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Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, October 1, 1985, at 7:30 p.m.

Present: Joseph F. Janoski, Supervisor
John Lombardi, Councilman
Victor Prusinowski, Councilman
Vincent Artale, Councilman
Louis Boschetti, Councilman

Also Present: Richard Ehlers, Town Attorney

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

RESOLVED, that the Minutes of Regular Board Meeting held on September 17, 1985 are dispensed without objection and be approved.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

BILLS

Bills submitted on abstract dated October 1, 1985 as follows:

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that subject to complete audit, the following bills be approved for payment.

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The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

Supervisor Janoski, "Let the record show that the members of the Departments of Town Government are present should anyone have any question of them. Reports Mrs. Pendzick."

REPORTS

Supervisor's Office-1986 Annual Budget (tentative).	Filed.
Recreation Department-For Month of July, 1985.	Filed.
Vietnam Veterans of America-POW/MIA Committee Report, September 17, 1985.	Filed.
Wading River Fire Dept.-1986 Budget.	Filed.
Open Bid Report-Rebuilt Cummins Diesel Engine, Highway.	Filed.

OPEN BID REPORT - REBUILT CUMMINS ENGINE - Highway Dept.

Bid Date: October 1, 1985 at 11:00 p.m.
1 Bid Submitted.

#1 NAME: CUMMINS METROPOWER INC.
ADDRESS: 105 SOUTH SERVICE ROAD, PLAINVIEW, NY 11803
TOTAL BID: \$6,500.00

Irene Pendzick, "That concludes Reports."

Supervisor Janoski, "Thank you. Applications and Petitions."

APPLICATIONS AND PETITIONS

Barry & Janet Wedel-Site Plan to alter sign manufacturing building, West Main Street.	Filed.
James Galluzi-Site Plan to add to building (Showtime Stereo) at 1064 Route 58.	Filed.
Rolling & Olga Hargis-Special Permit to add 23 Mobile Home Lots at existing Mobile Home Park on River Road, Calverton.	Filed.
Petition-18 Residents of Fire Lane, Wading River requesting water lines. (See Water District Minutes)	Filed.

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APPLICATIONS AND PETITIONS

Jack Van Dewetering-Special Permit for agricultural housing on Sound Avenue.

Filed.

Petition-47 Residents of Broad Avenue and Main Road, Aquabogue requesting water. (See Water District Minutes)

Filed.

Supervisor Janoski, "Correspondence Mrs. Pendzick."

CORRESPONDENCE

Atrium Group, Ltd., 9/20/85-Confirming intentions to create an industrial Park on property south of Route 25 at intersection of Manor Road.

Filed.

Carol & Louis Wirtz, 9/17/85-Opposed to any structures on Bluffs exceeding 3 stories high.

Filed.

Planning Board, 9/23/85-Recommendation that proposed Business CR District and Change of Zone from Business B and C to Business CR and Change of Zone application of Edward and Stacy Worth and David Willmott be approved.

Filed.

Southampton Town-Advising that Local Law No. 7-1985 Re: Group Rentals was adopted on September 10, 1985.

Filed.

Southold Town-Adoption of Local Law for moratorium in certain zone districts.

Filed.

Southampton Town-Notice of Public Hearing Re: Phase 3 of Master Plan.

Filed.

Supervisor Janoski, "Thank you Mrs. Pendzick. Before I recognize anyone wishing to be heard, under Unfinished Business:

UNFINISHED BUSINESS

Kimbroke Enterprises-Special Permit for condominiums on Sound Avenue. That is before the Planning Board.

George Nunnara-Site Plan for storage of gas/welding supplies. The Town Board is awaiting further information.

633 Associates-Site Plan for office building, 633 East Main Street. That is before the Town Board.

Daniel Donahue-Site Plan for Post Office, Route 25, Calverton. The Town Board has recommended some changes in the architectural design of that building and we are awaiting their response.

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UNFINISHED BUSINESS Continued

Augusta Schneider-Special Permit for freshwater wetlands application. We'll go through the process.

Anthony Conforti-Site Plan for office building, Howell Lane and East Main Street. That is before the Town Board.

Al Steckis-Site Plan for manufacturing building, Wading River. That is before the Town Board.

David Willmott-Special Permit to create "Ten-Plex" Movie Theatre, Route 58. We will be calling a public hearing on that this evening.

Atrium Group Ltd.-Special Permit to use 2 residential homes in industrial zone. That is going to have a public hearing held on it.

Edward & Stacy Worth-Special Permit for residential use in industrial "A" district. We will also have a public hearing.

Fred Gallo-Special Permit for storage building and single family residence. That is before the Planning Board."

Supervisor Janoski, "I would now recognize anyone who wishes to be heard on any subject."

Audrey Austin, Exec. Dir. Chamber of Commerce, "The last town meeting one of our members made a plea (Stanley Hagler) for a more aggressive attack on juvenile crime in the town. The Board of Directors of the Chamber also received that same request. And I have a letter here from the president that I would like to put into the record.

Dear Mr. Janoski:

It has once again been brought to the attention of the Riverhead Chamber of Commerce that juvenile crime, that is to say vandalism, break-ins, loitering, graffiti, etc. is fact becoming a burden which local merchants find intolerable. This applies not only to the downtown area but to Route 58 as well.

The general consensus is that although the police do their best, given the resources at hand, it is simply not enough. More is needed. More in the way of police patrols, and more in the way of punishment, rehabilitation, and parental responsibility.

The purpose of this letter is to put the Chamber strongly on record concerning these problems and needs. Also, please consider this letter a special formal request that you address the Chamber Board of Directors at their October 17th meeting concerning these problems and actions planned to correct them.

After all the good work done in Riverhead in recent years, it is a shame that local merchants are beginning to feel that the only way to combat juvenile crime is to turn the business districts into unsightly areas to prevent losses to business, skyrocketing insurance rates and eventual flight.

We look forward to sharing your company and your thoughts.

PERSONAL APPEARANCES ContinuedAudrey Austin, Continued

Sincerely, George H. Harker, President."

Supervisor Janoski, "Thank you. Does anyone else wish to be heard? Steve. Bill."

Bill Nohejl, Wading River, "In reference to last Thursday night on the ash fill meeting, has there anything been discussed about another meeting? No?"

Supervisor Janoski, "No."

Bill Nohejl, "Do you think it would be wise that the Town Board make a strong effort to get another meeting. Because if not, people of Riverhead will be short changed. Please do so. Thank you."

Supervisor Janoski, "Thank you."

Steve Haizlip, Calverton, "Mr. Janoski and the other members. I attended that meeting at the High School. But unfortunately I could only stay about an hour. Now, from what I gathered there, see if I'm thinking right and listening right. These landfills have got to be closed by 1990. Now, the way that the D.E.C. man was sounding off there, that we would have to start building an incinerator out here then to start burning the garbage and that deposit would be put into this ash fill that we're talking about. So that's going to be a big expense coming up just like sewers and so forth. Right?"

Supervisor Janoski, "Right."

Steve Haizlip, "Now may I be permitted to read a letter from Mr. Carney?"

Supervisor Janoski, "Certainly."

Steve Haizlip, "I have been working hard on this tax keeping a property tax retention and not losing it and I went to a couple of meetings. I wrote him a lot of letters. And the reason I'm reading this is because I want a little help from the Town Board to try to retain this because it means a lot.

"Thank you for attending my recent public forum on taxes held at Mattituck High School. I greatly appreciate hearing your comments and concerns regarding President Reagan's tax proposal treasure two. Your input plays an important role in my evaluation and this proposal. There are obviously several points of this proposal which are of great concern to the people of New York and the first congressional district of primary interest. It is the nondeductability of the state and local taxes under the President's proposal. This part of the bill (however) appears to be open to considerable negotiations and compromise. I will work hard to protect the interest of Long Island on this important issue. Again, thank you for attending the meeting and so forth. So I would like you to take that under consideration that the people

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PERSONAL APPEARANCES Continued

Steve Haizlip, Continued

will be losing the tax reduction and you're still going to have to pay the tax here and every little bit help we can get, from anyone else in here that's listening, I appreciate them writing on it."

Roberta Tommasini, Further Lane, "Supervisor Janoski, members of the Board. Last summer as a resident of the Town of Riverhead, I read a letter in the News-Review by one of the merchants which concerned the vandalism on Main Street. In that I work in many youth organizations throughout the town, I became concerned and I went down and I spoke to them. Further, this week after seeing the article in the News-Review, I went to the Juvenile Aid Bureau and I asked what could be done. They are apparently laws on the books that any juvenile up to the age of 16 automatically goes to family court. However, I do understand that there are also.... The Juvenile Aid Bureau does have programs for juvenile repeated offenders from the 16 to 18 year olds. And I wonder that if (perhaps) the Town Board might look into that so that we would not have the repeated offenders on Main Street."

Supervisor Janoski, "There is about a minute yet remaining before the first scheduled public hearing. Is there anyone else who wishes to address the Board at this time? That being the case, we will just wait that 30 seconds or so. Let the record show that the hour of 7:45 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:45 p.m.

I have affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, October 1, 1985, at 7:45 p.m. at Riverhead Town Hall, to hear all interested persons regarding: Special Permit application of McLean and Cortlett Realty, Inc. to construct multi-dwellings in Agricultural A to Residence C with Residence RDC Overlay at premises located at west side of Doctors Path, Riverhead.

CORRESPONDENCE:

Planning Board, 9/9/85:
Recommending that application of McLean & Cortlett Realty, Inc., be denied.

Environmental Quality Reveiw Board, 9/12/85:
Recommending that application of McLean & Cortlett Realty Inc. is a Type II action which will not have significant impact upon the environment.

Supervisor Janoski, "Thank you Mrs. Pendzick. Is there anyone present representing the applicant? Is there anyone present who wishes to address the Town Board on this application? That being the case and without objection, I declare the hearing closed."

7:45 PUBLIC HEARING CLOSED AT 7:47

Supervisor Janoski, "I will once again ask if anyone wishes to address the Town Board on any matter on the agenda. Then let us proceed with the resolutions."

RESOLUTIONS

#713 AUTHORIZES OVERTIME COMPENSATION - WATER DISTRICT.

(See Water District Minutes)

#714 AUTHORIZES ATTENDANCE AT PLANT OPERATOR II B COURSE FOR WATER DISTRICT EMPLOYEES.

(See Water District Minutes)

#715 ESTABLISHES MORATORIUM ALONG ROUTE 25, AQUEBOGUE.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, proposal of the Town Board to re-zone premises along Route 25, Aquebogue, New York, currently zoned Agricultural "A" to Business "PB" and premises currently zoned Business "B" and Business "C" to Business "CR" are currently pending, and

WHEREAS, recommendations from the Planning Board for these re-zoning proposals have been received.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board does hereby establish a moratorium on the issuance of all building permits in the areas of the proposed re-zoning to Business "PB" and Business "CR", as designated on the attached map, (see file for map) except those uses which are permitted under the current zoning and the proposed Business "CR" and "PB" zoning, respectively for a period of 60 days from the date of this resolution, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to publish and post a copy of this resolution.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#716 AUTHORIZES OVERTIME COMPENSATION - BUILDINGS AND GROUNDS.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

RESOLVED, that the below listed employees be paid time and one-half overtime compensation for hours worked due to the hurricane which occurred on September 27, 1985.

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RESOLUTIONS Continued

Charlie Brown	-- 24 hrs.	@\$13.0459 = \$313.10
Lawyer Jackson	-- 13.75hrs.	@\$14.0334 = \$192.96
James Woodson	-- 8.5 hrs.	@\$11.7500 = \$ 99.88
Chester Kowalski	-- 5 hrs.	@\$10.644 = \$ 53.22

BE IT FURTHER RESOLVED, that the explanatory report of the aforesaid overtime be filed in the Office of the Town Clerk.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

**** Supervisor Janoski, "Before we proceed, resolution #715 I knew I heard something that I shouldn't have heard. It is... Except those uses which are permitted, it says here; under the current zone. What should be there is; under the proposed zoning. So if you would make that correct."

Councilman Boschetti offered the above amendment to resolution #715 (page 915) which was seconded by Councilman Artale.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The amendment was thereupon duly declared adopted.

Councilman Prusinowski offered resolution #715 (page 915) as amended by above which was seconded by Councilman Lombardi.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted as amended.

#717 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: PROPOSED CHANGE OF ZONE.

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

RESOLVED, that the Town Clerk is hereby authorized to publish and post the below Public Notice with regard to the proposal of the Town Board of the Town of Riverhead to rezone premises along Route 25, Aquebogue, New York currently zoned Agriculture "A" to Business "PB".

PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held on the 15th day of October, 1985, at 8:25 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the proposal of the Town Board of the Town of Riverhead to rezone premises along Route 25, Aquebogue, New York currently zoned Agriculture "A" to Business "PB".

RESOLUTIONS Continued

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#718 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: PROPOSED CHANGE OF ZONE.

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the Town Clerk is hereby authorized to publish and post the below Public Notice with regard to the proposal of the Town Board of the Town of Riverhead to rezone premises along Route 25, Aquebogue, New York currently zoned Business "B" and Business "C" to Business "CR".

PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held on the 15th day of October, 1985, at 8:15 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the proposal of the Town Board of the Town of Riverhead to rezone premises along Route 25, Aquebogue, New York currently zoned Business "B" and Business "C" to Business "CR".

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#719 AUTHORIZES OVERTIME COMPENSATION - SANITATION DEPARTMENT.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the following employee of the Riverhead Sanitation Department be paid time and one-half overtime compensation:

Walter O'Kula -- 4½ hrs. @\$12.4125 = \$55.86

FURTHER RESOLVED, that the explanatory report relating to the aforesaid overtime submitted by the Superintendent of the Sanitation Department to be filed in the Office of the Town Clerk.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#720 AUTHORIZES OVERTIME COMPENSATION - RECREATION DEPARTMENT.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

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RESOLUTIONS Continued

RESOLVED, that the following employee of the Riverhead Recreation Department be paid time and one-half overtime compensation:

Richard K. Boden --- 70 hrs. @\$15.1647 = \$1,061.53

FURTHER RESOLVED, that the explanatory report to the aforesaid overtime submitted by the Superintendent of the Recreation Department to be filed in the Office of the Town Clerk.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

#721 AUTHORIZES OVERTIME - HIGHWAY DEPARTMENT.

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.

RESOLVED, that the Superintendent of Highways be and is hereby authorized to pay time and one-half compensation for overtime for a total of 622-3/4 hours in the amount of \$7,897.23 in accordance with personal services abstract submitted and filed in the office of the Town Clerk.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

#722 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: SPECIAL PERMIT APPLICATION OF EDWARD AND STACY WORTH.

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.

RESOLVED, that the Town Clerk is hereby authorized to publish and post the below Public Notice with regard to the special permit application of Edward and Stacy Worth to use premises zoned Industrial "A" for residential purposes located at West Lane, Aquebogue, New York.

PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held on the 15th day of October, 1985, at 7:45 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the special permit application of Edward and Stacy Worth to use premises zoned Industrial "A" for residential purposes located at West Lane, Aquebogue, New York.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

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Supervisor Janoski, "Let the record show that the hour of 7:55 p.m. has arrived. The Town Clerk will please read a notice of public hearing."

PUBLIC HEARING - 7:55 p.m.

I have affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, October 1, 1985, at 7:55 p.m. at Riverhead Town Hall, to hear all interested persons regarding: The Special Permit application of Half Hollow Nursery Corp. to extend the agricultural workers housing on property located on Route 25, Laurel.

CORRESPONDENCE:

Planning Board, 9/9/85:
Recommending that application of Half Hollow Nursery Corp. be approved subject to 2 conditions:

1. That an outside recreational area be provided.
2. That the living quarters presently used over the frame barn be removed when construction of the additional living quarters is completed.

Supervisor Janoski, "Thank you Mrs. Pendzick. Is there anyone present representing the applicant? Mr. Young."

Howard Young, Ostrander Avenue, "Would it be proper at this time to make a little presentation? I'm here with Robert Burns who is also representing the applicant. He's a foreman at the farm. You have a site plan (I believe) before you."

Supervisor Janoski, "We don't have it before us."

Howard Young, "Well, you've seen the site plan. Half Hollow Nursery's Farm is about 350 acres here in Laurel. Part in the Town of Southold and part in the Town of Riverhead and about 40 acres in Dix Hills. They presently have housing for 16 agricultural workers. Six of those are in a framed second story in one of the barns on this parcel of land and 10 of them are in a agricultural housing which we wish to make an extension to. The extension would consist of a covered breeze way or patio which would link the existing worker housing building to the addition. A living room, dining room, kitchen area, bathroom, utility room and 7 2-bedroom (7 two-worker bedrooms) making it 14 units. So there would be a total of 24 workers housed in this one unit and we would (it would be the desire of the applicant) give up the 6 units on the second story of the barn which they feel is causing some problems. They wish to have the workers here together in one location because of the cooking. I believe they knocked off a couple of workers at 11 o'clock each day to come in and cook for the rest of the help that lives on the farm. I think (basically) the site plan shows that the construction will be 285 feet south of the Main Road. That a proper screening planting will be done to seclude

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PUBLIC HEARING Continued

Howard Young, Continued

the camp from (all the housing units) the neighbors and the Main Road. The construction will be exactly as the existing unit. It will be just an extension of the same type of construction, cement block. Maybe I could have my friend Mr. Burns come up and sort of give you an idea of how many people they employ and what the need for this is. Bobby."

Robert Burns, Laurel, "Good evening."

Supervisor Janoski, "Could you identify yourself for the record."

