

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead held in the Town Hall, Riverhead, New York on Tuesday, June 16, 1992 at 7:00 p.m.

**Present:** Joseph F. Janoski, Supervisor  
Victor Prusinowski, Councilman  
James Stark, Councilman  
Frank Creighton, Councilman  
Harriet Gilliam, Councilwoman

**Also Present:** Patricia Moore, Town Attorney  
Barbara Grattan, Town Clerk

Supervisor Janoski called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

### REPORTS:

RECEIVER OF TAXES Monthly report to the County Treasurer for 1991-1992 tax year. Total collection give to County Treasurer: \$33,295,092.70

TOWN CLERK Monthly report for May, 1992

RIVERHEAD SEWER DIST. Monthly report for May, 1992

### APPLICATIONS:

SITE PLAN Amended Site Plan for renovation of "The Griffing Building", 84 Griffing Ave., Riverhead, NY

EXHIBITION PERMIT Sts. Peter and Paul R. C. Mission Church for circus at LI Cauliflower Assoc. Rte. 58, Riverhead, NY

### CORRESPONDENCE:

COUNTY OF SUFFOLK Amends Zoning Ordinance Section 85-26 of Town of Brookhaven. Local Law # 4 of 1992

28 PETITIONS Ask that a positive declaration be declared on the Iron Pier Beach Improvement and request a Public Hearing

1 PETITION & LETTER Signed by residents of Terry's Creek requesting the Town Board to consider their compromises and supporting documents and not rescind the permit given to them

M/M HOWARD LEVINE

Opposed to having a hotdog vendor parking in the Grange Hall, property of the Sound Ave. Congregational Church

DR. DOROTHY REDDEN

Against using animals in Mr. Pappish's fair

WESLEY NELSON

Riverhead Clergy Council invites Town Board to Thanksgiving Celebration on 11/22/92

DR. & MRS. ERIC LAMONT

Letter requesting that a positive declaration be given to the Iron Pier Project

PATRICIA CAPAN

Letter requesting that a positive declaration be given to the Iron Pier Project

Supervisor Janoski: "Let me make the announcement that the cookbook is still for sale in the Town Clerk's Office and the Tax Receiver's Office at a modest cost of \$7.00, but more importantly, on Friday the 26th, there will be a Fifties Rock and Roll Concert held at the river front under the big tent. There will be such illuminaries as Johnny Maestro and the Brooklyn Bridge, the Del Vikings, Johnny Salvato and the Duprees and, who am I forgetting? Lenny Coco and the Chimes, the Cavaliers and the Hankensack Men featuring the Trenton Horns and the tickets are twenty dollars right now and you can get them here at Town Hall, twenty-five dollars the night of the concert. So, be there. I have a motion to approve the minutes of the Regular Board Meetings of April 7, June 2, and Special Board Meetings of June 5 and June 6."

Councilman Stark: "So moved."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: "Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 5 Yes."

Supervisor Janoski: "Let the record show that the hour of 7:10 p.m. has arrived, the Town Clerk will please read the notice of public hearing."

P U B L I C H E A R I N G 7:10 P.M.

Barbara Grattan: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall at 7:10 p.m. on Tuesday, June 16, 1992, to hear all interested persons who wish to be heard regarding:

THE SPECIAL PERMIT OF JOHN CARSON FOR A NON-NUISANCE INDUSTRY TO BE USED AS A COMMERCIAL FISHERY MANUFACTURING COMPLEX."

Supervisor Janoski: "Thank you. Howie, are you representing the applicant?"

Howard Young: "Yes sir. Good evening. I'm Howard Young, of Young and Young. We are the preparers of the site plan for Mr. Carson's proposed facility. This site is on the northeast corner of Parkway St. and Columbus Ave. It consists of 7.1 acres, contains a considerable amount of fresh water wetlands, and we propose to use a small portion of the property to build a 9,800 sq. ft. building for Mr. Carson's business which is selling commercial fishery supplies and fabricating fishing nets for deep-sea fishing. We have shown the required parking of 25 parking stalls, we have tried to do everything here in accordance with regulations for a speedy approval as Mr. Carson's lease is up in the fall and he hopes to have his new facility in operation as soon as possible. The site will be served by public water and we have an on site sewage disposal system. Mr. Carson presently has four employees, of course he hopes to build this business up a little bit so he'd have a few more. The building will be unheated except for a small office area which is shown on the western end of the building. We left, they required a ten foot buffer along the easterly property line which is adjacent to the subdivision Sandy Hollow Woods. In addition to leaving the buffer in its natural state, we have added there another ten foot of planting to augment the existing woods. We also have shown the required chain-link fence with the stockade attached. We have one curb cutoff at Columbus Ave. and the reason for setting the building back and not having it on the corner of Parkway St. is that Mr. Carson does not need any exposure. His business doesn't come from people driving by. We've left that area for future development and I don't think anything to the north of his building site you know, could ever be, with the setbacks from the wetlands could every be utilized for any great potential. Mr. Carson is here, I'm not familiar with your format, but if he would tell you what he does if you'd like."

Supervisor Janoski: "It would probably be a good idea Howard, to have that on the record, as part of the record, exactly what the business is, what he does."

Howard Young: "I will let him come up now, or I will answer some questions..."

Supervisor Janoski: "Why don't you have him come up."

John Carson: "Good evening."

Supervisor Janoski: "Just tell us who you are and where you're come from."

John Carson: "My name is John Carson and I live in Hampton Bays."

Supervisor Janoski: "Basically the business that you're going to conduct at this location, give us a description of it, what the activities, I take it there is some light manufacturing of fishing nets and that you are a supplier for commercial fishing."

John Carson: "Right. The manufacturing that we do is all hand work. Over the last ten years the fishing industry has changed considerably from where fishermen would traditionally make their own nets because of competition and technology, it's not possible for them to do that any more. The nets are just too advanced. The fishermen that still try to make their own nets had a difficult time competing with the boats that have this new gear. The work is all done by hand, it's quite, clean, there's no... Now we also sell their supplies, which is cable and raingear and boots and everything else."

Supervisor Janoski: "It's not what you would call a retail operation?"

John Carson: "No. It's a wholesale operation."

Supervisor Janoski: "What's the zoning here Howie?"

Howard Young: "Industrial "B". This is special permit for non-nuisance industry."

Supervisor Janoski: "Does any member of the Board have a question?"

Councilman Stark: "Howie. What is it, about 7 and 1/2 acres on that parcel?"

Howard Young: "7.1 acres."

Councilman Stark: "And how many acres would you be using, staying away from the wetlands?"

Howard Young: "I think that was in the E.A.F, I don't have it in front of me, but just as a guess here, we're using just over an acre, maybe two acres."

Councilman Stark: "What are your plans for the balance of the five and 1/2 acres?"

Howard Young: "We have no plans."

Councilman Stark: "Which is nonusable as far as environmental."

Howard Young: "No, no. We have a parcel... "

Councilman Stark: "Well, I'm talking the north side."

Howard Young: "To the north, I believe, certainly it's unusable without a permit to build closer to the wetlands than 100 feet. If we go, this is a state and Town wetlands so any construction within 100 feet of the wetlands would require a permit from the DEC and the Town."

Councilman Stark: "Kind of selfishly... "

Howard Young: "The topography is such that it's very steep."

Councilman Stark: "Kind of selfishly as Chairman of the Recreation Dept. and being adjacent to Stotzky Park, I thought maybe we could use it as a nature walk or park area or something like that or maybe something in cooperation with the... "

Howard Young: "Mr. Carson has mentioned to me that if gets the approval for this site and has the corner with the yield that is required by the Health Dept. that he would be glad to dispose of that northerly section and we did mention disposing of it to maybe the Peconic Land Bank or somebody who's interested. Certainly the recreation area there. It's certainly not a good a site for a ball field or something like that, but for passive things or wetlands really to do studies or something like that."

Councilman Stark: "Resting areas. Thank you Howard."

Howard Young: "Kenny just told me it's 1.7 acres we're utilizing."

Supervisor Janoski: "Thank you. Is there anyone present wishing to address the Board on this application for a special permit for non-nuisance industry. Yes, sir... "

Kevin Driscoll: "Hi, my name is Kevin Driscoll. I live at 41 Sandy Hollow Court which is a property east of where Mr. Carson will be building his factory. With me, I have neighbors who own lots number 8.5, 8.6, 8.7, myself at 8.9, 8.10, and 8.11, which are all along, if you have a map, which would be along the property of Mr. Carson's property. We have met prior and discussed a number issues we think the Town Board should be aware of. The first main category that we're concerned with are privacy issues. As of this point we have just a minor problem with the lighting and the sounds and the traffic of the kids walking across our back yards into the park. Removing the natural vegetation at this time will create, what we consider to be a big problem in terms of the light coming through, the noises from the park especially during late night softball games and the traffic of kids, as I mentioned before, they have a tendency to come from other neighborhoods and cut through our backyards to go through the woods into the park. Removing those woods, just makes it a lot easier for the kids to cross through. I

understand that on the permit application there's an indication that they were putting up a 6 foot chain link fence with a stockade. Unfortunately that is not going to be a barrier for kids, they're just going to climb the fence and cross through."

Supervisor Janoski: "What are you suggesting?"

Kevin Driscoll: "We are opposing."

Supervisor Janoski: "You're opposing."

Kevin Driscoll: "We are opposing, not the fence, we're just opposing the whole project. Another concern on the application is indication that 400 watt lamps will be mounted on the outside of the building at different height levels across. We noticed that at least three of these 400 watt lamps are facing right into our backyards. Again removing that natural vegetation, even though there is a ten foot buffer, 400 watt lamps facing right into our backyards is going to just keep our backyards lit throughout the course of the evening. On the application there is a note that they will be creating a artificial pond. It appears to be for drainage. At this point we have a big problem with mosquitoes right now. The Town has been gracious enough to come by and spray twice a year. We've accepted the mosquitoes as a trade off for our privacy. We feel that creating a man-made pond will increase the mosquito problem to a point that's unbearable. Another bug related problem which you may consider relatively minor is gnats. Simple digging in your garden will create a swarm of gnats. We feel that large scale construction, of the type indicated in the permit will create a large problem with bugs. Unfortunately, it seems to be inborn in almost all children that construction sites are natural playgrounds. We feel that the attractive nuisance problem associated with the intended construction is too high a price to pay for our children's safety. Regarding the business operations, we feel that there is a most probable noise problem associated with the operation trucks, both the supply and delivery of finished goods. On the permit it shows that the tractor trailers will have to swerve around the back of the building and the loading docks face our properties. We feel that there is also a most probable potential health problem relating to the manufacture of goods in terms of smoke and odors and other chemicals."

Supervisor Janoski: "The manufacture of fishing nets is going to cause... will you expand on that?"

Kevin Driscoll: "Yeah. The chemicals in the nylon. Unfortunately no business can avoid dirty parking lots. The garbage disposed in the bins will eventually get blown out, this creates both an additional rodent and roach problem. Personally we all feel that we will suffer a decrease in the value of our homes as nobody really wants to live with a factory in their backyard. We noticed on the Full Environmental Assessment Form, question 14, an indication that the present site does not include

scenic views known to be important to our community. We strongly disagree. We feel that people do not go to the park with their children to see a factory. We also feel that the view from our side happens to be very scenic. Another issue is that the Town, we understand just OK'd the building of a small day care center adjacent to the park. It seems to be a conflict to build a facility for children's day care and put a factory right across the street."

Supervisor Janoski: "As a matter of fact, some factories are putting day care facilities right in the factory. You seem to be reaching for every possible reason to oppose this. Let's not reach to far."

Kevin Driscoll: "That's it. I was done."

Supervisor Janoski: "There are businesses that put day care right in the factory for their workers so that's not an very good reason. I think that you have to understand that this Town Board considering a special permit, must have legitimate reasons to divide and that's the kind of presentation that we need."

Kevin Driscoll: "I have just one more that you may consider to be legitimate. Article 16, Section 108-133 paragraph B of the Town Code, mentions something about appropriate buffers protecting land. We do not feel that 10 feet is an appropriate buffer. I also believe that something in that same paragraph that mentions something protecting the property values of the residents of the Town. We feel that building this definitely affect the value in a negative way."

Supervisor Janoski: "You are quite an example of why several years ago I requested the Town Board remove residential development from industrial zoned property. We did the right thing at that time and unfortunately residents who left in some cases. Thank you."

Councilman Prusinowski: "Predates way back."

Supervisor Janoski: "Oh yeah. That's what I'm saying, way back."

Councilman Prusinowski: "This is only twenty years ago."

Supervisor Janoski: "Yes, sir. Sir, you must come up to the microphone, you must identify yourself."

Anthony Aquano: "My name is Anthony Aquano and I live just adjacent to Kevin Driscoll. Unfortunately, developing this property would be a big concern on my part. There's an awful lot of wildlife inside those woods. It's a natural habitat for trees, squirrels, rabbits, raccoons, a lot of wildlife."

Supervisor Janoski: "It is private property also. It is privately owned property and under the law has certain uses. Now you're saying we should deny the use, you don't want to ever see anything happen on that property, ever, no matter what it is? I hat to be argumentative, but what I'm saying is this Town Board must recognize the property rights of the owner. We kind of swore to do that. Now, if you are saying that you are opposed to the development of property, period, what are we do do? Except I can suggest that the Town buy it, you buy it, but it is privately owned property which has certain uses allowed."

Anthony Aquano: "Well, what's going to happen to the wildlife in those woods?"

Supervisor Janoski: "What happened to the wildlife where your house is?"

Anthony Aquano: "It's all behind us, see, when we bought that house, when we bought our houses, excuse me, when we bought our houses, we paid extra money to live on that side of the street because we were told that that land would never be developed that it was owned by the Knights of Columbus."

Supervisor Janoski: "Real estate people tell you all sorts of things, but what you have to recognize is that it is not public land, it is private land, which happens to be zoned industrial. In the list of uses that are allowed in industrial zoning this seems to me and I'm just an observer right now, probably one of the more attractive uses that's possible, but the Board will consider all testimony and input that we have this evening, but as I say, because it's a special permit does not give us great latitude. We have got the have real concrete reasons to deny a special permit. We can't do it on a whim and what the Board needs is really sufficient reasons being given to us or developed by us on our own to deny a permit because a court case will overturn as this has happened in the past. So we need specific reasons not, we can't act on a whim. Do you understand what I'm saying to you?"

Anthony Aquano: "I think so."

Donna Garcia: "Hi. My name is Donna Garcia and I'm a resident of Sandy Hollow Court. I'd like to read to you a letter given to us by a man who is adjacent to the property on Parkway St. He couldn't be here tonight and he just has some concerns.

