

Minutes of a Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, January 17, 1978, at 7:30 P.M.

Present:

Allen M. Smith, Supervisor
George G. Young, Councilman
Francis E. Menendez, Councilman
John Lombardi, Councilman
Antone J. Regula, Councilman

Also present: David P. Fishbein, Town Attorney
Absent: Alex E. Horton, Supt. of Highways

Supervisor Smith called the Meeting to order at 7:30 P.M. and the Pledge of Allegiance was recited.

Supervisor Smith then stated: "As we go through the meeting this evening, I will explain to those of you who are new to the Town Board Meetings exactly the procedures we'll use with reference to the public hearings.

For those of you who are so new that you might not understand how the public hearings work, if you are here with reference to the sign permits of A. Anthony or A & P Shopping Plaza or with reference to the Airport proposed by Mr. Joe Brush or those for the Code Amendments that deal with the Beach Parking Permits, there are special hearings that will be called during the evening with reference to those matters and you should save your comments until those hearings are called."

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

RESOLVED, That the Minutes of the Town Board Meeting held on December 20, 1977, be approved as submitted.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

BILLS

Bills were submitted on abstracts dated January 17, 1978 as follows:

General Town (1978)	\$ 9,929.06
General Town (1978)	\$28,176.37
General Town Encumbered (1977)	\$28,186.74
Special Districts (1978)	\$14,105.10
Community Development (1978)	\$ 150.00

Capital Projects - Corwin & Benjamin	\$ 26.50
Highway Item #1 (1977)	\$ 1,077.57
Highway Item #3 (1977)	\$ 1,504.72
Highway Item #4 (1977)	\$ 398.87

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

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

General Town (1978)	\$ 9,929.06
General Town (1978)	\$28,176.97
General Town Encumbered (1977)	\$28,186.74
Special Districts (1978)	\$14,105.10
Community Development (1978)	\$ 150.00
Capital Projects - Corwin & Benjamin	\$ 26.50
Highway Item #1 (1977)	\$ 1,077.57
Highway Item #3 (1977)	\$ 1,504.72
Highway Item #4 (1977)	\$ 398.87

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

REPORTS

Police Department for month of December, 1977. Filed.
 Recreation Department for month of December, 1977. Filed.
 Tax Receiver's, dated January 10, 1978. Filed.

PETITION

1,494 Names in Support of The Riverhead Airpark. Filed.

COMMUNICATIONS

Suffolk County Department of Planning, dated 1/3/78 re Amendments to various sections of Zoning Ordinance #26, Town of Riverhead. The Planning Commission has notified neighboring towns and has received no adverse response, therefore will take no further action. Filed.

Community Development Project Office, Town of Riverhead, dated 1/4/78 re Copy of letter of U.S. Dept. of Commerce, Economic Development Administration advising bids received for Jamesport School Rehabilitation. Filed.

Community Development Project Office, Town of Riverhead, dated 1/5/78 re copy of letter to U.S. Dept. of Commerce,

COMMUNICATIONS

Economic Development Administration listing final adjusted contract amounts for Jamesport School Rehabilitation. Filed.

Planning Board, Town of Riverhead, dated 1/6/78, re stating resolution adopted recommendation approving petition of Robert Harten. Filed.
Referred to Supervisor Smith.

Planning Board, Town of Riverhead, dated 1/6/78 stating resolution adopted recommendation approving application of Agway, Inc. Filed.
Referred to Supervisor Smith.

Suffolk County National Bank, dated 1/6/78 acknowledging receipt of letter advising depository status. Filed.

Town Clerk, Town of Southold, dated 1/12/78, re Public Hearing to be held Feb. 7, 1978 at 8:00 P.M. on proposed Local Law to amend Code of the Town of Southold relating to self-service gasoline stations. Filed.

Fireman's Fund Ins. Co., dated 1/10/78, copy of letter to Riverhead Colonial Shoppe advising roofer contracted for repairs. Filed.

Suffolk County Department of Planning, dated 1/12/78, advising that Town of Southold was notified regarding adopted change of Zone in Town of Riverhead and no further action will be taken. Filed.

Supt. of Highways, Alex Horton, dated 1/11/77, copy of letter referring to Laurin Road, Calverton; advising Town Board and Planning Board that to put precase in the road at its present grade would not do any good and his intention was to regrade and change contour of road so that water will flow partly to north and the balance to the south. Filed.
Referred to Councilman Young.

UNFINISHED BUSINESS

Special Permit - McDonald's Restaurant - drive-in window.
Special Permit - Harry Byron Stevens-non-nuisance industry, lumber yard.

Site Plan - G. Passahow & G. Jaffe - office building on Route 58.

UNFINISHED BUSINESS - continued

Supervisor Smith stated: " We have unfinished buisness the site plan approvals of McDonald's Restaurant and G. Passahow and Jaffee which will be the subject of resolution later on in the evening.

Harry Byron Stevens we'll take on also, I believe.

This brings us to that portion of the agenda where we will listen to anybody who wishes to address the Town Board on any general matter. Again if you are here to speak with reference to the sign applicaton of either A. Anthony or A & P Shopping Center or the Airport or Amendments to the Parking Ordinance with reference to beach parking or fishing, you'll have to wait until the public hearings are called. But if there is somebody in the audience that has a general complaint, question, etc., that does not deal with those four topics, now's your time to come forward and address the Town Board. Does someone have a matter of concern that they choose to address the Town Board on?"

No one responded at this time.

RESOLUTIONS

#39 AUTHORIZES ADVERTISE FOR SEALED BIDS ON GRIT REQUIREMENTS - HIGHWAY DEPARTMENT

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That the Town Clerk be and is hereby designated to advertise for sealed bids on Grit Requirements for use of the Town of Riverhead Highway Department for the year 1978, and be it

RESOLVED, That specifications and forms for bidding be prepared by the Superintendent of Highways, and bids to be returnable up to 11:00 A.M. on Monday, January 30, 1978, and be it further

RESOLVED, That the Town Clerk be and is hereby designated to open publicly and read aloud on Monday, January 30, 1978 at 11:00 A.M., at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York, all sealed bids bearing the designation, "Bid on Grit".

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#40 AUTHORIZES OVERTIME PAY FOR POLICE OFFICERS

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That the following Police Officers be paid overtime from December 1, 1977 to and including December 31, 1977 as per P.B.A. Contract at time and one-half their

RESOLUTIONS - continued
regular salary.

1.	D. Cheshire	12-30-77	30 min.	\$ 5.63
2.	F. Foote	12-13-77	1 hr.	\$12.84
3.	V. Gianni	12-04-77	1½ hrs.	\$19.26
4.	R. Schmersal	12-02-77	1½ hrs.	\$20.42
5.	J. Swiatocha	12-13-77	5½ hrs.	\$61.88
6.	R. VonVoigt	12-31-77	1 hr.	\$12.84

\$132.87

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#41 AUTHORIZES RECALL/COURT PAY FOR POLICE OFFICERS

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That the following Police Officers be paid recall/court pay from December 1, 1977 to and including December 31, 1977 as per P.B.A. Contract:

1.	R. Quinn	12-12-77	4 hrs.	\$53.96
2.	J. Swiatocha	12-21-77	4 hrs.	\$45.00
		12-26-77	4 hrs.	\$45.00
				90.00
				<u>\$143.96</u>

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#42 AUTHORIZES RECALL PAY FOR DETECTIVES

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That the following Detectives be paid recall pay from December 1, 1977 to and including December 31, 1977 as per P.B.A. Contract.

1.	H. Boden	12-17-77	4 hrs.	\$56.48
2.	W. Palmer	12-20-77	4 hrs.	\$57.12
3.	A. Summerville	12-14-77	4 hrs.	<u>\$57.12</u>

\$170.72

RESOLUTIONS - continued

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#43 AUTHORIZES OVERTIME PAY FOR POLICE OFFICER FROM REVENUE SHARING

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

BE IT RESOLVED, That the following Police Officer be paid overtime pay for the month of December, 1977 from Revenue Sharing:

1. A. Densieski 12-20-77 30 min. \$6.42

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#44 AUTHORIZES COURT PAY FOR POLICE OFFICERS FROM REVENUE SHARING

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

BE IT RESOLVED, That the following Police Officer be paid court pay for the month of December, 1977 from Revenue Sharing.

1. J. Hughes 12-16-77 4 hrs. \$51.36

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#45 AUTHORIZES RENEWAL OF STATE AID PROGRAM FOR OPERATION OF SENIOR CITIZENS CLUBS

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

WHEREAS, It is the intention of the Town Board of the Town of Riverhead to renew the State Aid Program for Operation of Senior Citizens Clubs, and

WHEREAS, The Town of Riverhead is about to submit a Program Application for such renewal to the New York State Executive Department Office of the Aging for approval, and if approved, to apply subsequently to the State of New York for partial reimbursement of funds expended on said program,

NOW, THEREFORE BE IT RESOLVED, That such application for renewal is in all respects approved, and Allen M. Smith, Supervisor, is hereby directed and authorized to duly execute and present said program application to the New York State Executive Department Office for the Aging for approval.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued#47 AUTHORIZES THE TOWN CLERK TO ADVERTISE FOR BIDS ON POLICE VEHICLES

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids on six (6) Vehicles for the use of the Police Department, and be it

RESOLVED, That the Town Clerk of the Town of Riverhead be and hereby is designated to open publicly and read aloud on Monday, January 30, 1978, at 11:15 A.M., at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York, all sealed bids bearing the designation, "Bid on Six (6) Police Vehicles."

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#48 APPOINTS BINGO INSPECTOR

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That Stephen Glose be, and he is hereby hired as the Bingo Inspector for the Town of Riverhead, at a per hourly rate of Five and 25/100, (\$5.25) Dollars per hour, not to exceed Three Thousand and 00/100 (\$3,000.00) per annum; effective as of this date.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#49 CHANGE FEBRUARY 21st, 1978 MEETING DATE

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

RESOLVED, That since the second regularly scheduled meeting for February falls on Tuesday, February 21st, 1978, and

WHEREAS, Town Officials and Department Heads will be attending the Annual Association of Towns Convention at that time,

HEREBY, BE IT RESOLVED, That the regularly scheduled meeting for February 21st, 1978 be, and is hereby changed to be held on February 28, 1978 and,

FURTHER RESOLVED, That the Town Clerk is hereby authorized to publish and post notice of change of meeting date.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

#50 PROMOTES LABORER TO AUTOMOTIVE EQUIPMENT OPERATOR - HWY. DEPT.

