

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, September 1, 1991 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.

A presentation was made to Dorothy E. Muma in recognition of the international achievement she acquired as principle owner and trainer of the horse "Graf George" which won a Bronze Medal at the 1992 Summer Olympic Games in Barcelona, Spain.

Councilwoman Harriet Gilliam: Introduced the above presentation and Councilman Stark seconded it.

"WHEREAS, the Town of Riverhead takes pride in the accomplishments of its residents; and

WHEREAS, the Town of Riverhead wishes to appropriately recognize and encourage outstanding achievements by its residents; and

WHEREAS, the Town of Riverhead acknowledges that Town resident Dorothy E. Muma has gained international recognition at the 1992 Summer Olympics, Barcelona, Spain, as principle owner of the horse "Graf George" which placed third in the Team Triscage event; and

WHEREAS, the Town of Riverhead wishes to recognize the accomplishment of Town Resident Dorothy E. Muma receiving the Bronze Medal at the 1992 Summer Olympics for the performance of her horse "Graf George";

NOW THEREFORE, BE IT

RESOLVED, that the Town Board shall declare Tuesday, September 1, 1992 Dorothy Muma Day; and

BE IT FURTHER

RESOLVED, that the Town Clerk is directed to provide a certified copy of this resolution to Dorothy E. Muma, Roanoke Avenue, RD #1 Box 19, Riverhead, New York 11901"

Supervisor Janoski: "It is moved and seconded. I would ask the Board to consider by acclamation."

Councilman Stark: "No. By vote please."

Supervisor Janoski: Please call the roll."

Town Clerk, Barbara Grattan: "Gilliam, yes; Creighton, yes; Stark [makes a statement] yes;

Councilman James Stark: "It really is with great personal appreciation, heartfelt gratitude to Dee Muma that I vote yes on this resolution tonight. My daughter, Joanna was one of Dee's first students when she arrived here in Riverhead many years ago and remained a student of hers for several years. I believe that Dee Muma was a tremendous positive influence on my daughter's life. In her training of techniques, Dee provided my daughter with guidance, direction and a sense of confidence, and taught her a respect for discipline which I believe strengthened and assisted my daughter in realizing her goals as a college student and now as a business professional. I think that we would all agree that there cannot be enough positive influence in a child's life to support the many pressures and difficult choices confronting young people today. Thankfully my daughter had such a positive influence in Dee Muma. As a Town Board Member and a member of this community, most importantly as a parent, I say thank you and congratulate you and Mr. Poulin on another job well done.

If you would permit me, Mr. Supervisor, I also have a letter fax transmittal which came in today with congratulations and I would like to put it into the record.

Dear Dee,

I wish I could be with you today to celebrate your great achievement. Like so many times before when you go there you were there for me. At Millbrook when I placed second in my first combined training event, when I finally beat the white pony and my first event. You were always there in the background supporting me, pushing me. During the Olympics my thoughts and support were always with you. Growing up you were my idol, mentor and friend. You achieved one of the greatest awards as I dreamed of as a child and did so many others. You have made your dream a reality and everyone applauds you.

From Hawaii I send my warmest congratulations to you, Michael and the wonderful horse "Graf George."

With love your student and friend.

Joanna Stark

Thank you, Mr. Supervisor."

The vote completed: "Prusinowski, yes, congratulations; Janoski, yes. 5 YES

Supervisor Janoski: "Could I ask the Board after we have called the roll to give this the honor of a vote acclamation yes

and can we have it by acclamation now. Passed by acclamation.
 If you will meet us in the well, we would like to present these to you.

It is my pleasure to present to you this proclamation from the Town of Riverhead for your outstanding accomplishment. It very much says what is contained in the resolution. It is a special privilege to be this close to a medal winner from the Olympics. I now present you with this award. (applause)

May I have a motion to accept the minutes of the Special Board Meeting of August 14, 1992 and a Regular Board Meeting for August 18, 1992.

Councilman Stark: "So moved."

Councilman Prusinowski: "Seconded."

Supervisor Janoski: Moved and seconded."

Town Clerk, Barbara Grattan: "Gilliam, yes; Creighton, yes; Stark, yes; Prusinowski, yes; Janoski, yes. 5 YES

Supervisor Janoski: "Reports."

REPORTS

MANORVILLE FIRE DIST. 1993 Budget Summary

APPLICATIONS

SITE PLAN Birchwood Restaurant (New Kitchen),
 Corner Pulaski St. and Hamilton Avenue,
 Riverhead

CORRESPONDENCE

ROBERT J. SMITH, REP. OF L.I. WATER SKI TEAM Letter dated 8/11/92 requesting permission to use Saw Mill Creek as a training site from Sept. 1992 until Oct. 12, 1992 and for the next season beginning 5/1/93 through 10/11/93

CLARISSA ROESLER, PRES. NORTHVILLE BEACH CIVIC ASSOC.
 Commends Ray Wiwczar, Senior Building Inspector for his diligence in removing a burned house from property in Northville within a three week period

SHERRY JOHNSON, PROGRAM DIRECTOR, N.F.E.C. The N.F.E.C. approves of an Osprey platform near Terry's Creek and Indian Island Park

SHERRY JOHNSON, PROGRAM DIRECTOR, N.F.E.C. TO BROOKHAVEN TOWN BOARD

Comments on the DGEIS of North Shore Properties. States that draft fails to take into consideration impacts which could occur to the State designated Peconic River whose headwaters are located on parcels 4 & 5

DAVID MILLER ON BEHALF OF L.I. SOUND WATERSHED ALLEGIANCE STEERING COMMITTEE

Sent a draft resolution on the enhancement of L. I. Sound and a Clean Water/Jobs Platform for Boards consideration

E. J. WATTECAMPS, SECRETARY, WADING RIVER FIELD & TENNIS CLUB

Informs Board of a dangerous condition, that being, jet skiers coming close to the beach shore line.

SHERRY PATTERSON Has many questions in regard to the Seafield Clinic

THOMAS WHITE Asks Town Board to grant him (Rising Sun Woodworking) an extension to his site plan

LARRY KENNEDY, EXECUTIVE DIRECTOR, AMERICAN LUNG ASSOC.

Notice to Town regarding a fund raising walk through the East End of Long Island

NYS DEPT. OF ENVIRONMENTAL CONSERVATION

Notifies Town Board of Public Meetings regarding the Restoration of the Wild Turkey to L.I.

JEFFREY RIMLAND: Letter addressing the Manufacturers Outlet Center Overlay Zone

Supervisor Janoski: "Let the record show that the hour of 7:26 P.M. has arrived and 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.

Town Clerk, 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, September 1, 1992, to hear all interested persons who wish to be heard regarding: THE CONSIDERATION OF AMENDING CHAPTER 108 BY ADDING SECTION 108-51.2 ENTITLED "SETBACKS FOR WOOD DECKS TO ARTICLE XIII "SUPPLEMENTARY USE REGULATIONS."