'Thank you for the opportunity to have these comments read into the public hearing record. I would have preferred to present my comments in person, but an employment related commitment prevents my doing so. My family and I reside at 1024 Parkway St. on the parcel known as 0600-123-1-1. As correctly indicated on Mr. Carson's site plan, my property is immediately adjacent to the southeasterly most portion of parcel 125-1-10. As you might suspect, I was rather distressed to learn of Mr. Carson's plans to develop a portion of the referenced property as

a site for the manufacture and sale of commercial fishing gear. Over the last several days I have made a rather hasty attempt to learn the rudiments of the zoning process and to review the major features of Mr. Carson's site plan relative to the zoning requirements for projects which are proposed for development in the Industrial B District. I have reluctantly concluded that there is little I can do to influence the outcome of this project, since the plan seems to satisfy the major criteria. However, since this hearing represents at least a minor opportunity to provide some input into the land use decision making process, I will ask or offer the following. Although I am untrained in the interpretation of technical drawings, data provided on the site plan suggest that the site would be engineered to accommodate a 2 inch rainfall over a some defined 24 hour period. On the evening of June 5 and early morning hours of June 6, the Cornell University Horticulture Lab on Sound Ave. recorded 5.15 inches of rain. Although I assume the zoning criteria to take into account 20 or 50 year storm events, I would ask what the impact of the June 5 storm event would have been on the site either during or after construction? Would the specified gradients, conduits, pond basins, and hay bale buffers given on the site plan serve to adequately protect the small wetland on the northwesterly portion of 25-1-10? As you are aware, wetlands receive protection in the local, state and federal regulations for good reason. These ecosystems are highly productive and vital to many species of plants and animals. Are the safeguards indicated on the site plan adequate to protect these resources which provide both public and private benefits. What impact will the change in traffic patterns (e.g. supply trucks and trucks of fishermen) have on uses of Stotzky Park, especially kids on foot and bicycles? Although such impacts might be slight and difficult to measure, I would argue that such development will negatively impact public use of this facility. I would prefer to see additional landscape plantings on the south side of the site plan, especially since the area south/southeast of the project has been partially deforested as a result of Town Highway Department's disposal of street sweepings, apparently in violation of Article XXVI, Section 108-129, paragraph B, of the Riverhead Code. Article XXVI, Section 108-133, paragraph B, of the Code spells out the provisions for the protection of residential areas, including appropriate buffer landscaping and natural screening. Although Mr. Carson's site plan specifies a 10 foot buffer along adjacent properties, I would argue that a buffer of this width is inadequate given the size and character of the existing forest cover, most of which is deciduous and well above eye level. This same paragraph in the Code also acknowledges the need to protect neighborhood tranquility, community character and property values. In closing I would ask how can any industrial development situated between a park and a residential area not negatively impact, perhaps significantly, neighborhood tranquility, community character and property values? Thank you again for this opportunity to provide comment. It is unclear to me whether this hearing process requires response to my questions. However, I would be most interested

in any verbal or written response to the issues I have raised, especially given my absence from this hearing. Sincerely, Mark Malchoff.' "

Supervisor Janoski: "Would you submit that to the Clerk?"

Donna Garcia: "Yes."

Supervisor Janoski: "Thank you. Is there anyone else present wishing to address the Town Board on this application? That being the case and without objection... "

Councilman Stark: "Can I ask a question of Howie though?"

Supervisor Janoski: "Sure."

Councilman Stark: "Howie. You're using 1.7 acres off of Parkway Street, you recommend."

Howard Young: "Well the 1.7 acres starts a couple hundred feet north of Parkway St. We've left a corner for future development."

Councilman Stark: "On your site do you show the relation of, what is it, Sandy Ponds?"

Howard Young: "Sandy Hollow."

Councilman Stark: "Sandy Hollow?"

Howard Young: "The subdivision? Yes. The lots are along their right. We show the lot numbers. The site plan doesn't show the houses."

Councilman Stark: "Sandy Hollow comes as far down as the 1.7 acres?"

Howard Young: "The lots? Yes."

Councilman Stark: "It does, I didn't realize that."

Councilman Prusinowski: "Howie, we're here tonight for the special permit. Some of the things that, some of the suggestions for the neighborhood, we have to address when we review the site plan. We start to go through site plan process as you know. Where is the main entrance of this facility? Where's the in and out entrance? Is it on Parkway?"

Howard Young: "No. It's on Columbus."

Councilman Prusinowski: "So trucks would be driving off of Pulaski St. on to Columbus, right into the facility?"

Howard Young: "The proposed entry is just a little north of the Recreation Building."

Supervisor Janoski: "Howie, is there a projection as far as the environmental impact, the environmental assessment form as to what kind of traffic we're talking about? Are we talking about ten trucks a day?"

Howard Young: "Oh no. I think it would be ten a month. What do you get for deliveries? So maybe John could answer that."

John Carson: "Ten a month."

Supervisor Janoski: "Would you put that on the record Howie? The answer, could you put it on the record?"

Howard Young: "Yeah. He may have ten deliveries a month. There are people, fishermen that stop in to discuss with him the manufacture of the net. Mr. Carson does not make any of the raw materials such as the nylon or the treading or even the net itself. He just cuts them and puts them together, treads things. It's almost like a sewing operation. I guess this computerized net building, depends on how long cables you need to drag net, how far, how it spreads open and so he's putting things that have already been manufactured, he's assembling them together."

Councilman Prusinowski: "What is the hours of operation of the facility?"

Howard Young: "John come on up. He said normal business hours."

Councilman Prusinowski: "Well, if he could state them for the record."

John Carson: "Right now we're open from 7 a.m. to 4:30 p.m."

Councilman Prusinowski: "Monday through Friday?"

John Carson: "And half day Saturday."

Councilman Prusinowski: "And half day Saturday? 7:30 a.m. to noon or 1 o'clock?"

John Carson: "1 o'clock."

Councilman Prusinowski: "You're not open on Sundays?"

John Carson: "No."

Councilman Prusinowski: "And not later than 4:30 in the evening? There's no trucks, there's no deliveries coming in at like 8, 9 10, 11 o'clock?"

John Carson: "No. The truckers don't work that late."

Councilman Prusinowski: "Okay. I'm just asking these questions.. "

Howard Young: "He has an existing facility in Riverhead now, so, we've never heard of him, so you know he's not really very noisy."

Councilman Stark: "Where is that existing facility now?"

Howard Young: "He rents a portion of a duck farm that was built just east of Mill Rd. off of Middle Rd. I think you had an application there before."

John Carson: "It's a mile north of where we're built."

Howard Young: "About a mile north of where he is. They don't raise ducks there any more."

Councilman Prusinowski: "Bruno's Duck Farm."

Howard Young: "I think you had application for a condominium in there."

Supervisor Janoski: "Do you own the property right now."

John Carson: "We're in contract right now."

Supervisor Janoski: "Without objection then, this hearing is closed. Let the record show the hour of 7:36 has arrived, the Town Clerk will please read the notice of public hearing."

P U B L I C H E A R I N G 7:20 P.M.

Barbara Grattan: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall at 7:20 p.m. on Tuesday, June 16, 1992, to hear all interested persons who wish to be heard regarding:

SPECIAL PERMIT FOR DELALIO SOD FARMS FOR A NON-NUISANCE WHOLESALE BUSINESS FOR A LOADING DOCK AND GRAVEL STORAGE AREA."

Supervisor Janoski: "Thank you. Is there anyone present representing the applicant. A two-fer Howie?"

Howard Young: "I haven't seen you guys for 10 years now. DeLalio Sod Farms is here also for a special permit for a, would like to have a wholesale landscaping product center. This property or this parcel of DeLalio Sod Farms is approximately 52 acres and it's used now for production of sod. In selling the sod, Mr. DeLalio would like to furnish some addition services to his clients or customers in providing of bulk seed, fertilizers and landscape products such as ties, stones, different colored

stones, and things like that. It's not a nursery type of supply, just things that generally the guy that's putting down sod has to pick up at some other place. I believe Mr. DeLalio furnishes these supplies at his other sites in Suffolk County. Basically, there's no building construction involved with this, just the use and he's going to build a fenced in yard. Hopefully he'll stone blend with a few bids that we would store these materials in."

Supervisor Janoski: "Thank you Howard. Is there anyone present wishing to address the Town Board regarding this application?"

Cathy Casey: "Cathy Casey, Wading River. I just want to know quickly, where is this located?"

Supervisor Janoski: "Edward's Ave."

Cathy Casey: "Edward's Ave. Is that at this time zoned agriculture and/or business at the present time? Is that area that he's requesting to do this?"

Supervisor Janoski: "That's industrial isn't it Howard. Industrial "A"?"

Howard Young: "It's zoned Industrial "A"."

Cathy Casey: "Thank you."

Supervisor Janoski: "You're welcome. Is there anyone else present wishing to address the Town Board? Steve... "

Steve Haizlip: "Steve Haizlip from Calverton. I visit.. I'm going to put input in and I want you to be listening. I have visited this site and I have talked with the owners. The owner's sons that is and in viewing over what their doing, I don't see any different from what Ivy Acres is doing. There's a loading ramp, there's a platform, you back up, there's a storage building inside, things can be brought out as they're sold. They have plenty of ground and any flower or plant or shrubbery operation that's been in this Town for years, it's more or less like that. There's only one problem that we're having, but I don't know if he'd be able to do any control about it or not. Mr. Young is a surveyor, now maybe with his expertise of surveying he might be able to help. I appealed to Mr. Prusinowski here to come and see me because we have had such an avalanche of stone occurred on the shoulders of the road and way out into the travel lane. This past rain, it really accumulated, but Mr. Bloss, being aware of it and I have told him before, he was immediately up there and scooped them all up and now, I see in the specifications here, about gravel storage, that part, I didn't know it existed. It still don't bother me because if he's going to have a gravel storage pile somewhere, I don't know if it's going to be for his ramp as the gravel is beat in from trucks and cars and he's going to resurface it or if they're going to be sold for driveway loose

stone or for what I don't know. The only thing is, I just recommend that the pile would be stored so that they rains that generate up there and washes, that they don't tear it down. That's my only concern. So therefore, I don't oppose this, I don't see it any different from as I said, Ivy Acres, or what used to be at Woolworth's or Grant's or Billy Blake's, it's all the same and a matter of fact, there's another one coming down the street on the left of me, another one, be giving them competition. Thank you."

Supervisor Janoski: "Thank you Steve. George, was that a little signal?"

George Schmelzer: "200 years old the Town is. I think the first Town Board would never believe you could ever consider such nonsense as this. Something needing a permit to put a pile of stones on grass and fertilizer around. What do you call this, the Soviet Riverhead now? It's becoming that way. You bunch of bureaucrats, you think up everything more and more every day. When are you going to demand that people have a permit to eat and breathe? They're coming to that soon. All the goddamn time wasted on nonsense like this. Somebody can't even make a living without a permit form a bunch of bureaucrats. Half of them can't even run there own lives and they're telling everybody else what to do?"

Supervisor Janoski: "I take it you're in favor of the application George?"

George Schmelzer: "Yeah."

Supervisor Janoski: "Thank you."

George Schmelzer: "You shouldn't even need an application."

Councilman Stark: "Thank you."

George Schmelzer: "You're running the whole people like an animal farm. Like I said before, maybe the animals should turn on it. A human animal farm."

Supervisor Janoski: "George, you happen to have hit a subject which was one of much debate. Some people thought that this did not need an application, but the Building Dept. insisted as I recall, did. Turns out that I guess more weight was in their argument, the members of the Board did not believe that there should be an application, but we're having this hearing so you can say the things that you say. What would you be doing if we didn't have the hearing?"

George Schmelzer: "Tell the Building Dept. look around that building where UPS is. Some of that stuff down there. Look into that maybe."

Supervisor Janoski: "Thank you George."

George Schmelzer: "Yeah. Okay. Without all this nonsense you'd still get the same pay, I don't know what the hell you have it for."

Supervisor Janoski: "Yeah. But what would you do? But what would you do?"

George Schmelzer: "I could sleep better."

Supervisor Janoski: "Is there anyone else who wishes to address the Town Board with regard to this DeLalio application? That being the case and without objection, I declare the hearing to be closed. Let the record show that the hour of 7:44 p.m. has arrived, the Town Clerk will please read the notice of public hearing."

P U B L I C            H E A R I N G            7:30 P.M.

Barbara Grattan: "I have affidavits of publishing and posting of a public notice for a public hearing to be held at Riverhead Town Hall at 7:30 p.m. on Tuesday, June 16, 1992, to hear all interested persons who wish to be heard regarding:

AN AMENDMENT TO CHAPTER 108 OF THE RIVERHEAD TOWN CODE TO PROVIDE FOR THE BUSINESS F. DISTRICT (FACTORY OUTLET CENTER OVERLAY ZONE)."

Supervisor Janoski: "I think that we'll see if you understand it. Timmy can I ask you a question. Officer Buckley, are you performing security duty at the Town Board meeting tonight? Oh, well then, who is? Is their another member of the Police Dept. here? I'm just wondering why there were two Police officers in the audience? Just a question while she gets ready."

Patricia Moore: "I'm ready. The Town Board is considering an amendment to the Code which would allow for a factory outlet center which would be by application to the Town Board as an overlay zoning district. The definition of what a factory outlet center is, is any building or buildings which is used by one or more enterprises for the sale at retail or wholesale of first quality goods, overruns and factory seconds. The first quality goods would occupy a minimum of 70% of the total floor area and the factory outlet center, each enterprise must pervade only those products originally manufactured or distributed by the affiliate enterprise. The purpose of these session is to provide for a factory outlet center and the customary uses which would be appropriate at the location relative to public infrastructure, transportation facilities. The Town Board can oppose this zoning district at the exclusion of other use districts which are shown on the zoning map. So it would be by an overlay or if the zoning already allows it, the underlying zone would remain. This would allow for a factory outlet center and any restaurants, excluding

outdoor counter service or drive-ins or curb establishments and then there are additional accessory uses which would be recognized."

Supervisor Janoski: "Thank you. I would recognize the President of the Chamber who I believe..."

Bob Goodale: "Thank you. I would like to say first of all that the Chamber has not had sufficient time to present an official position on this. We will be meeting later this week. It's my understanding that there will be an opportunity for us to add to the record before there's going to be a vote. I understand that to be the case. Thank you Joe. So, I will offer various comments that I have gotten from various Chamber members about this proposal. First of all, I think it is generally considered to be an excellent idea that the Town Board has paid attention to this particular issue. We believe, I think it's again, commonly seen that this kind of retail outlet is going to be in this decade and perhaps beyond, an important aspect of retail business. I think this is a fact of the matter and we believe it is important for the Town to recognize this as they are with this initiative to look at it and see what role this aspect of business can play in the Town of Riverhead. We believe that Suffolk County residents and visitors are going to want this they're going to have it and the question is, what can Riverhead do that will make it an attractive place, if possible, for this kind of retail establishment. We also believe that it ties in rather strongly with all our interests in strengthening our recreational, and vacation person. We all believe that one of the strongest lynch pins of our economy should be the recreational, vacation person and this is the kind of operation, we believe, would attract that type of person to spend their business dollars in Riverhead Town and we understand this effort by the Town to be also one that is inviting in the sense that it is attempting to set certain standards in a way that would welcome those that might be willing to invest in Riverhead, to say these are the rules that we have, we think the proper investment can work in Riverhead. Here are our general rules, we welcome you to come in to see if you, investor, can find a way in which you can build this kind of retail establishment. Now, while in general there has been, I think, substantial support for the idea of going through this process and listening to the people you will be hearing from. I think also it's fair to say there are concerns about the specifics as they are outlined in this present proposal. One of those is this idea that it could be anywhere in Riverhead as far as we understand it. Whether or not there is a way in which this overlay could be restricted more so that, for example it's not in residential areas, I don't know, but there is, I think, a general concern that the way it is written now, this overlay would be permitted everywhere or anywhere. We would like to have a clearer understanding about what the process that any applicant would have to go through once this overlay is in place, namely, what does this overlay give to an applicant that, that applicant would not have now? And what

protections, which we believe are still substantial, to the Town to view any particular proposal would still be in place for any particular applicant that they would have to go through. We are very interested, and I think a lot of people are, that we would perhaps like to see this kind of enterprise be as far removed from what we see and understand as a shopping center as can be done and I think that again, this is the intention of the language of this and we would greatly support, I think in general, that kind of language. Finally, there are some other specifics which would probably be addressed by those who know more about this, but we find it kind of difficult, for example, to imagine how anything like 70% of firsts would be ever policed. I'm not too sure. The definition made of what is a factory store, may have to be thought through a little bit more. In general though, I'd like to again thank the Board for taking up this issue. Any issue like this is going to be controversial. We believe that there is room here to have something that could benefit the economy of Riverhead. Thank you."