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That John B. Miller, Laborer in the Highway Department, be and is hereby appointed to the position of Automotive Equipment Operator for a probationary period of eight (8) weeks, to be automatically renewed hereby to a probationary period of six (6) months at the annual base salary of \$11,481.03, effective January 16, 1978.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Supervisor Smith: "On resolution #51 - Authorizes payment overtime for snow & ice control - Highway Department, we haven't had a verification on that abstract. Let's hold #51. There's no verification so until that one gets verified we'll hold it."

#52 FUND TRANSFER

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

RESOLVED, That the sum of Three thousand, one hundred eighty-nine and 47/100 (\$3,189.47) Dollars be transferred from the Federal Revenue Anti-recession Fund to the Community Development Fund.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#53 DESIGNATES ADDITIONAL OFFICIAL NEWSPAPERS

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

RESOLVED, That the Long Island Traveler Watchman and Suffolk County Life be, and hereby are, designated as additional official papers for the Town of Riverhead.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#54 RETAINS LAW FIRM IN MATTER OF CLARRY v. ZALESKI

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, Police Officer James Zaleski has been sued in an action entitled, "Clarry v. Zaleski, et al.", and

WHEREAS, The defense of said action by the insurance carrier for the Town of Riverhead is in doubt,

RESOLUTIONS - continued

NOW, THEREFORE, be it

RESOLVED, That John D. Kelly, Esq., and the firm of Kelly & O'Brien, are hereby retained to put in an appearance in the above-named action, and take those steps necessary to protect the interest of the Town of Riverhead and James Zaleski.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#55 RETAINS APPRAISERS FOR DOCTORS PATH AND OAK STREET PROPERTIES

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

WHEREAS, The Town of Riverhead, pursuant to the Community Development Act of 1974 and a discretionary grant from the Department of Housing and Urban Development, is authorized to conduct a slum clearance program, and

WHEREAS, Pursuant to the rules made and provided for such a program, appraisals are necessary in contemplation of such slum clearance,

NOW, THEREFORE, be it

RESOLVED, That Edwin Fishel Tuccio and John Bagshaw, Jr., are hereby retained to prepare appraisals for properties known as 500 Doctors Path and an improved parcel of real property situate on Oak Street, meaning the second parcel on the northern side of said street, from the westerly side of Doctors Path.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith Yes.

The resolution was thereupon declared duly adopted.

#56 AUTHORIZES SUPERVISOR TO ISSUE CHECK FOR POLICE PROFESSIONAL LIABILITY

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, The Riverhead Police Benevolent Association has demanded a re-opening of the 1976-1978 contract with reference to the placement of insurance for police professional conduct, and

WHEREAS, The placing of said insurance is conditioned upon submission of an advance premium,

NOW, THEREFORE, be it

RESOLVED, That the Supervisor be, and he hereby is, authorized to issue a check for police professional liability in the sum of Nineteen thousand seven hundred twenty-three and 00/100 (\$19,723.00) Dollars.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

Supervisor Smith: "With reference to resolutions #57 - Conditionally authorizes site plan submitted for building permit by W. W. Calevil and #58 - Conditionally approves site plan of McDonald's Drive-In Window, there may be someone who wishes to address the Board later on in the evening, so we'll hold those two. Those are with reference to the permits on 58 of McDonald's, and Passahow and Jaffee."

Supervisor Smith recessed the Meeting to hold a Public Hearing.

PUBLIC HEARING - 8:00 P.M.

Town Clerk submitted affidavits of publishing and posting public notice concerning application of A. Anthony at Wading River for a special permit to erect a free standing sign.

The affidavits were ordered to be placed on file.

Supervisor Smith: "For those of you who are unfamiliar about how public hearings are conducted before the Town Board of Riverhead, I would point out that we have a tape machine here and it forms the basis of the productions of the Minutes of this meeting.

If you do not use the microphone and you do not give your name and address before you speak, what you have to say will not become a part of the Minutes. It's very difficult for us in the future to make a decision based upon what you have to say if it is not reported in the Minutes of the meeting. So as I open each public hearing, those of you that would like to address the Town Board on this issue should come forward, give us your name and address, and as soon as Mrs. Pendzick acknowledges that she has that down, then you can address the Town Board.

With as many people as we have here this evening, we will impose certain time limits on the speakers depending upon how much seems to be said on each issue and once you have had your say, you will wait until we go through all your speakers and if you wish to speak a second time, we will let you speak a second time.

With reference to the sign application of A. Anthony for a free standing sign in the shopping plaza in Wading River which is on Route 25A, does anyone wish to address the Town Board either for or against this proposition?"

PUBLIC HEARING - continuedA. Anthony Pisacano, Thompson Street, Shoreham;

"I being in favor of this sign - we've gone over this. It's been handed around quite a bit. Being from Brookhaven, they have different rules and regulations, but I think we've gotten together with your Building Inspector and I think what is before you now complies with the ordinance."

Supervisor Smith: "For the purposes of the record, you are in support of this sign.

Is there anyone else present who is either in favor of or in opposition to Mr. Anthony's sign?"

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith closed the hearing at 8:04 P.M., and re-opened the Meeting.

Supervisor Smith: "Is there anyone here that wants to talk about the McDonald's Restaurant? Any representatives of the architectural firm that is so enamored by the golden arches that they have to be seen for at least five miles.

How about the site plan of G. Passahow & Jaffee? The other name on that architectural form of Calevil."

RESOLUTIONS#57 CONDITIONALLY AUTHORIZES SITE PLAN SUBMITTED FOR BUILDING PERMIT BY W. W. CALEVIL

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

WHEREAS, Warren W. Calevil has submitted to the Building Department an application for a building permit, and WHEREAS, Said application requires site plan approval by the Town Board, and

WHEREAS, The Town Board has met with the engineer and representatives of the owner-developer with reference to said site plan,

NOW, THEREFORE, be it

RESOLVED, That the site plan, as proposed and drawn by Howard W. Young, be, and the same hereby is, approved subject to the following conditions, which shall be met, where applicable, prior to the issuance of a Building Permit:

FIRST: The owner-developer shall produce for the examination and approval of the Building Department and Town Attorney, written copies of the drainage easements requisite for the piping of water from this site to the County recharge area. Said easements shall include an easement from the County of Suffolk for the use of said drainage area and an easement from the parcel easterly of the subject site and westerly of the County drainage area.

RESOLUTIONS - continued

SECOND: The issuance of, and duration of, this site plan approval shall be conditioned upon and shall end with the termination of any easements that are necessary for the drainage solution proposed by this particular site plan.

THIRD: Said site plan will be conditioned upon the drainage solution shown thereon, being sufficient to carry all water from said site to the County recharge area, and in the even that drainage from said site results in additional drainage problems for Middle Road, said site plan approval shall become null and void.

FOURTH: Said site plan shall be amended to show a planting strip to the easterly side of the proposed dwellings, similar to that shown on the northerly end of said site.

FIFTH: Both east and west boundary lines shall be fenced and shall be landscaped inconformity with said fencing. From the front building line to the street line, said fencing shall be four (4) feet in height; from the front building line to the rear lot line, said fencing shall be six (6) feet, or greater. The details of the landscaping plan shall be subject to the approval of the Building Department.

SIXTH: The approval of this site plan is subject to compliance with the parking schedule and the ratio therein for plantings, equaling twenty (20) square feet for each parking stall.

SEVENTH: Said site plan shall be amended, such that the most four (4) southerly parking stalls on both the east and west sides of the entrance off of Route 58 shall be eliminated and the proposed green area, adjacent to Route 58, shall be expanded to encompass the area shown as occupied by the aforesaid four parking spaces, such that, when, as, and if the County of Suffolk expands the dimensions of Route 58, the green area shall remain.

The vote, Regula, Yes, Lombardi, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

#58 CONDITIONALLY APPROVES SITE PLAN OF McDONALD'S DRIVE-IN WINDOW

Councilman Young offered the following resolution which was seconded by Councilman Regula.

WHEREAS, McDonald's Restaurant has applied for a building permit for premises situate on the northerly side of Route 58, and

WHEREAS, pursuant to the provisions of the Town Code of the Town of Riverhead, said application has been referred to the Town Board for site plan review, and

WHEREAS, The Town Board, in the exercise of its discretion, has referred said application to the Planning Board of the Town of Riverhead, which has submitted recommendation to the Town Board, dated December 5, 1977, and

WHEREAS, The architect for McDonald's did appear before the Planning Board of the Town of Riverhead and did consent to

RESOLUTIONS - continued

the re-submission of the site plan, in conformity with the suggestions made by the Planning Board, and

WHEREAS, To date, the architect for McDonald's has not complied with the stipulation to re-submit the site plan in conformity with the recommendations of the Planning Board,

NOW, THEREFORE, be it

RESOLVED, That the Town Board does hereby conditionally grant the approval of the site plan for the McDonald's Restaurant drive-in window in conformity with the recommendations made by the Planning Board, as set forth in the sketch attached hereto. As a further condition of this site plan approval, the Town Board does hereby require the removal of the existing golden arches sign and the replacement thereof by one of the same dimensions as that located on the Flanders Road, in the Hamlet of Riverside, Town of Southampton, and on the further condition that all plannings, as shown on the sketch (filed in the Town Clerk's Office, be approved by the Building Department before construction.

The vote, Regula, Yes, Lombardi, Yes, Menendez stated before voting: "What in essence your saying here is that you either play pool my way or you don't play pool at all. No sign replacing of the sign, no drive-up window. I don't disagree that the golden arches sign should be lowered, but I do object to the method being used to obtain a compliance. This method in my opinion smells of gentle blackmail and I shall not be a party thereto. I vote no."

Young, Yes, and Smith, Yes.

Supervisor Smith then stated: "I openly admit that the idea is if the gentleman wishes to make additional business in the Town of Riverhead that he has to comply with some of our regulations. I listen to the McDonald's people tell us how this is the only sign that they have and this is the only sign and it's necessary for you to find their location when all you have to do is go 100 yards out of the Town of Riverhead and you see a smaller one and if you drive over to Southampton, you see a smaller one yet. That's the intention. The smaller signs will be in compliance with the other Town Codes. I vote Yes. "

The resolution was thereupon declared duly adopted.

Supervisor Smith recessed the Meeting to hold a Public Hearing.