Town Attorney, Patricia Moore: "I'll read over the provision. The setback for wood decks [Unenclosed residential wood decks no higher than the lowest finished floor elevation shall not exceed the following side and rear yard setbacks and we go on to describe in Residence A the setbacks will be side yard 30', rear yard 20'; in Agricultural "A" Zoning District, side

yard 30', rear yard 20'; in Residence "B" side yard 20', rear yard 15'; Residence "C" side yard 10', rear yard 10'; Residence "D" side yard 10', rear yard 10']

The background regarding this resolution is that often times people chose to build out decks and we treat decks differently than we would treat a patio. Where you have patio construction throughout the Town no building permit is required and the side yard setbacks aren't even considered. The proposal here is that if you are building a deck which is at the lowest finished floor it should not impact greatly on your neighbor as long as you meet the setbacks the new less restrictive setbacks that this should alleviate many of the applications to the Zoning Board of Appeals that have been submitted over the past couple of years. So that is the intent behind this ordinance."

Supervisor Janoski: "The ordinance is proposed in order to make the decks which are considered a structure under the code as it presently is to put in a simplified procedure and to alleviate the need to go for a variance, if you want to put in a deck if you meet those setback requirements. Is there anyone present wishing to address the Town Board in this matter?"

Joseph Ingegno, Riverhead: "My only concern about, in fact I'm glad we're trying to simplify these permitting of decks, my only concern is that as the proposed amendment reads decks level with the first floor of the house will be allowed to be built with this new setback. Many of the other towns have a twelve or eighteen inch rule off of natural grade. What happens here is if you have a high ranch house whose first floor is five or six feet above natural grade you can have a deck going out thirty feet from the back of your house with a level lot being five or six feet off the ground. Or, as we have north of Sound Avenue hill country, you could have a house that is level in the front and the backyard could be twenty feet lower. So you could have a deck twenty feet in the air and still be level with the first floor of the house which I think ten foot from the line would annoy some neighbors. I think maybe some consideration to an eighteen inch or twelve inch above natural grade would maybe make things a little easier for a resident to put decks around pools or things like that and wouldn't impact as much on neighbors on lots that are slopping away from the house where you would have a deck hanging in the air quite a bit on certain lots. Thank you."

Supervisor Janoski: "That is an excellent observation, Joe. Thank you. Is there anyone else present who wishes to speak? Steve."

Steve Haizlip, Calverton: "It's probably a good thing that you are not requiring height, because if you did the house that I spoke of that the work session the slab in the door is only six inches up from the slab and the slab is down on the ground so you saw it out. There ain't no room to come up. So a house is built on a slab, it just won't meet height requirements. It'll be right there on the ground. Thank you."

Supervisor Janoski: "Thank you Steve. Is there anyone else wishing to address the Board on this proposal? Mr. Kasperovich."

William Kasperovich, Wading River: "The gentleman speaking with regard to the level of the deck very apropos. But this solution giving it to the Board of Appeals came from many years back rather than to write it out specifically to let the Board of Appeals review the situation. Many situations are different and many conditions are different. Particularly in houses where many people have built three courses of block above grade in order to be above the ground dampness. This a carry over from the days when we have heavy snow or drifts. Consequently the floor level of the house is concerned with the particular area. Now you people want to write into the ordinance for the entire township. And this I say is not apropos. Now if the Board of Appeals is overburdened with reviewing a particular situations I say offer relief to the Board of Appeals in some manner. But to put in a blanket coverage I say is not to the interest of the people that live here. I have seen the Board of Appeals approve, and I saw Building Department approve decks that makes the backyard a horror to the neighbors. The level of the floor of the house is not a controlling elevation for a deck or a patio and this is generalizing too much. Because in this township it varies with the lot, the slope and what have you. This I say is better left with the Board of Appeals where somebody goes out and reviews the conditions and the situation and allows for appropriate type of decks and patios. Thank you."

Supervisor Janoski: "Thank you Bill. Is there anyone else who wishes to address the Town Board on this proposal? That being the case and without objection I declare the hearing to be closed."

Let the record show that the hour of 7:35 p.m. has arrived and I would like to open the next two public hearings at the same time in as much as we have reached the allotted time. Will the Town Clerk please read the public notice."

P U B L I C H E A R I N G S 7:15 & 7:20 P.M.

Town Clerk, 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 7:15 p.m. on Tuesday, September 1, 1992 to hear all interested persons who wish to be heard regarding: AN AMENDMENT TO CHAPTER 108 BY ADDING BUSINESS "F" ZONING USE DISTRICT MANUFACTURERS OUTLET CENTER OVERLAY ZONE.

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, September 1, 1992, to hear all interested persons who wish to be heard regarding: FOR THE CONSIDERATION OF AN AMENDMENT OF CHAPTER 108 BY ADDING BUSINESS "F" ZONING USE DISTRICT MANUFACTURERS OUTLET CENTER OVERLAY ZONE, WHICH ZONING USE DISTRICT WOULD NOT PROVIDE FOR GENERAL RETAIL USE FOR SINGLE TENANT OCCUPANTS."

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Supervisor Janoski: "Thank you. The hearings are actually identical in subject matter except for that one provision which provides for a single tenant user, single ownership of a building of a 100,000 square feet or more. In as much as this is an issue and in as much as if we significantly alter a proposal after we have the hearing we have to have another hearing on it. So it was decided to have the two hearings simultaneously so that we could have comments with and without. And so we came to the conclusion that we would not have to again go out yet another public hearing which would be the third. This is the second. So we are going to have the two hearings run simultaneously and your comments should address the new Business "F" zoning and your comments concerning the 100,000 square feet provision which is use other than the Manufacturers Outlet. I would equate it to something like Price Club. Single user, large facility, retail. That's what we are here to talk about and I would recognize anyone who would wish to be heard. Mr. Goodale."

Robert Goodale, Riverhead: "I'm here on behalf of the Riverhead Chamber of Commerce to speak on this issue. I would like to read a letter and then make a couple of comments.

The Riverhead Chamber of Commerce again wishes to express its support for the adoption by the Town for the proposed Business "F" District Overlay Zone. We continue to believe that this is an important step in planning for Riverhead's economic future. We also believe that it strikes a good balance between encouraging investment in Riverhead awhile maintaining sufficient controls over the nature and direction of this investment. The Chamber can support either of the proposals in question. We do have some concern, however, that the one includes the 100,000 square foot option is confusing at least to the average reader. With so much of the language aimed specifically at the Manufacturers Outlet concept this aspect seems to be somewhat tacked on. We are not, however, experts in drafting legislation and are prepared to leave this matter in the hands of those who are. Again, both proposals have the Chambers support. I would make one final point. The very fact that this zoning overlay was seen as necessary, suggests there may be more to do to improve on a systematic basis the pattern of commercial zoning in Riverhead. The Chamber appreciates the often contentious nature of the subject of zoning. It strikes us as worth the effort if it would clarify for potential investors what the rules are today and are likely be tomorrow and beyond.

In conclusion the Chamber of Commerce applauds the attention given to this matter and urges a prompt resolution of the issue. Riverhead is a good place to do business. We believe this will make it even better. Signed by the president.