Robert Burns, "I'm Bob Burns, Box 354 Main Road, Laurel. I've been with the company quite a few years and we see the need for more fellows. We have quite a few local people, 15 20 local people and these other fellows really help us out and I don't see... The last 2 or 3 years they've been a heck of a group and we'd like to give them a better camp, a better living condition. We're not too crazy about the top of the barn as far as fire. Like Howie had said, we'd like to screen it off as far as the view from the road. The boss wants to put something in there. They like soccer. These guys with soccer, we'd put soccer in the back or leave an area. We have about 12 acres right there just for a line of beds and we'd have a certain part of that cleared off so the guys could play ball. Other than that, I can't.... The cooking facilities would be doubled. We have a cooking facility now for the 10 men that are there but we'll also have another cooking facility on the other side. The breeze way in the center just to go from one place to the other as far as keeping them out of the weather. I think it would make it look a little better too. Then we'll landscape it like we always do."

Supervisor Janoski, "I would expect that the landscaping would be outstanding."

Robert Burns, "Other than that, I don't...."

Supervisor Janoski, "Ok. Thank you Bob. Is there anyone present wishing to address the Town Board on this application?"

Dick Benedict, Fanning Boulevard, "It seems to me that about a year ago (possibly 2 years ago) the town had set standards for this type of an operation. And if they meet all the town's standards, then I don't see where there is a problem. But I believe that's exactly the reason why we went and set the standards in the town. Thank you."

Supervisor Janoski, "Thank you Dick. Is there anyone wishing to address the Town Board on this issue? That being the case and without objection, I declare the hearing closed."

7:55 PUBLIC HEARING CLOSED AT 8:02

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RESOLUTIONS

Supervisor Janoski, "Let's do a few resolutions until 8:05".

#723 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: SPECIAL PERMIT APPLICATION OF DAVID WILLMOTT.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Town Clerk is hereby authorized to publish and post the below Public Notice with regard to the special permit application of David Willmott, Sr. to construct and operate a non-nuisance industry, ten-plex movie theatre, within an existing building located on the south side of Route 58, Riverhead, New York.

PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held on the 15th day of October, 1985, at 7:55 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the special permit application of David Willmott, Sr. to construct and operate a non-nuisance industry, ten-plex movie theatre, within an existing building located on the south side of Route 58, Riverhead, N.Y.

The vote, Boschetti, yes, Artale, yes, Prusinowski, abstain, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#724 AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING, RE: ADDITION TO CHAPTER OF THE RIVERHEAD TOWN CODE, SECTION 52-8.1 RE: "FOUNDATION CONSTRUCTION PERMITS".

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

RESOLVED, that the Town Clerk is hereby authorized to publish and post the below Public Notice with regard to addition to Chapter of the Riverhead Town Code, Section 52-8.1 Re: "Foundation Construction Permits".

PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held on the 15th day of October, 1985, at 8:05 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the following addition to Chapter of the Riverhead Town Code, Section 52-8.1 Re: "Foundation Construction Permits" as follows:

§ 52-8.1 Foundation construction permits.

Foundation construction permits may be issued by the building department where plans have been submitted showing the construction of foundations in conformity with the requirements of law. Before the issuance of such permits, the applicant shall

RESOLUTIONS Continued

pay the building permit fee and post a surety bond or cash deposit in an amount equal to ten percent (10%) of the cost of the construction of the foundation. The proceeds of which surety shall be used by the Town to cause the removal of the foundation a certificate of occupancy has not been issued for the structure to be erected thereon within one (1) year from the date of issuance of the foundation construction permit. The building inspector may extend the one (1) year period for a maximum of two (2) additional thirty (30) day periods upon application.

*Underscore indicates addition.

The vote, Boschetti, yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, Janoski, Yes.
The resolution was thereupon duly declared adopted.

#725 BUDGET ADJUSTMENT - GENERAL TOWN.

Councilman Boschetti offered the following resolution which was seconded by Councilman Artale.
RESOLVED, that the Supervisor be and hereby is authorizing the following Budget Adjustment:

	<u>FROM</u>	<u>TO</u>
A1990.400 Contingency Account	\$30,000.00	
A8760.000 Hurricane Gloria Expenses		\$30,000.00

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, Janoski, Yes.
The resolution was thereupon duly declared adopted.

#726 BUDGET ADOPTION

Councilman Artale offered the following resolution which was seconded by Councilman Boschetti.
RESOLVED, that the Supervisor be, and is hereby authorized to adopted the following budget:

<u>SANITATION WATER IMPROVEMENTS</u>	<u>FROM</u>	<u>TO</u>
<u>Capital Project</u>		
H73.5031 Transfer from other funds	\$15,000.00	
H73.8160.301 Construction		\$15,000.00

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, Yes, Lombardi, Yes, Janoski, Yes.
The resolution was thereupon duly declared adopted.

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RESOLUTIONS Continued

#727 BUDGET ADJUSTMENT - FEDERAL REVENUE SHARING.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, that the Supervisor be and hereby is authorizing the following Budget Adjustment:

	<u>FROM</u>	<u>TO</u>
CF1620.32 FRS Land Acquisition	\$15,000.00	
CF8160.301 FRS Sanitation Water Improvement		\$15,000.00

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "Let the record show that the hour of 8:05 p.m. has arrived. The Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:05 p.m.

I have affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, October 1, 1985, at 8:05 p.m. at Riverhead Town Hall, to hear all interested persons regarding: The Application of Bernard Sterler, the West Lane Wind Farm for a wind and solar farm on premises located at West Lane, Aquebogue, NY.

Supervisor Janoski, "Thank you. Is there anyone present representing the applicant? Who is going to be on first? Which one of you is going to address the Board first?"

Charles Hope, Queens, "We we're going to deal with it simultaneously."

Irene Pendzick, "It would be better sir if one of you would speak at a time because this is transcribed verbatim."

Supervisor Janoski, "Do you wish to be recognized Charles?"

Charles Hope, "I guess you could recognize me."

Supervisor Janoski, "Ok. Please state your name and address."

Charles Hope, "President of United Solar Energy Corp., residing in Queens, New York and have properties here at West Lane for the purpose of developing an industrial park for hydrophonics and wind farm energy to support it."

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PUBLIC HEARING Continued

Supervisor Janoski, "Ok. The process here (Charles) is that you have made application for a special permit. It first goes to the Planning Board. They have made their recommendation as you know. The Town Board must now hold a public hearing as part of the process. It is an opportunity for you to present your proposal at a public hearing dealing with the special permit and for the public to have also an opportunity to express their opinion on your proposal."

Charles Hope, "First of all, I'd like to submit to the Board a copy of the noise report as it has been received from a group out in California and I believe it will answer most if not all the questions regarding the noise level that was in question. In referring to the esthetics, I believe that that has been resolved. I am now proposing to remove the number of 62 windmills and reduce it to the number of 6 to support just a theory of self-supporting industrial complex which the land is zone for. I also realize that the town had worried about how it would look. I don't think they would feel too bad about it at this point. In withdrawing the number of units that I was previously going to put on, I feel very comfortable that the town would allow this to happen without any further delay. As far as the operation of the hydroponics in conjunction with the photable tape manufacturing facility, I think the fact that the facility will support some 75 jobs for the community which I understand would be very supportive of our under employed in this community. I think at this time they would find this a very appropriate time to accept. And of course we're not going to go any further into requesting any additional windmills for the future."

Supervisor Janoski, "Charles, am I to understand that you wish to withdraw your application for a special permit for 63 windmills?"

Charles Hope, "Right."

Supervisor Janoski, "And you wish to submit a separate application for greenhouses and 6 windmills? Now, I advised you Charles (personally, on at least two occasions) that you must make a separate application and the process must begin again. Now, there are some questions that are outstanding and I will once again repeat that you have council and that I would follow the advice of council in this matter."

Charles Hope, "Ok. But I would still like (for the record) to be sure that in regard to variance for height of 75 feet will be sustained so that what we have proposed here of which we have spent over a quarter a million dollars in pursuing and obtaining does not go in vain. The fact that we're proposing to spend another 5 million dollars in developing a factory here for the purpose of manufacturing photoable tape, electric cells which could have been very supportive in all of these problems that we had out here with the L.I.L.C.O. problem with the last wind storm we had. I think it would have been very nice to have had that available here because we would have at least kept the lights on. But I'm not going to go back to that. I think we all suffered enough."

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PUBLIC HEARING Continued

Supervisor Janoski, "Charles, I'm recognizing Councilman Prusinowski."

Councilman Prusinowski, "I have a question. The purpose of this venture that I remembered, was more of hydroponic farming. What is the manufacture of solar cells have to do with... You have me confused."

Charles Hope, "No I don't think you should be." Number one, from the inception...."

Councilman Prusinowski, "Are you going to generate energy..."

Charles Hope, "... the inception. Our plan that was submitted to the town was for the purpose of growing (hydroponically) vegetables, producing energy in excess of what we needed ourselves which would have been fed into the utility grid. And of course the fact that we were proposing a public offering to carry out the photoable tapes manufacturing facility. Which of course as I said before, it has a price tag of 5 million dollars with a lot of jobs involved."

Councilman Prusinowski, "In other words, you would sell a public offering to make this plant happen."

Charles Hope, "Right. Exactly."

Councilman Prusinowski, "Do you have a picture of what these windmills would look like?"

Charles Hope, "I certainly do. I'm submitted this for the power study."

Supervisor Janoski, "Ok. Would you give that to the Town Clerk so that it would be part of the record of this hearing? Charles, while Mr. Prusinowski is looking at the picture, the Zoning Board of Appeals did grant a height variance to you. It has a life span. I quite honestly don't remember when it is up. It also (I believe) has some provision to a certain type of windmill. And of course that variance would be valid for that period of time and as long as the provisions of the variance were met."

Charles Hope, "At this time I would also like to submit 3 copies each of the proposed plan and have it go on record that it has been submitted even though it has been returned."

Supervisor Janoski, "Ok. That's the application for a building permit. Alright Charles. Go back to the microphone so we can get this on the record. For you ladies and gentlemen, these public hearings are recorded on tape because they are very much a judicial proceeding. You must be recorded and become part of the official record. Charles, this particular thing that you have here; the application for the greenhouses, has absolutely nothing to do with the hearing that we're in tonight. Now, we

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PUBLIC HEARING Continued

Supervisor Janoski, Continued

are going to forward with your original application. This public hearing is part of that original application procedure. There is nothing we, the Town Board, can do to stop this proceeding from going forward. You are the only one that can withdraw that application and submit a new application and have the process begin again. But this Town Board is bound by law to hold this public hearing to consider the matter of the Planning Board recommendation and all the evidence that we have and then to take an action and a vote. And that is going to happen."

Charles Hope, "Excuse me. I do not believe that under the present plans that I have now submitted, we should reverse or at least.... If I'm going to withdraw the present permit (request for a permit) and replace it with this plan which is only the reduction in the number of windmills which were proposed (which of course was the greatest controversy from the very inception) by also taking a very active look at what they had objected to. I said look. I'm going to be here in this town (hopefully) producing a lot of revenue in taxes as well as jobs. I would certainly like to be as cooperative in what I'm hoping to achieve far beyond what I believe that L.I.L.C.O. was able to do in these last 5 days. So let's consider that."

Councilman Prusinowski, "Mr. Hope. I have a question for you. There's more concerned here than just the number of windmills. Number one; are there any operating windmills of this venture type or the operation of this size anywhere in the east coast that you know of?"

Bernard Sterler, Babylon, "I can answer that."

Councilman Prusinowski, "Ok."

Charles Hope, "No."

Councilman Prusinowski, "Charles..."

Charles Hope, "There are 13 windmills in Riverhead. Two of them are of this type that we have proposed here. None of them have had any question as far as noise level but we have submitted to you a complete report that was costing the company about 4 or 5 hundred thousand dollars in obtaining this just for the purpose of making sure that everybody understands that the number of decibels evolving around this sound that was considered a noise nuisance of some type, can not be in existence. And since there have never been any record of anyone objecting to the noise of a windmill, I feel that they would be very understanding. That since we've reduced our number for the purpose even though the cost of the land is so extreme for what we intended to do with it originally. But again, I think they should consider the fact that we are in cooperation with the town in every respect."

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PUBLIC HEARING Continued

Councilman Prusinowski, "Did you buy the land already or are you in contract to buy it?"

Charles Hope, "No. We have purchased the land."

Councilman Artale, "Mr. Supervisor, may I? Mr. Hope, these 6 windmills that you want to put up there, are you talking about a prototype of a factory?"

Charles Hope, "No. No. Nothing that we're doing is on a prototype scale. There is no model. These are all actual models that are producing right now in California and the numbers are like a thousand of these windmills are already up and have been running for the last couple of years or more."

Councilman Artale, "What's your future plans now?"

Charles Hope, "My future plans (believe it or not) will be in other areas for the purpose of just wind generating where it would be more productive and less hectic for the town to refuse to accept."

Supervisor Janoski, "Are you talking about other geographic areas?"

Charles Hope, "I think we're going to look for a little area where we can put up those farms."

Councilman Artale, "Thank you."

Supervisor Janoski, "Charles are you finished with your part of the testimony?"

Charles Hope, "I don't know if...."

Supervisor Janoski, "The reason I ask you that is because if you are, I would like to recognize the gentlemen next to you."

Charles Hope, "Oh. Ok. Bernie Sterler."

Bernard Sterler, "I was only here...."

Supervisor Janoski, "Ok sir. Would you just for the record identify yourself."

Bernard Sterler, "My name is Bernard Sterler. I live in Babylon New York and I'm an engineer for United Solar and my expertise is windmills of which I have invested 10 or more years into. I particularly wanted to answer the question on noise but Charles has handled it pretty well. Obviously, the reports from Riverside, California which is over 2 thousand windmills which they tested over 2 years. All they could come up with is a decibel reading of 58. Noise has a number. You can call running a clock or artillery a number depending on what it is. Now, the gear box that we have now, the reason it came to a number of 6, we have 6 on hand. Or we have other ones that they could use that we could.... In other words, if they.... I doubt if the

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PUBLIC HEARING Continued

Bernard Sterler, Continued

people who raise the question on noise ever heard a windmill. They read it in the paper. There was no such a thing. You can barely hear these especially if I've got a browning gear box which we submitted which is what we use and 1 hundred feet away you can barely hear the windmills."

Supervisor Janoski, "Charles, (excuse me) did you say there was one operating in Riverhead."

Charles Hope, "I said similiar types. Not this particular model."

Supervisor Janoski, "I'm sorry to interrupt you but..."

Councilman Prusinowski, "But not for commercial operation. For private houses."

Charles Hope, "I guess you wouldn't say commercial. I don't know. Private homes, farms."

Bernard Sterler, "We have one for private homes. The town is as liberal as Riverhead is. Believe you wouldn't have had all the trouble with L.I.L.C.O. We have had so many requests for generating stations. They wouldn't have all the troubles they had in the past week with the lights going out. So if you have any particular questions, I would be happy to answer them."

Councilman Prusinowski, "Have you made application to any other town on the east end for this windmill farm?"

Charles Hope, "No."

Councilman Prusinowski, "You have not."

Bernard Sterler, "Not for a windmill farm."

Councilman Prusinowski, "Ok. Now the proposed reduction to 6 windmills, that is to do what now? To generate electricity for your farm's use."

Bernard Sterler, "For the 6 greenhouses."

Supervisor Janoski, "He's got to answer the questions now. He's on the record."

Charles Hope, "I thought since I was here..."

Supervisor Janoski, "Charles, hold on. Charles he is being recognized. He has the microphone."

Charles Hope, "But he's my engineer."

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PUBLIC HEARING Continued

Supervisor Janoski, "I can't help that. Either we're going to do it the way it's got to be done or...."

Charles Hope, "Ok. Fine."

Supervisor Janoski, "Ok now. Could you answer the question?"

Bernard Sterler, "What is that again sir?"

Councilman Prusinowski, "The question is; are the 6 windmills going to generate the electricity for your hydroponics farm and is it adequate?"

Bernard Sterler, "Oh yes. It will be adequate. These are good size windmills. They'll be adequate for this and I believe we'll have left over for extra storage and a little bit to sell back to L.I.L.C.O."

Councilman Prusinowski, "Then why in the beginning.... I didn't go to the Zoning Board of Appeals hearing and the Planning Board hearings. The noise thing was apparently brought up by some of the residents. Why did you propose 62 then?"

Bernard Sterler, "That was with the

Charles Hope, "No. I'll have to answer that."

Supervisor Janoski, "Ok. Listen. Could I explain something to you Charles? There's a little girl that sits at her typewriter who has got to listen to that tape and try to type out what she hears. Now, I'm not going to confuse her. Mr. Sterler has got the floor. He's got the microphone. Now if you would like to be recognized later, fine. But what I'm asking you to do is have some consideration for Nadia who has to listen to that type and type out a transcript."

Charles Hope, "Hold it. Hold it. I would like first..."

Supervisor Janoski, "Charles you do not have the floor Charles."

Charles Hope, "Well I'm requesting it."

Supervisor Janoski, "Well no you're not. Mr. Sterler has the floor. Sterler."

Bernard Sterler, "The original application for the 63 windmills (62 windmills) was for the very specific reason of financing and the fact that we had 14 acres of land. Now, our original computation was engineer-wise how much we could put on 14 acres of land. And where it is we figured 2 and a half to 3 windmills. Then again the cost of financing the project. To finance the greenhouses and the windmills for the tremendous cost, had to be a big number. It had to be a number that we could go to the Wallstreet people with to do it. In other words, to do it on a little basis, you couldn't.

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PUBLIC HEARING Continued

Bernard Sterler, Continued

This was the original computation. That's how it came. For the size of the land and the fact that the financial, it had to cover, it had to advertise itself over the number of units. A couple, 2 or 3 units can't do nothing."