Supervisor Janoski: "Thank you Bob. Let me just say a couple of things. One of the things that I have thought of in the interview tonight from this being published and having this hearing is what you raised about residential. That should be excluded as a possibility of placing the zoning. The overlay application is the same as a change of zone application which is very rigid, very thorough as far as the process. I think what's as important as what it does spell out is what it doesn't spell out. You can not have a supermarket, you can not have a Chinese takeout, you can't have a pizza place, a drug store, the traditional shopping center, but what it does try to do is define factory outlet by some of the words that were used in the description overages, closeouts, seconds, and manufacture operated outlets basically and I think that you correctly see that there are tourism aspects to this and I thank you for coming forward from the Chamber. Does the Merchant's Association wish to be recognized?"

Joseph Fisher: "Good evening. As a business organization, the Riverhead Merchant's Assoc. is encouraged to... "

Councilman Stark: "Joe, would you just identify yourself for the record please?"

Joseph Fisher: "Joseph Fisher, President of the Riverhead Merchant's Assoc. As a business organization, the RMA, or Riverhead Merchant's Assoc. we are encouraged by the Board's aggressiveness in seeking out businesses for the betterment of Riverhead and the relative increase to it's tax base. We are further encouraged by their systematic approach being addressed to achieve this goal. We support the inception of a business "F" factory outlet zoning definition. However, several of our members have voiced some concerns which I would like to raise for you. Number one regarding the definition of a factory outlet. We feel it needs to be tightened, inclusion in that should be

goods to be sold as 'new', not just first quality, but not 'new'. They have to be new, not seconds or something else. We need a tighter definition of what an affiliate enterprise is. Selling goods under the auspices of being an affiliate of G.E., General Electric or General Motors, could turn this into a K-Mart quite easily due to the size and the auspices of what they deal with and we think there should be some limitation as to private label versus brand names, for example, Sears, sells under their name, which is private label, under a variety of products. We have some concerns as to as Bob also raised as how will policing of definitions be enforced. 70% first quality and less than 1/2 a percent general retail. We don't really comprehend how could this be enforced."

Supervisor Janoski: "Very difficultly."

Joseph Fisher: "And what would be the actions if in fact it wasn't met? I mean, we assume there's going to be some penalty fines. It was felt by several members of our organization that the overlay zone should be restricted to the current commercial, industrial business zoned areas with a possible inclusion of certain agricultural areas. The exception being residential areas should not be a permitted use area. As an alternative, it was also requested by some of our members that perhaps an ad-hoc advisory committee be established with the empowerment to endorse or decline an overlay approval in certain areas, specifically if a residential was going to be included. Although restaurants are a natural inclusion within the boundaries of an mall center as described, does this provision preclude the locating of a restaurant under this proposed zoning without the mall attached? As the zoning change requests a, what some described as a carte blanche approach to outlet mall placement, what would be the procedures to be followed before approval or building, etc., environmental impacts, would their be public hearings, which I think you somewhat addressed and the question came up as to what effectively is the difference and or benefit allowing this overlay zoning for outlet malls vs. the general retail mall. The final concern raised by the RMA is the urgency of this issue. Many of our members and I suspect the same is true of the Chamber as Bob indicated, have not had sufficient time to digest and discuss this issue. Awareness of this proposal reached us last week and the importance of potential impact should receive the appropriate investigation and dialogue. As a result, the RMA requests that a vote on this issue should be tabled for now and a subsequent hearing should be held at a later date allowing full disclosure and participation of the Riverhead Community can be achieved. Thank you."

Supervisor Janoski: "Is there anyone else present wishing to address the Town Board on this issue. Steve... Let's let Steve have that first."

Steve Haizlip: "Steve Haizlip from Calverton. Mr. Janoski and the other Board members, what I am about to say, I don't want you to take it as me being a smart Aleck, I'm not. Now, I think we had a hearing one time here about swimming pool's definition of language and called it convoluted. I miscruited that and thought they was talking about convoluted tubing that went in aircraft, but come to find out, it's bad worded. I don't understand this overlay. What are you trying to say here? Is it one building on top of another one, like a draftsman would take a piece of plexiglass and lay it on his drafting board and draw it out? This throws me."

Supervisor Janoski: "Steve that's why I'm drinking milk. Okay, Steve, I will try. The Town Code includes right now, three overlay zones. One is called a PB Zone, it is a professional business zone and it allows for doctors, lawyers, Indian chiefs to have an office and they can apply for this overlay zone to be applied on this piece of property that might be zoned residential or some other kind of zoning, industrial although professional business is allowed industrial."

Steve Haizlip: "There's a little bit of a deviation or variation?"

Supervisor Janoski: "Now, this is not exclusive of the underlying zoning. It's called an overlay because what you do is you put it on top of the zoning that's there. We also have a retirement district overlay zone which allows for the building of homes for retired folks and that can be out in place on a property on top of an existing zoning, for example, agriculture. There is also a community development zone which has been used once to my knowledge in the Town of Riverhead. Once again it was placed on top an agricultural zone. Now, what we see here I think has been addressed that there is a new direction that retail sales is taking in this country. I think we witnessed and I hate to say this in front of Edger, I'm sorry, Bob, but something called Home Depot. I'm sorry Bob."

Steve Haizlip: "Home Depots."

Supervisor Janoski: "But this kind of approach to sales, factory outlets. Now, in my travels one of the places I have gone to a number of times and have tries to point out to the Chamber of Commerce and Merchant's Assoc. that Riverhead has the potential to just like it, is Mystic Conn. Gorgeous downtown, waterfront and a factory outlet that isn't badly done. It can be absolutely done very nicely, but what we don't need in the Town of Riverhead is another shopping center with a supermarket, drug store, etc. So this zoning idea came up specifically to allow this type of retail sales to take place excluding the shopping center operation, but recognizing that it is a wave of now in the future. Now, there is factory outlet that just opened up in Bellport. It is not what we have in mind. We think that that's very poorly done and what we are setting in this zoning is

criteria and standards as to how it has to be developed that you must need at least a ten acre parcel of property and maybe that could be bigger even. That's why we have public hearings, but it is a zone that you put on top of another zone that allows specific use such as a doctor's office or in this case, a factory outlet and what has been said here was part of the difficulty. How do you define a factory outlet? I know what a factory outlet is, but putting it into words is very difficult."

Steve Haizlip: "Selling used or defective carpet and clothing."

Supervisor Janoski: "Some of the goods that are sold... "

Steve Haizlip: "Not defective, but I mean... "

Supervisor Janoski: "Seconds."

Steve Haizlip: "Seconds. Not good enough for first class."

Supervisor Janoski: "There are lines of clothing that there are overages. There are closeouts in a particular style. Factory outlets deal, the manufacturer actually operates these stores. What's the big golf clothing store? Spalding? What am I thinking of? Anyhow, but that's what the idea here is Steve. I hope that you understand it and if you do then I guess it hasn't been too bad... "

Steve Haizlip: "Yes, I've got it. No I've got it understood now. Thank for the explanation, but only one thing that I failed to request. Bob there, I think that was his first name, he asked to hold this up a little bit longer so the people maybe get a thorough understanding of what is happening so that they adjust a little bit better and then have another hearing at a later date on it, but that's only my request."

Supervisor Janoski: "I think everything that has been said is legitimate. The difficulty of defining some of the issues that have been raised are certainly good ones and that's why we have public hearings. Stan, did you have your hand up?"

Stan Hagler: "Yes I did."

Supervisor Janoski: "Well come on up. Come on down."

Councilman Stark: "Come on down. Pick from box one or box two."

Stan Hagler: "Stanley Hagler. I reside at 63 Topping Dr. in Riverhead. Sorry Jimmy, I'm not as tall as Steve. I don't speak as eloquently as the three people before me. I'm a little bit confused or a lot confused to what you're trying to achieve. The overlay it seems like it's an open overlay. It's open ended. Why is it necessary to be worded that way. If you have a site

that you think factory outlets should go into, make the site available, let the developer go through the normal process of variances if he needs it. I don't see the need for an overlay for basically what is retail, wholesale operations. We have zoning in the Town of Riverhead and maybe you can enlighten me. Why is it necessary to have an overlay?"

Supervisor Janoski: "There are a couple of things that you said that can't happen. One, you can't identify a piece of property and change the zoning."

Stan Hagler: "That's spot zoning. So is an overlay."

Supervisor Janoski: "No it's not. The other thing is, tell me where there's business zoned property in Riverhead that can accommodate a factory outlet."

Stan Hagler: "Mr. Supervisor, you have used to me and to many other people and organizations that you've appeared before, you've used Reading Pennsylvania as an example of what factory outlets can do for a downtown area of a community such as Reading. If the effort that you people are going through today and Mr. Hanley has gone through and the Town Attorney has gone through, to develop this idea, which in a sense I'm going to complement you. I think it's a good idea. Why not do what Reading has done? Why not expand all this energy and bring factory outlets into the downtown area of Riverhead? You have vacant pieces of property. There is no need in my opinion as a retailer in this community, to open up additional space for retailing when you have a migration of retailers out of Riverhead right now. It doesn't seem logical to me. Unless someone can give me a better definition, an overlay is spot zoning under a different name and I really think the community that's out here and the community in Riverhead and your constituents have a little more intelligence than to think that it's not spot zoning."

Supervisor Janoski: "Stan, if you say so, it must be then."

Stan Hagler: "No, it must not be. I'm asking you for a definition explaining to the constituents and to myself what is.."

Supervisor Janoski: "I already told you what an overlay was."

Stan Hagler: "You told me what an overlay was, now tell me why it's necessary. Don't you have enough retail space in Riverhead? Excuse me, let me finish. Don't you have enough retail space in Riverhead to accommodate factory outlets?"

Supervisor Janoski: "Stanley, how much sq. footage of space entirely is on Main St. in Riverhead?"

Stan Hagler: "I'm asking you Mr. Supervisor ."

Supervisor Janoski: "You answer that question."

Stan Hagler: "I have that information here and I haven't been able to review it yet, but at our next meeting I'll give you that information."

Supervisor Janoski: "Now, Stanley, if you had paid attention to what I've been doing over the past year, you would know that every time that I talk to a business who wants to do something in Riverhead, I always throw into the conversation two things; Main St. and the movie theater and I'm happy to say that people who are interested in coming to Riverhead have reacted very positively to also opening up a Main St. and helping us acquire that movie theater. That's something that's always on my mind, but I think that one of the things that I've learned in life is, you've got to give to get and if we can attract someone to the Town of Riverhead and into a bargain, say we would like you to take the Rimland building and put Oshkosh Children's Clothing in that building. Would that be ding a good job as far as putting together a package because that's exactly what I've been talking to people about."

Stan Hagler: "Then again, Mr. Supervisor and members of the Town Board, I don't see the need for an open overlay over the Town of Riverhead, it's like send you fellows up in an airplane with confetti and drop the confetti. You don't know where the overlay is going to lay."

Supervisor Janoski: "Stanley, you can't say that kind of thing Stanley. We've known each other for, how many years have I been here? And I've never known you to be happy about anything that anybody proposes."

Stan Hagler: "That's not true."

Supervisor Janoski: "I know, but if you can say it's like flying over the Town with confetti, I just said that there is an application which is a change of zone. That procedure is very stringent. It doesn't happen... "

Stan Hagler: "Then you don't need an overlay."

Supervisor Janoski: "Thank you Stanley."

Stan Hagler: "You do not need an overlay in my opinion. All you need is a definition of what a factory outlet is and you have retail space available."

Supervisor Janoski: "Where?"

Stan Hagler: "Excuse me. If the space is not available, then that developer has the right to apply for a variance to get additional space. Does he not have the right for a variance?"

Supervisor Janoski: "Absolutely Stan. Did you want to say something Vic? Please."

Councilman Prusinowski: "The other overlay categories that we have in the zoning book are, I look at as a definition, the PB overlay for example, defines what professional business category is. We've used that in Aquebogue, we used that on Roanoke Ave. where we took welfare houses and turned them into productive taxpaying houses where doctors, I'll use one on Roanoke Ave., took those houses, we put the overlay on it, professional people moved in there and built a professional business. In this particular case for example, believe it or not, the amount of zoned property that's left for Business "B" in this Town is limited to the Breslin property, which is certainly a hundred acres, which would qualify for this if someone wanted to come in and buy this from Mr. Breslin. A few pieces on Rte. 58 across from Suffolk Life and that's just about it for Business "B". The Town Board has been very reluctant, in fact, Frank Creighton and I were in Town Hall last month when a representative from Walmart, who you're now reading about in Brookhaven, wants to build the largest superstore, what they call their Big Discount Store, of like a giant Home Depot, if you're familiar which I'm sure you are, and he wanted to know if the property across from the Breslin property, which is zoned office service, if the Board would entertain rezoning it to Business "B". Now, I said no, Frank said no and I think he polled some other Board members and he didn't get anywhere. Frank suggested that they go downtown. Now Walmart for example has a national policy, their policy is they don't particularly want to go into downtown centers. They want to build their own facility. They don't want a shopping center, it's their own thing. So, this overlay would be more or less like a definition in the book and if somebody comes in and says we think we have a piece of property wherever and it could be the downtown area which the ten acres, you'd have to have a variance on the ten acres where we think this facility would go. Then you have a public hearing, you have to do full seat with environmental review and it would have to make zoning sense and a decision would have to be made to see if that overlay would fit into that particular location."

Stan Hagler: "What this now entails and I'm not being antagonistic, Joe, but what this entails you brought out a very good point. Joe has brought up many times Reading Pennsylvania if you wanted to do an overlay in downtown Riverhead to bring factory outlets to downtown Riverhead, you couldn't do it."

Councilman Prusinowski: "But it's permitted anyhow. It's permitted. The downtown area you can build, first of all, you can build on 100% of your lot line downtown, okay and it's already retail."

Stan Hagler: "Correct. You have a sq. footage in your definition here."

Councilman Prusinowski: "The could build it downtown, they don't have to meet these requirements."

Supervisor Janoski: "Stanley, let me tell you something. Uses variances, which is what you're talking about, after July of this year are going to be impossible to get because the State of NY has changed the criteria. You can't come in with a hardship anymore and say, 'I'm not making any money on this property', that's not good enough."

Councilman Prusinowski: "You know, from the Zoning Board of Appeals."