Now if I might make a couple of other comments. First of all despite the Chambers feeling that there may be more things down the road that are necessary to do to perhaps clarify commercial zoning in the Town of Riverhead we do not want this particular issue put on hold until that is or is not done. We believe that the time is now to move ahead on this particular overlay. Whichever one the Board decides is proper at this time. And so

awhile we would support further efforts to do somethings about the present commercial zoning situation in the Town of Riverhead we do not want this to be held up for that to happen.

Secondly, I believe tonight, if it doesn't come up I'll be amazed, I believe tonight as in every hearing that I've attended that there will be a comment concerning the effect of this zoning provision on downtown business. I can't believe it won't come up in some context or another. Now this is not so bad, because we all know, and the reason it comes up so often is that downtown Riverhead is an important aspect of our Town. It kind of gives the tone to the whole town. So anytime we talk about changing or bringing economic development into the Town this issue of downtown is bound to come up and probably should come up. Now the Chamber is not prepared, nor am I personally, taking a position on whether or not the success or failure of a Factory Outlet Center or Manufacturers Outlet Center will have an impact plus or minus on downtown. I think there are arguments both ways. About whether or not if in fact it was a successful Manufacturers Outlet Center or successful 100,000 square foot stores or whether or not that would help or hurt downtown is something that can be argued one way or another. The fact of the matter is, I'm firmly convinced of this, is that the future of downtown is in it's own hands and not in the hands of what happened in this regard. A lot of us know what's necessary for downtown development. Frankly I believe there has been substantial movement on economic development downtown in the past few months. I much more than a year ago believed that there are things happening, suggestions, inquiries, proposals that are going to be coming forward downtown and I believe that the Business Improvement District has now established a mechanism by which the suggestions and proposals can be coordinated so that they end up having the greatest positive impact upon downtown Riverhead. The point is is that , I believe that it would be mistaken to determine your position on this particular proposal of this Factory Outlet Center based upon what you think it or may not happen have an impact upon the downtown area. They have there own job to do. We know what is necessary to be done and I believe over the next year regardless of this issue a lot of progress is going to be made in re-invigorating the economy of the downtown. And certainly it has always been our impression that collectively and singly the people on the Board have been willing to do whatever it can, whatever the Town can do to encourage downtown economic development. And it would be my position that we would attempt to try to keep that as a separate issue. Concentrate on this particular matter on whether it's good or bad for the overall economic health of Riverhead Town. Thank you."

Supervisor Janoski: "Thank you Mr. Goodale. Is there anyone else present wishing to address the Board? Henry."

Henry Pfeifer, Wading River: "I thoroughly approve of Mr. Goodale's comments regarding the severance of one issue from the other. The only thing that I have some difficulty with on this, and I approve of both of these amendments, is the fact that most

of these areas that I've been in, these shopping areas, which are of any great extent they have a place where you can get a meal. And when I read this thing it would not provide for general retail use. I would hope that you would consider that somebody who wanted to eat there could eat and then go back and shop."

Supervisor Janoski: "Henry, it does have a provision for restaurants and food services. It is incorporated into it. Joe Fisher. Monique. I have to apologize. I know that I've been making faces up here. It has nothing to do with the things that you've been saying. I don't feel very good and I think I'm going to withdraw now. So Monique if you would take over."

Joseph Fischer, Business Owner in Downtown Riverhead, Representing Downtown Riverhead Merchants Association as President: "I have a couple of brief remarks to make that we prepared. Primarily the first issue being As a business organization, we remain encouraged by the Boards aggressiveness in seeking out business for the betterment of Riverhead and the relative increase to its tax base. We, as an organization, remain ebullient over the systematic approach being addressed to achieve these goals by the Board. Although our organization is not unanimous, we support the concept encapsulated by both proposals, for the Business "F" Factory Outlets. We would prefer to see, however, the single user larger than 100,000 square feet be addressed as a separate issue, to be discussed and debated on its own merits. In other words be taken out of this proposal. But we will support it in either matter. We feel that in doing so it will allow for the Factory Outlet concept to remain with clearer definitions. We still have concerns regarding the policing of the definitions for Factory Outlet as it remains. We feel that it is going to be an huge job, we don't know how anybody can do it. Although the RMA would prefer to see encouragement for business to the downtown area, practicality also dictates, that some of the conversations regarding proposed sizes, would never feasibly fit in the downtown area, if it was entirely vacant. Believing it may be inevitable for a major factory outlet to exist in the East End Area, with the two most logical locations being Riverhead & Hampton Bays, proximity makes competition the same, and therefore it's no longer an issue. We think Riverhead should remain aggressive and reap the tax base increase that's potentially there. Thank you."

Deputy Supervisor Gablenz: "Thank you. Is there anyone else wishing to address the Board on this matter? Yes sir."

Howard Silverman, Commercial Real Estate Broker: "I did business in Riverhead for 22 years at Mid Island Lumber and Supply Company back in 1976 so I have a good feeling for the Town of Riverhead. I notice that the Supervisor was quoted in an article that he felt that a Home Depot could hurt companies like Riverhead Building Supply and I agree one hundred per cent. They are category killers. They could kill lumber companies around. Goodales are very fine people. Although it is very difficult to

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see how one could keep them out if they go into a rezoning. So I'd like to start off with that type of feeling and secondly I am working with a very high end factory outlet mall builder. They build around the country. They're tops in the industry. They build centers like you would have in Manhasset, Miracle Mile, but at discount. I have shown them sites in Riverhead. They usually have destinations of their own. People come to them and they will come 90 miles out one way from New York City. These folks are very expert at what they do. Couldn't get the high end people if they want expert. They are very conservative and they do have problems with both these resolutions. We've talked it over numbers of times.

First of all they build shopping centers. The standard Business "B" shopping centers with total factory outlet tenants. They don't need any retail whatsoever. They are all high end tenants. And they come in 100% pre-leased. No empty stores. But standard shopping centers don't cost less for them to build than for others who build shopping centers and that creates some problems with those two resolutions, because the resolutions don't promulgate standard shopping centers. It promulgates smaller buildings, court yards, etc. which are fine. Some citizens have given their opinion that perhaps that is the way to go and it has ended up in the resolution. They feel that that type of situation is great for an urban area, a downtown area, etc. We have traversed up and down the roads. Tenants tell me that they've seen the center in Calverton and Aquebogue and Wading River, etc. you couldn't say that they are exactly full. So there is a problem with the type of building that is mandated within the resolutions. The Town of Riverhead is quoted in the papers quite often saying that they don't like the mandates from the State, from the County, etc., but here there is a mandate for people who are total professionals to do things other than what their tenants are used to and need. They need to be seen. The tenants need to be seen. Folks don't come out 90 miles to look around a corner to see large known companies where the stores are. They want to be seen and they don't take chances. They are very conservative. The builders are conservative. The tenants are conservative. They couldn't attract that type of client if they didn't do things in a very exacting manner. They are good citizens. The builder himself would try to do such a thing. He doesn't think it's much chance that the tenants would go along with that type of concept. I know the tenants wouldn't go along, because they get all the industry publications. I've talked to the tenants. I've been to industry gatherings. I know many of their tenants. That's one of the ways I've got them here in the first place by talking to some of their tenants. They weren't crazy about coming to Long Island. They build all around the country. It's much easier elsewhere, but the demographics are here. I proved to them the demographics are here. They are quite willing to come. They want to be good neighbors. They'll do whatever they could for the area, but they need the economics. They have to get personal guarantees on all their mortgages. Every center they have in the country. They can't take chances. All these contemporaries have to do the same. They aren't too