PUBLIC HEARING - 8:15 P.M.

Town Clerk submitted affidavits of publishing and posting of public notice concerning the application by Joseph Brush for a special permit to operate an airport.

PUBLIC HEARING - continued

The affidavits were ordered to be placed on file.

Supervisor Smith: "Let's hold the correspondence for just a moment. Mr. Ackerman and Mr. Arnoff, do either of you gentlemen before we get into the actual meat of this hearing, have any preliminary matters to address the Town Board?"

Ladies and gentlemen, I find that sometimes we talk in advance and lay down some of the ground rules so that meetings such as this run a little better.

Now gentlemen, I'd like to place on the record for either of you to address a statement of fact and record in the Town Hall of the Town of Riverhead which deals with the representation of the firm that I was formerly associated with representing McCombe and opposition to Mr. Joseph Brush and his airport. Do either of you on the basis of this association wish to object to my sitting on this particular matter? No objections by Mr. Arnoff?"

Harvey Arnoff, Esq., 16 W. Main Street, Riverhead;
No objection."

Supervisor Smith: "No objection by Mr. Ackerman?"

Leonard Ackerman, Esq., 34 Pantigo Road, East Hampton;
"No."

Supervisor Smith: "Let us proceed. Mr. Arnoff, I'd like you to give to the people assembled a preliminary statement of what is proposed by your client in this application and would you please use the microphone."

Harvey Arnoff, Esq., 16 W. Main Street, Riverhead; "I think at the outset, I think it's encumbered upon me to advise the Board and people here what the exact nature of my clients application is. The local paper has built this up into just about what I consider to be a jetport and it's not. The sole application here is for a general aviation airport. Now I'm going to attempt to define what Mr. Brush and I consider to be the perimeters of that particular application.

First of all at the present time, he intends to maintain the existing grass strip which is approximately 50' wide and 2,300' long. A survey was submitted, I believe that each of you has at least one copy of it, for purposes of your perusal and you'll find that is in conformity with that.

The use factor of this airstrip will be strictly for light aircraft. The aircraft for the purposes of the record can best be defined as that aircraft which weighs no more than 12,500 pounds, will be no more than single or twin engine, will

PUBLIC HEARING - continuedHarvey Arnoff continues:

have no more than capacity for four passengers. There certainly will be no way that we can facilitate jet aircraft or any heavy-duty transportation in or out of this strip, nor is it intended.

As far as the facilities which are going to be utilized, the present plans are that the existing facilities will be utilized. There is no immediate construction foreseen with two notable exceptions, is the unfortunate fire Mr. Brush just had, which I might as well bring up right now, and which that particular structure he intends to rebuild with, of course, permission of the Town. Additionally, we intend to have certain storage facilities underground for approximately 20,000 gallons of fuel for aircraft.

I think the next direction in defining exactly what's involved are defining what activities we're seeking to have at this airport because then again and I'm sure you've read the various articles of planes taking in and off, we're not going to be competing with MacArthur or LaGuardia.

The activities are strictly that of recreation flying basically. There will be facilities for outside tie-downs for approximately 24 aircraft. The second thing is there may be or there will be aircraft safety and flight instruction. Minor repairs will be performed at the facility to include painting of aircraft. There will be NO and I repeat NO FABRICATION what-so-ever. There will be no manufacturer, and there will be, not testing of any experimental aircraft. We foresee PRIVATE, and I stress the word PRIVATE Charter Activities at this airstrip. And additionally, I think something which one should bear in mind and a point that I'm going to bear on now for a minute. We envision helicopters landing and taking off here to facilitate the spraying of farms within the Township of Riverhead. If one examines, I think one must—the general business law of the State of New York which would be applicable here for purposes of defining airport.

Airport in Section 240 of that law is defined as follows: Airport means any landing area used regularly by aircraft for receiving or discharging passenger or cargo or for the landing and take-off of aircraft being used for personal or training purposes. If one wishes, one can define wherever these helicopters have been regularly taking off from the farms within the Town of Riverhead as being regular activities and I think by a strict interpretation of your statute and your ordinance no longer will helicopter dusting be available to the farms here in the Town. And that should be brought right to the fore and we intend to provide facilities for these helicopters.

There's a question as to whether or not the farms may come within the definition. I feel that they do."

Supervisor Smith: "You're talking now so we make the record clear, a strict interpretation of a State Statute."

PUBLIC HEARING - continued

Harvey Arnoff: "That's correct, but there is no definitive, there is no definition within the Town Ordinance of airport, aircraft or anything of that nature. And by definition then, we must look to the State Statute which governs. I'm not going to pass on the Environmental Impact Statement. I'm not going to make any statement in regard to that. I think you have a Board which has passed upon it, has sent it back to you and we have a Supreme Court Justice which who has refused to rule upon the adversary application set aside the determination of that Board.

I think we cannot overlook that Mr. Brush, whether legally or illegally has been operating this airstrip since 1968 or 1969. On a more or less continuous basis, until I believe it was sometime this past year, I think if we look at the criteria set up in 1083 with the Riverhead Code, we have to deal with the issues as they arise. It says there that the Town Board shall determine among other things, that the use will not prevent or substantially impair either the reasonable or orderly use or the reasonable and orderly development of other properties in the neighborhood. I don't think it's done so to this point a continued used as foreseen here, I don't think we'll have that effect.

We are dealing with the needs of many, versus the needs of a few. Unfortunately, there are certain times that the needs of the few must bend. The hazards of the disadvantages to the neighborhood must also be considered. When we're dealing with, there are very few areas more remote than this particular area within the confines of the Town which would facilitate any landing or taking off of any aircraft, be it helicopters or anything else.

As a matter of fact, I think it's my recollection that the State of New York purposely cut down trees to facilitate the landing and taking off of aircraft along the portion of a strip. The health, safety, comfort, and welfare of the Town and it's convenience will not be adversely affected by the authorized use. Again I feel that that again speaks for itself. We are outside the perimeters of any major populated area of this Town. There are very few homes in the area and the flight path as designated will tend to effect the least number of people possible.

Additionally, one should bear in mind that there are very few airstrips on the Northshore of Long Island. There's Mattituck and there's Brookhaven. There are no others. Additionally, I think there will be sufficient testimony and I don't plan on making my statement testimony to the fact that Mr. Brush's Airstrip is often the last place available to the stranded flyer who's looking for a place to set down. For some unknown reason, at least to me, because I'm not a flyer, this is the last area to go in on Long Island. And for that reason, I feel it is a definite safety factor for this Board to consider in weighing it's determination."

PUBLIC HEARING - continued

Supervisor Smith: "Mr. Arnoff you've been at it for almost ten minutes."

Harvey Arnoff: "I will be done very shortly Mr. Smith."

Supervisor Smith: "That's right."

Harvey Arnoff: "I think that there are just two other areas that I intend to go into. The noise aspect of this particular airstrip which has been mentioned, can certainly not be compared to irrigation pumps which run 24 hours a day. That noise is far greater than that of an aircraft taking off.

There's another thing that should be mentioned and that is that this airstrip will only operate during day light hours. There's no intention of any night time flying in and out of this airstrip.

I think finally, if I may, this particular airstrip will provide a Recreational facility for this Town, a definite plus for this Town, something that it's merchants can use and something that it's industry can use for occasional flying in and out of."

Leonard Ackerman, Esq., 84 Pantigo Road, East Hampton; "I'm appearing here in opposition to the application for this special exception use and more specifically I'm appearing here on behalf of Mr. Robert Hartmann, Mr. and Mrs. Adam Gatz, Mr. and Mr. Leonard McCombe, Mr. and Mrs. Shirely Hallock, Mr. Richard Reeve and friends and neighbors of Riverhead which is an unincorporated association.

I'd like to make a very brief statement. In an effort to run an orderly and I believe a well organized and fashionable hearing and opposition part of this public hearing, I have prepared a memorandum of law in support of our position. A statement of the law of the case. This memorandum purports to demonstrate what the opposition will show through their expert witnesses with respect to the issues there before the Board.

So at this time, I'd like to submit to the Board copies of this memorandum and a copy, of course, for Mr. Arnoff. My brief summary will just touch on a few of these points. If I may briefly describe a short history of this airport facility and its proceedings with respect to its use under the zoning ordinance of the Town of Riverhead, a special permit was granted for the use of the airport facility in 1969. That permit or special exception was shortly thereafter revoked. Thereafter 1970, there were applications made which were denied. It has been stated by Mr. Arnoff and I believe that it is apparent that there has been some form of operation without the benefit of a special permit of this facility. Most recently in August, a cease and desist order was issued and, of course, as a result, the application which was before this Board was forthcoming.

Thereafter, in October 1977, the matter was submitted

PUBLIC HEARING - continued

Leonard Ackerman continues:

to the Planning Board which mandated an Environmental Impact Review. This was submitted to the Town Board and at that time, particularly November 17, 1977, the Town Board sent the matter to the Environmental Quality Review Board to decide. They, of course, waived any requirements and sent the matter back in a so-called advisory capacity to the Town Board.

Subsequently in Article 78 proceeding was commenced to attack the determination by this Environmental Impact Board. Judge Lester Durard has made a determination that the application was pre-mature among other things, and dismissed the petition without prejudice. The present hearing, of course, was noted.

At this time, I would like to submit to the Board petitions reflecting the names and addresses of local residents who represent 2,000 acres in this area who object to the application for the special permit and if I may, I'd like to hand up these petitions at this time."

Supervisor Smith: "Mr. Ackerman, if you will leave these right here, we'll mark in all the correspondence received and the petitions both for and against at one moment."

Mr. Ackerman: "Now in conclusion, I would just like to state that the highlights here of the opposition are as follows:

The Zoning Ordinance of the Town of Riverhead requires specific considerations by the Board in granting a special exception. These requirements are in the area of general health and welfare, consideration of property values a consideration of the present zoning and that specifically in terms of the Master Plan. Of course, the balancing of the need for the specific facility against the abuse and the disadvantage of property owners is the paramount concern. There is also the Environmental Conservation Law Requirement which is a statutory requirement in the New York State Statutory framework, and that Environmental Conservation Law in our view requires an Environmental Impact Statement. The failure of this Board to consider and obtain an Environmental Impact Statement renders the public hearing at this time jurisdictionally defective in that it is premature that, of course, is an issue of law and not an issue affect. We attempt to show by demonstrating through expert witnesses that there is no need for the facility, that the area is insufficient to satisfy the conditions of both the F.A.A. and the Zoning Ordinance of the Town of Riverhead.