Supervisor Janoski: "From the Zoning Board of Appeals. So that you can't get use variances. It was difficult enough before to get use variances, now it's impossible. So that that is not an avenue. I don't know that you fully appreciate the entire picture here, because I can tell from what you are saying, that downtown, you can open up a factory outlet downtown right now. I can envision the Rimland Building after an expenditure of about \$500,000 dollars to make it usable as being an excellent location for factory outlet operations, but the simple fact is, and it's shocking people, is that the total sq. footage available including everything that's being used right now, in downtown Riverhead, I think is about 200,000 sq. feet all together. Now, the Waldbaum's Shopping Center with the Waldbaum's and Pergament and the little store in between is about the same sq. footage, probably a little less, but it's about the same. So that's what we talking about in comparison. I have to reemphasize that anytime anyone comes forward with an idea for Riverhead, I always throw into the bargain, into the discussion, what can you do downtown because that is prime concern for me and what can we work out with the theater."

Stan Hagler: "I understand that and I take exception to the comment that you made that I'm always against things. I am in favor of the philosophy of factory outlets in Riverhead Township. It's the way of the future, it's the new department stores, it's the new merchandising, it's the new packaging of selling the same products that I'm presently selling. Okay. Now, I have to ask you a question. On the 70% again, I'll repeat what Bobby said, how are you gong to police it? And on the definition of affiliated, I'd like to know, does this prevent me from going into a factory outlet. I am affiliated with over fifty manufacturers. I'm a general retailer of footwear in the community. Are you going to prohibit me from going into a factory outlet? You ought to think about that in your definition because I may want to go into a factory outlet."

Supervisor Janoski: "Absolutely. I freely admit that's why we have public hearings. That we have to tighten up the definitions so that what we mean is exactly what we get, but you shouldn't be, I mean if you can say that the Town Board is like us flying over the Town with confetti, then I can say, Stanley, you're always unhappy about something."

Stan Hagler: "And if we didn't have this dissertation then you wouldn't know what my ideas are Joe."

Supervisor Janoski: "No, you told me anyhow."

Stan Hagler: "Gentlemen, thank you very much and I hope you exert as much effort as you're exerting now to open up another area for retailing, to exert that same effort to fill the vacancies throughout the Town of Riverhead before you open up new areas, thank you."

Supervisor Janoski: "Thank you."

Councilman Prusinowski: "Stan, you know we're trying to do that. The other thing is to is that, so there's no misconception, there's no tax abatements here in these stores in NY State pay sales tax. Okay, because in some of the states, they don't pay sales tax, but everybody would be paying the same tax structure."

Stan Hagler: "Okay, I think the last time I heard you speak Vic, you told me that every time a shopping center or gentleman opens up in the Town of Riverhead, the first thing he does as soon as he gets his certificate of occupancy, is to submit to..."

Councilman Prusinowski: "I'm not talking about property tax. I'm talking about..."

Stan Hagler: "Is to submit for an certiorari, is that what they call it?"

Councilman Prusinowski: "Right."

Stan Hagler: "To get a reduction in his taxes, so that the big income that you think you're going to get from the tax roll, you're fighting from the day he gets his certificate of occupancy."

Councilman Prusinowski: "I understand that Stan, but what I'm saying is that there is no tax abatement for retail and also they pay sales tax."

Supervisor Janoski: "Stanley, lighten up."

Stan Hagler: "Yes, they do."

Councilman Prusinowski: "Second of all, I think the choice we have to make as a community because one time I was sitting in a barber's chair and I was told by my barber that we chased the last, this rumor was that we chased the last outlet store promoter which is now in Bellport out of Town. I remember him putting an application before the Town Board. As a small community of Riverhead, we might have the choice that if a guy comes before us and says I'm going to build it Hampton Bays or

Brookhaven, I might consider Riverhead, I can you that if he goes to Hampton Bays, we'll all lose anyhow because they're going to draw people out of the area."

Stan Hagler: "There's no question about that, Vic. What you're going through right now is the right thing to do and I'm just voicing my opinion and I think factory outlets should come to the Town of Riverhead in the proper manner."

Councilman Prusinowski: "I agree. I think the language should be tightened up."

Supervisor Janoski: "Bill."

Bill Talmage: "I'm Bill Talmage from Baiting Hollow. I'd like to support this proposal from three directions. First as a home owner and taxpayer. When I get my tax bill every year, I have to check my address to see if my house has been moved to Lloyd Harbor by accident or something. Our property taxes that we pay on our houses in Riverhead in relation to the value to the address in very high and in believe that that's reducing the value of people's houses in Riverhead just because of the taxation. The reasons are our two main industries in this Town are agriculture and Grumman and their both contracting. We need some new development. Something we can tax, something that doesn't consume a lot of resources for the Town, it doesn't put kids in our schools. The second direction I'd like to support this from is as a farmer and as a Farm Bureau Member and as a veteran of the great up zone wars of a couple years ago. I believe that positive tax base development helps to reduce the pressure to up zone farmers. We need to play some offense, we've been playing defense for a lot of years. Up zoning is a defensive measure which could seriously ruin people's equity in their farms and put them out of business and seriously ruin our agricultural base. That's why I believe the Farm Bureau supports this idea. I hoped Lyle was going to be here, but I had talked with Joe Gergela and maybe we can get some input on that, but as a third perspective, I've working in real estate consulting and sales for the last five years and I've tried to attract a good, clean positive tax base development to Riverhead along with other towns. It's been very scarce the last few years, the development of any sort other than residential has been scarce. Good development is extremely scarce. We believe, the company that I work with, that there's currently interest in building a regional factory outlet center in the eastern part of LI. Our office has had discussions with one party, we know of at least two other parties who are investigating Riverhead, not connected with us, and working the same type of thing. Probably only one will be built on the east end of LI. The group we worked didn't want to come to Riverhead originally. We got them out here, we beat on them, we got them interested. Other towns have seen the benefits to their economies and how nice these projects are when they're done properly and there's a lot of competition for these facilities. For a developer to come here, he's got to number

one, find the site that has the proper impacts, traffic, environment, everything. He's got to negotiate land assemblages, he's got to spend a lot of money on traffic and environmental surveys, he's got to, before he can even start to apply for a permit to build and all this zoning chapter would do is encourage them to try. No parcels even close enough to being large enough exist with the proper zoning, Business "B" zoning in Town. The Breslin piece is not big enough. It's certainly not a hundred acres and it had a lot of wetlands on it. Downtown doesn't work for a very simple reason. They won't do it. There will be nobody who can finance a factory outlet center in downtown. They won't even look at it. I know that for a fact. It's unfinanciable."

Councilman Prusinowski: "In any downtown, not just our downtown."

Bill Talmage: "In any downtown. They will not even look at it. They don't even want to know about it. It also, the traffic impact of that would be horrendous. I don't think, when we really think about that, I don't think we really want that. Downtown I support revitalizing downtown, I see it as a Northport or a Mystic type thing, but that's a different problem. Change of zone to Business "B" retail, that's not feasible. Politically it's not possible because Business "B" allows strip centers. We don't want strip centers. What we need is a proposal to allow only factory outlets and factory outlet type merchandising and would prevent strip centers. The people who build these things don't want strip centers, they want a quality shopping experience, a destination that you go to, you spend the day and you spend money. You're there walking around at all these places and before you know it, you've got bags like this. The other thing I hope it would include is very large single tenant users. Say, over 60,000 square feet for one place. Hopefully, someday the demographics will support a Price Club type place. I believe that is part of the future and I believe that those dollars are not Main St. dollars and the people go to the Price Club, I know my wife travels all the way up to Smithaven to go to those things and I don't think that that's competing, really. As far as competition with Main St., Rte. 58 I think what we're hearing is proposal for a regional factory outlet center to compete with places like Conway, New Hampshire; Harrom, NY; Seacaucus, NJ; Burlington, Vermont; Reading Penn.; Mystic; Freeport, Maine. People travel those kind of distances. We're not talking about pulling from the shopping center down the street. We're talking about pulling from quite a long distance. We believe a regional mall will be built. The question is, will dollars float out of Riverhead to say, Patchogue, or into Riverhead from everywhere else. Finally it should be pointed out that even if this is codified, it does not allow as was reported in one paper malls can be built anywhere. I believe you're going to have to require a full environmental impact statement, with traffic surveys and environmental quality review, everything. This does automatically allow it to be plunked down anywhere. All this

does is keep the people interested in Riverhead. It sends a message that Riverhead is friendly, come try it here. It still has to go through everything it had to go through before, but it encourages them because these people are being lobbied heavy by other towns that have realized that's the sense of urgency. People have asked, why in such a hurry? Because there's competition. We've played defense too long. We've got to go on offense now. We've got to get something good and when the good development is competed for by the towns, if you don't compete, if you say, everybody stay out of my town, you get what's crammed down your throat and you get what's left. It might be the party we're working with or any one of the others. I intend to live in Riverhead for the rest of my life and I hope somebody succeeds in attracting something to this Town. We need jobs and we need tax base in this Town, especially if we're going to have the luxury of being able to say no to something like the Calverton jetport. We've got to have something else. Thank you and I'm sorry to take up so much time."

Supervisor Janoski: "A face I don't recognize."

Jim Golden: "I'm Jim Golden of Riverhead, a life long resident and I worked for Grumman for a long time and I'm laid off, like a lot other people in Riverhead, we've lost our jobs and I think the program that Mr. Talmage presents would give Riverhead a great financial boost. We need the tax dollar, we need the jobs. I don't know how many people are aware how many people go up to North Conway and Reading, but there's a lot of people who leave Riverhead, like my wife and a lot of her friends. They travel all the way out of state to go to these places and they have a great time up there, it's really wonderful, the job they've done with them. I think that would really build Riverhead up. Especially with of all, the houses we put up. Those people need jobs. Thank you."

Supervisor Janoski: "Thank you. Charles Cuddy."

Charles Cuddy: "I would like to commend the Town Board. My name is Charles Cuddy before I start. For doing this, because I think Riverhead is trying to prove that it can do it better than North Conway, New Hampshire. Anybody that's been there and seen the sporadic way that that's developed, with a lot of outlet stores, knows that there must be a better way to do it. Absolutely this is an important type of zoning. I would like to address the comments that Mr. Hagler made for just a moment. Floating zones, not only in Riverhead Town, but in NY, have been in existence for close to fifty years. There's a court of appeals case in 1951, more than forty years ago, that endorsed specifically this concept. So it's not something foreign to zoning, it's not something that's unusual in zoning codes. It's done regularly, it's not spot zoning. It can be done pursuant to a comprehensive plan. I think in this case it's going to be done pursuant to a comprehensive plan because it's going to promote the many of the things that the comprehensive plan talks about."

It's often done as an example planning developments and it has been upheld as I say number of times. Here there's going to be a special type of activity, speciality shops, outlet shops, in an aesthetically pleasing manner. I think that's worth while to encourage. It means for the Town \_\_\_\_\_ it means for the Town a better tax base, it means employment. I believe it's in harmony with a new approach and a new outlook for the Town of Riverhead which is to promote tourism and attempting to bring more people into the Town. I think the benefits far outweigh any burdens and I ask the Board to approve this. Thank you."

Supervisor Janoski: "Thank you. Warren."

Warren McKnight: "Warren McKnight from Wading River. One of the things that always bothered me when it comes to development is the river itself in the relationship to Southampton Town. Communication between the Southampton Town Board and the Riverhead Town Board for development, for working together, for attracting business. Not only that, when people want to come to Riverhead they don't want to see boarded up buildings that we see now. We're enforcing codes, but the codes we're enforcing, the people are going and living across the river. The point is to work with, we can work with Southampton Town, we have how many people in Southampton Town and the zip code 11901 that come here that live over in Southampton? At least 2,000? We should have a working relationship with them. We should have a working relationship whatever we do, with the community development of Southampton Town and Riverhead. We are really basically you now, we have part of our Town, whether we like it or not, part of the people that live in our Town live across the river and we have to work that out. I think we can have a better way of attracting everything if we work closely that way and therefore I do suggest and request that we do have on occasions, some people from Southampton Town Board come here to address us and vice-versa and get the people from across the river to work with together with us so maybe we can get something done. Basically that's what I wanted to see."

Supervisor Janoski: "They were here today."

Warren McKnight: "And what happened."

Councilman Stark: "Two hours we met with them, and we had a very successful meeting."

Supervisor Janoski: "And we shipped them right back Warren."

Councilman Prusinowski: "We told them we took the polo club."

Councilman Creighton: "We picked their pockets."

Warren McKnight: "And did you tell them what's happening? Old people that have been thrown out of their homes, they are living in substandard housing across the river and then when people come to Riverhead they don't want to see a bombed out area or a boarded up area."

Supervisor Janoski: "Warren, just out of curiosity, how do you feel about this factory outlet overlay zone?"

Warren McKnight: "Well, the fact is, the people that want to build here, they want to build in a nice area and this is one way to get them to build in a nice area, to see that there's cooperation between the towns and the houses. That people live in proper houses where codes are enforced and no matter whether they're poor or not."

Supervisor Janoski: "Thank you Warren. You sell newspaper advertising do you not? Just a simple yes."

Warren McKnight: "Who do you think is... Let's say that there is a factory outlet. Who do you think is going to get there first to sell them advertising, your paper or the one that wrote the editorial opposing it?"

Warren McKnight: "Victor is going to get the bigger accounts, I get the small ones."

Supervisor Janoski: "Way in the back, Mr. Goldstein."

Warren Goldstein: "Supervisor Janoski, members of the Town Board. My name is Warren Goldstein and I'm the Planning Director for the North Fork Environmental Council and I'm here tonight in an uncharacteristic position with you folks to support what you have in mind."

Supervisor Janoski: "No, that's the second time."

Warren Goldstein: "Maybe even a third actually."

Supervisor Janoski: "I was just commenting whether it was Goldstein or Goldstein and I was wrong."

Warren Goldstein: "It really doesn't matter at all. I think that what Mr. Goodale and Joe said from the Merchant's Association are absolutely on target. We've been battling this around since we've seen it in the papers for some time and I think the possibility of an outlet center in Riverhead is extremely exciting to us because it has the potential to anchoring a kind of economic stability in the Town which does not exist right now. At the same time, we share some of the concerns that they have, but we think that the possibility of an outlet center is tremendously exciting if planned and I think that one of the things that was of concern to us when we were reading what's been proposed so far is the possibility that there would

be a center at the terminus of the expressway and that struck us as very disturbing because it would draw whatever commercial interest there was in the center away from downtown Riverhead and away from what we hope would be the economic center of Riverhead. So I have to say that we have a lot of the same concerns people have expressed for downtown. I don't know, I haven't done the numbers on the sq. footage that you have Joe, but it's pretty clear to people who just drive around or walk around Riverhead that there are a lot of empty buildings. There are an embarrassing number of empty buildings. You have done a lot to try to fill some of them. The economy has done it's best to empty a lot of them and it seems to us that there are so many empty buildings right now, what we really need to be doing with this overlay zone is figuring out how (inaudible) in a coordinated way, in a way that looks at the Town as a whole to fill those empty buildings with these outlets, not that the buildings the way they are right now would work. They're obviously going to need some work, but it seems to me that we could fill downtown stores, we could fill some stores on Rte. 58, up and down 58 there are empty buildings. There are empty stores that could easily be filled up with outlet stores. Now the question is how do these things work together? How does this fit as part of the coordinated plan or is it disjointed here, an outlet here across from Waldbaums, another outlet down where Newmark and Lewis are, another outlet next to King Kullen. It doesn't make sense unless there's some kind of plan that ties it together and that has to involve some transportation. We don't want to increase traffic in Riverhead Town. It seems to me, one of things we might think about is some kind of a transportation service that connects people form downtown to different spots on Rte. 58. That this does become a center that could even connect with Splish-Splash, talk about tourism as well, this strikes me as absolutely on the money. Riverhead's future is clearly in the kind of economic development that does not add residential development. It's clearly in economic development organized around tourism, as is the rest of the North Fork and it seems to me that the more this concept is put together in an integrated economic plan that includes transportation has a possibility of really taking off. There ought to some kind of cafe on the river. We have an exquisite thing here in the Peconic River that we have managed not to take advantage of. We have managed not to use the genuine recreation uses of the river in a coordinated way on the part of the Town. So it seems to us, at least in these sort of early stages, that this is a concept that has tremendous potential for the Town and we would be eager to see the kind of thinking that went into filling up empty stores before we think about building anything else. This will clearly provide jobs for the people of Riverhead, it could even connect to job training programs for the people of Riverhead. It's the kind of thing we could anchor an economic future well into the next century and for that reason I hope that you'll move forward. I think that Bobby's suggestion, I think it was Bobby's of an economic advisory committee to this."