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many high end. Very few. From what I read in the papers. I've given them copies of all the articles. They are well aware of what is happening. They get the sense that 90% of the area is in favor of the outlet malls. I'm sure the Board is. I congratulate the Board for going this far. With this resolutions it just isn't necessary these resolutions. You don't need an overlay district. All you need is additions to the shopping center zoning that you have now. So because it is subject to overview analysis because its rezoning in the first place. If a Home Depot came, they would have to go through rezoning also. Alright. So all that's needed to be added is a description of outlet builders which is in the resolution and as I said my tenants and my prospects have 100% outlets centers to begin with so they don't need any of the retail. The sizing of 25 acres is fine, because if you don't build a large center or a good size center, you can't draw the top tenants, because they want to come to a power center. A power center would be over 100,000 square feet. You are limited in Riverhead where you could go with the mandated deep water recharge areas etc. They would like to be near the L.I.E. It's very questionable if they could be there. They are willing to be closer to the village area so that which would help the village, because people would have to come to them. They are a destination of their own, but people would be coming into Riverhead proper."

Deputy Supervisor, Gablenz: "Mr. Silverman we try to keep to a five minute limit on the speaker. So if you would bring it to a conclusion."

Howard Silverman: "Fine. So I call upon the Town Board not to pass either one of these resolutions, but to add to the existing Business "B" Zoning, because they do need all the amenities that are in the Business "B" expenses are no less as I said before and they will be bringing all these fine companies and I can't imagine anybody being against something of this sort. It's as high end as you can go. They do make their market studies, their tenants have to prove everything and I think that is the way to go. I appreciate your time and your effort."

Deputy Supervisor, Gablenz: "Thank you Mr. Silverman. Is there anybody else who wishes to address the Board? Mr. Benedict."

Dick Benedict, Fanning Blvd.: "I'm in favor of the overlays especially for the outlet stores. However, I think that these are two separate and distinct topics that we are talking about here tonight. I'm in favor of both of them. I just don't think that they should be lumped together at this time. I think there are a lot of questions on both of them. And I think it would only muddle things to keep them lumped together. I'm in favor of them and I think Riverhead needs it. I just think they should be separated. Thank you."

Deputy Supervisor, Gablenz: "Thank you. Mr. Igegno."

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Joseph Igegno, Riverhead: "I am also in favor of both of these resolutions. I think with good site planning both factory outlet and single use large stores can work together. I who have been dragged all over the Eastern United States by my wife going to outlet malls know what kind of a draw they are. If we can start picking the pockets of people outside of Riverhead and having them leaving their money here. It's a helluva lot nicer than having me emptying my pocket out here all the time. I think it would be a wonderful addition to our tax base. It would be a wonderful addition to job opportunities for many, many of our people who in today's economy who are struggling with part-time jobs or no jobs at all. I think it can only enhance the image of the Town and everybody seems to be going, you know, this is a tourist attraction and it seems like the tourists pass us by and go through Riverhead to get to Southold, Greenport and Orient and they go through Riverhead to get to Southampton and Easthampton. This will give them a reason to stop in Riverhead and spend some of their money here. Thank you."

Deputy Supervisor, Gablenz: "Thank you. Sherry."

Sherry Johnson, N.F.E.C.: "I'm probably going to do everything that Bobby Goodale warned you about and I'm sure he expects it. I would hope that you not separate the downtown in your deliberations from the rest of the commercial area. We think that it shows great foresight and encourage you to look at the broader picture. Consider downtown when you consider adopting this. We think it is very important. I would like to reiterate comments that we made at the first public hearing on this issue. The N.F.E.C. urges you to find a way to bring the outlets to downtown Riverhead. We feel that this is the way to go for many reasons. The first of which is that we feel that there is still time to reverse the present trend of businesses moving away from Main Street.

Manchester, Vermont had the foresight to keep all their Commercial Zoning in their downtown business district. They recognized that development on the outskirts of town would drain business and vitality away from Main Street. Our downtown is already competing with Route 58. Creating the overlay will allow for more commercial areas to be developed, not only placing a further drain on our own Main Street, but also adding to urban sprawl.

Urban sprawl is something that we have tried to avoid through proper planning. How do you plan when you have an overlay placed anywhere from Doctor's Path to Fresh Pond Avenue to Route 25A and Hulse Landing Road. Planning for public transportation, consolidation of services and traffic congestion goes out the window.

As for planning, this Board recently appointed a Task Force to study the hamlet of Calverton. You're considering making a substantial change in zoning that could change the character of that community before they've even had a chance to start their work. Additionally we are concerned that the overlay will lead to instances of spot zoning.

Can't we move on? Can't we learn from our mistakes instead of continuing to make them. Route 58-type strip center development hasn't worked for Main Street, Long Island. So why not look at what has worked. There are less than 4,000 people in Manchester yet they have almost 200 stores in their downtown business district. They must be doing something right.

I spoke with Lee Krohn, who is the Director of Planning and Zoning in Manchester last week. He sent me copies of their Zoning Code and their Town Plan. Before you make a decision on creating the overlay we ask that you do the following:

1. Review the material from Manchester.
2. Consider that allowing expanded commercial development by creating the Outlet Overlay, as currently proposed, is contrary to even our own 1973 Master Plan which stated that when zoning for commercial uses "Riverhead should avoid an overall disastrous impact like that experienced on arterial highway frontages in western Suffolk and Nassau Counties."

I feel that even back in 1973 the creators of our original Master Plan were trying to warn us against sprawl and against over developing over zoning for commercial land for commercial uses and finally

3. Find a way that will bring the outlets to town that doesn't contribute to urban sprawl, but does bring new businesses and a new focus to downtown.

I'm going to submit excerpts from the Town Plan and from the Manchester Zoning Code. But I do have the complete documents and I will make copies of them in their entirety."

Councilman Prusinowski: "Sherry I just want to say that I agree with what you are saying except that the reality of the situation there are a few facts that you have to understand. Right now anybody can build the outlet centers downtown. Downtown Riverhead is the best zoning category in this Town. You can build up to 50 feet. You can build up to 100% of your property line. It's the best lot coverage, best bank for your buck. Unfortunately these particular developers don't have enough square footage downtown. I think you took the empty square footage on the northern side of Main Street, the empty buildings, you would have maybe 35, 40, 50, 60 thousand square feet at the most. That's not what they are looking for.