In addition, we will show the F.A.A. rules and regulations with respect to safety requirements, are not met. We expect to show through our expert witnesses that this proposal conflicts with the 1975 Riverhead Master Plan, as well as its failure to satisfy the requirements under an Environmental

PUBLIC HEARING - continuedLeonard Ackerman continues:

Impact Statement as those grounds and set forth in the New York Statutory framework.

We also wish to show finally, that the granting of this special permit will substantially diminish the market value of surrounding properties and it will be a damage to the neighborhood which is one of the conditions set forth in the Zoning Ordinance.

I, therefore, respectfully request, Mr. Supervisor, Members of the Board, that upon the conclusion of the presentation by Mr. Arnoff, we be permitted to present our expert witnesses who will make short statements themselves, introduce their own reports giving their own opinions. Thank you sir."

Supervisor Smith: "Mr. Ackerman and Mr. Arnoff, with reference to those matters that are strictly matters of law such as the requirement of the Environmental Impact Statement and or any argument that you wish to address with reference to the referral of this matter under the general business law, let us save those for the tail end of the evening, so we don't have to bore all these people with legal arguments that will ensue thereon.

There's one other thing we will do. We're going to break at this moment and see how many people are going to talk about the A & P Shopping Sign."

Supervisor Smith recessed this public hearing, in order to hold the next public hearing.

PUBLIC HEARING - 8:30 P.M.

Town Clerk submitted affidavits of publishing and posting public notice concerning the matter of application of Eve Lenox for special permit to erect a free-standing sign at the A & P Site.

The affidavits were ordered to be placed on file.

Supervisor Smith: "Mr. Askoff one minute. How many people, with a show of hands, are here to speak for or against the free standing directory type sign that is proposed by the A & P Shopping Center?"

One speaker responded at this time.

Syd Askoff, Esq., 444 Deer Park Avenue, Babylon; "Mr. Supervisor, this is a replacement of an existing sign with a logo type sign on the same structure that has been there for a number of years. I don't know how many years it's been there, but it has been there. There is one sign below my clients sign. What is proposed is simply remove that sign and put up a logo type sign which measures its oval 9 x 3 or 3 x 9 or roughly

PUBLIC HEARING - continuedSyd Askoff continues:

25 square feet. I realize that there might be a change expected in your ordinance. It will be prospective.

I discussed that with my client, however, I'm here tonight and it would appear that even though there's a change that might be made, they're still prepared to go ahead and make the change of that sign and perhaps to the economic detriment — perhaps a year or so — perhaps take it down. I'm prepared to deal with any questions you have in the interest of time and the people that perhaps more important, I believe enough has been said about this on my point."

Supervisor Smith: "Mr. Askoff it's not a perspective amendment. The directory type sign similar to what I believe Mr. Anthony has proposed earlier in the evening is the law in the Town of Riverhead — the problem with the A & P Shopping Sign is that it does conform with what is there and I guess your clients don't recognize that. If they wish to stick with the proposal that they have made, this Town Board will consider what's the purpose and render a decision on that."

Syd Askoff: "We'll stay with that."

Supervisor Smith: "All right, we'll render a decision on that."

Syd Askoff: "Thank you very much."

Supervisor Smith: "Yes Mr. Askoff. For the purposes of the record, does anybody else wish to speak with reference to the A & P Shopping Sign?"

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith declared the hearing closed at 8:38 P.M., and re-opened the 8:15 hearing.

Supervisor Smith: "Let's mark, Mrs. Pendzick, the various petitions.

It should be noted there's a Court Stenographer present and we'll do it by the numbers.

That's a petition of Mr. Ackerman with reference to persons in opposition and it was phrased in terms of numbers of acres. Would you mark that #1?

Exhibit #2, the Brush petition in support."

COMMUNICATIONS

EXHIBIT # 3 - Diana's Travel Services, Riverhead, stating that they feel that the loss of the Riverhead Airport is a loss to the community, and that the Town Board should re-establish this facility as soon as possible. Filed.

Exhibit #4 - Riverhead Shell, Riverhead, dated 12/26/77, strongly urging the Town Board to re-open the airport on Sound

PUBLIC HEARING - continued
Communications continued:

Avenue as soon as possible. He further states that Mr. Brush provides for Riverhead what other Towns spend tax dollars on. Filed.

Exhibit #5 - Fred Gallo & Sons, Riverhead, dated 12/23/77, feels that closing the airport is not in the best interests of the community. Filed.

Exhibit #6 - Alan R. Daters, Riverhead, dated 1/9/78, expressing support for the Riverhead Airpark and stating 4 reasons for its approval: Improves air safety - Improves air travel convenience - Improves economic independence for the Town - Improves prestige of Riverhead. Filed.

Exhibit #7 - Supreme Court, Suffolk County, dated 1/12/78, memorandum concerning petitioners seeking an order staying public hearing to be held January 17, 1978 on application of special permit by Joseph Brush, and seeking an Article 78 proceeding to order the Environmental Review Board to require preparation of an Environmental Impact Statement, stating:

Petitioners motion is denied on the request for the stay; and "grants, without prejudice for further action on the part of the petitioners at a future time." Filed.

Exhibit #8 - Edward Krupski, Riverhead, dated 1/15/78, stating his property borders Joe Brush's, and has owned it for 30 years. Has never found it a nuisance and has no objections. Filed.

Exhibit #9 - Harvey Pollak, Riverhead, dated 1/13/78, asks to go on record favoring airport, feels it would be a service and fulfill needed benefits for community. Filed.

They are deemed read into proceedings.

Supervisor Smith: "Gentlemen, we shall refer and read into this record all prior proceedings had before or any of the other Official Boards of the Town of Riverhead and the proceedings that have just been completed in Supreme Court, Suffolk County.

There would be the original petition that was filed before the Town Board. There have been correspondences both for and against that have been received during prior Board Meetings. There's the proceedings before the Planning Board and there's your arguments before the Supreme Court, Suffolk County."

Supervisor Smith recessed this public hearing, in order to hold the next public hearing.

PUBLIC HEARING - 8:45 P.M.

Town Clerk submitted affidavits of publishing and posting of public notice concerning amendments to the Code of Riverhead relating to Parking and Parking Permits.

The affidavits were ordered to be placed on file.

Supervisor Smith: "The intention of this particular hearing is to remove the beach parking permit fee for citizens, taxpayers, residents, as are defined in the Code. I realized that we've jibberished the notice a little bit, but that is the intention of the Town Board. We've removed the income therefore from our budget this particular year.

Is there anyone that is here in support or opposition to that amendment to various codes of the Town of Riverhead?"

No one wishing to be heard and no communications having been received thereto, Supervisor Smith declared the hearing closed at 8:46 P.M., and re-opened the 8:15 hearing.

Supervisor Smith: "Mr. Arnoff, do you have witnesses or are you going to let your supporters speak generally."

Mr. Arnoff: "I think I best let them speak generally."

Supervisor Smith: "So we're going to take one from either side until they we're done. I will listen to three people in support of Mr. Brush's application and then we're going to listen to three expert witnesses that will be presented by Mr. Ackerman.

Someone please raise their hand who wishes to address the Town Board in support of the application?"

Anthony Gambino, President of Aviation Council of Long Island; "Mr. Smith, Supervisor, Town Board Members, Gentlemen, the Aviation Council of Long Island favors the re-opening of the Riverhead Airpark. Airports of all sizes are vital to the aviation and local community. They are essential because all of us today travel everywhere using aircraft of all sizes and types. Just as highways are vital to the automobile, or tracks to the railways, we must realize that airports are just as important to a healthy future in the continuation of air travel.

Mr. Joseph Brush by providing this property for uses as an airpark, is performing a community service. The airpark will be contributing taxes and will cost no expense to the Town. It will also provide other income and employment benefits to its neighbors. The activities of the airpark through cooperative effort by the owners, neighbors and Town Government, should

PUBLIC HEARING - continued

bring little or no disturbances to anyone.

As members of the Town Board, I and the members of the Aviation Council of Long Island, urge you to keep Riverhead's access to the air by issuing this operating permit in favor of Mr. Brush and the Riverhead Airpark."

Supervisor Smith: "Mr. Gambino, we've been asked this evening to take the various testimony of the witnesses under oath. Do you have any objection to taking an oath and adopting that statement?"

Anthony Gambino: "No."

Supervisor Smith: "Do you swear that the testimony that you have given in this matter is the truth and nothing but the truth?"

Anthony Gambino: "Yes."

Supervisor Smith: "Thank you Sir. Do we have another speaker in support of the application, please?"

"I am Dr. Ralph Junker, Southampton."

Supervisor Smith: "Dr. Junker you may have heard what I just said to Mr. Gambino, the parties asked to swear the various people to testify. Do you have any objection to being sworn in?"

Dr. Junker: "I have no objection."

Supervisor Smith: "Do you Sir swear that the testimony that you are about to give in this proceeding is the whole truth and nothing but the truth?"

Dr. Junker: "That is correct. Let me disqualify myself in a way that I am not a resident of Riverhead. I would also like to make a qualification that I'm one of the people who made an emergency landing at Riverhead Airpark.

In reference to the F.A.A. approval of Riverhead Airpark, I site as a valid document. I'll read from the front part of the document — this is an official map, Department of Defense, Federal Aviation Administration and Department of Commerce and this includes airspace amendments, effective June 16, 1977 and April 28, 1977. This is an official map of those agencies and on the map — I would like to submit for the record it lists Riverhead Airpark, it's altitude and length of runway and I believe it has the official sanctions of all those agencies."

Supervisor Smith: "Thank you Doctor. Would you like to offer that into the record of this meeting?"

PUBLIC HEARING - continued

Dr. Ralph Junker: "I would thank you."

Supervisor Smith: "All right, would you pass it up. Mr. Ackerman are you going to object to this for whatever it's worth?"

While he's looking at it, do we have a third speaker in support of the airpark? Yes Sir in the back of the room. No objections Mr. Ackerman?"

Mr. Ackerman: "No."

"I'm Arthur Bauer, I live at 222 Bay Avenue, Bayport."

Supervisor Smith: "Mr. Bauer, do you have any objection to being sworn?"

Arthur Bauer: "No Sir."

Supervisor Smith: "Do you swear Sir that the testimony that you will give in this hearing will be the whole truth and nothing but the truth?"

