General Counsel, Mr. John C. Milazzo.

Before we start, we'll go over some basic ground rules. And the agenda for the everyone. First, like I said, we're here to give background and to discuss, give

1 background on the purpose, location and
2 review the impact on the environment and
3 discuss zoning implications of our planned
4 project. At the conclusion of the
5 introduction of the project, any members of
6 the public present will have a reasonable
7 opportunity to speak or present written
8 information. There is a stenographer present
9 taking down what we say, so we just ask that
10 you speak as clearly as possible so she can
11 record all information.
12

13 After the public portion of the
14 hearing closes this evening, we will leave
15 the record open for a period of ten days, and
16 it will close at 5:00 p.m. on Friday May 2nd.
17 Any documentary evidence or written
18 submission should be mailed to the Suffolk
19 County Water Authority, Post Office Box 38 in
20 Oakdale, New York 11769. And then within 90
21 days of the record closing, Suffolk County
22 Water Authority will publish a record of this
23 meeting, which will include the transcript,
24 and the record will be available for review
25 at Suffolk County Water Authority's

Administration Building at 4060 Sunrise Highway in Oakdale, New York and also at the Town Clerk's Office in Riverhead, 310 Center Drive, Riverhead, New York 11901.

Now we'll go ahead and get started.
Any questions?

MR. MILAZZO: Just for the record, there is no member of the public at this time.

MS. BASS: No member of the public.
Thank you.

So, Suffolk County Water Authority's purpose for this project is to develop and maintain a public water supply and distribution system to deliver clean and safe drinking water for the residents of Suffolk County. That's our purpose, generally. The presence of emerging contaminants and advancement in the technologies to treat these contaminants throughout require the Suffolk County Water Authority to continually update our processes. One of the newest technologies is the advanced oxidation process, or AOP as we call it, and this

requires hydrogen peroxide as a necessary component. These AOP systems treat the contaminate 1,4-Dioxane, and hydrogen peroxide is required at every location where there is an AOP filtration system installed; as of present, I believe we have 17 of those, with additional systems planned. However, consistent delivery of hydrogen peroxide from outside providers to all of these locations has been problematic, and it can lead to a supply shortage. In order to protect the drinking water supply of Suffolk County, Suffolk County Water Authority engineers and production control managers have determined that centralizing the storage of hydrogen peroxide will resolve this concern.

The Bay Shore production and control facility located at 180 Fifth Avenue, where we currently are, is centrally located, staffed 24 hours a day, seven days a week, is fully gated and it's also the headquarters for our production control team who oversee the maintenance of the AOP system. The storage tanks are proposed to sit in what is

1
2 now the parking lot of this building, 180
3 Fifth Avenue, making the already tight
4 parking unmanageable for our fleet of
5 heavy-duty trucks, automobiles, employee
6 parking and visitors. The main entrance and
7 front door of this building is on the south
8 side where most of you entered today, and
9 this entrance is adjoined to our visitor
10 parking lot, adjacent to 164 Fifth Avenue,
11 which is the subject property of the
12 condemnation.

13 164 Fifth Avenue is a single-family
14 residence that faces Fifth Avenue; it is
15 currently vacant and has been for some time.
16 According to the Suffolk County Water
17 Authority records, the last recorded usage
18 was in 2009. The Town of Islip boarded the
19 property for unrelated concerns,
20 approximately two years ago. We have been in
21 touch with the present title holder who
22 declined to appear at today's hearing.

23 Expanding parking capabilities into
24 this lot will allow ease of placement of the
25 hydrogen peroxide tanks on the north side of

the enclosed Bay Shore campus.

Sound good? Any questions so far?

(No response was heard.)

MS. BASS: Given that Suffolk County Water Authority is granted the authority to condemn land, properties, and betterments for public purpose of maintaining the water distribution system in Suffolk County, we are now taking steps to obtain the property through eminent domain. As such, notice of this hearing was published in our local daily newspaper of general circulation, which was Newsday, and proof of service in is in our exhibits as Exhibit A. We also published in a weekly, which was Islip Messenger, and that is Exhibit B.

So, what we have here, we're just going to discuss the map of what we have and where we're going with this project. So, we can take a look actually at our first picture here, which is how the property currently looks. You can see in this actual photo, we see the building 180 Fifth Avenue, there's our sign out front, and this is the driveway

1 where we entered today. This is the driveway
2 where we all entered today and that's our
3 front door. You can see right next to us on
4 the south side is 164 Fifth Avenue, and you
5 can tell from this picture that it is
6 overgrown, it is boarded. So, what the plans
7 are is to remove this boundary and to level
8 this and extend the parking lot into that
9 lot.
10

11 To my right is a rendering of what
12 that proposed site will look like. As you
13 can see here, we plan to utilize the same
14 driveway. So, there will be no additional
15 curb cut. It will extend this parking lot,
16 giving us up to approximately 20 more parking
17 spaces. We will have it fenced off, so it's
18 protected from the public road, and we plan
19 to put in some landscaping on the south side
20 that abuts other residential properties. So,
21 that's basically what it's going to look
22 like.