In Manchester and Vermont. Manchester is in, I think, New Hampshire or Main. Vermont. Okay, in the State of Vermont has a different sales tax code than we have in New York State. They categorize the products that you buy in those outlet stores as wholesale. You don't pay sales tax. Because when I go shopping there you are not charged the Vermont sales tax. The big price discount, if you ask the retailers in the room, if they could give 8% off on a regular basis, downtown Riverhead you would get a lot of extra business, because you don't have to pay that extra sales tax. So there is different sales tax policies in different states. And they did a good job, believe me. I've been in Manchester, it's nice. We would love to have them come downtown and I don't know how to do that other than buying the buildings

and giving to them free, because they have plenty of parking for the square footage that they have. I don't know what else to do. As a Board Member and businessman how do you entice a person to build something that they don't have enough square footage for this type of operation."

Sherry Johnson: "Perhaps this type of operation is being considered isn't in the best interest of the community."

Councilman Prusinowski: "Really it's not so much a planning function as it is an economic business decision. Then they have to go to the bank and get it financed. Every applicant that comes into this town, Frank, I know was here with Walmart. The first place we direct them to is downtown the vacant buildings to see if we can get them do something down there. But I'll tell you one thing that is happening now. I saw the numbers, I was privy to the numbers in Bellport and that's a very poorly done outlet center. They are killing the retail business within a fifty square mile area. Those numbers they are doing down there with Nike shoes, there is a recession with the rest of the retailers, that shopping center is hot. Business is booming in that shopping center. And those are customers that are leaving the East End of Long Island and Riverhead and they will affect the business people, because I see it at work every single day. Those dollars are starting to flow out of town and what we have to do is look at reality and say hey we have somebody who wants to bring back that type of business to town. We have to jump on it now. We cannot miss the boat anymore."

Councilman Stark: "Also Sherry, one of the main reasons why we are having some problems downtown is because of the Wild Scenic Rivers Act. It starts at the falls at Grangebél Park and goes west. In order to develop or improve or change the process of variance to go through upstate, it's horrendous."

Sherry Johnson: "But a major portion----"(interrupted)

Councilman Stark: "And if we don't improve the existing property and allow to bring in development into West Main Street, I don't think Main Street is ever going to survive, because the first thing you see is almost abandonment there. Now the Wild Scenic Rivers Act maybe a fine thing for upstate. It may be a fine thing for a river where there is no development on it. But this development on West Main Street, all the way down to River Road. It has been here for a long, long time. George can probably give you a better estimate of that time limit. So there is a little give and take with the North Fork Environmental Council. Thank you."

Sherry Johnson: "It is also important to note that there is a major section of the downtown area that is outside of the Rivers Act and it's important to say that."

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Councilman Prusinowski: "You can build on 100% of the property line too."

Sherry Johnson: "What we hate to see is additional commercial space when there is space that is already empty. Empty store fronts. More than anywhere. At a greater height than there has ever been before."

Councilman Stark: "Then that is basically what you are saying. You hate to see additional commercial space in lieu of down there and all the other stuff is just"----- (inaudible)

Sherry Johnson: "We would rather see you re-use, restore and rebuild what we already have before we create new and that will drain away."

Deputy Supervisor, Gablenz: "Thank you Sherry. Bill."

Bill Talmage, Calverton: "First I want to speak as a homeowner and a taxpayer and I want to applaud the Town Board for taking an aggressive action to go out and get some business that is going to pay some taxes and provide some jobs in this town and as a taxpayer I feel better when I see the town aggressively out there competing for tax base. This is a step in the right direction."

Also I want to speak about as person who is trying to bring this type of business to Riverhead. I'm also part of a group that is trying to revive downtown and I'm not mutually exclusive. But I want to speak plainly about what I see as Riverhead's needs. Reviving downtown is a noble cause and it's important. But there's other things that are needed too and are just as important. Jobs. A job is very important if you don't have one, or if the one you have you think you are going to lose. And taxes are very important when your property taxes on your house are going up a lot faster than your income is. People are worried about that in this town. I think that Riverhead is in a unique position to make some real progress in these areas. My belief is that our criteria for evaluating whether or not these things should be allowed in town should be based not on who manufactured the goods or percentages or Main Street, but on whether people will come from other towns to Riverhead, give us their money, provide us with jobs and tax base and then leave. No kids in our schools. No use of our public beaches. No tying up our streets so we can't drive around our own town and no screwing up of our environment. We have the infrastructure in this town to do that. The key is to focus on attracting outside spending dollars. It does us no good to rearrange the Riverhead spending dollar. We can't just put Commercial Business "B" Zoning, because we are going to get strip centers with pizza parlors and laundromats, drug stores, and all that, because if you put it in a specific place you have spot zoning. You can't do that. So we have to have an overlay. And we can't allow that type of retailing in town that people already have in their towns up west. Nobody's going to drive all the way to Riverhead to get a pizza or to pick

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up a prescription. They will drive here for two things. Upscale outlets. They will drive here for discounts, for a deal. And once we get the people into this town in a well planned facility that makes use of our infrastructure that we have here, then it will be our challenge to get some of those people downtown be it with shuttles or other ways. It is almost a separate problem. Now recently a newspaper suggested that we should force the outlets to go downtown like Manchester, Vermont. My parents happened to be in Manchester that week. Not knowing anything about the article they came home and said "hey we saw the outlets up there and whatever you do don't put them downtown". The traffic was a nightmare. You know it's August. Reality, you can't force them to go downtown. All you can do is force them to go to Patchogue or Hampton Bays. Downtown is unfinanceable. The outlet centers that do have downtown centers tend to be the older ones where they just kind of grew up haphazard in town. They weren't planned. Downtown is too small and won't provide the necessary jobs or tax base. In order for it to make a meaningful difference to peoples property taxes on their houses it has to be significant. And if it was significant downtown the traffic in downtown would be a nightmare. You've got to realize that when someone goes downtown to Barths to pick up a prescription they go in and in most cases they leave. You're talking about parking a car down there for four or five hours and those parking lots are significantly full now with the stores all empty. You are going to have to get more parking. If you tried to make a left turn into the parking lot off Roanoke Avenue recently, imagine!

I believe that there are three types of merchandising, outlets if you will, that can be attracted out here. And the first are the manufacturers outlets owned by the manufacturers where they sell leftover, closeout off price merchandise. Second, occult offprice, because many manufacturers don't want to be in the retail business. They still make things. They still have overages, closeouts and everything, but they don't want to own retail stores. There are companies who buy all this material and have outlets for them the same way. I think you have to watch your wording of your zoning, because it is a major, major part of the business. Some areas, toys for example, you're not going to see a Milton Bradley outlet store, because there would be six games on the shelf. That's all they make. So toys they group together. You want to make sure you get that business. Also places like Sears Surplus which is now called Sears Outlet. When the Sears chain decides to get rid of stuff there are tremendous deals. And a lot of people from Riverhead drive up to Rocky Point very often. You can't go there to get a specific thing. You have to go in there and see what they've got. That type of business is a goldmine. Riverhead has to reach out and grab it. The other thing are the boxes. It's a term of art meaning the Price Club, The Sam's Clubs and I doubt anybody in Riverhead is doubtful that people travel up west to go to these boxes. They really are a big, big draw. The examples that I give are not necessarily the people who are looking in Riverhead by the way.