Supervisor Janoski: "I think it was Joe."

Warren Goldstein: "Was it Joe? It was a terrific idea. There ought to be a citizen's advisory committee to this to think about the kinds of stores we would want there, the kinds of buildings we want filled up, what they should look like. It seems to me this Town has enough advantages already in it's positioning on the east end on of LI, it being near the vineyards, it being on the river and the bay that we actually have some say about the kind of development that we want here so I'll hope you'll proceed. I'll hope you'll invite more and more public comment on this so that we can, as a Town, come together around a plan that helps the entire Town and the N.F.E.C. very much wants to be part of that process and wants to go forward with it. Thank you."

Councilman Stark: "I'd like to speak. Warren, I don't think empty stores are unique to Riverhead, one, in any way, shape or form."

Warren Goldstein: "Well, no. They're all over the expressways."

Councilman Stark: "Is this on? I happened to be over in Jersey about three weeks ago in a Town much similar to Riverhead an they're experiencing the same problems that we are here through the economy. Two of us were up in Connecticut over the weekend, same town, same type of town, experiencing the same problems. I think what the Supervisor really has proposed in this overlay zone through the public hearing is to start the process and I'm very glad that he actually, really suggested it to the Board and we're not rushing into it, but we're getting the process started. We're asking for input, but we're looking towards the future. We're asking for input from the Chamber of Commerce, from the Merchant's Associations, from everybody, from the North Fork Environmental Council and I'm very glad that you're on our side, but I commend the Supervisor who initially came up with this conception, asked the Planning Dept. to develop it and we're looking forward and we're trying to get some. So, I hope he leaves the comment period open and I think we can work to look for the future of Riverhead."

Warren Goldstein: "I think so too. I hope so too. You know, when you were talking about empty stores, before the recession hit, and I moved to Riverhead 5 years ago, we were still in the boom times in Riverhead and the real estate market on LI and there were still a lot of empty stores in downtown Riverhead. It's clear that its no only the recession that's hurting Riverhead in terms of its downtown economy. We need some kind of concept that's going to pull downtown together as an entity that's going to work and that was lacking before the recession."

Supervisor Janoski: "You've touched upon one of my very favorite subjects which is downtown and you've touched it in a way that once again I will raise the question of Mystic, Connecticut. I suggested to the Chamber, let's get a group of business people and take the ferry and go over there and look at what they've done. They provide the transportation that you're talking about. The little trolley buses, that drive all over the place, they have, if I could, I would have sailing ships, two masted schooners, tied up to the waterfront so the children could visit them, so the people could visit them because that's what the history of this Town is, two masted schooners being in that river front, being unloaded and we have the makings of a very quaint, unique, beautiful downtown area turn of the century. I would see to it that every storefront was turn of the century and just because of its beauty, attracted people who were shopping someplace else in a factory outlet to come downtown and shop there. The movie theater should be a performing arts center so that we could have different kinds of theatrical and musical performances in downtown, dance, whatever and I have to say that people like Stan Hagler, who I always have some intercourse with, is the type of businessman who sees the opportunity and does what needs to be done. For example, when I suggested that there be rear entrances to stores off the parking lot, Stan Hagler was one of the few business people who did it. He didn't just grumble and complain about business, he invested the money and I think it's worked out pretty well for him. I certainly hope so, but the Town government can do so much. We can put in a parking lot, we can put up the lampposts, we can plant some trees, but there has to be some business community involvement and I think there has to be an investment in making those little alterations to the front of the store or the rear of the store that invite people downtown to shop. We can put Police officers on the sidewalk, but they've got to take care from the sidewalk end. I think there's a lot of discussion that we can have."

Warren Goldstein: "I think that one of the things that would help draw more people into that discussion is precisely the kind of vision that you're suggesting right now for downtown Riverhead. I think if more and more citizens were invited in to an effort to shape a vision of the Town, so that it had some kind of coordinated and integrated economic plan connected to the kinds of things you're talking about, I think there would be a general sense of excitement inside the Town as well as downtown."

Supervisor Janoski: "Why don't we put together a couple of trips because when I was a teenager, I used to go on Saturday nights to the movies and date in Wolkberg, Pennsylvania, yes somebody would actually go out with me and that movie theater is now a cultural arts center. It has been restored to what it was when it was first built. It is absolutely gorgeous. There's no reason why we can't do that on Main St. in Riverhead and there's no reason why we can't do what Mystic, Connecticut did because we could probably even do it better, but Warren, I thank you for your input and that's what these thing are all about. We start

off with an idea and it starts to take shape. I see a white sleeve down there. Who is it attached to? Oh, hi!"

Desiree Passantino: "Desiree Passantino of Wading River. I have a great suggestion of where we can establish a factory outlet. A wonderful location of about 7,000 acres up in Calverton, if Grumman was willing to listen."

Supervisor Janoski: "I knew you were going to work that into the conversation."

Desiree Passantino: "No, but while I'm up here, I just wanted to say..."

Councilman Stark: "I'd rather build golf courses up there."

Desiree Passantino: "Works fine. You go shop, the ladies can shop, the husbands can play golf. Works for me. We'd like to know, downtown Wading River. What's happening with, not so much the duck ponds because we're dealing with Brookhaven, but the revitalization, I mean this whole downtown, the Frog and the Peach and everything else. Oh yeah, wrong subject. It does tie in because with your factory outlets and revitalizing Riverhead."

Supervisor Janoski: "Let me just say the Frog and the Peach or whatever the heck the name of the place is, they have a building permit and they have 18 months with the building permit and after your 18 months are up, you can apply for an extension if you want to. We don't have a confirmed period of time in which the project will be completed. I hope it will be. We still have, waiting in the wings, the public hearing which would have declared it a dangerous and hazardous building, although I think that they have progressed far enough now that that might be stretching a point, but there was a period of time when it did represent a dangerous and hazardous building. You also asked about what else? The Frog and the Peach and what else?"

Desiree Passantino: "No, I was just saying we were dealing with the other issue of the duck ponds, but I mean it all revitalizes. We are in the Riverhead Town and if extra tourism would be coming out this way to hopefully downtown Riverhead or out here at the terminus of LI Expressway. Where ever we can set it up. I mean I would like to say that it sounds exciting and Wading River is an extension of Riverhead on the outskirts of it."

Councilman Stark: "Wading River is a part of Riverhead."

Supervisor Janoski: "Yes, because that's where I live and it's not an extension, it's the oldest settlement in the Town of Riverhead."

Desiree Passantino: "Exactly and we're hurting, but that's beside the point. I'll get up later and talk about that if you

what me to, but at any rate, if Grumman would be interested, it would be a really exciting place to set up shop for factory outlets and I'd just like to put it on the record that we would welcome it."

Councilman Stark: "They could fly customers in."

Desiree Passantino: "Absolutely. Have trolleys from there downtown. You know, it could work. I thank you very much."

Supervisor Janoski: "Thank you. Barry... "

Barry Barth: "My name is Barry Barth. I would like to say that I feel the idea of a factory outlet is a progressive and positive thing for Riverhead. We realize that there are a number of empty buildings in Riverhead and the small group of us have tried for the last three years to do something with these buildings and quite frankly, I'm a little disappointed in my fellow merchants. We have a very viable and exciting facade program that never really got off the ground. People signed up for the program and then decided that they wouldn't participate. I'm disappointed, but I'm not discouraged. I felt that this Town Board in the past has been very supportive of downtown and I think that one of the things that we as residents of this Town have to do is trust you guys. We elected you to office and we have to have the trust that you will watch out for us. I don't think that anybody in the Town of Riverhead has the horsepower to do a Mystic downtown area. I don't think that other than a very small group has made this commitment, they'll take from you but the won't put back and it's disappointing. So I think if the Town Board could get developers or people who are interested in putting in a factory outlet and slowly lean them towards the downtown area like you have done, maybe this is the way we are going to get something positive downtown that we haven't been able to do on our own. We just don't have the..."

Councilman Prusinowski: "Barry, I want to follow up on something that you said. Observing and I know most of all yours and we've lived this problem as you know. One of the problems that we have in this Town we unfortunately have a couple of landlords who own a few pieces of property that are very bizarre. We have another group of landlords downtown who own like the Rimland properties. We have another group of landlords that still think it's 1985 so they can charge prices that are unrealistic. We have a new person in Town, from Aid Auto Stores, Tony Perraro bought the Rose Jewelers Building and how long did it take him to rent that building? He didn't sit on his laurels... "

Barry Barth: "Probably weeks after he saw the lease."

Councilman Prusinowski: "Right. Exactly. Because he has a philosophy which is 'Hey, I want to get a business in there, get them going'. The go - go attitude, this 1992 get him off his

feet. Guys are asking \$3,000 dollars a month for a bagel shop, it's hard to rent that kind of, and you laugh, that's the type of rent that some of the landlords are asking for, for sq. footage downtown. So, it's, you hit on it. Everybody's got to work together and there has to be a willingness to give a little instead of take and believe me there's a lot of, like the ones that here tonight, you people have given a lot too because you're the first in line, like Riverhead Building Supply and your business and Joe and Stan, you've given a lot too and I know it's, Pat Frankenbach. We have to work together, but also we need the cooperation of the property owners who own these properties, cause a lot of the people, as Andrea will tell you, are (incomprehensible)."

Barry Barth: "One of the things that we've done, is we've requested of the Supervisor to do an appraisal of some of these empty properties and hopefully that will be coming."

Supervisor Janoski: "I asked about that just last week and I believe it's almost complete."

Barry Barth: "I've made an effort on my own to talk to banking people and other people, attorneys in the area and I think there could be a small coalition or group that would buy these buildings so that they're in hands of people who do care who would sign the lease and say, 'Okay, I'm not going to make any money or I'm going to break even, but at least something viable will be in there.'"

Councilman Prusinowski: "Barry, you know many times we've been close to the Lentin's Building and good viable tenants that would add a lot and it just always falls apart because we can never get terms with the landlord or the property owner."

Barry Barth: "But back to the factory outlet, I think it's a positive thing and I think that if we operate it intelligently we can more out of it than just a factory outlet, you know, for all of Riverhead and that's what I really care about."

Supervisor Janoski: "Thank you."

John Swezey: "Hi. I'm John Swezey, President of Swezey's Department Store and I just wanted to shed some light on the whole sales side business. I think there's a misunderstanding on how the world of retail has changed and the world of wholesale has changed in the last few years. The notion the factories are opening their own outlets is really not true. Most of the merchandise you buy now with a manufacturer's label on it is produced by a factory that that manufacturer is contracting to. So that in fact, the manufacturers are not producing their own goods. Most of the manufacturers that we buy goods from are designers and contractors and the notion that factories are out there over producing goods to sell off to factory outlets is not true. We buy seconds all the time. We buy closeouts. We buy

overproduction. Marshall's is buying it, Macy's is buying it. What you're proposing here is just another form of retail and I agree, I would love to see the development of Riverhead. Swezey's would love to partake in the renaissance of the downtown, or frankly, the renaissance in any viable shopping center in the community of Riverhead. We've been here a long time and all I would like you to consider is that the form of retail you're proposing, I would like to participate in that. I don't think it's fair for you to allow a so-called factory outlet to open a retail operation and to exclude an operation like ours. These guys are paying light, heat, power and their employees just like we are and I think that too, my only request is to allow me to have the same competitive advantage that these guys are having and to have the opportunity if it presents itself, to go into a modern retail facility if that's what you guys decide that you want developed in the Town of Riverhead and I just don't want to be excluded from that opportunity because, again, I think the notion of a factory outlet is really a marketing tool to develop a retail product, but in the old days when it was just Reading, Pennsylvania and Freeport, Maine, it was legitimate factory outlets. The factories were producing seconds and overages and they were selling it in these factory outlets and there was only three or four around the country. Today there are literally hundreds of them and the factories are producing to sell to these outlets just like they're producing to sell to us and at the same prices that we're buying it at. So, again, my point is that you have to be very careful about who you're excluding as retailers from this factory outlet. I'm as sensitive as anybody to the fact that successful retailers of the 90's will offer good value. Whether it's Swezey's Department Stores or an outlet center or Macy's or Home Depot or the Riverhead Lumber Yard. Value is what's driving retail business these days and any format of retailing has got to offer that value to be competitive and if you don't offer that value, you will not be able to stay in business. So, I just want to bring to light, again, everybody thinks these factories are overproducing like crazy and producing these seconds and not offering them to their current customers. They are offering to us and we are buying them and the other fact is the manufacturer who are opening the outlets are not, I would say, in over 50% of the cases, are not producing the goods. The goods are being produced in the Orient, in Malaysia, in India, in the Caribbean, now they're producing goods in Eastern Europe and they're being produced all over the world by factories that are contracting to these manufacturers and the manufacturers are actually just sewing in the label. So, they're really not producing the goods. So, again, I just want to get back to the point, that I think that in whatever decision you make, you should allow a company like ours to participate in what is really a soft goods retail overlay, in my opinion, rather than a factory outlet retail overlay and I think that if we had the opportunity to compete with the rent that we would offer, we would be able to offer the same type of retail package... "

Supervisor Janoski: "I missed what you said. To compete with what?"

John Swezey: "Well, if the factory outlets are paying say, \$10, \$15 dollars a sq. foot for their rent. I would like to be able to have Swezey's say well, I'll pay the same rent and I think I can present the same package. I think I can work with the same products."

Supervisor Janoski: "What are you paying per sq. foot in downtown Riverhead now?"

John Swezey: "About 8 bucks."

Supervisor Janoski: "Okay."

John Swezey: "Why?"

Supervisor Janoski: "I'm not going to ask that question."

John Swezey: "Because Joe, our facility in downtown is not a modern facility. It's 22 years old, the roof goes, the air-conditioning goes, it's two levels, it's not conducive to good shopping. So I would be willing to pay more for a modern facility, honestly."