Councilman Prusinowski, "So the 6 units now, you apparently can light up the financing and proceed?"

Bernard Sterler, "On a much smaller scale."

Councilman Prusinowski, "On a much smaller scale. Is that what you're telling me?"

Bernard Sterler, "Of course you know we lost out on the tax, on energy tax credit, because this thing has been dragged on since January."

Councilman Prusinowski, "I think that expires December 31st."

Bernard Sterler, "That's right. So the big thing we could have with all these windmills wouldn't matter."

Supervisor Janoski, "Thank you Mr. Sterler. Mr. Hope do you wish to be recognized."

Charles Hope, "Yes please."

Supervisor Janoski, "Now you must identify yourself once again and your address."

Charles Hope, "I'm Charles Hope, President of United Solar. For the purpose of identifying the reason for retracting the 62 windmills, we were delivering the power directly under the purple law which is required by utilities to buy back the power. And it was going to be a wind generating electrical farm. In addition to that, we were going to use some of the power because it was cheap enough for us to use, to have a profit from growing food hydroponically. It also was going to serve as a breeder factory for manufacturing photoable tape cells which would have been very productive for the town as well as profitable for us as well as job opportunities that would have been let from it. It will not reduct our opportunity to continue to build that plant but it will certainly will take some of the glory out of it."

Councilman Prusinowski, "Just one final question and then I'll stop because I've been intrigued by the story. Why did you pick West Lane, Aquebogue and what scientific data did you use as your basis for selecting this location. Because I remember talking to an engineer on Block Island and they just dismantled a 5 million dollar project that was funded by the Department of Energy. And they thought they had an excellent location and they

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PUBLIC HEARING Continued

Councilman Prusinowski, Continued

had a problem. I just want to know what data did you use to select West Lane, Aquebogue for this wind farm? Why West Lane, Aquebogue?"

Charles Hope, "I think some time in a year ago a few people had addressed the Board saying they had recognized a lot of wind blowing down that little path there. Over a couple of years ago we were testing around the Northville section and I was driving around seeing where most of the erosion took place in the trees. That's how you identify wind pockets, by the trees. The way the trees are eroded and the leaves are ripped off from the excessive wind patterns. You can't sit around and just put up wind data or equipment and monitors and come back and say; well there's a wind zone here. You just have to fool around and look. I started out in the East Marion section as you know and just keep working my way to areas where you have a commercial operation and industrial land which is the combination that we had to have. We had to have the wind and industrial (I guess you would call) zoning for it."

Councilman Prusinowski, "So in other words, there was no formal actual scientific report done by any consulting engineering firm or anything like that."

Charles Hope, "Oh yes. There was.... As a matter of fact, if you'd just check the report there, the flow meter from the department of energy that was given out by New York State Wind Energy report, they sustained the wind flow pattern and I also submitted that to the Board with my architectural plan a year ago to just identify that area. We have another report if you'd like to see that. We can submit that to you also."

Bernard Sterler, "May I say something?"

Supervisor Janoski, "Mr. Hope, are you finished?"

Charles Hope, "I'm finished."

Supervisor Janoski, "Ok. Would you like to get back on the record again? What's your name again so I can get it right?"

Bernard Sterler, "Sterler. S-t-e-r-l-e-r."

Supervisor Janoski, "Sterler. Ok. Mr. Sterler, once again you must identify yourself for the record."

Bernard Sterler, "Ok. We have an additional wind report from the airports nearby. You've got Westhampton. You've got Grumman. And just to answer the question that this gentleman had there, the Block Island windmills had special characteristics where they can only do a real good job on a 16 mile an hour wind. The ones we buy and the ones we build (I'm a builder of windmills) are made to give us adequate results at an average wind speed of

PUBLIC HEARING ContinuedBernard Sterler, Continued

12 miles an hour. That's the key. You see, ours are designed in a such a way that at a moderate wind speed at an annual average, we can get a good return on it."

Supervisor Janoski, "Thank you Mr. Sterler. Is that the conclusion of your presentation? Ok. Thank you. Is there anyone present who wishes to address the Town Board on this application? Who are you."

Unidentified Man, "Mr. Supervisor, I don't think you're following procedure...."

Supervisor Janoski, "Ok. Bill, in looking through municipal last week, I found that the procedure we were following previously that we can continue this public hearing and conclude it and then call the next public hearing even though it is scheduled for 8:15. Just so we don't have the hearing any earlier that it is scheduled. But I thank you for reminding us. Were you pointing at somebody else Mary Beth or do you wish to speak."

Mary Beth Andresen, Aquebogue, "I thought Bill wanted to speak first."

Supervisor Janoski, "Oh. Ok. Mary Beth do you wish to speak now? Ok."

Mary Beth Andresen, "Good evening. My name is Mary Beth Andresen and I reside at Church Lane, Aquebogue. I am speaking on behalf of myself this evening as well as Dr. Mr. and Mrs. Rogers who are away on vacation. Dr. Mr. and Mrs. Rogers live on West Lane, Aquebogue and had a trip to Europe scheduled at the same time this came up. They have been very actively following this because it is right down the street from their home. I would like to read the letter to the town from Mrs. Rogers.

Dear Mr. Janoski and Members of the Riverhead Town Board:
We strongly urge you to reject the proposed windmill project of Charles Hope for West Lane in Aquebogue.

Despite the fact that he now plans to reduce the number of windmills, we feel it is still entirely inappropriate for our area which is residential and agricultural in nature. The noise level along will be intrusive to our neighborhood. We wish to retain this rural way of life and feel it is not regressive but progressive to keep what has been enjoyed in the past.

Planning Board Chairman, Miles Fairley, was quoted in The News-Review, September 12th, 1985, as saying: "We just didn't feel it would be compatible with the area" during a hearing for this project, and we concur. This type of project belongs further west where other industrial section have been established.

We further urge the Town Board to read the editorial in The News-Review issue dated September 12, 1985. This states our case most eloquently.

Thank you for your kind attention.

Sincerely yours, Joan and Jerome Rogers."

PUBLIC HEARING Continued

Supervisor Janoski, "Could you.... You are going to do that. You're going to give that to the Town Clerk to make that part of the record. Can I ask you just one more question? How is my name spelled on that."

Mary Beth Andresen, "It's wrong. No. No. It's not. It's correct."

Supervisor Janoski, "Oh. You just said it wrong." You said "Janowski. That's ok."

Mary Beth Andresen, "Now, speaking on behalf of myself, I have with me petitions and I will read what the petitions state. That number 190 are most of the petitioners on this as you will see as you go through this, are from the surrounding areas of West Lane and Church Lane. Difficult to do because we don't have a lot of people in that area. Thank you. We, the undersigned are residents of Riverhead Township. We are very concerned about projected plans for the establishment of a windfarm on West Lane in Aquebogue. We strongly oppose it as an eyesore and noise producer that will lower the quality of life and property values. We are not opposed to the principle of energy conservation and the technology, but believe it would be completely out of place on a relatively small property in the middle of a residential and agricultural community. As you can see, it says nothing about the size or the amount of windmills. Mr. Janoski, members of the Town Board. My name is Mary Beth Andresen and reside at Church Lane, Aquebogue. Approximately one-half mile (via the crow) from this proposed wind farm. I've followed this proposal since its inception concerning Riverhead town. Mr. Hope has promised us a variety of ideas from turbine wind generators to propelor types, from hydroponic greenhouses to mobile trailers to house equipment, from no fencing and blending with the area to eight foot high chain link barbed tops and panning cameras. Really, I don't know what Mr. Hope's proposal does entail! And frankly, I think he has changed ideas throughout this past year as you can see this evening. Mr. Hope readily admits to never having any experience with regard to wind farming and sites limited site models as within his present operation. Harnessing natural resources I do agree has great merit. And after this last experience with nature's fury and finding our dependency growing on major utilities, I'm all for looking towards other means to make me less dependent as an individual. Mr. Hope's only reason for his wind farm is of pure profit for himself. He's not offering us an alternative to utility power. Site location for this proposal was poor at best from the start. West Lane is primarily an agricultural area with a dotting of residences and one small industrial complex. Sixty-five windmills of 75 foot in height on 14 acres will be a towering omnipresence for all around to see. Not something (gentlemen) I'm sure you would like to see from your backyard. We in Aquebogue are trying with great zeal and enthusiasm to protect our gateway to the North Fork by maintaining small family run business, farming, fishing, and pastoral tourism. No sirs. We don't need to see giant "erector sets" interrupting this serenity. Noise might also be a factor. A whirring of a small

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PUBLIC HEARING Continued

Mary Beth Andresen, Continued

house fan might be a sound listened to on a summer evening, but wind farm noise has been likened to the sound of a railroad train that continues to approach and never stop. This past unleashing fury of wind (hurricane Gloria) also showed me the strength that wind can do. At top speed nosed about 80 miles per hour the power lines (large metal standards) that L.I.L.C.O. uses, were twisted and bent like pipe cleaners. What would these towering uprights do with this type of wind fury? California i.e. the Paolo Alto wind farms never have to deal with hurricanes or tornadoes. I believe these propellers could act as missiles hurtling through the air. No gentlemen, I do not feel that Aquebogue should be availed to be the testing ground for a novice wind farm operation. The negative effect far outweighs any positive positions. And if it does fail, we surrounding it, will be left with the rusting possibly hazardous eyesore 75 feet in the air for all to view. Rather, (gentlemen of the Town Board) I would rather see you return any remaining industrial tracts not presently being utilized within Aquebogue and Jamesport back to an agricultural zoning."

Supervisor Janoski, "I will recognize anyone else wishing to be heard on the application. I see a hand way back there."

Barbara Raynor, West Lane, "I would just like to ask Mr. Hope if he would kindly come to my front yard and remove this horrendous rotor that blew three-tenths of a mile north on West Lane and slammed into a tree on my front yard. Because it is too large for me to remove. Since the beginning, my main concern safety. In any wind of anything, a loose part on one of these windmills 75 foot up in the air, (whatever) and it showed me the other day that this huge thing coming down the Lane. And if the tree wasn't there, it would have smashed into my home. I don't think it's a good idea to be anywhere near any residence or any road where there's a lot of traffic. It just was a very harrowing experience. Thank you."

Supervisor Janoski, "Did I see another hand in the back there? Is there anyone else who wishes to address the Board on this? Steve. Ok."

Joe Schreiber, West Lane, "I live on West Lane too. In other words, he put this thing there on the property, never cared a bit about it. I don't know where the other half of it is. There's another half missing down the road somewhere. I don't know who's got it or where it went. If he can't control one windmill, he surely don't need 6."

Supervisor Janoski, "Thank you."

Steve Haizlip, Calverton, "There's a lot of words that I understand but I don't understand hydroponic. What is meant by that word and how is it used? Maybe some of the other people know and maybe a lot of them don't know and I'm asking for them."

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PUBLIC HEARING Continued

Supervisor Janoski, "Well that's a good question Steve. Hydroponics is the growing of vegetables, foods in a liquid base instead of earth which has nutrients mixed into the liquid and it's done in a greenhouse kind of process."

Steve Haizlip, "Ok."

Supervisor Janoski, "Hence comes the word hydro. Mr. Kasperovich."

William Kasperovich, Wading River, "I guess tonight I should say from Wildwood because so many of my neighbors are here tonight. When we have a public posting in the paper and elsewhere that a public hearing will be held, I take myself to the Town Clerk and ask for whatever information has been made available to the public. This is I feel is correct and proper procedure. Now, we spent considerably time here in discussing a project. And yet, in the Town Clerk's Office, there's nothing for the public. Now, I hold you gentlemen accountable for this situation. I have been hearing these two men speak; Mr. Hope and Mr. Sterler. I'm more confused on what they want to do and what they want to develop then I was before I got here. Now, how can the public give any intake when you don't give the public the information that is filed with the request for a special permit? You have been remissent in this procedure and I call you down for it....."

Supervisor Janoski, "Excuse me Mr. Kasperovich. Excuse me Mr. Kasperovich."

William Kasperovich, ".... that there was nothing in the Town Clerk's Office for the public....."

Supervisor Janoski, "Excuse me Mr. Kasperovich. Mrs. Town Clerk, do you have the application of the applicant in your file?"

Irene Pendzick, "Yes I do."

Supervisor Janoski, "Do you have all the information that he has submitted as far as part of that application?"

Irene Pendzick, "Yes I do."

Supervisor Janoski, "Is he required to submit anything but that for this process to go forward?"

Irene Pendzick, "No."

Supervisor Janoski, "Thank you."

William Kasperovich, "Is the Town Clerk now our legal advisor?"

Supervisor Janoski, "She knows what's necessary."

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PUBLIC HEARING Continued

William Kasperovich, "When I have repeatedly year after year come to her office, she throws her hands up and says; I don't know. They don't give me any of those papers. Now all of a sudden she's got everything that's required."

Supervisor Janoski, "Bill. The man has made an application for a special permit. What he produces as part of the application, is his business. If he wants to provide pictures or testimony and he submitted some things this evening. But what he is..."

William Kasperovich, "Not at a public hearing. If you gentlemen see these documents for the first time, it's definitely out of order for a public hearing. This might be alright in your office but not in this auditorium where the public is invited."

Supervisor Janoski, "Mr. Kasperovich. You know..."

William Kasperovich, "You don't like the criticism and you want to find some reason to go back in your office,..."

Supervisor Janoski, "I love criticism Mr. Kasperovich. Now,... When... Mr. Kasperovich, I am trying to say something. Please stop interrupting me. Mr. Kasperovich, you, week after week, stand up here and criticize us and I think that's fine."

William Kasperovich, "That's an untruth and there's no reason why I shouldn't interrupt you."

Supervisor Janoski, "What I am trying to say is that there is an application for a special permit. The man doesn't have to do anything but put in that application for a special permit. How he makes his case is up to him. There is no need for him to bring anything that he has just brought in there this evening. This, even. What I'm saying is; that he has done what he had to do by the law for this public hearing to be held. Now what that's a criticism of me and my fellow Town Board members, I don't understand. It is up to him to present whatever information he wishes to. We have nothing to do with it except to call this public hearing this evening to have people like you tell us what you think of his proposal. Now, it is not our fault that he has provided information for you to know more about the proposal. We are not making the application. He is. All we do is set the time and the date for this public hearing. And after it's over, to review the information that we have before us and make a decision as to whether to grant or deny that special permit. We are not the applicants. He is the applicant. And I quite honestly, become annoyed when you criticize me for his failure to provide information. It is not our job to do so. It is his job. Thank you Mr. Kasperovich."

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PUBLIC HEARING Continued

William Kasperovich, "You are going to defend yourself with all the words you want. But the public can not respond to something they hear for the first time in one evening. The public...."

Councilman Prusinowski, "Hey Bill, guess what?"

William Kasperovich, "Don't interrupt sir."

Councilman Prusinowski, "We can't... Wait a minute."

William Kasperovich, "Don't interrupt."

Councilman Prusinowski, "No. No. Wait a minute Bill."

William Kasperovich, "Don't interrupt. I listened to the Supervisor and now I want to have my rebuttel to him. To me it's an insult to the audience to conduct a public hearing of this order. You can't expect us to respond to you on what has not been made public official documentation. And you do not give the public the opportunity to come here fully informed and with any research or information that they have on hand or can get for themselves to put forth to you. And nobody has ever come up to me and said; Bill, you set up there before the Town Board and you're wrong. No. But you're sure quick to say; wait. You're criticizing me. Well buster, you're wrong."

Supervisor Janoski, "Does anyone else wish to address the Town Board on this application?"

Alberta LaHommedieu, West Lane, "My property is directly across the street from the proposed wind farm and my family and I have lived there all our lives and farmed and it's been a very quite and lovely neighborhood and I just don't want the windmills this close to me."

Supervisor Janoski, "Thank you. Yes sir."

Ken Zahler, Union Avenue, "I was standing, listening to everything that's been said so far and one thing that nobody has addressed is just how high 75 feet is and what 75 feet actually looks like. I just built a new house on Union Avenue and had to keep it to 35 feet exactly because my original plans were turned down because it was 35 feet 9 inches. So we redid the plans and it was done at 35 feet. You can see my house 35 feet high from Route 105, from the intersection 105 and Northville Turnpike and you can make out the "couplas" on the top of the roof from Sound Avenue and I'm 35 feet. Do you know what 75 feet would look like? Do you know what 6/75 foot things would look like? And we don't have hills and mountains here on Long Island. You're not going to round a bend and suddenly see a 75 foot tower. You're going to see it forever. No matter where you are."

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PUBLIC HEARING Continued

Councilman Pruisnowski, "Ken, how high do you think that steeple is in Aquebogue on the church there?"

Ken Zahler, "That's probably about 60 I would say."

Councilman Prusinowski, "Right. And we can see that pretty much afar."

Ken Zahler, "Yeah. If you're in a boat, you can see that from the water. That's all."

Supervisor Janoski, "Ok. I was waiting for you Richie. I say you there earlier this evening."

Rick Spanburgh, Union Avenue, "Relatively, I feel that the people putting up the windmill can save about 5 million dollars if they harness the wind energy from Mr. Kasperovich and utilize that wind to make..... Thank you."

Supervisor Janoski, "Thank you. Is there anyone else present who wishes to address the Town Board? That being the case,.... Oh. Wait a minute."

Mary Beth Andresen, "If there's no one else, I would just like to say one more thing."

Supervisor Janoski, "Well certainly Mary Beth. Wait a minute I see another hand."

Councilman Prusinowski, "Oh, we forgot Wally Binger the Mayor."

Supervisor Janoski, "Are you the Mayor of Aquebogue?"