23 We have another example to the far
24 right, our first one on the wall, shows an
25 overhead view of what 180 Fifth Avenue looks

like. So, in the big blue box in the middle is our main property right now; you can see the building on the south side of it. And the other three boxes are other properties that we own currently. The pink box that appears on the bottom, and that's the south side, is 164 that we're proposing to condemn. As you can see from that rendering, you can see the cars that are in the lot in that picture, and you can basically get a visual of how the parking lot will be expanded into that space.

So, one thing that is obvious from this is that there are three other properties in this locality that we already own. We did look at those properties as potential places, but none of them are really fit for this purpose. The storage tanks are such that they would need to be enclosed in our property. So, the two that are across the street are not fit for that purpose; they're currently being used for storage of large items that aren't appropriate to place anywhere else. Those are all also surrounded

1
2 by residential properties. So, to keep that
3 traffic light, we're leaving that as storage
4 as well.

5 There is a property to the north,
6 which you can see on the depiction, and that
7 is currently planned to have an expansion of
8 our driveway because, as noted, we have
9 several heavy-duty trucks and machinery, and
10 turning into the lot at a 90 degree angle
11 does not work. So, we need a better entrance
12 and exit and turnaround zone for our trucks
13 to come in and out. That's what that lot is
14 slated for. As you can see based on the
15 aerial depiction, the southern property is
16 really the best and the only location where
17 this is possible.

18 MR. MILAZZO: Off the record.

19 (WHEREUPON, a discussion was held off
20 the record, after which the following
21 transpired:)

22 MR. MILAZZO: Back on.

23 MS. BASS: So, these are all in
24 Exhibit F. We have all the photographs that
25 we just went over attached as Exhibit F. As

1
2 you can see, that the lot highlighted in
3 pink, the proposed lot, is the one that is
4 closest to the front door that will serve as
5 our additional parking.

6 We also have our official survey.
7 This will be our official acquisition map.
8 That shows the boundary lines of the lot from
9 164 Fifth Avenue along with the legal
10 description.

11 So, next up on the agenda we have a
12 SEQRA review by our General Counsel,
13 Mr. Milazzo.

14 MR. MILAZZO: Good evening. General
15 Counsel, John Milazzo with the Suffolk County
16 Water Authority. The Water Authority, to
17 assess the environmental impacts of this
18 proposed condemnation has prepared a long
19 form, Part 1 of the New York State
20 Environmental Assessment Form, which is
21 included as Exhibit H.

22 We also requested a determination
23 from New York State Office of Historic
24 Preservation Resources for a review of
25 whether there's any state listed

1 archaeologically significant features of the
2 property to be condemned. Their response
3 from the SHOP Office came in today, and they
4 did not identify any such resources. So,
5 there's no impediment with respect to further
6 archaeological review, if the Water Authority
7 proceeds with the condemnation and removes
8 the building.
9

10 The SEQRA process will end with a
11 determination of the findings or
12 determination of significance, which will be
13 made at a later date. Once we have the
14 hearing completed, we'll continue our review.
15 At some point the Water Authority Board will
16 be asked to issue a negative declaration or
17 positive declaration, based on the conclusion
18 of tonight's hearing. So, the SEQRA review,
19 to date, is included as Exhibit I and has not
20 identified any significant feature and has
21 not identified any significant adverse
22 impacts if this project proceeds.

23 MS. BASS: Thank you. So, just in
24 further review of this project, we did run a
25 condemnation title search, just to ensure if

1
2 there were any other title holders or anyone
3 else who was required to be noticed. Our
4 Exhibit C would be the most recent title
5 report. We also reached out to all
6 interested parties that were uncovered,
7 including the deeded title holder, as well as
8 lien holders that were listed on the
9 property, including the federal government,
10 Town of Islip, federal Veterinary Medical
11 Center, and the mortgage lender on the
12 property, US Bank National. They were all
13 notified of our intent to condemn, and they
14 were served with the original letters by
15 certified mail, and that is in our exhibits
16 as Exhibit E. Exhibit E would be the
17 certified mail.