People do travel to these places and you have to understand that other towns and I found that out today are actively,

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actively pursuing this types of retail. You need a big magnet to bring people this far east. The best magnet is a centralized location Riverhead with all of these things in it. If we can write our zoning properly, we can include all of these things.

Now the discussion about, oh you know it can be applied anywhere in town and all these things and you know you have to realize that this is still going to include a full environmental impact statement. Any project still has to go through traffic analysis, all the ground water analysis. Everything that we have always had to do before. All this does is create the environment that allows them to come to town and try. If we don't have the type of zoning, that is going to allow them to come to town and try, they are going to go someplace else where they are being welcomed and so far we are sending very good signals. I don't think Riverhead should allow any of these to escape us. I see downtowns feature is more in the form of restaurants, boutiques, maybe some small outlets, entertainment etc. and we need to provide someway of getting people from a planned facility downtown, but we only need to get some. One of the things I especially like is the artist colony idea that has been kicking around with the town having free art shows for people who create art within the bid. If you get a colony artists started within some of the upstairs space on Main Street, I think it would be a wonderful thing. I think we've tried to play defense for a long time downtown and it has failed miserably. Again I applaud the Town Board on creating what appears to be an effective offense and I think it is very, very important. Thanks."

Deputy Supervisor, Gablenz: "Thank you Bill. The gentlemen all the way in the back."

Jeff Rimland, proprietor of JEFFREY'S: "I would like to read a letter that I've written to the members of the Board and a few comments that I would like to make afterwards.

The proposed amendment to Chapter 108 Zoning of the Riverhead Town Code to add Business "F" Zoning Use District Manufacturers Outlet Center Overlay Zone, and which zoning use would not provide for general retail use for single-tenant occupants contains serious ramifications that I wish to address.

As a local merchant of Riverhead, it is clear to me that an injustice is being served upon the local business community - a community comprised of local people with deep ties.

In allowing what is professed to be an outlet center open in the proximity of the existing Riverhead business districts, a third retail zone would be created. This zone would further weaken what are already marginal shopping areas. A factory outlet overlay zone should include the existing businesses to help stimulate growth.

However, if we must accept this concept of a factory overlay zone, it becomes necessary to establish a more realistic definition of a factory outlet than what is proposed in amendment to Section 108-3.

A manufacturer, by its very nature, will have overruns, excess inventory and factory seconds. If these excess problems,

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however, were to exceed a minimum percentage of the total annual sales of the manufacturer would soon be out of business. Therefore, a legitimate outlet for a manufacturer would not have seconds, overruns, etc. that would exceed five to ten percent of its annual gross sales.

It is clear that when a manufacturer begins to produce products exclusively for sale in the outlet store, or in conjunction with their regular line and these outlet sales become a major part of their business, they are no longer manufacturers - they are retailers operating under the guise of an outlet store.

Subsequently, any company wishing to locate their purported "outlet" in the Town of Riverhead should be made to show proof that they are in fact a legitimate outlet and that their total retail sales from these outlets do not exceed ten percent of their annual gross sales. This would protect and insure that the hardworking merchants of Riverhead are not supporting and endorsing a deceptive marketing policy.

It is my most sincere wish that my suggestions be given every possible consideration.

I have a few comments that I would like to add to this. There has been mention of the outlet centers in Bellport that is so highly successful. They've been open now for about sixty days and any grand opening is highly successful in a new concept. However, there are stores in the Bellport Center that are not legitimate outlet centers. The VanHusen Store that is located there does not manufacture a product other than for their stores. They have four hundred VanHusen Stores under the name outlets around the country. They only manufacturer for those stores and there is no other product in any other store besides theirs. They are also the owners of the "Bass Outlet". They are also the owners of the "Jeffrey Bean Outlets" and several other outlets in other areas of the country. They have over four hundred stores in conjunction - they do not manufacture these products for any other place but these stores. And if we are going to allow competition to our area and endorse a illegitimate concept, because they are really not outlets, they are retailers and if you give them the license to call themselves outlets it's only going to hinder and hurt what is trying to be established on Route 58 and on Main Street.

The other thing that I would like to discuss is we talk about how money is going to be left in these outlet centers. Where does the profit go? These stores are all owned by out-of-town residents. The profits will not stay in Riverhead. The profits will leave Riverhead. The only monies that will be left in Riverhead are the real estate tax base and the percentage of sales tax which is minimal that the town will be able to keep. I think if the town were to evaluate the total taxes which is probably not going to be not more than two to two and one half dollars a square foot which in real dollars is only going to be \$250,000.00 in taxes and the amount of money that the retail outlet centers will generate and the sales tax that will be left in Riverhead is a nominal, minimal amount and the damage that you can be causing to 58 and to Main Street can be far in excess of that. I thank you."

Deputy Supervisor Gablenz: "Thank you. Mr. Barth."

Barry Barth, President of Business Improvement District: "I would just like to speak briefly and say that the large portion of the Business Improvement District which does include the downtown area and Railroad Ave are in favor of this overlay zoning. We think that it is a positive step by the Town of Riverhead in looking forward to expand our tax base and also provide employment for the young people in the Town of Riverhead. I think that Mr. Rimlands quotes as far as the difficulty in policing this overlay zoning has to be addressed by the Town Board. It's going to be very difficult to determine how much the percentage of goods or used goods or seconds or this type of thing and we could very easily get ourselves into a position where they are another retail outlet and they become a strip center or something on them becoming. I think that you can rest assured that to put Miss Sherry Patterson's mind at ease the Business Improvement District is working very hard to bring the right retail merchants to the downtown area. We have contacted developers and professionals in this area and they tell us that buildings that are pre-existing and available in the downtown areas are more enticing to factory outlets and outlet type stores than going into a new shopping plaza because they can come in at a much lower expense. So I just want to go on record to say it in favor of the overlay zoning and to be very careful as to the policing of such."

Deputy Supervisor, Gablenz: "Thank you. Mr. Cuddy."

Charles Cuddy, Esq.: "I appeared at the last hearing and asked you to approve what was in the unrevised version. I asked that you approve either version. I think that both of them have merit to them. But I would like to say a couple of things in answer to some of the questions raised by the North Fork Environmental Council. They talk about Manchester, Vermont and effectively ask you to withhold approval. Manchester, Vermont started with an infusion of twenty-five million dollars by a single developer. There is no one that I know that has come to Riverhead and offered to put twenty-five million into downtown Riverhead. I think that that is a big significant difference.

I also would point out that this is not a spot zoning technique. I said this before. Forty one years ago in the Court of Appeals New York in Albany, it was determined that floating zones are not spot zones and the type of zoning that you are doing is to be commended. Because what you are doing is adding flexibility, you're adding aesthetic considerations and I think that Riverhead is on a positive note. I point out to you that if you start in the eastern part of town on a weekend you go past the Big E and there are polo matches there, you go to Hallockville and see the Palmer Vineyards. If you come west and you go on the other side of town you can see Splish Splash. There are two golf courses proposed for areas there. One which is just about approved at this point. There may be a theater eventually on Route 58. Riverhead is on a very positive note. Not to pass

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this kind of thing now and to allow for more people to come to this town to spend more dollars would be foolish and I ask that you do approve this. Thank you."