Arthur Bauer: "I do."

Supervisor Smith: "Thank you Sir."

Arthur Bauer: "My statement is not in the form of a testimony, but rather as a comment. I've been involved in aviation on Long Island for many many years. I own a closely held corporation which owns and operates its own aircraft and I fly for business and pleasure and have for many years.

I live in the village of Bayport and lest I be accused of being an outsider speaking to you in favor of something which is none of my business, I might say that I am also actively involved in the Aviation Council of Long Island who are at the present time speaking just as loudly and strongly for a small airport in Bayport called Edwards. In fact, they do have somewhat the same physical size, physical capacity and purpose. Namely to cater to the type of aircraft which naturally would not be serviced and in many cases not even welcomed at the larger airports such as MacArthur, Suffolk County and Westhampton Republic and so forth.

An aircraft is meant to fly. It's an air tool to get from point A to point B. However, there's one link that's missing, and that is a terminal. A terminal — a stopping point and a going point. And all the aircraft and all the airports to the Midwest and all the airports in Pennsylvania, Jersey, and Connecticut don't do Riverhead one bit of good if there's no place to land.

So, therefore, we owners of aircraft and people who are interested in the science and in the art of flying are very

PUBLIC HEARING - continued

zealous whenever occasion arises where we see a possibility of an air facility being invalidated and that's my purpose of being here tonight, to speak in favor of the airport from the basis of a citizen, business person, knowing the value of an airport and the vital part it can play in the community. I thank you."

Supervisor Smith: "Thank you Mr. Bauer. Mrs. Pendzick the map would come in as exhibit #10.

All right Mr. Ackerman, you have the three gentlemen or people you wish to present. You can't do it with a narrative."

Leonard Ackerman: "I would just like to qualify this witness, if I may."

Supervisor Smith: "Are you going to object to these qualifications?"

Harvey Arnoff: "No. If you can give us qualifications we're not dealing with testimony here. This is not a court room and I think Mr. Ackerman wants to conduct it as such and I don't think this is the purpose of this hearing (the rest was inaudible)."

Supervisor Smith: "Why don't we put the gentleman up there and let's see if I can qualify him."

Harvey Arnoff: "Mr. Smith, he's very well qualified."

"I'm Ronald A. Freeman. I live at 5 Horseshoe Road, Mt. Kisko, New York."

Supervisor Smith: "Mr. Freeman, I assume that your testimony will be sworn."

Ronald A. Freeman: "Yes it is."

Supervisor Smith: "Mr. Freeman, do you swear that the testimony that you will give in this hearing, will be the whole truth and nothing but the truth Sir?"

Ronald A. Freeman: "I do Sir swear."

Supervisor Smith: "Mr. Freeman would you please give us your professional background, qualifications and names of professional organizations of which you are a member."

Ronald A. Freeman: "I'm a Civil Engineer. I'm a registered professional Engineer in New York State and several other states. I've been in Practice of Engineering for 30 years."

PUBLIC HEARING - continuedRonald A. Freeman continues:

Since 1963 as a Principal in my own firm, Starten and Freeman of 101 Park Avenue, New York City, New York, I'm a member of the National Society Professional Engineers, New York State Society of Professional Engineers, Society of American Military Engineers, New York State Associations of Professions, American Public Works Association, American Arbitration Association."

Supervisor Smith: "Have you, in fact, testified Sir before other bodies and groups with reference to land use matters?"

Ronald A. Freeman: "I've given testimony before the Civil Aeronautics Board in Public Hearings on Airport Matters and in litigation cases on both sides of the case."

Supervisor Smith: "State and Federal Court Sir?"

Ronald A. Freeman: "State Courts."

Supervisor Smith: "Supreme Court, State of New York, is that what we assume Sir?"

Ronald A. Freeman: "Yes."

Supervisor Smith: "Have you conducted an examination of the premises that are subject to this application and any supporting documents with reference to that application?"

Ronald A. Freeman: "Yes, I have on more than one occasion."

Supervisor Smith: "Are you prepared to render certain opinions with reference to what is proposed?"

Ronald A. Freeman: "I am."

Supervisor Smith: "Why don't you render those opinions?"

Ronald A. Freeman: "In 1969, I first was called upon to make an examination of the subject facility and render a report. I was again called upon recently to do an update of those opinions based on current situation. I went out and revisited the site, re-examined my original findings and data and have prepared another report which will be submitted as evidence.

If I may, I will quote specifically from the report by the headings with my findings. The first category that I examined was the need for an airport. In that connection, as I pointed out in a pervious examination of the subject, the Riverhead Airpark was considered in the Federal Aviations Administrations National Airport System Plan which is published

PUBLIC HEARING - continued

Ronald A. Freeman continues

periodically listing the needs of a nation wide basis of aviation facilities throughout the United States.

Riverhead was listed as needing a general aviation facility which was loosely described as a utility type airport stage 2 with a runway approximately 3,000 feet long. This listing continued through the '72 edition of the N.A.A.S.P., and the current listing in '77 has been dropped. This listing is predicated on developments that are compatible with general area locations and needs of the overall National Airport System as set forth in this reference plan. A collateral situation relating to that plan is the recent granting of a Federal Aviation Administration Grant of seventy four thousand some odd dollars to the Westhampton Facility Suffolk Airport for the preparation of a Master Plan by the firm of Transplan. I have appended a copy of the January 11th article in the Suffolk Life to my report , should you care to read it.

In my previous examination, and currently since I don't imagine there has been a tremendous change, the wind rose or the prevailing winds as published in your Town Master Plan would indicate that you have crosswind conditions more than 5% of the time with any primary runway orientation. Consequently, in the Planning of any general aviation facility, it would be prudent and at times essential to have allowance or provision for a crosswind runway. It would be oriented at some angle to the primary runway in order to provide what is commonly acceptable as 95% wind coverage for your two runways.

In examination of the present site as embodied in the application, there seems to be consideration only for a single runway parallel to County Road, Route 105, Union Avenue. I examined the runway approaches at both ends then, and again now. They're essentially in the same condition that they were at that time in '70. There's one new facility that has been added at the northerly end of the runway and that is a primary electric service line with poles approximately 45 feet high and using the published criteria for this category of airport which is basically the lowest category that is recognized by either the F.A.A. or the State Department of Transportation.

A21 slope on a approached trapazoid which is the slope off the end of a runway would require 900 feet offset from a power line in order to provide adequate clearances to — for an aircraft taking off to properly clear the power lines. The panel that I placed on the blackboard there (refers to display on blackboard) — the Board contains a series of Federal Aviation Administration Publication entitled Advisory Circular 150-5300-4B and entitled utility airports. The criteria contained in this publication based on operational and safety requirements and in this case considering the smallest type of activity that would be considered by the F.A.A. The New York State Department of Transportation has similar cirteria. I have appended a one-page excerpt as exhibit B to my written report which shows more or less of an isometric view end of a hypothetical runway and

PUBLIC HEARING - continuedRonald A. Freeman continues

in the case of the New York State D.O.T. language they would refer to their smallest category as category one, where the longest runway would be 3,200 feet and less."

Supervisor Smith: "Mr. Freeman, so the record is clear, why don't you tell us where you got that?"

Ronald A. Freeman: "This is obtained from the New York State Department of Transportation, Department of Aviation, and it's entitled approach clearance over traverse ways. It's amended May 16, 1971.

This contains the dimensional data which has been embodied on subsequent exhibit which I will produce shortly going through the exhibits taken out of the advisory circular. On the board, there is a picture of a development showing an apron and a taxi-way adjacent to the runway showing the type of facilities that might be attendant to a typical small general aviation air facility.

Item #1 to the right of that picture are the recommended dimensional standards for utility airports as published by the F.A.A. I'll just site briefly if you'll look at the lower right hand corner on the board you'll see #5 and the lettered dimensional data shown thereon corresponds with the dimensional data shown on the table on Item #1 on the same board.

As one example, let us take dimension F, which is from the center line of the runway laterally sideways to a building restriction line and property line. Dimension F in the dimensional table — runway center line, the building restriction line and property line for both stage one and stage two basic utility airport is 200 feet. This is the smallest dimension shown in the document for any airport."

Supervisor Smith: "Mr. Freeman, I think that we being men of average intelligence, we can try to figure out the formulas for which you have prepared and used for the preparation of your testimony. Why don't you tell us from your professional viewpoint an examination of this particular site, what your opinions are — why don't you tell us the professional opinion of the safety, desirability, etc., etc., of this particular site for this proposed use."

Ronald A. Freeman: "The bottom line in the report is the same bottom line that was contained in my report seven years ago, based on a considerable number of other considerations which are in the report including airspace requirements, but the principal one in the lateral clearance criteria which I just specified. I must point out before I read you the bottom line, that the presently constituted property of the strip as it was in use is located in the order of 50 feet from the center line of the strip to the right-of-way of County Road Route 105, Union Avenue.

PUBLIC HEARING - continuedRonald A. Freeman continues

In my opinion, this constitutes a serious hazard both to aircraft and to vehicles that are traveling that roadway. With light aircraft, which are susceptible to crosswinds, which can exist at any time or crosswind gusts could cause a light aircraft, particularly on landing when controlled speed is minimal to veer in the direction of the vehicular traffic. You might not go into it. You might just veer toward it. This would be enough to divert the attention of a driver. That driver would in turn perhaps veer, we don't know who it might be, you might go into an opposing car. These are mights - rare occasions. But it does point out the validity of the criteria set forth by the F.A.A. and the D.O.T. relating to lateral clearances.

This in a similar fashion, would pertain to the approach areas which are off the applicants property and which are over property of others and based on the famous Greeks decision that can constitute a taking, infact, so the bottom line — we are forced to restate our original opinion that a permit for a general aviation facility at the site in question is both inadvisable from the point of view of the Town and unacceptable from the point of view of the adjacent property owners and I can add to that in my opinion, involves serious safety hazard considerations."

Supervisor Smith: "Thank you Mr. Freeman."

Ronald A. Freeman: "May I just introduce one other item?"

Supervisor Smith: "Yes Sir."

Ronald A. Freeman: "These are originals which I prepared myself. There are no copies. I'd appreciate it if I could just show them briefly to you and have them reproduced and given out.