Councilman Creighton: "Let me ask this. I heard earlier, one of the spokesmen advocating approval of this overlay mentioned the possible incorporation of large single occupancy retailers as being either part of this overlay or another use authorized in it. I don't know what large scale would mean, but would that accommodate your needs if that kind of change, which has been suggested was incorporated into this overlay?"

John Swezey: "Yes. I would just like the opportunity for whatever the overlay would allow, not exclude my type operation from participating in a project."

Councilman Creighton: "I don't know how yours would differ from, I believe Price Club was used an example earlier."

John Swezey: "It doesn't differ from the factory outlets either, that's what I'm trying to say. Whether it's Price Club, whether it's Walmart, whether it's Home Depot, it's not different. It's the same type of operation. We have the same overhead that they have."

Councilman Creighton: "For reference purposes what kind of sq. footage do you have in downtown Riverhead?"

John Swezey: "Well, we have about 30,000 feet of selling space and there's about 9,000 feet of stock space upstairs."

Councilman Creighton: "What I hear is it's not necessarily exclusive to this and it's something we need to consider probably as part of a modification perhaps."

John Swezey: "Yeah, I think you got hung up on this factory outlet notion, again, the competitive retails are going to offer value whatever you call them. Certainly we've been very concerned what's happened in Bellport. We've been shopping with them. Our manufacturers are in there. We're still doing business with them and we think we can compete. I mean, you know, these are people we've had 20 year relationships with. So, I think you just have to consider what really is happening. The retail environment is changing, the concepts are changing and the successful retailers will change and adapt to go with them, but to include on one retail format and not include another, I think is putting me at a competitive disadvantage and I would just ask you to consider that in making your decision. Thank you."

Supervisor Janoski: "Thank you. The hand in the middle of the room, yes sir."

Chuck Rogers: "Good evening. I'm Chuck Rogers. I'm associated with Bill Talmage. People may know I've been around for a lot of years as a real estate expert on most of LI and for the Town I might add in days gone by. I would like to correct some of the conclusions that being made about factory outlets and downtown Riverhead. First place the factory outlet that we're talking about is going to be something close to a million sq. feet and will bring people far and wide to Riverhead. There is no way possible that you could have that in downtown Riverhead. You couldn't have it in very many downtowns. A lot of this concept came from downtown Freeport, Maine, which sort of grew around L.L. Bean and then the whole town became a factory outlet. That's a wonderful thing and if we could have a L.L. Bean here in Riverhead, I would say, do it and do it fast. It was really a great concept. As an old L.L. Bean user, I loved to go up to Freeport. It just has worked great for that town."

Councilman Stark: "L.L. Bean."

Chuck Rogers: "Good. Most of the clothes that I run around in are about the same, but what we are endeavoring to do to Riverhead is bring someone here that would bring a lot of people. Tourists, money from all over the island as a matter of fact, away from the island, across from Connecticut and tie in with the tourism idea that I completely agree with the theory is a wonderful thing. It's bringing in out of town money and bringing it locally and you don't have to put up with their problems, their children go to other people's schools and they bring you money and I think you that should encourage them in all directions. The wineries, recreational facilities of all types, but this ties in, I think, Splish-Splash, which may have had it's objections before it came it, should be a prime example of how to bring in a lot of good things to the Town. They've done a

wonderful job there and I think they should be complemented. I think they're a lot of other things that could come to Riverhead. You're going to bring in people if you have the right factory outlet. Those people will get into the rest of the Town. The Town can be brought back and should be brought back. Riverhead downtown should not be abandoned. It's a completely different thing. People don't go there and shop and I listened to Mr. Swezey, they've got a wonderful store, their Riverhead Store and their store in Patchogue has been a mainstay for those communities and they're to be complemented. I don't think this factory outlet is going to drive the Swezey out of business. They're just too good at what they do and this will complement them. This will bring people here and the merchants in downtown will be able to draw from it. Once they are here in Riverhead from where ever, a far distance away, you'll be able to attract them to the Town for all sorts of other recreational things and shopping and I would urge the people think about it as a great boon to the whole Town. Thank you."

Supervisor Janoski: "Way in the back."

Pat Frankenbach: "Hello. I'm Pat Frankenbach and I have a uniform shop downtown and I live in Riverhead. I have a question and it's along the same lines that John Swezey brought up. If I wanted to go in this outlet mall and call myself Discount Uniforms, and carry ten brands of uniforms could I go in there according to your definition?"

Supervisor Janoski: "Not according to the proposal as it is right now."

Pat Frankenbach: "But if I wanted to go into your outlet mall and I picked out one brand of uniforms and sold them at whatever mark up I pleased and called myself Accrest Uniform Outlet, I could go in there."

Supervisor Janoski: "What's your point?"

Pat Frankenbach: "Well the point is, I think, again, with the definition, you know you're saying, I was in the Bellport one, their sneakers are no cheaper than Stanley Hagler's sneakers and I think again, I don't think as a shopper, outlets to most intelligent shoppers, are not the attraction that they were ten years ago and I don't know that we're defeating a purpose. You know I think we're looking at possibly putting in a million sq. foot mall, I think of the one Breslin wants to put in Brookhaven. I'm not sure we're doing much different than what he's talking about and that scares me."

Supervisor Janoski: "Why does it scare you?"

Pat Frankenbach: "Because I think, in that, I'm an intelligent shopper. I consider myself an intelligent shopper, I shop a sale."

Supervisor Janoski: "Why does that scare you, Pat."

Pat Frankenbach: "Because I don't think an outlet mall is any different than any other mall."

Supervisor Janoski: "Have you ever gone to an outlet mall?"

Pat Frankenbach: "Yes. Many times."

Supervisor Janoski: "I mean a really good one."

Pat Frankenbach: "Sure. I've been to Reading."

Supervisor Janoski: "And you don't see the difference?"

Pat Frankenbach: "But I don't think those people, as they said, I don't think there's as many purveyors that put those kind of goods... I remember when I was a kid, going into factories in Brooklyn and Queens where you bought from the factory, in the factory. I don't think that happens anymore and I think the prices are not that much different than what I can sell something for or what Stanley can sell something for. So I don't know how thin you're going to stretch the retail dollar that's already here. That's what scares me. I don't know that it is going to attract that much more, not when any Joe Schmoe shopping center excuse me, can call itself a retail outlet, like Bellport. I don't know what you're trying to do that going to be that much different from what Bellport has."

Supervisor Janoski: "Bellport is a not what's envisioned here at all."

Pat Frankenbach: "What is the difference?"

Supervisor Janoski: "Name for me an outlet that you've been to."

Pat Frankenbach: "I've been to Reading, I've been to New Jersey, I've been up to Lake George."

Supervisor Janoski: "Strangely enough I've never been to Reading."

Pat Frankenbach: "Lake George has outlet strip malls, outlet strip malls, outlet strip malls and the whole downtown is a bunch of junk shops, little tiny. That's the other thing about downtown, everybody says to me, 'Oh, downtown is so empty'. The only thing that's empty downtown are the big stores, all the small stores where people can afford to be are full."

Supervisor Janoski: "The fact is that while it's a little bit worse now, the vacancy rate was much worse in the seventies than it is now."

Pat Frankenbach: "The big stores are the ones that can't do anything."

Supervisor Janoski: "And those stores that are closing are not closing for reasons that some people may suspect."

Pat Frankenbach: "I mean, I'm aware of why they're closing as much as anybody, but I think, I just don't know we're getting hung up on this retail outlet type of thing. I don't know what the difference is between this retail outlet and an enclosed mall."

Supervisor Janoski: "The difference is Pat, and I will put it right on the table to you and I said it before. It is an opportunity to allow for what Mr. Swezey called "soft goods" without allowing for another supermarket, another drug store another shopping center."

Pat Frankenbach: "But is there a difference between that and say, a Smithaven Mall?"

Supervisor Janoski: "Pat, if you don't see the difference between that and what a factory outlet is, then this whole thing has been an exercise in futility."

Pat Frankenbach: "I just don't know that there's a difference anymore."

Supervisor Janoski: "Pat, if you don't know that there's a difference between a strip shopping center... "

Pat Frankenbach: "Okay. I didn't say a strip center. I say like an enclosed mall."

Supervisor Janoski: "A building is a building. How it's done is something that we're concerned about, what it looks like, it's attractiveness, whether it be done as a Strathmore Village."

Pat Frankenbach: "I mean, if they want to really sell stuff cheap, then I'll buy it. I just don't know that they sell cheap anymore and that's all."

Supervisor Janoski: "Okay, I'll accept that."

Councilman Stark: "That's part of business and that's up to competition."

Pat Frankenbach: "Yeah, I know."

Councilman Stark: "I don't think a Town Board can sit here and define competition or price structure or anything else."

Pat Frankenbach: "I understand, I just, you know, you can discount and call something a discount store, but..."

Supervisor Janoski: "Swezey's point arguing that he can compete paying twice as much rental per sq. foot that he pays now and I don't understand that."

Pat Frankenbach: "I don't either."

Councilman Stark: "I didn't understand it either."

Supervisor Janoski: "But, I appreciate your comment Pat, and you know what else we have to do, we have to get those ties soon."

Pat Frankenbach: "Come see me. I'll sell them to you at retail."

Supervisor Janoski: "Stanley. Did you already speak during this public hearing?"

Stan Hagler: "Yes I did. Can I make another comment?"

Supervisor Janoski: "Sit down. I have to recognize that person in the back there. This has been going on for quite some time, I never expected this to go on for quite so long."

Donna Schaper: "My name is Donna Schaper and I run a non-business on Main St. and from that perspective I would like to address the Town Board and ask if there might not be arguments other than economic. That is to say, non-economic arguments that apply to the development of Main St. I noticed that you've been the Supervisor since 1980 and I really don't know when the pattern began downtown of the large stores being empty and outpricing themselves, but I know it's had a very serious affect on my church. It's had an affect on the whole community economically and I think it's had an affect on us morally and spiritually that we fear we may be becoming some kind of a ghost town. That there's something happening to our center and we can't quite identify it and that's something we can't really put a dollar value on. I think we'd all agree and I've heard you tonight talk about all the things you've done to bring downtown back in the twelve years. I assume you've been doing these things all twelve years and I suppose I'd really like to discuss the issue at another level. The level being, why is it that a few people's private profit can determine so many other things? When you're in favor of development downtown and I'm in favor of development downtown and the N.F.E.C. is in favor of development downtown and the smaller merchants, who we all would really like to protect are in favor and when most small town residents would like to see the thing go downtown, when Swezey's would like to see it go downtown, why is it..."

Supervisor Janoski: "Swezey was saying that he would be happy to move out of downtown. I heard that very clearly, I don't know what you heard."

Donna Schaper: "My question stands. Why would a few people and their private interest determines so much of the public good."

Supervisor Janoski: "You know, that's the kind of question that perhaps only He can answer."

Donna Schaper: "It's a non-economic, moral question which I really think somebody who's had 13 years chance and somebody who's had... "

Supervisor Janoski: "Well you're talking about economics, you're talking about downtown, but wait a minute. You're whole point about downtown is economic."

Donna Schaper: "I'm ready for you Joe because everybody who's come up here has gotten the same answer, instead of an answer we've gotten a question back and each question back has somehow figured out how to blame the problem on somebody else and I want to know why... "

Supervisor Janoski: "Now, Donna. I'm not going to let you get away with that. Now this my pulpit."

Donna Schaper: "Good. Okay, but I want an answer to my question."

Supervisor Janoski: "You're going to get an answer."

Donna Schaper: "I want an answer to my question."

Councilman Stark: "Let him answer Donna, please."

Supervisor Janoski: "Donna, Main St. has been a prime concern to me throughout the years as you point out that I've been here and I will tell you that if you want the figures on vacancy, before I became Supervisor including today, I will be happy to provide them to you. I know that Carl and Bob's is going to be occupied. We also found out tonight that Rose's is going to be occupied. There are things in the works downtown that could bring tremendous use to the downtown, which I'm not a liberty to talk about because there's negotiations going on and I will say to you as I've said before, that everybody that comes to this Town, to propose something, I point them downtown. I brought a gentleman through Main St. last week, showed him every vacant store, provided him with the square footage of that store so that he might be interested in bringing his business to the locality. Now, I don't want to argue the moral and the things that you'd like to talk about. I will defend my record as far as Main St. and the economy of this Town which happens to be a pretty good one, at any point and at any level that you want to. Now, I don't understand what your point is or what you're trying to say about the profit of others, this world and your church is based on revenue coming in. Please do not tell me that it isn't."

People's jobs, their homes, their lives are all based on profit. That's what this country is built upon. The capitalist system."

Donna Schaper: "If you heard anything but respect for the profit system in what I was saying, you misunderstood. The moral argument I'm trying to make is that there are a lot of people who would like to profit on Main St. and that is a legitimate thing to do, but there also seems to be an excess of profit going on, in fact, I've heard you say it 3 or 4 times yourself, that if people what to charge \$3,000 dollars a month, I heard you say it again tonight, what I'm suggesting is that if people..."

Supervisor Janoski: "Wait a minute."

Donna Schaper: "Vic said it. If people want to charge too much and therefore the stores stay empty, and therefore the other business people are hurt, and the churches are hurt, because we are hurt, I'm not anti-profit, I'm just saying there may be other values besides the economic values operating there. Please here me correctly. This is not an either or. Therefore, let me just finish the argument, I think we might need to ask ourselves why 2 or 3 or 4 or 5 private owners on Main St. are doing this much harm to the community and why a sitting Supervisor, this is not personally offensive who's had 13 years, might not be able to do something about such people on behalf on of the rest of the community particularly when even those of us who might disagree about other issues, you know we do disagree about other issues, might be willing to coalesce around doing something about this so we could have a decent Main St."

Councilman Prusinowski: "Okay, the only thing that I know that can be done, to answer the question directly, is to buy all the buildings with taxpayers money. Now we have said..."

Donna Schaper: "Or condemn them."

Councilman Prusinowski: "Same thing. We spent a \$144,000 to get rid of a slum next to the thing and it cost us over \$350,000. We've said all along that we would help assist any private enterprise, real investors who want to came down to acquire property. That's been stated a hundred times, but other than having declaring martial law and saying we take over all the property, I don't know any other way to force somebody else's private property not to charge \$21 dollars a sq. foot for the bagel shop, because the previous bagel shop that's across from East End Arts was paying almost \$3,000 a month in rent with his overheads and people working because he used to advertise with us and he went out of business fast, but on the other hand when Tony Ferraro bought the Rose Jeweler's building, that's the type of a person I would love to encourage in this Town because he got that building right in 6 weeks because he's the 1990's type of business people. Not the 1930's or 60's and John Swezey said it, the retailers that are going to adapt to the new way of doing business are going to be successful, the others one's are going

out of business like Alexander's and some of the other big chains that are going out of business too. That's the only thing that can be done, I mean, it's not the role of government to say, Shep, we're taking over your clients building because we don't like the way he's charging the rent. You could get up and say, meet the landlord and say I don't like it, blah, blah, blah, put public pressure on him."

Donna Schaper: "I think if we had public pressure on people who were charging too much and therefore doing the kind of harm they are doing to the rest of us downtown, spiritually, psychologically, economically, all the things we've said. I think if we had leadership to either condemn or force these people out, it would be a very good thing. That is my point. It's a moral argument as well as an economic argument."