Deputy Supervisor, Gablenz: "Thank you Mr. Cuddy. Is there anyone else who wishes to address the Board on either proposal? That being the case and without objection I declare the hearing closed. Let the record show that the hour of 8:25 has arrived and would the Town Clerk please read the notice of public hearing.

We had at the last Town Board meeting authorized a publication of a public hearing notice with regard to the Town Code Amendment to Chapter 108-112 the Business PB District. Unfortunately that public notice did not appear in the paper, therefore we are not going to have the hearing tonight, but are republishing it to be held at the next Town Board meeting. Would you read the notice for the 7:30 public hearing."

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

Town Clerk, 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, September 1, 1992 to hear all interested persons who wish to be heard regarding: THE CONSIDERATION OF A LOCAL LAW ELECTING A RETIREMENT INCENTIVE PROGRAM AS AUTHORIZED BY CHAPTER 643 OF THE LAWS OF 1992 FOR ELIGIBLE EMPLOYEES OF THE TOWN OF RIVERHEAD."

Deputy Supervisor Gablenz: "This is a public hearing that the State Legislature of the State of New York has put in place legislation that allows the towns to opt as to whether to adopt a local law that would provide a retirement incentive to its eligible employees. The incentive is a one month credit for every year of service with a maximum of three year credit. So somebody would have to serve for 36 years to get the maximum three year credit. Am I getting that right Jack? And we want to accept any comments with regard to that retirement incentive. Is there anyone here wishing to address the Board on that matter? Mr. Haizlip."

Steve Haizlip, Calverton: "If I remember correctly didn't this subject come up at the Jamesport Community Center about retirement at that time about eligible employees? I think at the time I addressed the Board that on an experience that happened to me - it shouldn't happen to any other employee. I don't care if it is in industry, town, professional service or what. When you release an employee ----I'm bringing this out because it is for the good of the employer and the employee. When you release an employee the worst thing you want to do is to have that employee released in one or two months into the following year. He is going to be hit so hard with social security that he will not get the benefit of one cent out of it. I know because I went through it to the tune of \$4,008.00. So what I'm trying to tell you is

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get your people out on December 31st., because if they go into the next year, within two or three months with social security taken out, it doesn't apply. Only five best years apply. So the full year prior to their going out is only accountable.

Now another thing that I experienced with social security, so that you don't get caught with it just like I did, do you know that I was out almost three months of the company before I had a social security guy tell me, Mr. Berman says, you've never been released from the company. I said that's funny I'm getting a social security check and a pension check and I haven't been released. No you haven't been released. So you've got to make sure that when a person is released it's got to stipulate in writing and plain English that he has been released from the Town and the insurance however you want to carry it or not.

Third is very important. When he gets a W-2 after he retires or if you retire in February or March then you'll give him a W-2 in January of the following year. Now the W-2 the federal government wouldn't let you put on there that he retired, pension or R.I.F.T. So in my particular case I had to go to the employer in Bethpage and get a summary written up of what I had in R.I.F.T. and what I had in employment pay, because the social security when I filed my tax----they turned it over to social security and since it didn't stipulate R.I.F.T. or pension then I got fined for \$5,473.00. Now there is no need for that. If they would furnish the proper documentation then that gets submitted with your filed with your tax W-2 goes with it then you are not going to have any trouble and people won't be getting letters that they're fined because they lump it together. Believe me I went through it so I don't want to see anybody else go through it. So heed to those problems that happened to me and take the advise."

Deputy Supervisor Gablenz: "Thank you. Steve just for your information there is a period in the local law if the Town Board was to adopt a retirement incentive where the employee would have to retire and that is prior to December 31st. of this year."

Steve Haizlip: "Oh good."

Deputy Supervisor Gablenz: "Mr. Schmelzer."

George Schmelzer, Calverton: "On behalf of the town what is the real purpose of this?"

Deputy Supervisor Gablenz: "It's to provide an incentive to eligible employees so that the Town Board can consider if there would be a cost benefit if perhaps they did not have to replace those employees or replace employees that are paid a lesser amount."

George Schmelzer: "So then you will be paying a guys that is retired and one that is working. You will be paying two instead of one."

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Deputy Supervisor Gablenz: "That's why the Town Board has to weigh the cost benefit."

George Schmelzer: "I can't see any condition where you're going to be paying two is better than paying one."

Deputy Supervisor Gablenz: "In every case you're not going to be paying two, because there may be a position that the Town Board may decide not to fill."

George Schmelzer: "Oh you mean one out of a hundred or so? What's the prevalent idea or policy to replace all of them or how many say out of a dozen would not be replaced?"

Deputy Supervisor Gablenz: "It depends on the position. We have people in all different titles and all different departments."

George Schmelzer: "So really the town doesn't know. This is like a fog. An economic fog. You don't know who is going to be replaced and who isn't. So you end up paying two people instead of one. Just like when you have a twenty year retirement on certain jobs sometimes they are paying three. Two are retired and one is working. No wonder the taxes are high. You say the State pays the pension where the hell does the State get the money from? The taxpayers."

Councilman Creighton: "They take it out of the payroll. People paid it to their retirement throughout the period of their employment. So all that's in escrow and that's where the retirement pay comes from."

George Schmelzer: "A 100% of the retirement pay comes from that? Only part of it."

Councilman Creighton: "All of it."

George Schmelzer: "Yeh. I'd be surprised if it does."

Deputy Supervisor Gablenz: "Thank you Mr. Schmelzer. Is there anyone else who wishes to address the Board on this matter? That being the case and without objection I declare the hearing closed. That concludes the public hearings for this evening. We will take up the resolutions."

Is there anyone who wishes to address the Board on any subject?"

Helga Guthy, Wading River: "Also a member of the Advisory Committee for the Jetport Study. We had our study on land use and transportation today. I have to say that I was very disappointed not to see Mr. Creighton or Miss Gilliam there today. It seemed to have been very important since most of the information that we got had to do with the Riverhead Town Codes and one of ones that I found most interesting and I would like you to clarify it or

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see if I'm reading it right. It says here that one of the issues that special permit uses approval is required by the Town Board for special permit uses hereto for set forth and the first one listed is an airport. Now does that mean that you people have to approve the airport before it can be built since this is a commercial facility. It's not a research. All the other information for that area is for research and that kind of facility. If you have the final say on this how would you vote? What would you tell them?"

Councilman Prusinowski: "We don't have the final say."

Helga Guthy: "Then what does this mean?"

Deputy Supervisor Gablenz: "Well I don't know particularly what section of the code you're talking about, but if in fact it says that there is a special permit required for an airport, a commercial airport then in fact there would have to be a special permit application that would have to be reviewed by the Town Board. If it is the federal government who is putting in place that airport, I don't know whether the Town Board has the option of going through a review process."