I was provided a property map of the area. I made an overlay of the property as configured in the applicant's application. It's entitled Plan of Riverhead Airport. There is a scale indicated there. I show the 50 foot approximate dimension from County Route 105 to the center line of the strip as it presently exists and I also show a 230 foot dimension which would be a more or less in criteria than I've said. This overlay is the criteria to the same scale as the applicants property map, and if placed thereon, would show the runway, the primary surface, clear zones, approach trapazoids, which would apply to a nominal 3,000 foot runway as set forth in the National Airport System Plan when it was listed."

Supervisor Smith: "All right, let's have that up here for the examination of the Town Board. We'll mark Mr. Freeman's report dated January 17, 1978 into this hearing as exhibit #11.

Mr. Gerber would you state your name and address to

PUBLIC HEARING - continued

Mrs. Pendzick please."

"I am Norman Gerber. I live at 7 Green Avenue, Amityville."

Supervisor Smith: "Mr. Gerber, do you swear that the testimony that you will give in this hearing will be the whole truth and nothing but the truth?"

Norman Gerber: "Yes."

Supervisor Smith: "Mr. Ackerman in the hopes that we could speed things up, do you want to try question and answer?"

Leonard Ackerman: "Well what I'd like to do is just ask Mr. Gerber just to state briefly his professional background and his personal familiarity with the premises and ask him has he prepared an analysis and to give his conclusion with respect to that analysis."

Norman Gerber: "I have a Masters Degree in Planning from Cornell University and have practiced Planning now for some seventeen years, both for governmental bodies and for private consulting firms. Since 1971, I have my own firm Norman Gerber Associates with offices in Amityville. I have worked for municipalities for private developers, builders, and financial institution. Presently, I am retained as the present consultant to the Town of Brookhaven Planning Board.

I am a member of the American Society of Planning Officials, the American Institution of Planners, Urban Land Institute, are the major Planning Orgainzations.

I have testified before Town and Village Government Bodies, State Supreme Court, State Court of Claims and Federal Court and Boards of Appeals. I have a statement of my qualifications, I can hand them up."

Supervisor Smith: "Please. Mr. Gerber have you conducted an examination of this site?"

Norman Gerber: "Yes I have."

Supervisor Smith: "And appurtenant documents pertaining thereto including the application of all other proceedings."

Norman Gerber: "Yes I have."

Supervisor Smith: "And have you rendered an opinion with reference to the application that is pending before this Board."

Norman Gerber: "Yes I have."

PUBLIC HEARING - continued

Supervisor Smith: "Would you render that opinion, please?"

Norman Gerber: "Yes I have that in written form and I'll be very brief and go into some of the highlights of it. In my opinion based on all the facts as I have seen them and reviewed all the documents available to me, I feel that this special permit application should be denied as being contrary for one thing to the Town of Riverhead Master Plan which is an official document that was prepared in 1973. Nowhere in this document is there even the faintest suggestion that there is an airport there or that there should be one. This is designated as a residential agricultural area. And the Master Plan is very clear in its goals and objectives throughout that the most important thing to the Town of Riverhead in the future is the preservation of the environment and the protection of residential properties. Given this framework, it is inconceivable to imagine how a general aviation airport at the subject property could in any way be in benefit to this surrounding area.

It is important to note that the proposed airport is virtually along side County Route 105, Cross River Drive and is bounded basically on the north by Sound Avenue and on the south by Northville Turnpike.

Now concerning Sound Avenue, the Master Plan and I won't go into it, it's into my report, has a quote concerning Sound Avenue. The role character of it, its interesting landscapes along side and the fact that the Master Plan recommended that Sound Avenue should become some kind of historic district. And in 1975, Sound Avenue did become a Town Historic District, pursuant to the Town recommendation. And in fact, this is one of the elements that the applicant has failed to respond to satisfactorily in the Environmental Assessment Sheet that he prepared because this is close to an important historic aspect of the Town of Riverhead which is Sound Avenue.

With respect also to Northville Turnpike and County Road 105, the Master Plan recommended that these roads be treated in parkway fashion. That is the protection of the roadside frontage, to make sure that whatever does develop is harmonious and, in fact, the plan hoped to encourage beauty along the roadside. I don't think a general aviation facility fits that character. I feel that a general aviation facility is clearly a commercial industrial kind of use which isn't compatible with the existing development pattern in the immediate area which admittedly is fairly vacant today — basically farmland. However, this does not mean that sometime in the future there cannot be residential developments there and it is very important to preserve future lands for the proper use. Now it is also important that facilities that may be permitted in the Town through special permits should have and it's required that they do have special buffering and screening according to the particular use that's proposed.

PUBLIC HEARING - continued

Norman Gerber continues:

Because this subject property we're dealing with here is of wholly deficient size and shape, it is impossible to properly buffer and screen it.

The Nassau-Suffolk Regional Plan in its 1970 transportation element talked about air facilities. Development and modification of any of the regions air facilities must not be undertaken with adequate safeguards to preserve the environment. Adequate buffers must be provided. Zoning controls must be exercised to prevent incompatibility of adjacent land uses. Now the bi-county plan recommends the re-development and strengthening of existing airports to meet the needs of general aviation, including, which is now happening — the redevelopment and work on the Suffolk County Airport — the former Westhampton Airport.

In so far as Riverhead is concerned, the Master Plan said that the Grumman Calverton facility some time in the future could be put to use as aviation and air freight facility, but no where in that report which dealt with general aviation on all of Long Island — Nassau and Suffolk County was even the acknowledgment that there was an illegal airpark at the spot."

Supervisor Smith: "All right Mr. Gerber. Let me interrupt you for just a second, if I may. Ladies and gentlemen we're going to give everybody a chance and I've never lost a witness yet, but let Mr. Gerber have his say. Let's not debate and take shots at him and I'm not going to let anybody debate or take shots at you when your turn comes okay. It will run smoother that way."

Norman Gerber: "I feel, too, that as I said I think that the Master Plan elements are sufficient enough to cause a denial of a special permit. However, is that is deemed to be too harsh, a decision at this point, I feel secondarily that at least a detailed Environmental Impact Statement should be prepared, and in fact, my research indicates that one is absolutely required. The Department of Environmental Conservation lists, again I won't read everything, but it lists certain criteria which may be deemed to reasonably apply or, of course, to definitely apply. Now the work reasonably apply is very important. And I think the word reasonable is important because when we talk about the possible creation of a hazard to human health or safety that is a reasonable situation that could occur through general aviation facility.

Another item that they mention is a substantial change in the use or intensity of use or land or other natural resource and by way of example, the New York State Department of Environmental Conservation gives construction of an airport."

Supervisor Smith: "All right Mr. Gerber, why don't you leave that to the argument of the lawyers."

PUBLIC HEARING - continued

Norman Gerber: "Yes, I will then not even talk about my last page which also deals with Environmental Impact studies which again I feel at the very least should be undertaken because the environmental sheet does in fact contain erroneous information which perhaps lead the Town to an Environmental Quality Review Board to render that advisory decision based on a lot of erroneous information in that assessment."

Supervisor Smith: "If you want to state ____ is this in your report?"

Norman Gerber: "Yes."

Supervisor Smith: "All right."

Norman Gerber: "I'm trying to save time. I think you all have copies of it and so I won't belabor the points, but I believe there is no way that a general aviation facility of the size and shape and location as proposed can possibly fit into the fabric not only of the Town of Riverhead, but any community."

Supervisor Smith: "Thank you Sir. Now Mr. Ackerman may we have your last witness. We're going to have the statement of Mr. Gerber's marked as exhibit #12, and included in Mr. Gerber's statement, we're going to include his qualifications."

Mr. Glander let's do this as quickly as we can. Give your name and address to Mrs. Pendzick."

"My name is John G. Glander and I live in New Suffolk."

Supervisor Smith: "Mr. Glander do you swear that the testimony that you will give in this hearing will be the whole truth and nothing but the truth?"

John G. Glander: "Yes."

Supervisor Smith: "Mr. Glander would you please state your professional qualifications and courts in which you have testified?"

John G. Glander: "Supreme Court, Court of Claims. Board of Appeals, different Towns, Town Boards, different Towns on Eastern Long Island. I'm a senior member of the Columbia Society of Real Estate Appraisers and I specialized in condemnation appraisals in Riverhead, in particular, since 1965. I visited the . . ."

Supervisor Smith: "John educational background ____ do you want to put any of that in?"

PUBLIC HEARING - continued

John G. Glander: "No."

Supervisor Smith: "You've fully examined the application and are you prepared to render an opinion with reference to the effect of the proposed use with reference to values with reference to the surrounding properties. Would you render that opinion?"

John G. Glander: "After examining all the factors involved, I consider that under the flight path and under the down wind side as well, the property on the northern side and the southern side is devaluated an area perhaps two square miles of 25%. Under the down wind of the flight path to 75%, now this property happens to be waterfront trees, and in my opinion the prime property in Riverhead. The best possible residential property in Riverhead."

Supervisor Smith: "You are talking now with reference to the property of Mr. Leonard McCombe and his wife."

John G. Glander: "No Sir. I'm not. I'm talking about the property - as far as the waterfront goes, it's the closest property, yes."

Supervisor Smith: "And your opinion of values there Sir?"

John G. Glander: "75%."

Supervisor Smith: "Give us where you begin from 75% of a buck is you know."

John G. Glander: "I'm talking about 75% under the flight path."

Supervisor Smith: "All right. What's the value — without the airport what's the value with the airport there."

John G. Glander: "Between \$5,000 and \$7,000. That's what the sales show, and the sales show between \$3,000 and \$4,000 of the property south of Sound Avenue between 5 and 7 north of Sound Avenue and 3 and 4 south of Sound Avenue."

Supervisor Smith: "Thank you. Do you have anything else to add with reference to the impact of the proposed use on value?"

John G. Glander: "I would like to add that the County is planning on taking some property for the farm program and Roanoke Avenue and Sound Avenue and Church Avenue and Sound Avenue which is about a mile from the subject

PUBLIC HEARING - continued
property, and they recognize the development rights in this area."

Supervisor Smith: "And what were those values Sir?"

John G. Glander: "I don't know what those values are. They're in negotiation right now. I don't think anybody knows the answer to that."

Supervisor Smith: "All right."

John G. Glander: "I also visited Mattituck Airport and I found a sale of property on the easterly side contiguous to the runway at Mattituck Airport in 1977 of 19 acres with approximately 800 feet of road frontage at \$3,600 an acre.