Supervisor Janoski: "Donna, I want to redirect some of your comment, not towards the owners of retail space, but you bring up one of the detriments of the downtown area and that happens to be a group of landlords who are not renting out retail space, but are renting out residential space and boy, when you focus your fire at them, because they are destroying the Town of Riverhead."

Donna Schaper: "The only problem I have... "

Supervisor Janoski: "I also have, Donna, a series of about a hundred slides of Riverhead... "

Donna Schaper: "You've externalized the argument again."

Supervisor Janoski: "Donna, listen."

Donna Schaper: "You just told me why you can't do something because of somebody else. I'm saying there are people who would like to do things with you."

Supervisor Janoski: "No, Jesus, you know... "

Councilman Stark: "We're getting into an area that's not in the public hearing, I'll tell you that right now."

Supervisor Janoski: "You like to twist arguments, Donna and I'm not going to let you get away with it. You point your finger at some retail landlords who are charging too much and why can't we put pressure on them. Now I raised a very cogent issue of landlords who own residential space downtown who bring in welfare and all of the abuses of drugs and robbery and vandalism and I don't hear a word coming from anybody about them."

Donna Schaper: "I'll tell you what. I will make a coalition with you and I think there are other people who would do it to do both, landlords and to get rid of some of the people who you say are holding up development downtown. I think that there are obstacles, I'm agreeing with you that they are serious

obstacles. I'm saying if you want to save the downtown, if you want the community to have the fire and beauty it could, that you have to grapple these issues and not just keep externalizing and the way I, what I mean... "

Supervisor Janoski: "What does that mean, externalizing?"

Donna Schaper: "It's all these other people's faults that nothing is happening downtown."

Supervisor Janoski: "When did I blame someone else?"

Donna Schaper: "Joe."

Supervisor Janoski: "Name one instance because it's being recorded. Donna, tell me one instance tonight that I have blamed someone else. Just one, not two, one."

Donna Schaper: "You're doing it to me right now."

Supervisor Janoski: "No, I'm not. I'm asking you to defend what you're saying."

Donna Schaper: "Okay. The first round of arguments had to do with the way you were putting people down for caring about wildlife. You made a man look stupid because he cared about wildlife. What happened to your property you said. The second instance.."

Councilman Stark: "That's not part of this public hearing here tonight."

Supervisor Janoski: "That's not even part of the discussion. That's not blaming someone else Donna, that is not blaming someone else, Donna."

Donna Schaper: "He asked me for some examples. I have watched the externalization for a long time. I have watched it. The only reason downtown Riverhead is not alive is because of everybody else but the Town Supervisor."

Supervisor Janoski: "I'm not going to let you get away with that. That is not blaming someone else. That is pointing out a fact, which is, what happened to the wildlife where his home was built? Did he care about that? Obviously not. When this Board makes a decision on a special permit, we can't say, well we're not going to approve it because of the birds and the bunnies that live there."

Donna Schaper: "I am really sorry this has gone this far. I am asking you... "

Supervisor Janoski: "I am too, Donna, but I'm not going to let you get away with the kind of statements about externalizing saying things that are not true."

Donna Schaper: "Who's responsible for downtown Riverhead?"

Supervisor Janoski: "The people that own the property."

Donna Schaper: "Okay. I'm saying that there are a group of interests including your own... "

Supervisor Janoski: "Absolutely."

Donna Schaper: "Including your own that would like to stop those individuals who are making a lot of money from running the rest of us around and my hand is out in partnership to do that. We know exactly who they are. They have been discussed endlessly in this community and they keep getting away with destroying our downtown and if you want to add residential renters to retail, to people who own the larger buildings go ahead, but I think we should start blaming people who aren't there and talking about doing something about it."

Supervisor Janoski: "You're blaming people. You're blaming the people that own the property."

Donna Schaper: "No I'm not."

Supervisor Janoski: "Thank you, Donna. We have to go meet with some people right now. Thank you."

Donna Schaper: "Thank you. Yes, we do. Thank you."

Supervisor Janoski: "Is there anyone who wishes to address the Board with regard to this subject? Stanley, last word. Period."

Stan Hagler: "Mr. Supervisor, I just want to commend you and the Town Board for the things that you have done for downtown Riverhead."

Supervisor Janoski: "Thank you Stanley."

Stan Hagler: "And I hope it wasn't too belligerent when I was up here before, but... "

Supervisor Janoski: "Stanley, we always have this back and forth. It's all in fun."

Stan Hagler: "But, I too, maybe it got lost in the words, I too feel the exact same way that Mr. Swezey did and I asked you the question and I hope it's taken into account. If I want to go into a factory outlet, I want to have the privilege of going into one. The way the law or the way the ordinance is now, it excludes me. The other thing is, I would like you to take under advisement and to heart, that we still that paddle boat in the river and the gambling and it will solve all of our problems."

Supervisor Janoski: "Stanley, thank you very much and is there anyone else because I really can't stop the debate on this? Warren McKnight, followed by himself."

Warren McKnight: "Just very quickly. George Hochbrueckner had an economic development plan about a year ago along with Patrick Halpin, they were going to go to each town. They went out to Southold and they never came to Riverhead. I just got a thing in from George Hochbrueckner about what he's going to do. He's not having a meeting in Riverhead. There's a lot of federal money out there, Jack Campfi giving away money. Why can't George Hochbrueckner come here and address our problems and find out if there's any federal funds and something could work for us. That's what I'm asking. I'm asking you as a Town Board to invite him. Will you?"

Councilman Creighton: "Ask him Warren, he's your congressman too."

Warren McKnight: "But why do I have to do that because you represent us. All of you because I am just one individual. You represent us, you were elected by a majority, you and everybody up there, God bless you. That's why you were elected because you have more sock and punch so please do it so we can get some of that money from Washington that we pay in our taxes, our gasoline taxes, and every tax in here. Now George is not coming here. Maybe he's afraid to talk about the airport. I don't care about the airport. I just want this Town for people to get jobs like that man from Grumman. Now let's get George over here and let's do something and let's stop pussyfooting around and how about you guys inviting him. Thank you."

Supervisor Janoski: "Okay. George, quickly."

George Schmelzer: "Warren didn't mention, but you still have a professional moocher around?"

Councilman Prusinowski: "Who is that?"

George Schmelzer: "Professional moocher. Don't you know?"

Councilman Prusinowski: "Who is that?"

George Schmelzer: "Whoever he is I don't know. They have him, maybe he's hidden in the closet somewhere, but they get federal money and state money and county money for various projects, like you got some to..."

Supervisor Janoski: "George, this is a hearing on a proposal for a Business Zone "F". Are you for it or against it."

George Schmelzer: "After listening to all this tonight, I don't know what the hell. I can't figure what it is even."

Supervisor Janoski: "I've decided it's good enough for me, thank you very much George."

George Schmelzer: "You know what it's all about yourself?"

Supervisor Janoski: "Absolutely."

George Schmelzer: "I hope so. I don't."

Supervisor Janoski: "Thank you George."

George Schmelzer: "Just leave people alone. They'll.. "

Supervisor Janoski: "Take care of themselves."

George Schmelzer: "They'll do it themselves. Just leave them alone."

Supervisor Janoski: "You're absolutely right."

George Schmelzer: "Thank you."

Supervisor Janoski: "Without objection I declare this hearing to be closed and not a minute too soon."

Councilwoman Gilliam: "Are we going to leave it open?"

Supervisor Janoski: "Oh. That's right. We are going to leave this hearing open, this process open until sometime undetermined to receive further input on this dilemma of a proposal. So it's going to stay open and we're going to take a little recess and I would say that we're not going to be back until a quarter of ten."

Councilman Stark: "Tell them why."

Supervisor Janoski: "Well, we have to meet with our labor negotiator."

R E C E S S

Do to a lapse in recording, the following presentation by William Kasperovich was submitted by the Town Clerk:

William Kasperovich: Questioned resolution #384 and spoke about the wording of the resolution, stating that it was misleading. The resolution wording was thereafter changed by Patricia Moore, the Town Attorney and was accepted by Mr. Kasperovich.

John Ofrias: His speech at the public hearing was not recorded due to recording tape difficulties. Mr. Ofrias submitted the following statement at the public hearing, addressed to the Town Board, and was requested to be included into the minutes by the members of the Town Board.

"As perhaps the most visible role models in Riverhead, Town Board members surely have a responsibility to at least maintain the basic standards of conduct we expect from everyone else in our community. Mr. Janoski, members of the Board, if you were aware of a person who bragged to his or her children about getting a good deal on a stolen television set, I'm sure you would say that that person is neither a model parent nor a model citizen. Mr. Janoski, as you are Commissioner of the Riverhead Police Department, I'm also sure you thoroughly understand how someone who does business with a thief is not being ethical or responsible, and is supporting all sorts of unlawful behavior. I don't think anyone on the Town Board would be willing to buy a stolen television set. And I certainly hope that no one on the Town Board would be willing to buy street lamps stolen from another township, even if doing so would save Riverhead money. But based on an article printed in the June 3rd issue of SUFFOLK LIFE, it appears that at least one of our most visible role models is willing to compromise our most basic standards of ethical and responsible behavior. In regard to awarding garbage district contracts, Supervisor Janoski is quoted in the article as saying, "Our job is to provide the service at the lowest cost." Also, according to the article, Supervisor Janoski says it's not the Town's responsibility to clean the garbage carting industry. I take strong exception to this. It may not be the Town's responsibility to clean the carting elsewhere, but it is most certainly the Town's responsibility to make sure carting in Riverhead is clean. The position attributed to Mr. Janoski is morally indefensible. If the statements attributed to the Supervisor are not correctly represented in the article, then the Supervisor should ask SUFFOLK LIFE to print a retraction, immediately. If the statements attributed to the Supervisor are correctly represented in the article, then the Supervisor should correct himself, immediately. To protect ethics in Riverhead's governing, the Board should terminate the garbage district bidding. There are more ethical and, ultimately, more cost effective alternatives."

Councilwoman Gilliam: Councilwoman Gilliam wished to have her comment, that was deleted by the recording, added into the minutes as well. Her statement "You've been here thirteen years", was prompted by a comment made by the Supervisor.

Councilman Prusinowski: (lapse in recording) "correction on a few points. All of our, no I'm going to be very calm because what I've heard so far is all politics. Now let's get to the facts."

John Ofrias: "If I agreed with you, you wouldn't say it's politics, but if I disagree you say it's politics."

Councilman Prusinowski: "No, John. It's politics. I've been involved in politics a long time of my life and I've also lived in this Town. The carters that we awarded the bids tonight all have other municipal contracts with other towns in western

Suffolk, okay? They're not the same carters that originally were going to be awarded the bids two times ago. Based on the newspaper accounts, the Board did the right thing, hired Pierre Lumberg to check out their backgrounds. The three law enforcement agencies that he checked with have said that they are not involved in any illegal activities right now, that they know of or, in one particular case, it's like the CIA, they will not release any information if there's an ongoing investigation, but Pierre was satisfied that they're not involved in any type of conspiracy or organized crime or they're not a member of the Lucese family or anything else like that. As far as alternatives, we did check out many times the comparison between municipal pickup and a private industry doing it. The cost is astronomically different because our employees generally work on a different work schedule than private enterprise does. The cost involved, the equipment is not as paramount as the labor cost, because we have to pay certain benefits that the private guys can't. The closest you probably would get to is some of the higher bidders like Mattituck sanitation who have pension plans for their employees, so forth, so you're looking at some of these districts coming in all over in the million to a million and a half dollar range. We would probably have to come in for some of these districts over two million dollars we'd probably quadruple the cost of picking up garbage collection. The Town is too small. We cannot spread this cost out. We only have like 7,500 units. In Brookhaven, they have a large amount of garbage so they can bond for certain things that we cannot because they can spread it over their tax base. Every time I've looked at municipal collection, to me it doesn't make any sense."

John Ofrias: "This is not what Mr. Janoski is saying. He is not saying that these people are clean and therefore they are acceptable. What he's saying is, it is not our job to clean the industry. He is not talking about the industry in Idaho, he's talking about the industry in Riverhead."

Supervisor Janoski: "Wait. I'm talking about the industry. I never said the industry in Riverhead because there are no businesses in Riverhead, you just got finished telling me that."

John Ofrias: "Well we're only talking about Riverhead. We're talking about bringing garbage carters to Riverhead."

Supervisor Janoski: "If there is a problem in the industry, what in God's name is little Riverhead going to do about it?"

John Ofrias: "What Riverhead can do is make sure that, that problem does not come into Riverhead. There's a drug problem across the nation. We can't solve the drug problem across the nation, but we can solve it right here in Riverhead."

Supervisor Janoski: "John, I will sit here and tell you that you do not meet with people I do on a regular basis and you know what they tell me? I want the service, I paid for it. When am I getting the service?"

John Ofrias: "I've heard that, but I've heard other things too. Which is we don't want this Town to deal with these people and I think if you ask the people in the community that's what you'll hear. We're waiting back to Mr. Creighton's point, a lot of people in this Town have been waiting very patiently, because what we've been hearing is a solution is at hand, okay? What is this solution that's at hand? Are we going to deal with..."

Councilman Prusinowski: "And the solution at hand is very simple."

Councilman Stark: "I haven't heard the many alternatives yet."

Councilman Prusinowski: "There's only one solution to anybody's municipal waste garbage. We're going to, once we get these districts in place, we will then start the reeducation, which we have put on hold, which has hurt us, on the recycling program. We have to get recycling up to a 25% level as soon as possible and we're not there yet. Number two, we will then be able to implement which is started on a volunteer basis, the commercial recycling. Recycling is very important for a small town because to dispose of our recyclables is one third the cost of the rest of the garbage. It's also environmentally sensible. When we get back down to the rest of the garbage, construction and demolition will be processed by a private enterprise person, the yard waste will either be composted by us or possibly if the Omni plant is built or a plant like that. In the event that we're down to our 40% of the balance of the garbage which is the stuff that you cannot recycle, less the yard waste, because we're so small, until a processing facility is built, we have plenty of options. There are plenty of areas including incinerators in western Suffolk, should we be closed down immediately that we can make a very favorable deal to dispose of our garbage within the \$60 to \$80 dollar range, which is very cost effective because we're only sending 40% of our waste down there because we've done the recycling. Now if the composting facility is built and we can work out, then we'll compost the balance of that and then the 10% bypass that cannot be composted will be put into a secure landfill. Recycling is very important. I understand that, but the purpose of the garbage districts is to promote recycling. The most economical way that I know of to promote the recycling."

Supervisor Janoski: "Who wants to go first?"

Donna Schaper: "I want to thank John Ofrias for showing us that there are more than one kind of cost to an issue and also to thank the Town Board for looking into these costs and I'm glad that the community is now being apprised of them. I think that the proper thing to say to him is that it's good he raised that there might be more costs than the dollar costs on the garbage issue and when it did appear, I think I heard his opening statement correctly and I think he said that if he were wrong, he would like for the sake of the moral education of the community,

for a retraction to be made. That in fact, the point is not we don't care, and it's not our job to clean up NY, but rather we do care and therefore we did investigate and this is what we found out. I think it's a very, very different thing and to me it's a very important distinction and I think that's what at issue here."

Councilman Stark: "Resolutions please."

Supervisor Janoski: "No, we have one more speaker."