Helga Guthy: "It is our understanding it's not the federal government. It would be a private facility, right?"

~~Deputy Supervisor Gablenz: "That's what we still need to find out. We don't know that information."~~

Councilman Creighton: "The study is on the joint use with Grumman assuming that it will remain in federal hands. That is what the point of the study is. It's a joint use with Grumman for an airport facility. So the idea is that Grumman will stay there on federal property."

Helga Guthy: "Right. But this will not be a federal airport. It's going to be a regular public commercial airport carrying cargo back and forth with UPS etc."

Councilman Creighton: "Was this a general Study Advisory group meeting or is this the subcommittee on----"

Helga Guthy: "This was a subcommittee meeting."

Councilman Creighton: "I'm not on that subcommittee. And neither of us were informed of it either."

Helga Guthy: "Both of you though know more about zoning than we do. I don't understand, you know, you could have asked more of these questions or straightened this out at the time than we could have."

Councilman Creighton: "Well we look forward to looking at the product and maybe we can do it at that time."

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Helga Guthy: "Thank you."

Deputy Supervisor Gablenz: "Thank you. Yes."

Carol Mishkin, Wading River: I'm also on that committee. I'm not on any subcommittees, but I asked Dr. Koppleman if I could attend just to be present to see what's going on and what's being said. I was very disappointed also that someone from Riverhead was not there to oversee it as I am just a citizen."

Councilman Creighton: "Sorry that you feel that way."

Carol Mishkin: "Yeh. I'd like to see someone there with us. Just to hear what is being said and to be part with us."

Deputy Supervisor Gablenz: "Thank you. Is there anyone else who wishes to address the Board? Mr. Haizlip."

Steve Haizlip: "About three weeks ago maybe in that neighborhood, I was in a session where the subject about producing power and selling it to Long Island Lighting. Which brought to my memory as to about selling power to Long Island Lighting. Some how or another I seem to have read or heard that L. I. Power or Lighting didn't want to buy anymore power or they didn't want to pay the rate and the fellow at this particular session that I was at says that there is a law that is titled with the fancy abbreviation letters PERB. I think it means something like Power, Electrification Rule Board or something like that."

Now going back to the landfill. I think I remember the fellow that was here and he was resenting that we have so much methane gas in the ground that we can be running a generator from here to eternity. That methane gas is still producing itself, because the landfill is still active. For a long period of time that generator hasn't been running and no power has been going out on lines. I would just like to finish by concluding that the gentlemen that informed me at PERB says that the law says that they must buy it. Okay, Vic lets go."

Councilman Vic Prusinowski: "The company that was running the generator was sold three times. In that process the maintenance of the wells deteriorated to the point where the methane coming out of the ground wasn't enough to generate enough fuel into the generator to make it run properly. We've been investigating now what to do with that. We've had the equipment appraised. I met with the Town Engineer several times. In the meantime, however, the federal government and the State of New York have changed the formulas used for co-generation plants and the effect has been that now LILCO is required to pay less then they were before for the co-generation plants which makes it less profitable. So we are going to be riding an R.F.P., a Request for Proposals. There are some companies on Long Island as well as this one company in New Jersey to come up to the landfill and see if it is profitable to start up the methane operation. We will

have to vent the methane in any event. We would rather burn it and create electricity. It is more of an economic problem, not an engineering. The problem is too the incinerators up west like Hempstead and Babylon and Huntington when they did their cost analysis they did it at what they were getting paid for their electricity. Since then the law has changed and they are not getting the amount of revenue from the generation of the electricity as they have anticipated, because the State and federal government changed formulas. Which means LILCO is not required to pay what they paid before."

Steve Haizlip: "Well that part was not explained to me. He just said that."

Councilman Prusinowski: "Which is unfortunate because I think encouraging the co-generation and turning the garbage into energy is a wise move to cut down dependence of foreign oil and if the plants are built anyhow at least the taxpayer should have got the benefit out of it. But I think it was more of a protection, it was a utility protection act rather than it was something for the taxpayers, really. Because there is a significant difference."

Steve Haizlip: "What was these wells cracked in the manifold of the generators that---"

Councilman Prusinowski: "The wells that go into the actual field, into the landfill themselves. There is a screen at the bottom."

Steve Haizlip: "Bad quality welding. You don't have to go any further. In other words we didn't have a good reliable outfit. We didn't have a good---"

Councilman Prusinowski: "No the generator went for quite a few years and we were making forty or fifty thousand dollars a year in revenue our share and the equipment that they used, the piping was only plastic PBC stuff. And the other thing is the screen at the bottom of the well. And I guess the screen is like if you have a water well and you have high iron it got clogged. So it needs maintenance. The bottom line is it is going to cost thirty or forty thousand dollars to fix the well which is not a large amount of money, but when you take the what you were getting paid for the electricity and significantly decrease that it's not an economic thing. There are companies, though, and the Town Engineer will be having a report shortly to the Town Board to solve that problem."

Steve Haizlip: "Okay Vic. Thank you."

Deputy Supervisor Gablenz: "Is there anyone else who wishes to address the Board? Mr. Kasperovich."

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William Kasperovich, Wading River: "The other week I sat here and listened to the discussion with the Suffolk Water Authority in supplying water outside the boundaries of Riverhead. It appeared that the Town Board gave a nod of informal consent to proceed with some arrangements. I want to go on record that if we want to deal with our neighbor Southold who was once one and the same as Riverhead that we should deal with them directly. If we have some whatever it is in Riverhead, we should deal with Southold directly to buy or to sell. To introduce another party which doesn't have the best reputation in Long Island, we would be remiss to the people that elected the Town Board. I'm in favor of helping Southold if they need our help. But to introduce a Water Authority as an in-between, this should not be. And the informal nod that was given at that work session should be crystallized and cleared and the people of Riverhead informed as to how you stand on such an arrangement. Not at a public hearing that'll be after the fact. Not after a lot of engineering money is spent. Not after a lot of commitments are made by other people, but here and now to define what you have informally approved. Because this is a shady way of doing business with a shady outfit. Thank you."

Deputy Supervisor Gablenz: "Okay. Let us take up the resolutions. Do you have a brief comment Mr. Schmelzer?"

George Schmelzer: "You're asking the County to buy Warner's land. The Town should buy the land. It's the Town's fault, not the County's, this Goddamn law came in. Janoski wanted that law in the beginning with his buddy LaValle and you know it."

Councilman Prusinowski: "No it's not. No it's not. It's not the Town's fault. Well that's the State Legislature passed that legislation. The Town of Riverhead has tried everything we can to help Olin Warner. This has been designated as environmentally sensitive land. There is money available in the fund. It should be purchased. That is the end of the meeting. Good night."

George Schmelzer: "Everything is sensitive. So is everybody's pocket. Don't tell me the Town didn't act lax and the bunch of ass's didn't oppose it."

Deputy Supervisor Gablenz: "Mr. Schmelzer, please! Let the record show that the hour of 8:55 P.M. has arrived and I declare this meeting adjourned."

Barbara Grattan
Town Clerk

BG:ch