

LONG ISLAND / SUFFOLK

## Suffolk judge sides with subdivision in fight with Riverhead Town

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The Oak Hills subdivision sued the Town of Riverhead in 2016 to force the town to maintain the private community's roads. Credit: John Roca

A Suffolk judge has ruled in favor of residents at a private Riverhead subdivision who were locked in a longtime dispute with the Riverhead Town Highway Department over who is supposed to maintain their roads.

Suffolk County Supreme Court Judge David T. Reilly's Jan. 6 decision sided with the Oak Hills Association, a civic group representing the subdivision residents. The association sued the town's Highway Department and the town in 2016 after both sides reached an impasse on the association's claim that the town is responsible for maintaining the roads of the Oak Hills community, which has 85 homes and 12 roads.

The ruling essentially states the highway department must provide services to the community's roads which all public highways receive under New York State highway law.

While the department previously tended the roads as a courtesy in years past during the winter, former Highway Superintendent George Woodson in 2014, after consulting with the town attorney, informed Oak Hills residents via letters the town would no longer plow those roads. Following complaints from residents, the town passed a 2015 law allowing highway crews to maintain certain Oak Hills roads during emergencies.

However, the law did not require the department to do other road maintenance work like paving, installing drainage or other

improvements there. The group subsequently filed the lawsuit.

"(New York State) Highway Law § 140 makes a town's highway superintendent responsible for all maintenance of town roads," Reilly's ruling stated. "Accordingly, OHA [Oak Hills Association] has shown that defendants are responsible for all aspects of maintaining OHA roadways. This also includes maintenance of any drainage structures in OHA roadways."

David Antwork, the Merrick-based attorney representing the civic group, told Newsday on Jan. 11 his clients are "very pleased" by the decision.

"They made the right decision, and this is what we've been saying in this six-and-a-half-year battle with three separate court actions brought," Antwork said. "We've said based on the town board's findings in 2014 and 2015 that our 12 roads were public highways by use pursuant to New York State public highway law, and should be treated as such."

Riverhead Highway Department officials did not immediately return requests for comment.

Riverhead Supervisor Yvette Aguiar told Newsday on Jan. 11 the town would discuss the matter in a closed-door executive session on Thursday with the town attorney following their work session, and they might consider appealing the decision.