Warren Goldstein: "I know that there are the intense feelings about garbage in Riverhead and I've been before this Board and previous Boards many times talking about garbage. Much more than I ever wanted to in my life and I'm going to ask you to do something along with some other people in the room that you don't want to do, although Joe, you seemed to be headed in that direction just a minute ago, and that's to put off making this decision. I know that you have struggled with it. I know that it has driven you crazy. Garbage is an absurd issue. We have been tied up in knots around garbage, around a landfill law that's been misapplied to the Town of Riverhead and most of LI for the last 7 or 8 years. I'm going to ask you to put it off for a couple of reasons. One, the reason why we're talking about garbage districts has to do with the contract to provide garbage to an Omni plant, I think. I think if it were not for that sitting in the wings, the contract that's threateningly large, that's threateningly demanding. That is to say it demands a tremendous amount of garbage. There might not be a rush on for the districts. I'm not convinced that the most affective way, Vic, to get recycling to top capacity is through districts. People individually have turned out to be far better recyclers than anyone ever thought they would be. When the first recycling dumpsters were put out at the landfill, the prediction was the people won't do it. After 25 years of just heaving garbage away, people simply won't recycle. That was the prediction that turned out to be incorrect. If, in fact, more than half of Riverhead residents take their own garbage to the landfill. They can separate it, they can make it possible to recycle it. That does not need to be picked up. That's something that at the moment, cost the Town almost nothing and need not cost the Town anything if we continue that. I realize that it is tempting to do the districts because then you get control over every single piece of solid waste in the Town. We may not need that. It maybe that residents themselves, rather than engage with what most people have to feel by now, are questionable enterprises up the island. Whether they are or not, what we know is the best we can know, because we can't have these things in writing, the best we can know from what you all said tonight is that these enterprises appear not now to be involved in activity that anyone is willing to tell our investigator. Which is not the strongest vote of confidence we would like."

Supervisor Janoski: "Can I ask you a question Warren?"

Warren Goldstein: "Sure."

Supervisor Janoski: "Do you bring your waste to the landfill yourself?"

Warren Goldstein: "No."

Supervisor Janoski: "Do you have a carter?"

Warren Goldstein: "Have I done that? I have done that, but I don't now."

Supervisor Janoski: "Do you have a carter?"

Warren Goldstein: "Yes, I have a carter. Sure."

Supervisor Janoski: "I want to make a point. It's very simple actually. That the people of the Town are paying basically the same people three times as much for the service that we are trying to provide at a third the cost, basically with the same people. I don't know what else is that's so apparent to me that I have a yearly bill of well \$300 and some dollars and I'm going to get the service for \$112 dollars now. Same people. Okay \$118. Same people, they drive around in the same kind of trucks."

Warren Goldstein: "It's the same people?"

Supervisor Janoski: "You're making a broad statement of these people who involved in the industry."

Warren Goldstein: "Actually it's a statement that I never would have made if the papers and you all hadn't been deeply concerned about it."

Supervisor Janoski: "The papers raised the issue and we felt that we then had an obligation to have the backgrounds done and to get this kind of report which we have to put that as much as rest as we could, the fear, Now, I can't agree with much of what you said, I recognize the intent and I know an individual like you will make recycling work and if everybody in the Town were like that it would be wonderful. We've got to have some teeth to force it and whether there's an Omni or there's not an Omni, the garbage has got to be collected efficiently at low cost so that it can be brought somewhere because obviously the landfill is not going to be open much beyond 18 more months even if the State allows us to continue the landfill because it's going to be full."

Warren Goldstein: "I don't pretend that this is a simple issue and I know that you've been struggling with it for a long time. What I think though is that we may be on the verge of making a mistake and I'm not positive that we are, but I think that we may be and the possibility that we might be is actually

behind my asking you to table this for now and I'm going to actually, I'm going to propose one other alternative which actually you've not heard tonight and I am perfectly happy to take responsibility both personally, because I am interested in this personally and organizationally from the N.F.E.C. for not having followed this issue especially the last 6 months much more closely, so I'm not going to blame anyone else for this. I don't think we've been as on top of this issue as we needed to be, but I actually think that if the Town were most serious about not awarding the contract to one of the standard carting industries, that actually inviting Riverhead residents to cooperatively get the garbage to the landfill and recycle it. That that could in fact have the kind of affect of keeping what Mr. Ofrias was trying to suggest, I think with in terms of keeping dollars inside Riverhead and employing residents not on the Town payroll. I'm not suggesting, by the way, that this be on the Town payroll with benefits, I'm talking about local businesses doing that and I think that I would only suggest doing that out of a sense that we've tried everything else, we're on the verge of signing this contract, many people are uncomfortable with it and this is something that we ought to try."

Supervisor Janoski: "Who's uncomfortable? You're uncomfortable with it."

Warren Goldstein: "I'm uncomfortable with it. Frankly, you know what I'd like Joe, is to not be concerned at all about it. I'd like to be able to sign it, see the thing on my tax bill, pay it and never have to think about garbage again in my life."

Supervisor Janoski: "Well, that's something I'm looking forward to."

Warren Goldstein: "That's what I would like, but I'm not sure that's the right thing to be doing and that's why I raised the questions tonight."

Councilman Prusinowski: "I just want to correct you on one thing that you said."

Warren Goldstein: "Sure, Vic."

Councilman Prusinowski: "The actual statistics, you were right, once the volunteer recycling started, the initial group of people who were very concerned with recycling are doing a wonderful job of complying, but the actual figures that we're getting from the landfill are the self haulers are drawing a steady line across the on the increase in recycling, it's the people with carter collection that are doing the increase in recycling and our observations at that the landfill is that a lot of the self haulers plus a lot of people at the curb side are still not recycling properly too and it's very, very important because I'll tell you right now, this is all a superfluous argument because the day we have to raise the real rate in this

Town to ship the garbage somewhere, even if it's 40%, this is are superfluous conversation because when I tell a resident like in Huntington that now you have to pay \$500 dollars a year to get rid of your garbage, then they're all going to say, well how come you can't do it? It's all your fault. Why am I paying \$500 dollars? Because there's only on thing that matters when the bottom line is their pocketbooks and we're doing everything we can, we don't want the mob, like I saw in the news, the mob is going to take over the East End. These carters are completely different form the first that we had. They all have contracts with other municipalities by the way, they all have garbage districts in the west."

Warren Goldstein: "I'm not sure that's the best recommendation we could make."

Councilman Prusinowski: "I'm not saying it is or not."

Councilman Stark: "Well, one of the best recommendations is that it came from Pierre Lumberg a county court judge who I have a lot of faith and a lot of respect for. Who I think is a man of integrity, an exquisite lawyer, who's very meticulous, who after I heard that his resolution may be proposed tonight I called him personally and I've gotten my report. I went out of my way to get my report. I didn't wait for the report to come to me. I went and sought it out and I have every confidence in his report that the three firms or the four firms that are being awarded tonight, if in fact they are, because I don't know how the other Board members are voting, are substantial firms that have no reputation of mob influence who are presently in Brookhaven servicing contracts there, and we're reducing the cost and I pay \$350 dollars a year and now I'm going to pay \$118 dollars plus and as Victor and his Solid Waste Committee has worked diligently for the last 2 and a half years, this will get the recycling done, whether Omni ever comes or not, I don't know, but someday the boys upstate are going to say, close it and we are going to have to take that garbage somewhere, whether it be to Huntington, Babylon, Islip, Hempstead and that's going to cost less amount of garbage than we have to take whether it be an incinerator or what have you and we can get recyclables up and we can get that by garbage districts, plus you have a savings, plus it's on your tax bill which is tax deductible."

Councilman Prusinowski: "And we'd cut the littering down all over Town. Plus a lot of people now are using the municipal receptacles to dispose of their garbage too."

Councilman Stark: "Mr. Supervisor, I'm ready to go to the resolutions."

Warren Goldstein: "If I could have one more minute actually."

Supervisor Janoski: "One more minute."

Warren Goldstein: "You said something just now Jim, that I found bothersome, which is that eventually we're going to have to do something with the garbage, we're going to have to send it to an incinerator, or a landfill or something. This Town has had policies before which made sure that the garbage that could not be recycled was going to be dealt with in an environmentally an economically sound manner. I've now heard from two members of the Board tonight the possibility that it might end up in an incinerator. That's a kind of back tracking on municipal solid waste policy... "

Councilman Stark: "I said either composting or incineration or something."

Warren Goldstein: "But the idea of even the either is a back tracking on behalf of the Town Board."

Councilman Stark: "I suggest very strongly that the North Fork Environmental Council go upstate to the DEC to Mr. Jorling and the rest of them and convince them they've got to come up with a solution just as much as we have."

Warren Goldstein: "You cut into my minute. The problem that I see and that I worry about is that the alternative down the road, which is a potential Omni contract with an oversized plant is going to demand more garbage of us and it's that fear that I worry is really driving us towards districts tonight. I hope that you can not do that."

Supervisor Janoski: "Warren, the Town of Riverhead produces, about, 100 tons of garbage every day, that garbage is going to go to Omni or somewhere. I am telling you that there are a list of reasons why districts were discussed and moved toward and worked on and perhaps tonight going to be implemented. Recycling is one of them. It's an important component of them, but and I'm sorry that Harriet didn't get the word if she didn't get the word, but I said let the recommendation go to the Solid Waste Committee and let that recommendation then come to the Board. We have been struggling with this thing, not all of us, for some of us. I think there comes a time when you got to say, this is not an idea world that this group of people who sit here tonight have done the best that they know how to do, to solve a problem that was not one of our creation and probably the worse idea the State ever had was closing the landfill in Riverhead and the eastern towns. Am I happy about all this? Not at all. I mean, I'd love have folks driving their pickup trucks up to the landfill for the rest of their lives if that what makes them happy, but it ain't going to work and we have got to make a very difficult decision. Nobody's wants to do it, but it's difficult, it's tough and we have to tax people now for garbage. Do you think that I want to do this? Not on your life, but I have come to the conclusion that it is the best thing for the job that has to be done and while I showed some frustration before in saying if you want to look at municipal, stop talking about it and put

it in front of us so that we can make an intelligent decision, which I thought we already did, and I don't have to tell you the history of this, people have talked about authorities. Now would you want an authority? I said absolutely no way do I want a garbage authority. So, we come to tonight and just last night a group of people, it must have been a 150 people wanted to know when we were going to get garbage pickup. So were going to try to provide it I guess. Then we're going to deal with the other dilemma, which is what are we going to do after it's picked up? What are we going to do with it? And you were kind enough to support the direction that we went into which was non-incineration, once the State recognized that as an alternative, because that wasn't always the case as you well know. I think we're on course to that and what Jimmy was saying before is that we may be forced legally to ship our garbage someplace else and one of those someplace elses could be an incinerator."

Councilman Prusinowski: "An incinerator. We're not endorsing incinerators."

Supervisor Janoski: "Could be, not that we want to, because it's cheaper for us to do it the way we want to."

Councilman Prusinowski: "Plus, the Congress is going to restrict interstate shipping and garbage sale."

Supervisor Janoski: "So, as much as I appreciate your view, and you're right, it's driven me crazy this issue and it was so unnecessary over these years. The State of NY, and don't let me start on that one again, but they passed a law and walked away from it. So, let us end the conversation and..."

Warren Goldstein: "And we'll talk more in the future about what happens after it's picked up."

Councilman Stark: "Only He knows what's going to happen."

Supervisor Janoski: "Let us take up the resolutions."

Resolution #374 and 375

Councilman Stark: "These resolutions are appointing individuals to our summer employment in the Recreation Dept., so moved."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: "Moved and seconded."

Councilwoman Gilliam: "I have a question on the motion."

Supervisor Janoski: "Discussion. I recognize Harriet."

Councilwoman Gilliam: "I'd just like some clarification if in resolution 374 and 375, the names Joseph O'Rourke, is this the same individual being hired for two positions?"

Councilman Stark: "They someday will be in one position and other days be in another position at different time."

Councilwoman Gilliam: "Because I think with young people and unemployment, I think we should try to spread this around so we don't have one individual doing two jobs."

Councilman Stark: "Well, when they're not lifeguarding, on a rainy day they could be a water safety instructor at the same time or do whatever."

Councilwoman Gilliam: "But again I think in the future that we should try to get more people in."

Councilman Stark: "Did you have these resolutions this afternoon?"

Councilwoman Gilliam: "Yeah."

Councilman Stark: "Okay. Just wanted to know."

Councilwoman Gilliam: "I'm also on the Personnel Committee."

Councilman Stark: "So am I."

Supervisor Janoski: "It has been moved and seconded, the discussion has ended."

The Vote: Gilliam, abstained; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 4 Yes, 1 Abstention.

### Resolution #383

Councilman Creighton: "This adopts the amendment to change Chapter 17 'Electrical Inspectors' of the Riverhead Town Code at section 17-1 entitled 'Appointments; nonliability of the Town for inspection costs' and this establishes and authorizes a second firm and additional firms to conduct electrical inspections for the Town and sets standards and criteria by which they will be judged, so moved."

Councilwoman Gilliam: "Seconded."

Supervisor Janoski: "Moved and seconded."

Councilwoman Gilliam: "No. I think this again is unnecessarily involving the Town in regulating something that has been operating fine."

Councilman Creighton: "With respect to those comments, there's no difference between what's being done now and what was done before other than we allowed one company to have a monopoly on it. A private company, now we're opening it up to additional companies who can qualify. That's the only change here so I vote yes."

The Vote: Stark, yes; Prusinowski, yes; Janoski, yes. 4  
Yes, 1 No.

Resolution # 384

Councilwoman Gilliam: "This authorizes the Electrical Inspectors Service, Inc. to conduct electrical inspection within the Town of Riverhead, so moved."

Councilman Creighton: "Seconded."

Supervisor Janoski: "Moved and seconded."

Councilwoman Gilliam: "No and for the reasons I stated with regard to 383."

Councilman Creighton: "In the interest of competition and the benefit of the people of the Town of Riverhead, I vote yes."

The Vote: Stark, yes; Prusinowski, yes; Janoski, yes. 4  
Yes, 1 No.

Resolution #388

Councilwoman Gilliam: "Appoints a part time Police officer to the Police Dept., so moved."

Councilman Creighton: "Seconded."

Supervisor Janoski: "Moved and seconded."

The Vote: Gilliam, no; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 4 Yes, 1 No.

Resolution #392

Councilman Prusinowski: "Awards bid for the Residential Solid Waste Collection District and Disposal Service within the Town of Riverhead Refuse Garbage District, so moved."

Councilman Stark: "Seconded."

Supervisor Janoski: "It is moved and seconded."

The Vote: Gilliam, no; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 4 Yes, 1 No.

Supervisor Janoski: "Adjourned." 10:46 p.m.

Barbara Grattan  
Town Clerk

BG:gah

WAVE... AND CONSENT OF...  
We, the undersigned, being all members of  
River... Public County and State of New York,  
of the town, do hereby certify that a meeting of the Town Board of the  
Town of... in the hall of the Town Hall, River..., New York, at  
11:30 a.m. on the 16th day of June, 1992, and do consent  
to the holding of such meeting for the purpose of  
approving a contract for all... and any  
other matters that may come before the board.

Date: June 24, 1992

TOWN BOARD MEMBER  
TOWN OF... NEW YORK