Walter Binger, Main Road, Aquebogue, "Yes sir. I'd just like to say; I came into Mr. Hulse's meeting tonight and more or less with an open mind about this because we know we need development of new energy resources and we all don't like paying a heck of a lot for oil, especially me. But I do believe that what I heard tonight is turning me around quite a bit and closing my mind to this operation. One thing I'd like to point out is that I don't think 58 decibels is exactly a whisper. Ok. Now. Mr. Hulse has pointed out (or his engineer Mr. Sterler pointed out) that it was around 58 decibels. I also believe the windmill was proposed and was not the type that I saw in the picture in the pamphlets. Now, the pamphlet that John had lifted up earlier in the evening from Mr. Hulse showed the type of windmill which is in California which are strictly wind farms. I mean they're made to make money for tax advantages and they're for big buck people to invest in and get their money back over the long run I guess. But I don't think it's necessarily what we're looking for in industry for this town. If that's the windmill we're proposing, that is not what I had thought he had in mind. Ok. What I thought was the turbine type of windmill. That was the original interpretation that I took on my own."

PUBLIC HEARING Continued

Supervisor Janoski, "That was a proposal at one time."

Walter Binger, "And I am a little disappointed in the 75 foot height that did go through. I thought that this was a little bit excessive and the 62 windmills were ridiculous but now we have lowered it to 6. I don't understand the proposal. We have lowered it to 6. We're calling it hydroponic farm. We're still at 62. I'm sorry. Ok. I stand corrected. I understand. I stand corrected. We are at 62. This is the meeting for the 62 windmills which is ridiculous. We all know that. Even Mr. Hulse knows that. A hydroponic operation is not a money making operation. So I hate to keep twisting in a hydroponic greenhouse and a farm into this. Let's stop. I'm a farmer. I get out in the dirt and I'm not in behind my office with a suit and tie and say I own a hydroponic farm. Alright. Hydroponic farms loose money. Cornell research will be the first one to tell you up there. They're losing money on there. They've tried it for years. They were the first to try it. I'm going to sum it up. I basically closed my eyes to this extensive idea of a huge or any type of wind farm operation in Riverhead. It's not going to give us what we're looking to bring into Riverhead. I do understand that the industrial zoning is there. It's a left over zoning prior to the residences now being built around there, prior to the Town Board who is now sitting in front of us who is trying to bring the zoning back into some sort of Master Plan which will work. That's a left over zone. It's one that the Town Board has not attacked as of yet. I assume they will and I'm sorry that this operation has proposed and has expended their money to buy land that is industrial which he thinks (but) it can be made fine but I don't believe it's what we're looking for in the new planning of Riverhead. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else wishing to address the Board who has not yet spoken on this issue. That being the case, Mary Beth, I recognize you again."

Mary Beth Andresen, "The only thing I want to understand in my own right was; I was at the original meeting when Mr. Hope went to the Zoning Board of Appeals for his high variance and he was granted that variance. It was delayed and then with some information which he had gotten, he was given the variance and I thought it was a matter of Town Code and Mr. Ehlers could probably tell me this; that he had one year from that date to go about getting a public hearing and obtaining a building permit. I know as of this time, that year is up and he has not gone back. I know it would be just a formality procedure to go back. So how can we in effect even hold this? He would have to start to from step one again. Maybe I'm wrong. I don't know."

Richard Ehlers, "The hearing tonight is for a special permit for the 62 units."

Mary Beth Andresen, "Right."

PUBLIC HEARING Continued

Richard Ehlers, "The information which he brought along tonight is just information. It's not really a permit application because you can't make a permit application during the middle of a pending procedure. If the Town Board were to conclude that the special permit should be granted for the 62 units, it would contain conditions. Amongst those conditions would be such things as the height. Maybe it wouldn't be at that height. Maybe it would require a new variance. So the Board can consider the application because it's been made. But it wouldn't been the end of the trail for him by any means as you pointed out."

Mary Beth Andresen, "That's what I wanted to know. Right. Because of the misplace in legal proceedings because he would have to then go back even it might just be a formality structure, you would still have to go back."

Richard Ehlers, "It wouldn't be a formality.. It would be a renewal of the application at this point...."

Mary Beth Andresen, "And a Planning Board renewal at this point if he goes for 6. A change of that."

Richard Ehlers, "Right. The Planning Board..... A special permit application that was brought was for the 62. That's what the hearing is about tonight. He's offered a compromise which is not uncommon at Town Board meetings for applicants to come and offer compromises but he can't amend that application. The application is for 62."

Mary Beth Andresen, "Ok. And I think I would just like to say to Mr. Kasperovich; if you had been following it as long as I have, you would be well aware of what was going on here this evening and I'm sorry that you weren't at those Planning and Zoning Board meetings. They were quite a lot of interesting meetings. Thank you."

Supervisor Janoski, "Thank you Mary Beth. Let me just ask one more time. Does anyone wish to address the Board? Do I see your hand up. Ok. Yes sir."

Joe Schreiber, "As I recall correctly in the paper, there was a case that Mr. Hope sue the town if he did not get this situation tonight, get the windmills or whatever it was."

Supervisor Janoski, "I believe very little of what I read in the papers."

Joe Schreiber, "Well, that's what it was. It that was the case, why can't we sue the town too if they come?"

Supervisor Janoski, "You certainly could."

Joe Schreiber, "They're trying to deface our property."

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PUBLIC HEARING Continued

Supervisor Janoski, "Everybody likes to sue the town. You could certainly."

Joe Schreiber, "I mean if he's going to do it, why can't the rest of us."

Supervisor Janoski, "Sure you can. Thank you. Is there anyone else who wishes to be heard at this time? That being the case,... The Town Clerk just read something that's very true in this business. That we're damned if we do and damned if we don't. I will without objection, close this public hearing and I'm sure you will understand if I declare a short recess until 10 minutes past 9."

8:05 PUBLIC HEARING CLOSED AT 8:57

TOWN BOARD MEETING RECESSED AT 8:57

TOWN BOARD MEETING RECONVENED AT 9:15

Supervisor Janoski, "...for the Water District extension in the Wildwood area of Wading River. I have asked the council and representatives of the other applicants who are on the agenda tonight asking if they wouldn't mind if I called that public hearing next. They have agreed. So that we will now indicate that the record shows 9:15 p.m. and we will start the public hearing for the increase and improvements of extension (I'm sorry. I'm looking at...) 33 in Wading River. The Town Clerk will please read that notice of public hearing."

PUBLIC HEARING - 8:35 p.m.

I have affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, October 1, 1985 at 8:35 p.m. at Riverhead Town Hall, to hear all interested persons regarding: The Establishment of the Proposed Extension to the Riverhead Water District, Extension #33 in the area known as Wildwood, Wading River.

(See Water District Minutes)

8:35 PUBLIC HEARING CLOSED AT 9:59

TAPE ENDED

Supervisor Janoski, Let the record show that the hour of 10:00 p.m. has arrived. The Town Clerk will please read the notice of public hearing scheduled for 8:15 p.m.

PUBLIC HEARING - 8:15 p.m.

I have affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, October 1, 1985, at 8:15 p.m. at Riverhead Town Hall to hear all interested persons regarding: The Special Permit Application of Victor Pafundi to construct 20 condominium dwelling units on Front Street, South Jamesport.

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PUBLIC HEARING Continued

CORRESPONDENCE:

Planning Board, 9/10/85
Recommending that the application of Victor Pafundi be approved.

Supervisor Janoski, Thank you. Is there anyone representing the applicant present? Priscilla.

PRISCILLA CORKREY ATTORNEY REPRESENTING VICTOR PAFUNDI
SUBMITTED DUNE ENHANCEMENT PLAN FOR THE RECORD.

TAPE BEGAN

Priscilla Corkrey, Attorney, "Each unit would have two bedrooms, a living room, a dining room, a kitchen and a bath. In addition, the larger unit would also have an area as a sitting room. The development plan also calls for the preservation of the natural plantings at the site. Additionally, we would create additional plantings that would be necessitated by the development there. As you will see on the plans in front of you, there is also proposed a dune enhancement program. What this entails is an affirmative program of planting and buffering to preserve the dunes that are there and also to protect the dwelling units from the effects of any weather, storms that may occur. The subject parcel is the site of an old hotel. I have a photograph here of the building that was on the site for many years. I'll bring that up at the end of my presentation. To the east of the site is the Motel on the Bay. To the west is a parcel which is zoned industrial. Additionally, to the north is a veterans home. The neighborhood is of scattered commercial use and residential development. The proposed use of the area is residential as indicated on our development plan. The business district is business A which is resort business. We are a special permitted use in that district. I consulted the master plan to identify what the master plan goals would be for this area. The property is located within the urbanized development band which indicates the intensive development with the town's boundaries. Additionally, for the business A zone which this property is, the master plan foresees an evolution of that zone into two separate types zone. Multi-family residential or a marine business. The multi-family residential would allow dwelling units of up to 10 dwelling units per acre. Given the neighborhood and the surrounding area, it is believed that the residential use for this property is much better than a marina use or a restaurant use or something of that nature. Commercial or business. We have been to the Planning Board as has been indicated and they have recommended approval. Additionally, the D.E.C. has filed a notice of complete application which has been published. The Conservation Advisory Council has received our application and this dune enhancement program which is in front of you. They will be making recommendations based on that and the D.E.C. If there are any questions, I'm here to answer them. Also, we have the architects renderings of what the units would look like which I'd like to bring to your attention at this point."

PUBLIC HEARING Continued

Donald Denis, Architect, "This is a color presentation showing the typical elevation of one of the buildings."

Supervisor Janoski, "Why don't you show the people in the audience."

Donald Denis, "The wood frame buildings (slab on gray) each would have a private deck area with backs on it towards the pool. We're thinking about siding the buildings with either national shingles or cedar siding which would be stained. The plot plan.... The proposal is to build 5 buildings. Each with 4 units with a pool in the center. A deactivation system for sanitary would be located here. There would be parking around the perimeter. This would be the enhancement area that Priscilla was talking about. The sanitary would be in the center and the water system would be up and along this road here which would have to be all parking. If you're interested, the plan of a typical unit there are two types of units. Unit A and Unit B. Unit A is about 13 hundred square feet. Unit B is 11 hundred square feet. The B units would be the typical interior units. The A units would be the typical exterior or end units. They would all have 2 bedrooms. The larger ones would have 2 baths, living room, dining room, kitchen."

Councilman Prusinowski, "How big is the A unit?"

Donald Denis, "The A unit is 13/20 and the B unit is 11 hundred square feet. This is the first floor, second of one of the A units. This is the first floor, second floor plan of the B unit. These are the interior units. They would have common walls with the adjacent units of the A's. There would be two B's together with an A unit. Then (of interest) I came across this photograph by talking to a friend who said interestingly, this is the property of Mr. Luce whose wife Arlene's family use to own this hotel. It shows a three story wood structure. The bulkheading still remains along the water. There was a bath house and a pavillon out there on the edge. There was a water tower and a couple of service buildings."

Supervisor Janoski, "What year did that come down?"

Donald Denis, "I don't really know."

Councilman Lombardi, "1948."

Donald Denis, "I think the photograph is probably around 38 vintage."

Unidentified Man, "That hotel has been down about 40 years or more."

Priscilla Corkrey, "If I could just sum up at this point. As the plans do indicate, the development is concentrated along the perimeter of the property and away from the bay side. The dune enhancement area is projected for the bay side naturally. So that that will be preserved. Additionally, there had been some question regarding the water. A test well had been dug about 1 hundred yards to the west of this property and the water came up a good quality. Thank you."

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PUBLIC HEARING Continued

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William Forth, S. Jamesport, "I live across the street from this proposed project. We just got finished talking about water. I wonder how much water they are going to draw for the 20 units. There's something like 4 thousand gallons a day. What are we going to use? As far as building a marina or anything that's a threat of building a marina, that water is too shallow. They tried it years ago. That building was taken down in '48 that they were talking. I'd rather see the top of the trees than 35 feet buildings up across the street from me. But I'm only 1 person. There's a lot of other persons here that feel the same way that I do. I can't see anything good coming of it because with so called condominiums you've got transients coming in the summer and they rent them out or give them away to their kids or whatever and you have problems. Twenty families means 40 cars at least in a quite peaceful neighborhood. This is not going to be a peaceful neighborhood anymore. This is out. And as far as a wood structure, you know what happened to a wood structure in the last storm because I live 1 hundred feet from the water right off of Peconic Bay and I was in all the storms that had happened the last couple of years. But I can't see any good coming from this place for the neighborhood. Nothing progressive. It's an old neighborhood. You're going to put everybody else out of step and this is going to be in step or are we out of step and they're in step. I don't know. That's all I've got to say."

Supervisor Janoski, "Does anyone else wish to address the Board on this proposal? Yes sir."

James Farley, S. Jamesport, "I'm a little dry. I've been here for 2 hours. I am at 252 South Jamesport Avenue. I live next door to the veterans home on the east side of the street. The veterans send their regards. They couldn't make it. Bus service is tough. I just want to open and say that I'm here speaking primarily for myself and perhaps I will provide some insight to you of those of us who have moved into South Jamesport in the last couple of years and who have been purchasing the older homes and trying to redevelop the old avenue. Hopefully back to it's old splendor with whatever moderate innovations we need to make it feasible. I took it upon myself to go down to the Town Board and you might be glad to hear this, and get the information. So I will attest to the fact that certainly the information was available. Although in terms of these color renderings, that wasn't available but it's good to see them here today. So I would just like to make some observations with both the petition and the environmental assessment statement which I read and then I'd just like to draw some conclusions from that. To keep myself brief, I'll highlight my observations with respect to the two documents and I hope that you will note those in your review and use them to derive a conclusion. With respect to the petition, in terms of existing commercial activity in South Jamesport, I would say that that's virtually nil. The Motel on the Bay offers a commercial activity which is multi-residential in nature. I note that the town did once (in fact, if I understand the paper correctly) turned down a permit application for condominium use of that hotel. I would recommend that that refusal would stand no matter what should transpire at the end of this hearing or any decision. The other thing I found interesting was this

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PUBLIC HEARING Continued

James Farley, Continued

urbanized development banc concept with respect to the Town of Riverhead which is apparently in the master plan. I've not had the opportunity to review the master plan and so my knowledge of it is really limited to Mr. Pafundi's petition and the comments made there. The multiple family intent was made under language which is not always very clear to me upon information and belief or something like that. I don't know whether that means it's a stated fact or whether that's what the attorney thinks the 'damn' document ought to say. I think the latter conclusion is really what it belongs to. Multiple family intent, perhaps, and I think that you may ultimately get there. Where I don't know. But the zoning isn't multiple family yet. It's part of a master plan. And so it's well that you'd take this project under serious advisement before you make any significant changes to the area because you will then begin to implement plan changes before the zoning perhaps. I found it interesting the reference to what we call "mrv" which is the 10 units per acre if I understand correctly. Please correct me if I'm wrong. And the "mra" which is 5 units per acre. A nice reference... I don't know if it's directly relevant because it seems to me that that makes the applicant somewhat presumptuous as to what the master plan ultimately is going to be. That zoning hasn't been enacted yet. I'm drying up here as you can tell. With respect to the environmental assessment statement. There are some comments made in there with respect to the project site. Please take my comments here with a grain of salt. I understand that there are probably technical considerations as to how one responds to the question and I don't wish to state for the record that perhaps the applicant was mis-stating a truth or a false answer. I wouldn't know. But in terms of the property bordering certain elements for recreational area, the answer; No. We all know that the point there (I think it's called Miamogue Point) has been a recreational area for years, number one. Number two; does it border an environmental area? Yes, no. I say yes. Number one: the swans in winter are lovely. I doubt anyone living in one of those residences would drive them away with enough bread. But the terns and the terns' nests which I think you've all read about in the Long Island Watchman and some of the other local papers, which everyone was very happy to see, would perhaps be threatened. It ought to be considered. As for open space, the point is the only open space in South Jamesport. If I understand the photo shown to us here tonight and if I understand the history behind the founding of those motels and inns and the old democratic party and Al Smith and the grand years of South Jamesport, then there really are historic buildings there and they should be considered. Fishing; definitely fishing at the point. This year was a bad year. We all know that. Scenic; absolutely scenic. A great place for a walk. As for endangered species; I mentioned the terns earlier. Two sensitive topics. The well water. Four thousand gallons per day is sensitive to us all. I mean, it was almost... I find it... I can't think of the word right now but the fact that the well water issue came up before us is an interesting point. The septic; I like the idea that they can build a safe septic plant (perhaps) in there. But we're talking about a flood plain. Even in this storm that just passed, the water got to Front Street. In

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PUBLIC HEARING Continued

James Farley, Continued

March of '84 when we were there and we're two houses back and 10 inches of water on the property. My conclusions. We all want to rebuild South Jamesport. There are others like me in the audience. We want to contribute to the tax base. We want to rebuild it. I have some serious reservations about how we do it. We don't want to change the character of the neighborhood with multiple family dwellings in the scale suggested. It may be just too large but that should be seriously considered. by the Town Board. Now, a little food for thought. This project by special permit, to me, seems to be inconsistent with the way zoning matters in South Jamesport have been handled for years. It's very interesting that existing taxpayers have got to go through a variance hearing with the Zoning Board and prove hardship. And yet someone who just moves into the neighborhood to develop, goes to the Town Board just for a permit. Now I don't hear hardship as a discussion point here. Clearly there is economic feasibility involved which is the developers concern. But I find that contrast interesting. I just think that the town's present approach for the taxpayer to get something done in South Jamesport is the way the developer should be viewed as well. You don't get prior guidance. You submit a complete plan. And I think after seeing the drawings tonight, we've gotten it. And then it will be accepted or rejected. I'm just concerned that a number of us here tonight are not sure whether the whole town has really got their hands on the fact that this is going to happen yet. The notices were mailed (as I understand) to certain people within a certain range of the project. I'm not sure if that's sufficient."