Now I also took sales in the Mattituck area and the Cutchogue area which is adjacent to all that and I found sales with a lower ratio of road frontage than that of \$4,500, \$6,300 and \$8,300. So the indication that Mattituck Airport is, that \$3,600 is a very very low figure per acre for property of this type and being contiguous to the airport, it was a factor.

Now I talked to Mr. Parker Wickham who owns the airport, and I asked him how he felt about property next to the airport and he said . . ."

Supervisor Smith: "Why don't you leave out what somebody else said. If we want to hear what Mr. Wickham says we'll ask him to come. Okay."

John G. Glander: "Well I did this from a stand point of verification of the price."

Supervisor Smith: "Have you included this testimony in your report?"

John G. Glander: "Yes I have. I also visited East Hampton Airport and I found a commercial industrial zoned area all around the airport and no residential development near the airport."

Supervisor Smith: "Thank you Mr. Glander. Anything else?"

John G. Glander: "That's it. Thank you."

Supervisor Smith: "Why don't you have a seat. We've been at it now for an hour and 15 minutes on this one hearing."

Supervisor Smith recessed the meeting for five minutes afterwhich the meeting resumed.

PUBLIC HEARING - continued

Supervisor Smith: "We've now listened to three witnesses in opposition to the proposal, we'll begin taking for and against in that order. Does someone wish to speak in favor of the proposal?"

Mr. Munzel step up, give your name and address to Mrs. Pendzick and your statement please."

John Munzel, 73 Riverside Drive, Riverhead; "I'd just like to make a few comments on some of the expert testimony and other aspects that have been given.

I am a new pilot myself, and as such, I've been reading all the literature and I'm very surprised to find that there are actual real estate developments that are designed around an airport much like real estate developments are designed around golf courses. They are designed for those people who love flying and want to be near an airport.

I can only surmise that if someone is going to — this kind of trouble to develop an airport and residential communities immediately adjacent in the advertisements say look out your front and see your airplane sitting on the runway that I believe was proper development. The real estate values could possibly be increased rather than decrease.

Also, on occasion, it is very convenient to be able to fly in and out of a local airport. For myself, I have to go to Albany or something like that. It's a lot quicker to leave from something like Riverhead Airpark and fly up there rather than drive which brings us to Suffolk County Airpark.

First of all, I doubt that this is, well let me put it this way. There's a real question as to whether or not that airport is going to survive economically. It is forever in the newspapers as a County loser. It is very probably that the County may close that facility. It's very expensive to run. It's very big. It's a delight to land at. A blind man can land there. But there's been numerous references made to the availability to that particular airport, and I think there's a substantial question as to whether or not this will continue. Mattituck has been there for many years. Spanaro's over in Eastport has been there for many years. A little airport next to that has been there for many years which brings me to those particular airports. They're fairly far removed from Riverhead. Fifteen to twenty minute drive. The runways there are equal to or shorter and in most cases, shorter than the proposed runway of 2,300 feet at this particular facility. The approaches at Spanaro's a great place to learn. You have very high wires at one end and with a sump underneath and planes drop just as you hit there which is quite unnerving. At the other end are trees and a shorter runway. The approach is to this particular field, I think, are considerably better and you do have additional length in which to land an airplane safely. The crosswinds that were

PUBLIC HEARING - continuedJohn Munzel - continued

mentioned — the crosswinds, of course, are problem to a pilot, but God forbid anybody gets a license without the ability to land in this crosswind, it's necessary no matter where you land, you have to have some degree of crosswinds.

The fog was mentioned earlier. The fog tends to roll in from the south shore and at those places closest to water. And it's true, this area does fog in the last which is a godsend to a pilot who's up there and coming in under rather sudden fog conditions. The expert in so far as the airport indicated a twenty to one glide slope and it was predicating his diagrams upon a 3,000 foot runway which is some 700 feet longer than the runway that is proposed in this particular application, and on a twenty to one ration, that's some 1400 feet that his diagram would be in error. The Master Plan, that's kind of funny said there was no mention the the Master Plan — if that is true whoever drew the Master Plan was not too conversant with the Town at least at that particular location and I believe there are comments in the Master Plan that do say that a general aviation facility is a necessity and would be a benefit to the municipality.

Another and one last point, this facility as presently proposed, I don't think would lend itself to Recreational Use additional to airports, but there are airports that have ball fields in the middle of them. They're an open space of necessity and when an area develops, open spaces are very desirable and this is a low use open space. Thank you gentlemen."

Supervisor Smith: "Do you swear that the testimony that you have given in this hearing was the whole truth and nothing but the truth?"

John Munzel: "Yes. Excuse me, I have one last item that just occurred to me on the principles of economy. My vehicle gets 16 miles to a gallon. The lighter airplanes sometimes get 18 miles per gallon and handle a lot easier than a vehicle."

Supervisor Smith: "All right. We shall also note before the break that Mr. Glander's statement will be marked exhibit #13. All right that's someone in support, now someone in opposition to the Airpark proposal?"

Robert Hartman, 66 Sound Avenue, Riverhead; "Mr. Smith, last time I was here, you said you were going to put in a nice microphone. Now you took the lecturn away.

Well anyway, I don't know just where to start. This started so long ago and we're still with it. I guess the beginning of it could come a number of years ago when

PUBLIC HEARINGS - continuedRobert Hartmann continues:

the proposed airfield down near the bay and that one was defeated. And it's very interesting to note that some of the people that are pushing for this airport, some of the businessmen that have written letters in support of it, were opposed of the other one at that time. Why? Because they live down there. So shortly after that, we start up on the north side. They don't live over there, we'll put it over here. And Mr. Brush started in to fly a plane.

Well at that time, it was just going to be Mr. Brush flying a plane. And myself and I think every other neighbor down there had no objection to that, none what-so-ever. And I don't think there's any person living down there that has anything in for Mr. Brush or any of the other flyers that's concerned there. There's nothing of the sort. What we are concerned about is having a public airport. Not it's nice to say put it over here, I don't live here — somebody else let them have the trouble. Well we got some problems over there. And we stated them right from the start. I believe originally there was a permit issued without a hearing and we had complaints. That time we went back and had a hearing.

In the meantime, it wasn't just Mr. Brush, it's going to be a number of friends. They're going to expand it. Well the results of that hearing as we all know was voted down. So it was quiet for a little while. But then it starts up, little by little by little.

We made numerous complaints to the Police, Town Hall, Building Inspector through a couple administrations, and also to the present administration, mostly present administration, and it seemed to fall on deaf ears all the time. Finally, now it's closed and there are still a couple of planes that come in and out. I don't know if anybody really knows what's going on or cares. The residents of the area certainly care. They cared just as much a number of years ago, as they do today — same thing.

When one plane flies around, there's no problem. As soon as you have a number of planes, there's a big problem. You don't live there. You don't know about it. You could care less. But let me say to you Mr. Menendez, Mr. Lombardi and everybody else sitting here, they have a home and their home is more or less their castle. At that home, I guess everybody here has a spot in their backyard that's sort of screened off, quiet, and that's your little retreat. When you like to relax, you want to go out there, you like to have a little barbecue, just sit down and have a cocktail or just lay down and go to sleep. That's more or less your private retreat.

Well let me tell you something. When you get some planes in the air, all of a sudden you lost that private retreat and it makes no difference if you're out there amongst a couple acres of farmland or you're up near the exit of town.

PUBLIC HEARING - continuedRobert Hartmann continues:

Your retreat, and it's an invasion of privacy. And believe me, you try and lay down and relax and these planes — it's not like a truck going by on the road or something like that. You hear that thing a couple miles off and it comes over and you hear it for a ways back, then it turns around or another one is coming over. The truck just comes down the road, and you hear it and it goes. But not the planes on a busy day, they are constant. And the air traffic can get pretty heavy down there on certain days. Certain days there's nothing, very little. But other days, there's instructional planes coming in there and they will continually land, take off, and turn around as fast as they can go to come back and do it again anywhere from five to fifteen times constant.

When that planes leaves in a few minutes, there's another one there. And some days this just goes on and on and on. If you're not there, you don't see it. You don't know about it, and you don't care. The people around there care, and the action has been getting heavier and heavier, constantly. Advertisement planes come in, pick up their banners, dancing all around, coming in the same thing, dropping them off. I observed one this spring that I happened to come back from a trip on the southside and I saw the plane over there. When I got back home, here was the plane landing — dropping the banner at Joe Brush's, and it happened to be a particularly windy day and you want to see this guy doing some fancy dancing around over 105 there till he could line himself up right. He had to make three or four passes till he got himself just right to drop it in the place he wanted to drop it.

There's flyers coming in there from all over of God's creation. They come in drop down. They may walk across the street to buy a pie, they may just walk around to relax and off they go again. And it's a constant, constant thing.

I'm in the farming business right there, and I hate to send a man out in my field to go to work if there's going to be planes coming down over the top of them and I hate to be out there myself.

We had occasion — well many times, I mean you wouldn't believe some of the things I've seen. In fact, at the last public hearing, I had a guy jump up and call me a liar right out loud. But he was immediately disproved within one minute.

I didn't come up here with the intention to tell no lies to nobody. I don't have to and I ain't gonna. But we had occasion not this past year, because we rested the particular land on the end of the runway. We had occasion that we were planting potatoes the year before and we're filling the planter on the end of the roads from the fertilizer truck. This plane came in to land and just missing the fertilizer truck where we're filling the planter from.

PUBLIC HEARING - continuedRobert Hartmann continues:

Now, just missing, I mean within about that much (shows distance with the width of his hands about 3 feet) give or take a few inches as best I can see it and that was pretty close. That man landed I didn't count then, but I wouldn't be lying to you when I tell you at least ten to twelve times, because we had to stop planting for at least a half an hour.

My brother drives that machine, him and his boy. I don't know if any of you know my brother, but he's a calm fellow. But boy let me tell you he was some hot and he refused to continue work, got off the machine with his boy and stood aside and said I'm not moving a leg till that plane stops flying. And believe me he was coming close. Now we were on the other side of Northville Turnpike. He has to cross Northville Turnpike and drop in. Now he was dropping in as close as he could get along side the road. I've observed planes dropping there within 20 feet of Northville Turnpike — 20 maybe 30 feet. Very close. It doesn't happen all the time. It happens more than you think it does. And a lot of other things happen there more than you think it does. There's been a few accidents down there — not just the guy that landed there on 105 last March.