18 The last major issue for us to
19 address for this evening would be a balancing
20 of the public interest to determine the
21 exemption of Suffolk County Water Authority
22 from the Town of Islip Zoning Rules. With
23 this there is a prevailing case, Monroe, that
24 has set forth a test for us to analyze
25 whether or not Suffolk County Water

1 Authority, as encroaching agency, can be
2 exempt and should be exempt. Based on a
3 review of the bounds of these equities, it is
4 set forth that the Suffolk County Water
5 Authority is exempt from the Town of Islip
6 Zoning requirements. A quick review of those
7 factors are the nature and scope of the
8 instrumentality seeking immunity, the
9 encroaching government legislative grant of
10 authority, the kind of function or land use
11 involved, the effect of local land use
12 regulation would have on the concerned
13 enterprise, alternative locations for the
14 facility in less restrictive zoning areas,
15 the impact upon legitimate local interest,
16 alternative methods of providing the proposed
17 improvement, the extent of public interest to
18 be served by the improvements, and
19 inter-governmental participation of the
20 project development process and an
21 opportunity for those to be heard.
22

23 Just in summary, we have addressed of
24 lot of these issues already this evening, but
25 just quickly, Suffolk County Water Authority,

1
2 our purpose is to develop a public water
3 system; as that, we're tasked by the public
4 authority laws with the authority to
5 construct a water system. We have the
6 authority to condemn in the name of the
7 authority so that we can further our system
8 and exercise such power of condemnation. The
9 property being condemned shall be deemed when
10 so determined the authority to be for a
11 public use and period of the public use in
12 the hand of any other person, association or
13 corporation, provided, however, that the
14 authority shall have no power to condemn
15 property, legal title to which is vested in
16 the municipality, unless such municipality
17 shall consent thereto.

18 And to further expound on that, we
19 talked about the need for the storage of the
20 hydrogen peroxide systems. All of this is in
21 furtherance of the public purpose of the
22 Suffolk County Water Authority, which is to
23 provide clean drinking water to the residents
24 of Suffolk County.

25 The kind of land use. We do believe

1
2 that the proposed use would be consistent
3 with the other use in the area, as it is
4 adjoining to what is already a parking lot in
5 the area.

6 Number 4, Effect of Local Use. Given
7 that this project is consistent with the Town
8 standards subjecting Suffolk County Water
9 Authority to review will actually have a
10 nominal effect on the enterprise, which will
11 likely be approved by the project regardless.

12 We did go over location, alternative
13 locations where we discussed the alternate
14 lots that we have and determined that 164
15 Fifth Avenue is the only location that would
16 be suitable for this project.

17 We believe that the lot is
18 sufficient, appropriate and adequate for the
19 proposed use and will not prevent an ordinary
20 and reasonable use of the surrounding
21 property, provided it's suitable for the
22 proposed purpose and will be compatible with
23 the surrounding character of the neighborhood
24 and community in general.

25 Again, it's been determined that

So together, all of these factors weigh heavily in favor of Suffolk County Water Authority being exempt from the Town Code requirements of the Town of Islip who, again, was on notice with regard to our intent to condemn and this hearing by way of the notification letters and public notice as required by law.

Any other questions or comments?

(No response was heard.)

1
2 MS. BASS: There's still no member of
3 the public present. We can go off record for
4 a few minutes, just to confirm no members
5 will appear, then we'll come back and close
6 the meeting.

7 (WHEREUPON, a recess was taken from
8 6:45 p.m. to 7:05 p.m., after which the
9 following transpired:)

10 MS. BASS: Back on the record. The
11 time is now 7:05 p.m. We are checking for any
12 other members of the public that may be here.
13 We don't see any. We checked the front, and
14 there is no one here.

15 We do want to note for the record
16 that title holder Ms. Rufia Dinsay did send a
17 letter to us, that is in our package at
18 Exhibit J. The letter from Ms. Rufia Dinsay
19 is noting that she is aware of the hearing
20 but she intends to not appear at the hearing
21 today. So, as discussed at the beginning, we
22 will keep the record open for a period of ten
23 days, ending on May 2, 2025 at 5:00 p.m. We
24 will send a copy of this and our exhibits to
25 Ms. Dinsay, and we should expect a written

reply from her.

I think that will be all for this evening. Again, just the address to send anything will be P.O. Box 38, Oakdale, New York 11769. With that, we can close this meeting out. Any other questions? Anything comments?

(No response was heard.)

MS. BASS: We are adjourned.

(Time Ended: 7:07 p.m.)

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April 22, 2025

I N D E X

E X H I B I T S

EXHIBIT	DESCRIPTION	PAGE
A	Affidavit of Publication Newsday	3
B	Affidavit of Publication Islip Messenger	3
C	Title Report, 9/20/24	3
D	Letter to Interested parties Dated 2/25/25	3
E	Certified Mailers	3
F	Site plans and photographs	3
G	Monroe Analysis	3
H	SEQRA Assessment Form Part 1	3
I	New York State Historic Preservation letter, 4/22/25	3
J	Letter from Ms. Rufia Dinsay	3

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April 22, 2025

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C E R T I F I C A T E

I, BETHANNE MENNONNA, a Notary Public
within and for the State of New York do
hereby certify that the foregoing is a true
and accurate transcript of the proceedings,
as taken stenographically by myself to the
best of my ability, at the time and place
aforementioned.

IN WITNESS WHEREOF, I have hereunto
set my hand this 6th day of May, 2025.

BETHANNE MENNONNA