Supervisor Janoski, "Let me just say that your 5 minutes are up."

James Farley, "Oh. I thought that was for the gentleman earlier. I mean I only get here once every two years Mr. Supervisor."

Councilman Prusinowski, "I wish you would come more often."

Supervisor Janoski, "I do want to say something. It is a pleasure to have someone make a really great presentation."

Councilman Prusinowski, "It made sense too."

Supervisor Janoski, "The Town Board did pass a resolution limiting speakers at a public hearing to 5 minutes and I've got to do it to you."

James Farley, "Can I just conclude?"

Supervisor Janoski, "I wish that you would."

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PUBLIC HEARING Continued

James Farley, "So in my opinion and it may not be the opinions of others here, we welcome the development but I think we ought to have a little more real constructive input into the way this project is going to develop. I think there's too many units right now and I don't want to create a flood gate of development down in South Jamesport. The north fork is a recreational space. But there is a big difference between us and the south fork. We don't have ocean beaches. We've only got bay beaches. And with the other development further up the road around the railroad tracks and Mr. Mohring and everyone else, we're really beginning to draw on the area. And the size of the project should be considered seriously."

Supervisor Janoski, "Before you run away, I wanted to ask you a question. One of the things that you pointed out and I recognized it as true, is that you folks out there are doing a very nice job in bringing South Jamesport back again and this property is probably the last vacant space out there. But happens to be private property. What would you like to see happen?"

James Farley, "Well, there have been some limited discussion and we've not taken it to a Town meeting level and I can't speak for the economic considerations of everyone in the town. But the thought I'll put forward is something that fellows like the Hallocks who have been there for generations consider a viable alternative would be to purchase the land on a collective basis. Somehow deeding the beach rights not in a strictly private fashion but in a semi-private fashion in manner which would just provide us with the little open space that we would like to have at the end of that lovely lane and the whole town would benefit from it."

Supervisor Janoski, "You know. I really mean this sincerely that is a pleasure to listen to you and so often people come up to that microphone and tell private property owners what they should do with their property. And you have come up with what is the single only answer and that is that you are considering, in conjunction with other people, of purchasing private property. And I thank you very much for your excellent presentation."

James Farley, "You're welcome."

Supervisor Janoski, "Is there anyone else present who wishes to address the Board on the matter of the application of Pafundi? Yes sir."

Dan Marshall, S. Jamesport, "I couldn't add very much more to that excellent presentation that was made. But I would like to voice exactly the same things that that gentleman said. I'd like to add a few other things. One is that site is like a bow of a boat coming out of South Jamesport. It's not only the last space that we have left, but it's also the most dramatic. It's the first thing you see. You see it from three sides. So whatever you put there even if it was something extraordinarily beautiful, which I'm afraid to say that I do not with all respect find that we are seeing it as of today. You would see it dramatically so. I would also like to point out that to build a beautiful condominium, is

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PUBLIC HEARING Continued

Dan Marshall, Continued

a very difficult thing. We've all seen them all over the north fork and the south. Even though they're very well designed, they look like they landed from another planet. I would not like something to land from another planet on South Jamesport. I'm being facetious but I'm really making a very serious point."

Supervisor Janoski, "Yes you are."

Dan Marshall, "I would like to suggest that maybe, it's the same idea that one of my neighbors suggested, perhaps we could make some collective bind on that space. Perhaps even in conjunction with the city so that it would indeed be some sort of public use. I would far prefer that to any...."

Supervisor Janoski, "Yes. If you would sir please. Don't worry about them. They're listening to you."

Dan Marshall, "I also feel that if there was any danger that the Board might say yes, then I would with all respect, suggest that we have another hearing where we have more information. I would like to know.... You know we hear about water being drawn out in 4 thousand gallons. I'd like to know really seriously what does that mean to the neighbors around there? I think that's a very serious point. I mean I have well water there myself and it's touch and go sometimes. I also would like to know about the birds, the terns and the swans. It seems a minor point but it's important to all of us."

Supervisor Janoski, "Not to the terns and swans it's not."

Dan Marshall, "I know. Well it's very important to me. The other thing is that there has been some talk made that there are other commercial properties around. Jamesport is really basically victorian houses. There are some new houses but they're only one floor and they're hidden by the trees. So once again, the general feeling is still of a very old town, a very peaceful old town and I really intrigue us all to keep it that way. All of us say; yes. We must do it but inch by inch we let it not happen and I do hope this is one case where it would not be so. Thank you very much."

Supervisor Janoski, "Thank you."

Bill Stillwagon, Main Road, Aquebogue, "I feel it would be premature to close this hearing without having the input from the D.E.C. I would hope that you would re-open this hearing at a later date after we had that information so that citizens could come forward and state their peace with that. I have quite a bit of (semi) knowledge about South Jamesport. I know if I dig six feet, I hit water. I don't know what effect their cesspool would have on the water table or the aquafer. I don't know which way it flows down or if it flows across. I do know the area floods tremendously. If anybody would like to speak to John Rolle about that, he would fill your ears for 15 or 20 minutes just on that fact alone. The flooding is a major problem especially with sewage contained right up next to the shore like that and I wish you would have another hearing again on this subject before you make your decision. Thank you."

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PUBLIC HEARING Continued

Supervisor Janoski, "Yes sir."

Jack O'Shea, 391 Point Street, "I live up the block from the project we call it. Presently the parking situation down there is no parking by permit from May 15th to September 15th. There's approximately 7 or 8 parking spaces on Front Street to the water and this is used by residents all the way back to Second, Third, Fourth Street up to Peconic Bay Boulevard. What is going to happen to this beach? Who's going to be allowed to use it? The kids that are riding down there on their bikes now since 1947 or '57 or whatever? The people that are driving down there now and parking? Who's getting into this perimeter down here that this parking is going to encircle. Are they going to be shut out? They just put in on Peconic Bay Boulevard between Church Lane and Doug Lane, they're going to have 48 one acre housing sites. That's approved. You can't get into this South Jamesport Town beach on a weekend. There's no parking out there. These 48 houses plus all the other houses that's being built down there are pushing the people off the beach. And I'm sure that these people who went for 2 hundred thousand for a condominium are not going to want these kids running down there on their bikes. They don't want the people from Fourth Street, Third Street, coming down and parking on this property that they own. That is a consideration. They've been using that for many many years and I don't know if there is squatters rights or anything but it's going to be a problem. Thank you."

Supervisor Janoski, "Bob."

Robert Pike, Sound Avenue, "Good evening members of the Board. My name is Robert Pike. I'm an attorney with offices at 155 Sound Avenue in Baiting Hollow. Jeff Hallock called me about 4 hours ago and expressed a desire that I come down and evaluate the site plan and offer you some generalized comments. At the outset I realize that what the Town Board can do at this point is limit it to the zoning law and that the D.E.C. has concurrent and perhaps more important jurisdiction in some of the concerns that the people here tonight have raised. They ought to stay on top of that process as well. In particular it's very hard to evaluate the potential for flooding at this site other than that most people know that the site floods quite consistently. I think you would find that it not only floods from on shore flooding but that there is a storm runoff situation where that if you built up the area to a suitable elevation for these condos, that you would eventually end up blocking storm drainoff from on land and that would create a problem for the neighbors that they might not have anticipated. Secondly, despite my learned colleagues analysis of the master plan and the urbanized development plan that's contained in it, there was not one iota of reference to the state coastal zone management act which the Town of Riverhead has undertaken to begin to analyze. And on that reason alone, I think that the hearing ought to be kept open until such time as both the neighbors and the applicant would be given an opportunity to evaluate the project relative to its compliance with the proposals contained in the coastal zone management plan for the Town of Riverhead. Third; the usual rubbing point of most projects of this sort, and I think that you'll find that some of the neighbors, to the

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PUBLIC HEARING Continued

Robert Pike, Continued

extent that they come to the conclusion that they are not willing to buy it might be willing to see some limited development in the area. But the primary question would be at what density. You have a residential area primarily. I heard that the property to the west was industrially zoned and that boggles the mind. I think it's beach. But the density of the project is clearly a critical one. I'm guessing now, not having researched it. But I would imagine that most of the parcels in that area are around the quarter acre level which is 4 units per acre. Not the 10 envisioned by this application. So that if they're truly interested in developing this site in a way consistent with the existing neighborhood, that a development at that sort of density or 8 or 9 units depending on the actual size of useable land on the parcel is, might be more consistent. Finally, I would ask you to consider imposing a complete analysis on how much of that land is actually useable. The maps that you have been presented analyze the useable space based on the mean high or mean water. I'm not sure. You might find that most of this property is a literal zone. I do not pretend to research that yet but if it is, the setbacks and far as D.E.C. is concerned, are going to have to form the edge of that wetland line. And it would be very interesting for your purposes to know where the D.E.C. is going to consider the edge of developable property to be and the 75 foot setback from there. Again there is no representations on the record about that. So in order that the application proceed in an orderly matter, it seems to me that some coordination between the D.E.C. procedures and yours might be in order to the extent that some request for keeping the hearing open for that reason. I would reiterate then and again I think it's very important that the town's efforts in coastal zone management not be laid waste by this project. Again, Jeff just got in touch with me and we'll be looking at the possibility of intervening in the D.E.C. hearing but I thank you for taking a look at the sorts of questions that they would look at in that process. Thank you."

Supervisor Janoski, "Is there anyone else who wishes to address the Board on the application? Are you still here Mary Beth? I thought you left."

Mary Beth Andresen, "We have no lights."

Supervisor Janoski, "Well, if you don't know what to do when there's no lights, I can't help."

Mary Beth Andresen, "I just have a couple of comments. I would like to agree with Bob Pike's proposal and one of the other gentleman's too to try keep this on hold until more is involved. A few of us went to a waste management meeting the other night and we know that we have a problem in this town and we have a problem in this county and we're trying to up-zone areas to have less density because we have a problem of disposing of these wastes. And with 10 units per acre, I think we're really pushing it a little bit especially in the water table situation that does exist. The common tern is on the endangered species list. And if it is indeed a nesting

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PUBLIC HEARING Continued

Mary Beth Andresen, Continued

area, I think that thou would have an awful lot of inconsideration. Thank you very much."

Supervisor Janoski, "Thank you. Yes sir."

Glen Just, "I have to wait my turn."

Priscilla Corkrey, "Glen Just is from the Landis Company. He represents the applicant as well. As soon as everyone has had time to comment he would like to make a statement."

Supervisor Janoski, "Ok. I see. Is there anyone present who wishes to address the (I don't even remember who we are) Board on this application? Ok."

Priscilla Corkrey, "Just to sum up and finalize a few things. First off I recognize certainly that we must have health department approval for any kind of development we've proposed for this site. So we recognize that we do have to go to the County Health Department and that will be done before we even get a building permit. Ok. As far as planning for the area and for that site, we have technical advisors that we have used to look at the site and realistically plan what would be best suited at that site and what it could entail. What would have to be there. What should be there. What couldn't be there. Regarding the D.E.C. concerns, I'd like the presentation over at this point to Glen Just from the Landis Company who has been handling the D.E.C. applications for Mr. Pafundi."

Glen Just, Landis Co., "For the record I work for the Landis Company in Wading River. Just a few points that were brought up by some of the people here. Mr. Pike's point about wetlands on site. According to the D.E.C. and their notice of complete application, there is no wetlands on site. Inaudible."

Supervisor Janoski, "Would you address your comments to the Board."

Glen Just, "I'm sorry. Wetlands are defined by vegetation and the "ecl". There are none on site. That's why the D.E.C. has approved the 75 foot set back in the notice of complete application. Another point about terns. If we're talking about "lease" terns, I (myself) have not found any evidence that that is a nesting site. I've contacted the fish and wildlife division of the D.E.C. which I was employed by for 7 years. They do not post the site. They do not recognize it on paper as a "lease" tern nesting site. This might just be maybe because it's just not sizeable enough. Just for the matter of the record, it is not recognized as such. But the point that I wanted to get across was the term wetlands. There are no wetlands at all on site. Thank you for your time."

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PUBLIC HEARING Continued

Supervisor Janoski, "Thank you. Well, is anybody opposed to my recessing this area."

Councilman Prusinowski, "I would support that 1 hundred percent."

Supervisor Janoski, "Everybody agrees up here that this hearing will be recessed. So the hearing is recessed."

Councilman Prusinowski, "Pending further town action."

Supervisor Janoski, "Now wait a minute. I see you starting to go. You've got to stay here as long as we're here."

Councilman Prusinowski, "Absolutely."

Supervisor Janoski, "We've got other public hearings. You can go if you want because the lights are out."

8:15 PUBLIC HEARING RECESSED AT 10:37 UNTIL FUTURE ACTION BY THE TOWN BOARD.

Supervisor Janoski, "Ok. Where we at here. Special permit of Justin Corporation, Purchasing Corporation. Let the record show what time it is. It is 10:37. The Town Clerk will please read a notice of public hearing."

PUBLIC HEARING - 8:20 p.m.

I have affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, October 1, 1985, at 8:20 p.m. at Riverhead Town Hall to hear all interested persons regarding: The Change of Zone and Special Permit Application of "Justin Purchasing Corporation" to build a residence for 20 married couples on 41.3 acres on premises rezoned Residence RDC District located on the north side of Sound Avenue, Riverhead.

CORRESPONDENCE

Planning Board, 9/10/85:
Recommending that the application of Justin Purchasing Corp. be approved on the condition that the proposed use shall continue in perpetuity.

Environmental Quality Review Board, 7/25/85:
Recommending that the application of Justin Purchasing Corp. is an unlisted action which will not have a significant impact upon the environment.

Anthony Tohill, Attorney for applicant 9/26/85:
Advising that the applicant seeks reclassification from Res. A to RDC in order to construct a retreat house within the northerlymost 10 acres for approximately 20 married couples and a resident caretaker couple. It would be exclusively used as a retreat house for the support and en-

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PUBLIC HEARING Continued

CORRESPONDENCE Continued

hancement of the marital relationship of those using the facility on a seasonal summer basis and weekend or longer basis.

Supervisor Janoski, "Thank you."

Anthony Tohill, Attorney, "Good evening Mr. Supervisor, members of the Town Board. My name is Anthony Tohill. I'm an attorney and my offices are here in Riverhead and I represent the applicant who is present. I'll try to be as brief as I can be. I have sent (or hand delivered) to each of you a letter of explanation with respect to the application which I did in anticipation of being out of here by 8:25 this evening to watch the balance of a baseball game which I'm not watching. And from the looks of things, I may not get home for the 11 o'clock news. But putting all of that to the side, I have about a half of dozen points that I mentioned in the letter."

Supervisor Janoski, "I hope that your meter is running."

Anthony Tohill, "We'll talk about that. About a half a dozen points that I wish to highlight or emphasize with respect to the application and I will not go into a long explanation as I did with the Planning Board because I assumed people had had access to the letter. If they do wish further information, I'll sit down at a point and try to answer direct inquiry. The nature of the use that is proposed is a nondenominational retreat house. It's different to the extent that it is nondenominational. It's not different to the extent that it is a retreat houses. Retreat houses have been in our history. A common land use and one (candidly) that neighbors have found to be a beneficial land use. The emphasis here however, is not on a spiritual doctrine. Both because it's nondenominational and because of the emphasis that in fact it will have. It has nothing to do with religion or any sect of religion. My client, during his life, has formed an opinion on his own that the marital relationship in our country is a neglected relationship. That is to say, neither government nor private enterprise spends any dollars on maintaining and preserving the relationship. There are private groups who work with broken marriages to prevent them from being torn completely and there are countless people who dress as I do and who have degrees that I have who make a great deal of money making sure that that relationship truly does come apart. Generally over the course of a 3 year seige between here and Hauppauge in the Supreme Court. This is not that. This is an effort that follows the initial principal that the marital relationship is a neglected relationship. The marital relationship should be enhanced and a good marriage can be enhanced and preserved. If enhanced and preserved by the type of approach that my client seeks to employ here through the help of professionals, utilizing good marriages in the first place. The family will be enhanced. It will be made stronger and all of us know that the function of the family is the rock in our society. It is as simple and uncomplicated as what I have just said. The most important thing is to highlight that it is not a home for broken couples. It is not a home for broken marriages. There

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PUBLIC HEARING Continued

Anthony Tohill, Continued

will not be any effort or interest in dealing with a marriage that is that far apart in this type of organization. This is a place where there has been, within organized religion, exactly the same approach taken for I think 40 or 50 years. It is known as the "clicerio movement" and it was started by the "jesuit" order and it is still very much alive and it takes place right here on Long Island. There is a place (as a matter of fact) in Manhasset where it takes place virtually every weekend throughout the year and this is the type of movement that the client seeks to bring to this site now. The second item is the source of the people who would participate. And initially, it is our impression that the substantial number of referrals would come from clergy of all religious orders. After that and not too long after that, we assume what will happen here is what happens in all of these retreat houses. And that is, that it is essentially 1 hundred percent word of mouth. The people who go there find that the benefits are such that they talk about it when they get back into the office on Monday morning or when they get back in the faculty rooms at school or whatever. And that is the source of the people who will be coming to the place. The activities is a third point. Almost everything that will occur of it's nature has to occur indoors. The reason is that it can only occur in a place of controlled quiet. There can not be any distractions. There can not be any recreational activity taking place on top of the effort to cause a couple that perhaps has not spoken to each other at any great length except to exchange pleasantries in the hall while one is on the way to work and the other is hurrying to prepare breakfast for children or as they hear each other shout at children. The program of this type causes that couple to spend time in the room together talking to each other after group counsel sessions with the help of professionals and back to group counseling after the people talk to each other. As a result, it is essential an indoor activity. The outdoor activity would be truly an incident to the fact that they are there. There would be a tennis court proposed. There would be a swimming pool proposed. The use of it is not such that we're concerned whether anybody ever uses it and the function having the people there is not to have them play tennis nor is to have them swim. The notion of guests is not acceptable. The notion of children is to acceptable at this type of site. That's the reason why it is proposed for this location. It's practically a mile off the road and the effort is to be away from everybody. We don't want the neighbors to see us and we don't want the people who are coming to this place to see the neighbors. Now, the cost of the operation relative to the people who would come there. The operation will be a not for profit corporation. The identity (as I indicated to you in the letter to you) of the principals in that corporation has not yet been established other than the fact that my client (Mr. Agloglia) who has been here with me on each of these applications, will certainly be a principal. We will reveal the identity of whoever is in the not for profit corporation whenever it is formed and we will do it on notice to you at all times. And if there were changes, we would give you notice again with respect to that. At the same time, and this is something which I have had to seek expert advice, we understand that it is important that a

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PUBLIC HEARING Continued

Anthony Tohill, Continued

fee has to be charged. It's part of the therapeutic process."

TAPE ENDED

Anthony Tohill, "... will relate to the overhead of the operation which is essentially a philanthropic activity on the part of my client. If they pay a fee which is a measured and marked fee, that causes them to open that checkbook and feel the anxiety of signing that check and writing out those digits. It is actual helpful in the therapeutic process. So we don't know the fee. However, there will be a fee. The function of the fee in the nature of things (therefore) will exclude people and therefore, not a wide open door. It can not be for the operation. We will have as I indicated to you at the Planning Board, a resident adult couple without children on the site at all times to care for the property. There will be likely, a secretary or office type person who would answer phones, screen people who may be seeking to come to the place for a weekend. We're not sure whether that person would be on the site or off site. They could be located somewhere else in another municipality as far as that goes because it's only a tie line away. But there may be that person. There would be in addition, one, two, three professional staff people on the premises whenever there are guests or participants there. None of the participants would be employed in anyway with respect to any part of the operation. It's absolutely inconsistent with what I just explained. Another point and it's the next to the last one; is the impact on the neighbors. The parcel is 3 hundred and 25 feet wide in its northern stretches. It's wooded extensively over the northernly most 10 plus or minus acres. The intention would be to build any improvements which would be the house, the swimming pool, the tennis court and the parking area on a north/south access keeping everything dead center on the property. It is the neighbors' interest to keep us away from them. It is our interest (in fact it's fundamental to the whole operation) that they not see us. That the people who come in not see them. So that it will be dead center on the property and every effort will be preserve the maximum buffers which may be as much as 1 hundred feet wide on each side but we can't tell yet because we haven't sited it under the Planning Board site plan approval requirements. The second point that I want to mention to you is that we've spoken to at least one neighbor, the McCombe family which I think would be the single most affected neighbor in terms of existing improvements on their property. They're to the immediate east and we have assured them privately that the siting of that house in particular, will be an effort on our part made only upon prior consultation with them. We make that representation publicly to the Board and of course it is a representation that would prevail with respect to any bounding property owner who is up there. I think they're the single most affected family. The third point with respect to the impact to the neighbors is that (a point that I mentioned earlier) this is not a new use of land. It's an unusual piece of land

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PUBLIC HEARING Continued

Anthony Tohill, Continued

because there is nothing mercenary about it and the economics of it leave people puzzled. That's my client's choice. That, in his stage (this particular stage of his adult life) is his privilege. And he's seeking to utilize his judgment and his privilege as a citizen to do some good for a lot of people. None of us even know right now as we stand here tonight but the use is not known in history as an obnoxious use of a difficult use for adjoining property owners. The final point, then I intend to sit down and leave it to the members of the Board or the public who may have something to say or inquire about a certain point, relates to the taxable status. I have inquired specifically of my client. He will execute any agreement prepared by the Town Board and the Town Attorney which says in substance, that no matter the use, no matter the status of the property, it will remain on the tax rolls as if it were a private enterprise use in perpetuity. The intention is that it be exactly that. We have heard some comment from people in the community that they were concerned that the property would go off the tax rolls if approved. That wasn't our idea. We didn't know anything about it. We're saying to you now that can't happen if the agreement is prepared by you and signed by my client and he has assured me (repeatedly) that he will sign any agreement to be prepared. Thank you."

Supervisor Janoski, "Thank you Tony. Is there anyone present who wishes to address the Board on the matter of this application? Yes sir. Dr. Grantham, he's going to allow the lady to go first."

Dr. Caryl Grantham, Sound Avenue, "I'm the property owner just to the west of this proposal. I own the 16 acres which eventually at my death probably will go to nature conservancy. So I care very much what happens to this property. I'd like to say that I'm very familiar with the master plan and planning and land use and I have no particular objection to having the acre zoning development assuming now with the cost of this property, then is to say all Sound property which is so rare, that I would assume that I could expect to have it very carefully handled. I raised some very serious objections or very serious concerns about this proposal. I've had now about a year to observe the operation on my doorstep. I had no objection to them whatsoever but I point out to you that Sound Avenue is a very beautiful historical way. The road stands and the pick your own and all the rest of it is a great asset and I live there and I love it and I enjoy it. But the operation that has been carried on this year has been going from bad to worse. I keep a very beautiful piece of property myself. I invite any of you to come and see it any time. Even this hurricane. And they have proceeded to pick up not a bit the whole summer long. Indeed, I got not only hurricane but garbage over my property, over my home this past weekend. I'm a little concerned about the Justin Purchasing Corporation. I know exactly nothing about them. I came in and contrary to what anything has been said about records being available here in Town Hall, I found and was permitted to explore the application but I found nothing really about Justin Purchasing Corporation. And

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Dr. Caryl Grantham, Continued

that does concern me. Again, I raise no particular opposition to the kind of thing that they're proposing but I do care very much what happens. Now, I point out to you that the Town Boards of Riverhead since this is my home and my family has been here since colonial times, and the Town Boards come and go and they said at the pleasure of the Town Board if there's any changes to come. I have seen the Town Board on many occasions buy a poke which they've lived to regret and the taxpayers in the end have to pick up the pieces. I only ask for very great caution in this particular instance. And I also want to tell you that we've all been so involved with hurricanes, I have had less than a week to know about this. I know exactly nothing about Justin Purchasing. I would like to ask you a very special favor that you keep the record open on this particular case until we've had a chance to council, think it through and to get legal help. The lawyer who we've approached had not only no phone and no electricity in his office but no phone and electricity in his house. And under the circumstances and I did testify the other night at the ash fill hearing, it's not easy for a citizen to have to be put under these pressures. I would ask that at the very least that you hold this record open for at least another time. Thank you very much."

Supervisor Janoski, "Is there anyone else who wishes to...
Ok. Steve."

Councilman Boschetti, "Mr. Supervisor. I will have some questions also."

Steve Haizlip, "I would like to direct and ask Dr. Grantham if I may through the Town Board. She speaks of garbage. Now, is this garbage from activity of personal which I understand there is no building there. There going to build a building for 20 couples or is just from the hurricane and natural wind storms and the wind died down and it dropped there. In other words, is she referring that Justin Corporation should be out there cleaning up their lot? That's the question that I have."

Supervisor Janoski, "Tony. Ok. I'm too tired to argue about it."

Dr. Caryl Grantham, "In order to make it absolutely clear, they have a fruit stand that began as one small table. Then it became a small wagon. Then they put a roof over it and then they have every single thing that they used this summer has been left exactly where they left it. The roof blew off. This is what happened when the hurricane... It's been bad enough. In addition, they put a fence around it. The fence has been broken. All the refuse there, as far as I know, they have not cleaned one single thing up the whole summer. Now, you know we love Sound Avenue and we love to have people come. And I must say, and I'm only saying that if this is the kind of operation we can expect, I'm very dubious about it. The other day when the hurricane hit this, the whole thing came off and a great deal of it (since the

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PUBLIC HEARING Continued

Dr. Caryl Grantham, Continued

wind was northeast and my home is right next door) I got a lot of it in my yard."

Supervisor Janoski, "Bob, did you wish to speak. No. Ok."

Robert Hartman, Sound Avenue, "Is there any specific acreage that would be attributed to this?"

Councilman Prusinowski, "Well, they have here 41.3 acres."

Richard Ehlers, "You're application is for 41 acres right."

Anthony Tohill, "To answer this question we're using a minimum of 20..."

Richard Ehlers, "But you're going to bind the ability to develop 41 acres of one acre zoning for the opportunity to put 20 couples there."

Robert Hartman, "In other words, this building will be built up on the Sound and no other further development could occur on the rest of the parcel. Is that right?"

Richard Ehlers, "That's his application."

Robert Hartman, "Alright. Then it's not.... It was not known to me to be that way. That's what I wanted to find out. Caryl is right in what she says. All I can say is there is a lot of funny things go on there and that's all I'd like to say. Thank you."

Supervisor Janoski, "That's ok Mary Beth. I haven't seen you in so long. We're going to have another horse hearing."

Mary Beth Andresen, "I just have a couple of clarity questions and that's just because I don't know anything about this and I feel very much in the dark about Caryl. And I did read it in the newspaper and I didn't know who Justin Corporation is and what they had intended to do. If they're going to be charging a fee in this philanthropic thing for marital families or whatever is going on, yet they want to be taxed on the tax rolls as a residence. Something is not jiving if they're going to be using it for short periods of times. Wouldn't it be more like a moteling situation or a transient housing situation or something that's a little bit more income producing for Riverhead Town that a residence? I mean these people aren't going to live there for the rest of the life are they or are they just going to come and go? And I must reiterate what Caryl said, is the farm stand that they have operated and I love beautifully done farmstands and beautifully done areas, is an eyesore. It has grown from bad to worse throughout the summer. It has shades of the one that was closed on the Main Road in Aquebogue. Thank you."

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PUBLIC HEARING Continued

Supervisor Janoski, "Thank you Mary Beth."

Anthony Tohill, "A couple of brief responses and then I'll quit. I apologize to those neighbors who are offended by the (I think now discontinued use) farmstand down on the edge of the road. It was an effort to make use of that portion of the property and it will be cleaned up immediately. Given the use that is proposed for the north end of the property and given the application that we have made, we have said that there would be no use of the south end of the property except the existing farming use and that is continuing to be our representation to you. If a farm stand fits in somehow down there, then the neighbors have been heard. My client is sitting here and we understand their concern and that will be squared away. The notion of using that area down there for the farm stand, is not part of the plan. We really have no interest in that at all. With respect to Justin Purchasing Corporation, who is the applicant, it is domestic New York corporation. It has been in existence for many years. It is in the business of purchasing. Purchasing is a skill such as marketing. It is retained by very substantial clients and it makes money. It makes enough money to be able to permit something like this to be done. However, once an approval (a last approval) is obtained from the Boards, that will be the end of the direct connection between Justin Purchasing Corporation and this property. My client who is a principal for Justin Purchasing Corporation, will continue as the principal in the new not for profit corporation and that's why I have said in special permit application and in the letter to you again and represented to the Planning Board that we will always reveal to you whoever you're dealing with because that is our intention. The function of the internal revenue code as well as the function of the not for profit corporation law requires that a separate corporation operate the property. You can not have a profit making corporation or a business corporation as that's known under the business corporation law in this type of operation. Now, the final point is that suggestion that the record be kept open. The property was posted. It was posted on a timely basis. Not only was it posted on a timely basis and I did the posting, but one of the neighbors was there and he assisted me in locating the exact point of the property. And when he did that, he told me he knew what the application was all about. I asked him how did he know what it's all about and he said that he received a certified letter from the Town Clerk's office as did each of the bounding property owners. He had already spoken to the bounding property owners. They knew all about it. I asked him was there anything that I could explain and he said to me no. Mrs. Pendzick to whom he had spoken to on the telephone had already explained the entire special permit application to him. That occurred 7 full days before any hurricane was on the horizon of this community. And whether or not an attorney's phones are out of order tonight, should not hold up my client who has a few dollars riding on whether or not we can promogate this thing in a business-like way. My file shows initial entries in terms of communications with the town authorities on April 9, 1984 on this application that's being heard for the first time tonight. April 1, 1984. That's got to be 18 months ago. Pretty close to it. We have been steadily proceeding. We have been through a full hearing with the

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PUBLIC HEARING Continued

Anthony Tohill, Continued

Planning Board. That hearing was on public notice. We had the application heard by the Planning Board. The property was posted. If somebody comes in at this point and says that because the attorney's phone is out of order tonight, none of us have to have been born yesterday to know that that phone didn't go out until Friday. That property was posted and those bounding property owners including the person who spoke asking that the record be kept open, had a certified letter from the Town Clerk before I even posted the property. So in fairness to everybody including the applicant, I'm asking that the record with this ample opportunity, it's 5 minutes after 11. We've been here. My client has to be on a plane at 6 o'clock in the morning to Montreal. I would like the record closed. I think that's fair to everybody. Everybody has had an opportunity to speak here tonight."

Supervisor Janoski, "Thank you Tony. Yes sir."

Michael Kramer, Sound Avenue, "I'm a neighbor of the (fairly close neighbors) property and I do promise everybody that I will be brief. Most of my questions have been answered by the very fine presentation of Mr. Tohill at the outset of this hearing and I withdrew my request to speak before. Primarily because my questions had been answered. However, there are some concerns of the neighbors that I think Mr. Tohill and his client should take into account and it is particularly the history of the past year and a half. I've only been in residence at this particular location a year and a half so my observations are based on that time element. The neighbors to the west of us have what appears to be a residence. But on many occasions during the year, bus loads and van loads of young people come out from a denominational post in Brooklyn I believe and do congregate on the property adjoining ours and move back and forth freely and quite often during the summer months and on the weekends during the fall and winter to this farm land. And in doing so, they do pose a problem for the traffic on Sound Avenue. And sometimes you have to cut across in front of our property to do so. There is also the noise element as well as the unattended market stand in the front. These may seem to be small complaints on the part of the neighbors but here are legitimate ones. And I think that if Mr. Tohill's client is as concerned about his relationship with the attorney with neighbors, the McCombe family on the other side, he ought in justice, be concerned about the neighbors on the other side and their concerns. Having heard the presentation of Mr. Tohill, I suspect that he will do everything in his power to alleviate the situation and their concerns. I'm also very happy to hear that there are some good guys left in America who are willing to do something for marriage and the family in this country. Thank you very much."

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PUBLIC HEARING Continued

Anthony Tohill, "I have just consulted with my client and a condition of any determination by the Board may be the removal of the farm stand and that would be a continuing condition of any approval."

Supervisor Janoski, "Is there anyone else who wishes to address the Board on this application?"

Councilman Boschetti, "Yes. Mr. Supervisor I have several questions. Would you prefer I read them all or one at a time?"

Supervisor Janoski, "Because you're a member of the Board, talk to Tony."

Councilman Boschetti, "To Mr. Tohill, yes. Mr. Tohill, this is an application that has at once intrigued and mystified me. The questions regarding the Justin Purchasing Corporation I think were very well justified because I was just as concerned about who they are and what they do. However, let's talk about the specifics of this application. You mentioned about a buffer area perhaps as wide as a hundred feet. Of what do you envision a buffer to consist of?"

Anthony Tohill, "Anything that you specify but you should know now that it's heavily wooded. And the intention is that that would remain heavily wooded. Another point though and I didn't mention it in the presentation but I did in my letter, and I think I did mention it to the Planning Board as well, is that the lighting is important. Exterior lighting. It has to be of a design or specification that shines down and not out. As a result the people.... The design of it would be that no one would see that building at night unless they were peering through the woods and saw the lights in the windows. But they will not see light shining in their face or into their own windows. Ok. If the Town wishes the detail of the buffer to be enhanced, then set forth the specifications and it will be planted."

Councilman Boschetti, "Ok. Fine. You just answered two questions. You also mentioned about the necessity to keep the people who visit this retreat away from neighbors and neighbors from them. I also noticed in the application there's no PA system that will be put up exterior wise. What about any other types of noises." None whatsoever?"

Anthony Tohill, "Absolutely none."

Councilman Boschetti, "I won't belabor that because you addressed that pretty well."

Anthony Tohill, "Just so the public understands, what I said is that there were absolutely be no PA system of any type on the property."

Councilman Boschetti, "No kind of a loud noise?"

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PUBLIC HEARING Continued

Anthony Tohill, "Nothing outdoor at all."

Councilman Boschetti, "The thing that concerns and perhaps is one of the things that mystifies me the most is just what entity will actual operate the facility? We get back to this not for profit organization that was mentioned in the application. To whom do we look for accountability of this facility?"

Anthony Tohill, "That's a fair question. Justin Purchasing Corporation owns the land. Justin Purchasing for internal revenue reasons; that is to say that in order to avoid lawyers or accountants called tax recognition events may continue to own the land. It will (however) have nothing to do with the operation of the retreat house. The operation of the retreat house will be under the auspices of a not for profit corporation which has yet to be set up. That has to be set up in order to achieve other objectives under the internal revenue system that we have in our code. In terms of accountability, we will provide you with the names and the addresses of all the share holders and principals in that corporation and we will do it in advance of setting that up. We also (and I mentioned this in the letter) will, as a condition of any approval, supply with the name and address of the resident adult caretaker couple who would always be on the property including telephone numbers at which they could be reached on a 24 hour basis. Of necessity, those numbers will end up including principals within the corporation. Because if those people should leave for whatever reason be unavailable, the intention is that you would have (the Chief of Police would have and the Chief of the Fire Department would have) those telephone numbers so that there's no question in terms of accountability for somebody there."

Councilman Boschetti, "Will the resident caretaker be in a responsible position so that that particular individual would be accountable for any activities that take place at that facility?"

Anthony Tohill, "No question about it. In fact, we have not gone through any great analysis of that on my client's point of view yet. But that caretaker couple would have to know every end of the operation. One of the reasons is that at some point economics does have to intersect with this event. And if the wife of the caretaker is the person who has secretarial, house-keeping, screening skills, then we have just reduced the manpower by one and the cost by the cost of that one person. The caretaker would have to be somebody who can care for a building of the type that you have seen with that special permit application. It's not something that comes along every day. So we haven't even begun to look for anyone for those positions yet but they're going to have to be very very carefully selected because they are going to be the hub of the whole operation."

Councilman Boschetti, "But they would be accountable?"

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PUBLIC HEARING Continued

Anthony Tohill, "Absolutely. Absolutely."

Councilman Boschetti, "Is this going to be a year around operation?"

Anthony Tohill, "Essentially. But it's not a full year. We do not intend to use it or could you use it for 3 hundred and 65 days. The intention is that it would be essentially a weekend/seasonal use because people are not available to attend this type of participatory event excepting on weekends."

Councilman Boschetti, "And how long would couples stay at this retreat?"

Anthony Tohill, "It would be the same as a percillio type arrangement which is a two or three day period and that would be the weekend period."

Councilman Boschetti, "So any one couple would be expected to remain on site for 2 to 3 days."

Anthony Tohill, "Oh yes."

Councilman Boschetti, "No longer?"

Anthony Tohill, "No not longer nor would they be staying briéfer. It has to be that period of time for the therapy such as it is, to have some impact."

Councilman Boschetti, "I only have a couple more questions."

Anthony Tohill, "No problem."

Councilman Boschetti, "I'm sorry to keep going. I know the hour is late. Essentially, you mentioned that you have the impression that clergy would be referring couples to this retreat. Is that a rather solid impression or just an impression that you have which is not too solid? How did you come about this impression?"

Anthony Tohill, "Ok. We came about the impression because we are asked repeatedly how will the people find their way there. To be honest with you, to be brutally frank, how they find their way there has never stopped my client from his effort and forward movement on this project at any stage. It doesn't strike my client. And having been involved in it for this many months, it doesn't strike me that there will be any problem at all in having people go there. From talking to people who are my age, who have gone to "clicerios" and some of them to something very difficult, and I want to emphasize that; these so called marriage encounters, they tell me that they have trouble booking places. That they're booked weeks in advance. How do they hear about it. They hear about it because they met somebody who is of a similar peer position and they said gee; I had a sensational weekend with my husband or I had a great weekend with my wife and our marriage is really doing great. And the way it happened is that somebody mentioned someplace up in Manhasset and went for the weekend and

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PUBLIC HEARING Continued

Anthony Tohill, Continued

I can't believe what an impression it had on us. That works. It is not however, an activity that's proposed here that is to be profitable. That loses it all together. Obviously, if nobody shows up, my client will be a severely disappointed man. On the other hand, it will not happen that no one will show up. And the people will show up because they're interested in it. And one of the two partners will be strong for it and the other partner will go along with it and they'll both walk out much stronger than either was on the way in. And that's been the experience (I'm told) by everybody who has attended this type of event. I know of them in my personal life for 20 full years now."

Councilman Boschetti, "My last question is this. The couples that would attend this facility for whatever counseling they would receive, is there or are there guidelines as to"

TAPE ENDED

Anthony Tohill, ".... with the family court at least once already. Beyond that, the people would have to be interested in getting out of this program the results that are offered from the program. And in terms of geographical area, we haven't discussed it but we assume that they would be the New York Metropolitan area because I don't think it reaches further than that. I think everybody on Long Island that I know of they go (I think) as far as New Jersey. But most of them end up in the Manhattan area where there are 2 or 3 installations at this time."

Councilman Boschetti, "Thank you very much."

Councilman Prusinowski, "I've only got one question."

Anthony Tohill, "Mr. Prusinowski."

Councilman Prusinowski, "Anybody who is participating in this program, there would not be or have any interest in a non-profit organization that would be formed, a corporation?"

Anthony Tohill, "They wouldn't have any interest in it or in every sense of the term. They would not be..."

Councilman Prusinowski, "No financial interest whatsoever."

Anthony Tohill, "No. There isn't any."

Councilman Prusinowski, "There isn't any other such thing."

Anthony Tohill, "No."

Councilman Prusinowski, "They would be... So in other words, people coming there on the weekends, and I presume this is 20 separate homes. You're building 20 separate homes."

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PUBLIC HEARING Continued

Anthony Tohill, "No. No. No. It's a single building."

Councilman Prusinowski, "It's one single building. Ok. I know what it is. Ok. And there would not necessarily be the same people coming over and over again."

Anthony Tohill, "You know if I answer that in the wrong way, I could pay a high price for a lot of years. Presumably they would not be the same people who would come over and over again. It would be inconsistent with the program. But then again...."

Councilman Prusinowski, "And the fees that they pay would be determined at a later date."

Anthony Tohill, "We don't know those fees."

Councilman Prusinowski, "You don't know those fees."

Anthony Tohill, "We just... We're answering questions that we haven't asked ourselves but we're trying to give you our level headed best idea of what would occur. By the way, for those of you who haven't seen a color rendition and for the members of the audience, that's the building that's being discussed. It's a reproduction of an "ante-bellum" mansion that the plans for which have been (inaudible) from the Library of Congress and subject to what the Building Department will do to them under the uniformed fire and construction code. It will be built."

Supervisor Janoski, "Your're right there."

Anthony Tohill, "Ever cheerful and optimistic we are."

Councilman Prusinowski, "So these 20 couples; they could come back. They could not come back. It depends on the success or..."

Anthony Tohill, "I don't see people coming back to a place such as this. Although if you talked to the people that I have who have gone to such a thing, they think it's the best thing that ever happened to them in their lives."

Councilman Prusinowski, "Does this entity that's proposing this to the Town of Riverhead have anything like this operating? Do they have this in Manhasset?"

Anthony Tohill, "No."

Councilman Prusinowski, "They have this no where else, this group."

Anthony Tohill, "Justin Purchasing Corporation?"

Councilman Prusinowski, "Yes. This group."

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PUBLIC HEARING Continued

Anthony Tohill, "Let me explain it once more because it's important. I represent an adult man who has been successful in the more difficult...."

Councilman Prusinowski, "I understand all that."

Anthony Tohill, "He has accumulated funds that he wishes to utilize in this way. He thinks marriage is important. He thinks it's important that it should be preserved in this way and that's what..."

Councilman Prusinowski, "So this person has not done this before anywhere else?"

Anthony Tohill, "I don't think anybody would do it more than once in a lifetime."

Councilman Prusinowski, "I don't think so either."

Anthony Tohill, "There's no economics or mercenary gain to it. How can you justify it."

Councilman Lombardi, "Tony, I read in the petition now it was a week or longer. That's what I read and I'd like to get that straightened out."

Anthony Tohill, "We don't know specifically how the time operates. We do know that the tradition and the practice of this time of facility is that it is essentially a two or three day week-end arrangement. If there is a way, during the more pleasant months of the year, that people could come and stay for a week. Then we do not wish to be precluded from doing that. The activity remains the same. The municipality can easily be protected by setting forth in any determination language that relates to the language that's in the Planning Board's approval. Which states better than any words I can put together, what I was trying to say the night I appeared before the Planning Board. But Miles Fairley's words say it better than I can and if you track that language, it covers it."

Councilman Lombardi, "So you're saying it shouldn't go over a week? It should be less than..."

Anthony Tohill, "I don't think a couple trying to make a marriage great, should last longer than a week."

Councilman Lombardi, "What the petition said was a week or much longer. I'd like to get that straight."

Anthony Tohill, "I don't think there's any intention to have people to stay longer than a week. Because again, the therapy and I'm not an expert on it. I'm only a lawyer. It's not consistent that the people would be at that effort for that long a period of time. It's inconsistent with it. I think I see some people signing up."

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PUBLIC HEARING Continued

Supervisor Janoski, "Thank you Tony. Mr. Nohejl."

Anthony Tohill, "I would simply, if I could just in parting, I'd like the record closed tonight in fairness to my client who has been here for a long time."

Bill Nohejl, "This property is to be held by the Justin Corporation and turned over and still retained by the Justin Corporation turned over to a non-profit organization. What, if at a future date, this non-profit organization is defunct. We have a building that's built to their specifications. What is to hold them to that?"

Anthony Tohill, "That's a fair question. The answer to it is in any conditions that you establish by way of illustration and not limitation in the letter that I have sent to all of you. And in my presentation to the Planning Board, I have said that any approval by the municipality on any level can be conditioned upon the continued use of this property in that status. If the use ends, putting aside altogether the State of New York's interest in the assets of a not for profit corporation which is a whole different subject. Then it is back to square one and this Town Board and the Planning Board and the municipality would have to deal with it at that time. But to say that the sky is going to fall in the day that the last nail is driven into that building and you're going to have it back in your lap, is not a way in which I think my client accept your proceeding. It's his checkbook that's writing those checks. He knows how much money he has. He didn't start to do this yesterday. If we're at it 18 months, we're at it least all of that. He didn't conceive the idea the day I sent the initial letter to the town. It's been something that he's formulated in his head over a lot of years. He's an adult. He's a successful in the business world. He knows what he's doing."

Councilman Prusinowski, "Who is he?"

Anthony Tohill, "He's seated right there."

Supervisor Janoski, "Thank you Tony."

Bill Nohejl, "My concern was after maybe 10 years or so this goes defunct and this building is used for a much more elaborate situation then what was originally planned for it, sort of like a disguise, what is to happen? I'm not against the marriage retreat. Don't get me wrong. I just hear something in the background that disturbs me. Thank you."

Anthony Tohill, "If somebody does not accept you on full faith, there is nothing you can do. If Bill Nohejl chooses to believe that there is a sinister motive behind this expenditure and this public performance by my client vicarously through me not for the first time in this Town Hall, he is permitted under our system to maintain that belief."

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PUBLIC HEARING Continued

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Supervisor Janoski, "Thank you Tony. Is there anyone else who wishes to be heard at this time? Alright. Dr. Grantham, the request that you made, you really place me as the chairman of this Board, in a very difficult... I really just like to chat with you a little bit. Public hearings are called. Notices are given. This Board adopted the notification by mail which is maybe a year old. Quite honestly, the action that we took at the previous public hearing, should not have been taken because they are two separate issues. The D.E.C. consideration and the special permit proceeding. But this Board does like to (at every opportunity) be as open and bend over backwards whenever we can. But what I am seeing here is what you picked up is that we did it at that one public hearing and I think I'll ask for it to be in this one. And we are setting a precedent which can be kind of difficult. Many of the special permit applications that we have before us are very involved. They involve the hiring of attorneys. There is money invested and I really.... While I perse^r would love to give anybody anything they wanted as far as time, find it very difficult to likely recess this hearing. The Town Board has to make that decision individually by themselves because when I say I have no objection and close means nobody is objecting. In this particular case there may be a vote on the closing of a hearing. But I ask you that question before..."

Dr. Caryl Grantham, "May I respond. First of all, when he says that this has been in process for 18 months, those of us who are closest probably to it, certainly haven't been aware of that. And I remind you that as the Riverhead's First Committee, it was our work that got this notification process in being. We did it. As citizens, we did it long before you people were on the Town Board to notify contiguous landowners of these changes. So I got the first notice when I indeed did get that and stopped in. I got it on a Friday. The notification..."

Supervisor Janoski, "I remember voting on it Caryl and I've only been here 5 years."

Dr. Caryl Grantham, "Anyway, I'm telling you that I stopped in the next Monday. I think we got it on Friday and I went in on Monday and I went through the whole record. But above and beyond that I want to point something else out to you. That if anybody knows the master planning process, I hope I do. I really do. I was involved in the first one and in the updating which is a long civic process. A long civic burden. And we had, in the whole objective is to try to step up what we want in this community. And I'm not referring specifically now to marriage counseling is a worthy object. But I do object to coming into a community by the process of a special permit. There, you really throw out the whole equilibrium (it seems to me) of planning. This is going on more and more and I do not believe it's a wise way to go. I don't know why we have to be confronted with it. I know there are very special cases where a special permit is very valid. But for most of us who watch this process and care very deeply about this town and will be here a lot longer in some ways than these people will be, I just say that it seems to me that I agree it's a precedent that should not be set lightly. But nobody can tell me anymore about the implications of planning (master planning) land use involved."

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PUBLIC HEARING Continued

Dr. Caryl Grantham, Continued

And I care very much. I wanted to let you envision something. This property I have grown up with it. Our family goes back generations. Had my husband lived, we would have bought that on option but it had to be given up at the time of his death. That property is 3 hundred feet wide. There's a deep ravine that comes into the eastern end of it. When you envision.... I don't know what the length of this is but they're building a two-story ante-bellum mansion. It's heavily wooded. He can't tell me any more. I know. I grew up there. It's our property. I don't see how you can contiguous property. I don't see how he can say (heavily wooded is at may be) that that's going to be invisible to us and the McCombe's on the other side. It's just not possible at 3 hundred feet wide. And that worries me very much and I want to tell you why. Because there's very little left, very little left on the north shore of undeveloped property. At great expense to me and some us, that's going to left to nature conservancy on my death hopefully. I care very much what happens there. I don't want to see an ante-bellum mansion later abandoned on the borders of something that will be very important to the community in the years ahead. One of my ancestors gave Reeves Park and I could name many other instances that will cared enough to give it. And I know, again I say, I think Town Boards have been too hasty sometimes in making their decisions and I think it's a very legitimate request that this record be held open. Thank you."

Supervisor Janoski, "Dr. Grantham. I have a question. It's going to be the same question that I asked the gentleman. What would you like to see happen to that property?"

Dr. Caryl Grantham, "I wouldn't mind, as I discussed it with Mr. Consella by the way who far pre-dates these people. He was envisioning lots divided into 4 lots. It's not a big piece of property. Vic, he said 41 acres. I own approximately 16 to 20 acres just to the west. I don't believe there's 6 or 7 wooded acres at the most in to which this installation is going. I'd like to see it. I wouldn't mind it developed on the basis of the present plan. That is, I think, an acre zoning. If it's done with people who care for the area. They're not coming there because (I'm answering you now) it's much too high to walk to the beach. It's going to be people who really care and can spend that money to use that property. I would trust them far more in the long range, then something like this."

Supervisor Janoski, "Then you're saying you would rather see.... Let's say it's 35 acres, 35 single acres, 35 single family homes."

Dr. Caryl Grantham, "Well I know it. Mr. Consella wanted to do this. Do you know the width that you have to have for public access? That's a very narrow strip. You have to have 70 feet for a highway. That was his problem."

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PUBLIC HEARING Continued

Anthony Tohill, "If I could have one minute in rebuttal. I appreciate Dr. Grantham's acknowledgement in concession that she did receive the notice only 11 days ago sent to her by Irene Pendzick, the Town Clerk. And under that concession as a result in that; there is no compelling reason, there is no reason at all on the present record why this record would be left open. Other than a choice or a preference of a single person who is present here tonight. My client has a right and I'm asking that they be observed too. He's entitled and obliged to one hearing and I think he's done it. In terms of the ravine problem which really is running through, I think a number of the comments that have been heard here tonight, that is the proper matter for site plan review. Which if this Board were to approve this application, is a whole new process that has to be done again on public notice and I would invite anybody who is here tonight if the Board were to approve this application, attend the site plan hearing. And they would be given every opportunity to speak. Given the style that my client has maintained so far, he would be most amendable to any sensible or reasonable suggestion by any property owner that bounds on this property or even doesn't bound on the property. Finally with respect to the master plan and this being a nasty precedent for you to permit to unleash. I would simply like to note one single statistic about the application. On all of the acreage inclusive of the building, the tennis court and a swimming pool the coverage (the percentage of lot area coverage) inclusive of everything is by my calculations 1 point 6 percent. Under the master plan we're supposed to cover 30 percent of that property with buildings and structures as the term is defined in the zoning ordinance. I don't think that anybody in this community or in any other community that I know of is going to follow this precedent to develop property of that value to the extent of 1 point 6 percent. I don't think you've ever seen an application of that miscellaneous percentage ever before and I doubt you'll see one again. Thank you."

Supervisor Janoski, "Ok. The hearing is going to be closed without objection. But the Town Board is going to allow for a ten day period for written comment."

Anthony Tohill, "Thank you very much."

Supervisor Janoski, "Thank you. Next. Alright. It's 20 minutes (my God)... 11:38 and the Town Clerk will please the notice of public hearing."

PUBLIC HEARING - 8:25 p.m.

I have affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, October 1, 1985 at 8:25 p.m. at Riverhead Town Hall to hear all interested persons regarding: The Change of Zone Application of Anthony Cinque to rezone premises located at Doctors Path, Riverhead, from Agriculture "A" to Residence "C".

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PUBLIC HEARING Continued

CORRESPONDENCE

Planning Board, 9/10/85
Recommending that the application of Anthony Cinque be approved.

Supervisor Janoski, "Thank you."

Stanley Pohl, Attorney, "Weber and Pohl, Sunset Avenue, Westhampton Beach. I'm Stan Pohl on behalf of the applicant Anthony Cinque who is present this evening tonight. To his distinct consternation, my meter is running. Mr. Supervisor and members of the Board. The property which is the subject of this application consists of 70 point 6 or so acres. It lies in the general proximity of the corner of Doctors Path, the southwest corner of Doctors Path and Reeves Avenue. The property is presently zoned in the Agriculture "A" zoning use district. The application requests the Town Board to rezone the property to the Residential "C" district. In the Agriculture "A" district at present, the applicant would be permitted to build one residential unit per acre or approximately with allowance for a drainage area and roads and what have you, 60 homes under its present use. Under the proposed change to Residential "C" the applicant would be permitted to construct one residential unit per one-half acre or approximately double the number of homes to 1 hundred and 20. The thrust of the application in a nut shell is this; (and in an attempt to be brief) the applicant feels that there is a need in the Town of Riverhead for moderate income housing. He feels that the property, the cost of the value of the property (land cost) could be cut in half if he doubled the number of homes. A year ago if you had 60 homes, the land cost with all the improvements, etc. would have to be passed out over 60 homes. For 1 hundred and 20 homes the land cost, the development cost and what have you would be cut in half. It's as simple as that. There is a certain market which the applicant is trying to target. That target is the moderate income housing market. If he falls below that in his price structure or if he goes above it, he possibly goes outside the market. I'd like to note also that one thing in the cost factor taken into consideration as far as this application is concerned, that his profit margin can be spread out over 1 hundred and 20 homes rather than 60 homes. It's only 60 homes. It's a retailing fact of life. The higher the volume, the less your profit margin. The least he can bring his cost down into the market area which he's trying to target. To point out to the Board as far as this application is concerned and as to the character of the neighborhood, rather than as a change of zone I would ask the Board to consider this as an extension of the zone. Property which is Agriculture "A" already borders on Residential "C". There are a good number of houses that are there along Doctors Path. There are approximately (as far as my review is concerned) some 30 homes on a third of an acre or what have you. From where we stand here tonight, approximately as the crow flies, we're talking about property which is within one mile (approximately one mile) of where we stand right now.

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PUBLIC HEARING Continued

Stanley Pohl, Continued

We have water mains (8 inch water mains) which runs to approximately 1 hundred 50 years along Doctors Path to the south of this property. Also I would note that the Land Associates of Riverhead has a multi-family residence type of dwelling, family residence dwelling adjacent to this property. What we're trying to say here is that the property in this location doesn't lend itself to high income housing and we're not sure whether or not low income housing is something which is feasible that this developer wants to take on. However, as I say, moderate income housing is what he's trying to target. He has certain models which he has under consideration of the cost of which three models that would range in value from 35 thousand, 60 thousand dollars which is what the actual construction cost would be. On to that you have to tack on your land cost and then your (margin) profit margin. And that would be the price of these homes which he is trying to sell. I would point out that this is an application only to rezone the property. No plans yet have been considered as to how the property be laid out and whatever. That would require further application to the Planning Board and to the Board of Health and all the other various agencies having jurisdiction herein. I'd also note to the Board that this application was made and the presentation was made before the Planning Board. They have voted to recommend the rezoning of the property. The Town Board I concur and join in their recommendation and ask that this Board do the same. If there are any questions you have from the Board or the public, I'd be glad to answer them."

Supervisor Janoski, "Thank you. I would like to thank you Stan. Both you and your client for your courtesty of allowing the extension number 33 of the Water District to go ahead of you. I did not envision that we would be here at this hour and I apologize but thank you very much for that consideration and for the consideration of those citizens who were here. Does anyone have any question or comment? Yes sir."

Bill Stillwagon, Aquebogue, "I just have two questions. What is the applicant's interpretation of moderate income and what price is projected for a completed home and a lot inclusive?"

Stanley Pohl, "On the basis of the models which we're talking about here, 35 thousand to 60 thousand dollars. That would be left up to a particular purchaser to select as to which model and how much money he wanted to expend. We're told that somewhere between 70 and 80 thousand dollars is what we could call moderate income housing for somebody with available financing could afford. We'd like to bring it in there at that a maximum price or less depending on what the cost would be spread out over the land. We're looking at actual land cost and I would have to say without divulging the price was less than 10 thousand dollars per acre. We're looking at possibly half a million or more as development costs. That would have to spread out over a 1 hundred and 20 lots including your water and extension of your water mains, L.I.L.C.O., your roads or what have you. Figuring

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PUBLIC HEARING Continued

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Stanley Pohl, Continued

those numbers, add them into the cost of construction and we feel that's the target market for moderate income housing. Somewhere between 60/65 to 80 thousand dollars per home."

Supervisor Janoski, "Stan there was another part to his question. I don't recall what the federal guideline is for moderate income these days. Do you?"

Stanley Pohl, "No. I don't recall. But those are the numbers exactly. But those were the numbers that were thrown about. Family income."

Councilman Prusinowski, "35 thousand?"

Stanley Pohl, "No. That would be the cost of the home and you have to.... If you earned one third because one third of that you should be able to afford that. So we're talking about someone in the neighborhood of 20 to 30 thousand dollars."

Supervisor Janoski, "Alright. Thank you. Yes sir."

Odel Evans, Doctors Path, "Two questions. One question is there is a right-of-way between the two parcels of the property with the access it would be the piece on the backside, the south-side. How would that be in the access to the highway?"

Supervisor Janoski, "Could you ask your second question?"

Odel Evans, "Oh sure. And the second one that I'm concerned about; this proposed property is going to be in a drainage area. Water from Doctors Path usually has to flow to the sump behind the Garden Apartments. So is someone going to be sure that there's adequate drainage in that area?"

Councilman Prusinowski, "Well they will have to show evidence..."

Stanley Pohl, "The second question first which I think is the easier one. It has to go before the various agencies and the Town Board and the protection would be.... Engineering surveys would have to be presented and approved by the Town. As far as the second section; we are presently negotiating with and it's part of our presentation to the Planning Board in the event that this application was approved, is to have access from the rear of the property and across the right-of-way. There is a right of-way which goes down and over the right-of-way. This is, at present, our intention of access to the property."

Supervisor Janoski, "What did you do with the other one."

Stanley Pohl, "There also a piece of property over here we're attempting to buy in order to gain access there. We don't want to buy a piece of property and spend more money until we know we can have the property rezoned. But we feel certain we can get the access that we need."

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PUBLIC HEARING Continued

Supervisor Janoski, "We have a discussion up here. It's an on going process. We want to get this stuff done. It's see my point Bill. Suppose we only had 5, only held 5? We just called three more tonight, So now next week you'd have 8. Bill Nohejl wants to talk. Bill."

Bill Nohejl, "For the record I want you to know that I have no interest in any property in this area. No. I don't"

Councilman Artale, "One of the few."

Bill Nohejl, "I agree with the gentlemen about needing low cost housing very much."

Supervisor Janoski, "He didn't use the word low cost housing."

Bill Nohejl, "Ok. Moderate. I'm very sorry."

Supervisor Janoski, "Come on. This is breaking down into mayhem. Let's get back to order."

Bill Nohejl, "This is to be rezoned to a half acre. With this half acre, I agree with it. I agree that not only this parcel of land should be zoned that way, I feel as though there's a natural boundary at Doctors Path and Reeves Avenue. Not just one special avenue. Because later on someone else is come and say; this guys got it. Why can't I have it. Why not do it as a natural boundary? Also I feel as though.... You awake Joe?"

Supervisor Janoski, "Yes."

Bill Nohejl, "I feel as though, after this is (if it is) granted a half acre zoning that there's talking about trading development rights. That this shall not be used as a trading of development rights. Being that you're rezoning it from one acre down to a half acre. It should stay a half acre where it is. Not to be traded off. I thank you."

Supervisor Janoski, "Thank you Bill. Listen. I have a question to ask the audience here and the press also. You're one of the audience. That we all know that Vince Artale is the morning radio man over at the WSBH. What's the number?"

Councilman Artale, "At this time I don't even remember."

Supervisor Janoski, "Well, whatever it is. FM. And the guy has to get up at 4 o'clock in the morning. Would anybody object if he went home?" "Nobody cares about here anyhow. No. Why don't you go home."

Councilman Artale, "Who is going to do my resolution."

Supervisor Janoski, "You know, if I had to get up at 4 o'clock....."

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PUBLIC HEARING Continued

Councilman Prusinowski, "We have the water district ones now."

Irene Pendzick, "We just have 4 more to do."

Supervisor Janoski, "As a matter of fact, if the press would just not even notice that he left, he would appreciate it. I'm sure he'll be... Ok. Does anyone else present wish to address the Board on this change of zone application? That being the case and without objection, closed."

8:25 PUBLIC HEARING CLOSED AT 11:52

Councilman Artale, "Look. The Traveler is even leaving. Let's see. If we can get rid of Suffolk Life, that will do it."

Supervisor Janoski, "Ok. Now we're at the 8:30 one which is... Yes."

William Kasperovich, "Point of order please. Is there some conceivable matter that this (with the few people that are left here) insofar as the owners and what have you to agree that you carry this on tomorrow or the next day?"

Supervisor Janoski, "Well Bill, what you're saying is very interesting."

William Kasperovich, "The people who are here I'm sure they are as tired as you are."

Supervisor Janoski, "I'm sure they are. But Bill what I'm going to point out to you is something logical. The people who were here were here on other hearings and they have gone. So obviously no one came earlier to speak to these hearings that are left. I would think that is a logical assumption. At this point in time I'm really not sure. But those people who left in bulk were on the 33 (extension 33) which is why I got that one out of order because I knew most of the people were here. They had a bus. It would seem to me that if all of those people were here on other matters then what is left here, is all that's left on the matters left before us."

William Kasperovich, "If they agree to post pone it..."

Supervisor Janoski, "Who's they?"

William Kasperovich, "The people...."

Supervisor Janoski, "These are all town things and we're going to push forward Bill. Ok. It's my turn now isn't it? Oh yes. Let the record show that the hour of 11:54 (is that right?) has arrived and the Town Clerk will read a notice of public hearing. And it's my turn to take a break."

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PUBLIC HEARING

PUBLIC HEARING - 8:30 p.m.

I have affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, October 1, 1985, at 8:30 p.m. at Riverhead Town Hall, to hear all interested persons regarding: Proposed Construction of improvements to the Raynor Avenue Pump Station with the maximum amount to be expended of \$152,000 to be paid from existing funds of the Riverhead Sewer District.

(See Sewer District Minutes)

8:30 PUBLIC HEARING CLOSED AT 11:56

Supervisor Janoski, "Let the record show that the hour of 11:54, that's what I said before. It's now 11:56."

PUBLIC HEARING - 8:40 p.m.

I have affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, October 1, 1985, at 8:40 p.m. at Riverhead Town Hall, to hear all interested persons regarding: The Acquisition of an existing 100,000 gallon water storage tank, pump and well system together with 3,500' of water mains. A portion of which will serve the entirety of the Riverhead Water District and a portion of which will serve only the proposed Extension #33.

(See Water District Minutes)

8:40 PUBLIC HEARING CLOSED AT 12:02

Councilman Prusinowski, "It is now 12:02. The Town Clerk will read a notice of publication for the next public hearing."

PUBLIC HEARING - 8:45 p.m.

I have affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, October 1, 1985, at 8:45 p.m. at Riverhead Town Hall to hear all interested persons regarding: The Proposed Extension of the Riverhead Water District at no cost to the Water District located at the northwest corner of Route 25 and Union Avenue in Aquebogue.

(See Water District Minutes)

8:45 PUBLIC HEARING CLOSED AT 12:04

Councilman Prusinowski, "The time is now 12:04. The Town Clerk will read the notice of the next public hearing."

PUBLIC HEARINGPUBLIC HEARING - 8:50 p.m.

I have affidavits of publishing and posting of a public notice for a public hearing to be held on Tuesday, October 1, 1985, at 8:50 p.m. at Riverhead Town Hall to hear all interested persons regarding: The Proposed Addition to the Riverhead Water District to be known as Extension #23A at no cost to the Water District located at Rolling Woods.

(See Water District Minutes)

8:50 PUBLIC HEARING CLOSED AT 12:05

Councilman Prusinowski, "We will now proceed right to the resolutions. I believe we're up to 728. Thank you gentlemen. Thank you Sam."

RESOLUTIONS

#728 AUTHORIZES OVERTIME COMPENSATION - ACCOUNTING DEPARTMENT.

Councilman Lombardi offered the following resolution which was seconded by Councilman Prusinowski.

RESOLVED, that the following employees of the Accounting Department be paid time and one-half overtime compensation:

Frances Friszolowski	---	1.50 hrs.	@\$11.7879	=	\$17.68
Lori U. Pipczynski	---	1.50 hrs.	@\$12.4380	=	\$18.66
Victoria L. Vourakis	---	2.75 hrs.	@\$15.0555	=	\$41.40

FURTHER RESOLVED, that the explanatory report relating to the aforesaid overtime submitted be filed in the Office of the Town Clerk.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, absent.
The resolution was thereupon duly declared adopted.

#729 APPOINTS MAINTENANCE MECHANIC III WITH SCAVENGER WASTE DISTRICT.

(See Scavenger Waste Minutes)

#730 AUTHORIZES TIME AND ONE HALF OVERTIME FOR SEWER DISTRICT DISTRICT AND JOINT SCAVENGER WASTE DISTRICT EMPLOYEES.

(See Scavenger Waste and Sewer District Minutes)

#731 APPROVES SITE PLAN OF JAMES TO. GALLUZI.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

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RESOLUTIONS Continued

WHEREAS, a site plan and elevations were submitted by James T. Galluzi for a building permit to build an addition to building for Showtime Stereo at property located at 1064 Route 58, Riverhead, New York, said site plan prepared by Young and Young, Surveyors, dated June 18, 1985, and revised August 29, 1985, and elevations prepared by Richard M. Suter, Architect, dated September 23, 1985, and

WHEREAS, this Town Board has reviewed the site plan submitted as prepared by Young and Young, Surveyors, dated June 18, 1985 and revised August 29, 1985, and elevations prepared by Richard M. Suter, Architect, dated September 23, 1985, and

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by James T. Galluzi for a building permit to and addition to building for Showtime Stereo at real property located at 1064 Route 58, Riverhead, New York, site plan as prepared by Young and Young, Surveyors, dated July 18, 1985, and revised August 29, 1985, and elevations prepared by Richard M. Suter, Architect, dated September 23, 1985, be and are hereby approved, subject to the following:

1. That the provisions of the Town Code, which are not addressed by this resolution or other official action of the Town, shall at all times be complied with by the owner of the property covered by this site plan.

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a certified copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk and filed with the Town Clerk.

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval or disapproval prior to being installed at the property. All signage so proposed shall be coordinated in appearance and design.

4. That the Declarant is familiar with Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same.

5. Trash receptacles of a decorative design shall be maintained at the premises.

6. That adequate parking for the handicapped pursuant to State and Federal law shall be provided and that each handicap stall shall be designated by an individual sign erected on a station stating, "No Parking, Handicap Only", and the universal symbol affixed thereto.

7. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code, with regard to type, thickness, and grade.

8. That the Town Board may designate fire zones as they may see fit and it is agreed that the owner of the premises shall sign any and all documents as may be required to designate fire zones.

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RESOLUTIONS Continued

9. No lighting shall be installed or adjusted in such way as to cause direct glare on neighboring properties or adjoining highways.

RESOLVED, that a certified copy of this resolution shall be forwarded by the Town Clerk to James T. Galluzi and the Riverhead Building Department.

DECLARATION AND COVENANT

THIS DECLARATION made the _____ day of _____, 1985, by James T. Galluzi residing at _____, Declarant.

WHEREAS, Declarant is the owner of certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in Schedule A annexed hereto as provided by the Declarant, and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead and the owner and prospective owners of said parcel that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan, said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office, and

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel,

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed do hereby make know, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors, and assigns, to wit:

1. That the provisions of the Town Code, which are not addressed by this resolution or other official action of the Town, shall at all times be complied with by the owner of the property covered by this site plan.

2. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval or disapproval prior to being installed at the property. All signage so proposed shall be coordinated in appearance and design.

3. That the Declarant is familiar with Riverhead Town Code, Chapter 90, entitled, "Trash, Rubbish and Refuse Disposal", and agrees to abide by same.

4. Trash receptacles of a decorative design shall be maintained at the premises.

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RESOLUTIONS Continued

FURTHER, BE IT RESOLVED, funds necessary for this purchase shall be taken from the budget of the Highway Superintendent, and

FURTHER, BE IT RESOLVED, that a certified copy of this resolution be forwarded to the Highway Superintendent and the Accounting Department.

The vote, Boschetti, yes, Artale, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "Mr. Stillwagon."

Bill Stillwagon, From audience, INAUDIBLE.

Supervisor Janoski, "Pardon."

Bill Stillwagon, "I'd like to make a statement on a public hearing."

Councilman Boschetti, "You mean while the meeting is open?"

Supervisor Janoski, "Go right ahead."

Bill Stillwagon, "Just observing the proceedings tonight, I'd just like to say that I resent the Board insulting speakers. I resent the speakers insulting the Town Board. I resent the citizens verbally attacking each other. And to that effect I'd like to say that I've been coming here for a long time and I've noticed that most of this problem is caused by the Town Board not stating a time limit. It seems fair and I don't believe that anyone would violate it if you pass a resolution limiting speakers to 5 minutes with an exception to representing attorneys or applicants or however that has to be worded. And in that resolution make it a mandatory statement at the beginning of each public meeting. In this way we could limit the obvious tension that exists in this hall. Thank you."

Supervisor Janoski, "Thank you. Without objection.... Wait a minute."

Councilman Artale, "I have one thing that I'd like to be read in the record. I just would like to commend our Fire Department, Police Department, Highway Department and Maintenance Crew and the Sanitation Department for the marvelous job that they all did during Hurricane Gloria. They all worked together and they did a great job. I said the Police right."

Supervisor Janoski, "Thank you. Without objection adjourned."

There being no further business on motion or vote, the meeting adjourned at 12:11 p.m.

IJP:nm


Irene J. Pendzick
Town Clerk