If my memories serves me correct, one landed in Union Avenue when there was a lot more space before 105 was there. There was a lot more space to the width of the runway in relation to the road, and I believe one even had a little crash landing there one night which I didn't happen to see that lives right there did see and there has been landings and take-offs at night there. I wouldn't say frequently, but they have happened and I've been told one has happened since it closed."

Supervisor Smith: "Bob you've been at it a little excess of ten minutes. Do you want to say a summation?"

Robert Hartmann: "Mr. Supervisor, I think there's a few people back there that I'll take the time, if that's all right with you."

Supervisor Smith: "Okay Bob. Let's not over do it."

Robert Hartmann: "No I'm not trying to over do it, but I want to let you know what's going on there. Now to both ends of that run way the flight of planes coming in and out of there is a serious damage to the property rights of the people that own these properties that is very serious including the area around it and I think the property rights is dealt with a law dating back many many years and it's very clear. You've heard testimony on that tonight and I won't elaborate on it anymore.

PUBLIC HEARING - continuedRobert Hartmann continues:

The trees removed from the area, they claimed that the plane crashed, hit the trees — you never hit no trees. Those trees weren't much higher than the bushes that's left there now. But all the taxpayers of the County paid to have those trees removed for an airport that has no permission to operate and all the things that's been going on all the while has been going on illegally. If you don't have permission to operate a certain business or whatever it's got to be illegal as far as I can determine. And I think the taxpayers of the County, I don't think they'd be too happy about it.

Mr. Menendez said we had serious need of an airport here in Riverhead. I really can't see that need. Riverhead is sitting in a beautiful spot. You have an airport in Mattituck, an airport in Brookhaven and you have the County Airport in Westhampton. Anyone of the airports in downtown Riverhead is reached within fifteen minutes or less.

Now it's been stated it's all recreational flying — anybody that can afford an airplane to keep it. If he can't afford another five minutes or so and that's about all it takes from Riverhead to go out to Joe Brush's. It would take maybe five minutes more or so to get to any one of those other airports. A need for business — same thing for business. They got facilities available to them within a few minutes of Riverhead and the County facilities are among the best of A's. The government built it, can't get no better than that.

This kind of use it's costing each and everyone of us sitting in this room tonight — tax dollars. I'll tell you I don't know about you guys, but I work hard enough for my tax dollars and I don't care to give them out unnecessarily. I don't think you do either. But it's costing us a lot of money from that place over there, and if the County is slow in developing it, if it's not being run right, than I think a little work ought to be put in that direction to see that it's run right, because man that place is a boon to Riverhead. It's right at your doorstep without having any other problems of an airport. And it's available to you for nothing.

Mr. Menendez also stated that we're the only Town in Suffolk County that doesn't have an airport. Is that right, Doc?"

Councilman Menendez: "We're not here for a debate."

Supervisor Smith: "Bbo, I'm still running the meeting. You still have another minute before you reach fifteen minutes.

So I'll give you a chance to stand up again at the tail end or why don't you use your last minute in summary."

PUBLIC HEARING - continued

Robert Hartmann: "It was stated that Riverhead is the only Town in Suffolk County that doesn't have an airport. As far as I know, Huntington and Smithtown don't have airports, and I think they have a heck of a lot more people in those two Towns than what we have in Riverhead. We have a lot of airports on the east end. If we need one that bad, a tally must show that about every third is a pilot.

So in summary I would like to say that each and every one of the people that signed that up — that petition there, we have 91 people sign the petition representing about 2,000 acres right adjacent to the airport.

We are still against it. We are against it for the invasion of our property rights and our privacy rights. And as far as I'm concerned, a need has never been shown for this airport."

Supervisor Smith: "Thank you Bob. I forgot to swear you in in the beginning, if I may Bob."

Robert Hartmann: "What kind of an expert do you want me to swear in as?"

Supervisor Smith: "Just yourself. Do you swear Sir that the testimony that you have just given in this hearing is the whole truth and nothing but the truth?"

Robert Hartmann: "I do Sir, as best I know it."

Supervisor Smith: "That's someone in opposition, let's have someone in support. Does someone wish to address the Board in support of the application?"

Bob Kaelin, 1099 Ostrander Avenue, Riverhead; "It seems strange that somebody even from New Jersey can come out here and launch a boat at a launching ramp here in Town and yet a man lives in Town couldn't launch an aircraft that he owns.

We got nearly 1500 signatures on our petition in favor fo Joe's airport and please realize we're not bombing you with poundage. These are good and meaningful signatures because each of these people can be conceived to be either a current or potential use of the airport and these people live in this Town, work in this Town. They pay their taxes in this Town, they want that airport in this Town. Thank you."

Supervisor Smith: "Mr. Kaelin, do you swear that the testimony that you've just given in this hearing is the whole trugh and nothing but the truth?"

Bob Kaelin: "Well this is mostly opinion, but I do. Yes."

PUBLIC HEARING - continued

Supervisor Smith: "Someone in opposition to the proposal."

"I'm Shirley Hallock. I live at 81 Sound Avenue, Riverhead. I've lived there for 38 years."

Supervisor Smith: "Mr. Hallock, do you swear that the testimony that you are about to give in this hearing shall be the whole truth and nothing but the truth?"

Shirley Hallock: "To the best of my knowledge. I oppose the request for the general aviation facility of the so-called Riverhead Airpark located between Northville Turnpike and Sound Avenue running parallel to County Road 105 for the following reasons.

The proposed airstrip is located entirely too close to a major highway — namely 105. There has already been a crash landing on this highway. With an increase of traffic on both the highway and the airstrip, there's bound to be more such mishaps, probably with serious results or even death.

The length of the airstrip at its present location is insufficient as there must be considerable distance for approach and take off after crossing over Sound Avenue and Northville Turnpike. A flight path to and from the northerly end of the strip as proposed by the C.A.A. originally was to be direct to the Long Island Sound without turns. Many planes flying both in and out turned as soon as they cleared the power lines or approach from any angle or height on the northerly end of the airstrip.

Several times when a plane flew at an erratically low altitude over my home, I personally went to Mr. Brush and asked him to see that this would stop. He replied that he would speak to the pilot, but it continued over and over again. Taking this prime land to establish a private airport is in direct opposition to the current practice of the County of Suffolk and to conserve out farming areas.

We already have a large industrial facility within two miles of the above mentioned location which has taken over several hundred acres of prime farmland. The area on the north side of Sound Avenue which most flights will pass, is currently zoned on the Town Map as Residential A. Who will ever build a new home on land being flown over continually by private aircraft.

And finally for the past six years the airstrip has operated illegally, without a permit from the local Zoning Board. Will this Board reward the operator for operating illegally, by granting permission to open a larger facility? Think about this. A reward for being illegal for six years. Thank you."

Supervisor Smith: "Someone in support of the application. Sir in the back."

PUBLIC HEARING - continued

"My name is Jerome Williams. I live at Railroad Avenue, Jamesport."

Supervisor Smith: "Mr. Williams, do you swear that the testimony that you are about to give in this hearing shall be the whole truth and nothing but the truth?"

Jerome Williams: "I do Sir. I'd just like to say I didn't come here because anybody paid me or anything. I'm a resident in this Town and I'd also like to say I'm an aircraft owner."

As far as statements toward the fact that it's only about a five minute drive to another airport outside of Riverhead, I'd like to see anybody drive it in five minutes, with the traffic conditions today. As far as statements toward airports not being in Huntington Town or Smithtown where there's a great deal of more people, I can only say that's because nobody back in those days had the foresight to see that they might need one and now it's too late because it's too crowded.

If we save land forever for the property so-called use in the future, none of us would be here. The Indians would still be here running around.

I'd like to say also that there's been many things brought up in as far as theory that what could happen or would happen we could theorize forever. The fact is the airport has operated for six years illegally, or illegally in much more than an acceptable margin of safety.

With the permission of you, Mr. Supervisor, I know there's a lot of people that are shy about getting up and talking in front of other people, I'd just like to ask for our own gratification here, if we could just have a show of hands of people in favor of the airport?"

Supervisor Smith: "Save it team. You tell us what's on your mind."

Jerome Williams: "What's on my mind further, I as a resident of this Town and as far as who would build a house on an airport, I would build a house on an airport anytime."

As far as beauty and the Master Plan, beauty is in the eye of the beholder. I personally think an airplane is beautiful. I see a piece of land with an airplane on it is beautiful. So that's in the eye of the beholder. Who can say what beauty is.

I'd also like to say that as far as land invasion, private lands are taken all the time. Taken completely away from people to build highways, governmental facilities. This is for the benefit for everybody, and unfortunately sometimes some people have to suffer. Some people have to give a little bit. This is what our whole Country is based on, constantly since it's birth. That's what's made the Country what it is today. If we're going to step back on the majority for the minority all the time, we're

PUBLIC HEARING - continuedJerome Williams continues:

going to get nowhere. We're going to be constantly going backwards.

And I think just by the petitions themselves, the majority is shown that they want the airport in this Town and I would like to see the airport in this Town. I don't see why I as a resident and a taxpayer should have to drive to Brookhaven to fly my airplane when I can have an airport that's six miles from my home. That's all I have to say."

Supervisor Smith: "Thank you Mr. Williams. Someone now in opposition to the proposal. Would someone like to speak in opposition to the proposal? If not, I'll take another speaker in support."

"My name is Fred Rogers. I live at P.O. Box 169, Aquebogue."

Supervisor Smith: "Mr. Rogers, do you swear that the testimony that you will give in this hearing shall be the whole truth and nothing but the truth?"

Fred Rogers: "Yes I do Sir. I'm also a certified flight instructor. I have about 622 hours in a year, a commercial and instrument rated pilot. A lot of statements have been made about the safety factors, both in taking off and landing.

In comparison to the other local airports in the same class category in type namely Spadaro's, Teddy's, Montauk, Shelter Island, and airports of this nature, the proposed Riverhead Airpark has quite a bit greater margin of safety instilled in just the way it's set up and proposed than any one of these sights in my opinion. That's about all I have at the minute."

Supervisor Smith: "Thank you Sir. Again anyone in opposition? In support?"

"My name is Allen Daters. I live at 1411 West Main Street, Riverhead."

Supervisor Smith: "Mr. Daters, do you swear that the testimony that you are about to give shall be the whole truth and nothing but the truth?"

Allen Daters: "I do. My reasons in favor of the airport I expressed in my letter. There are a couple of things that I wondered about as far as the claims against it. One was the 25% to 75% land devaluation.

Now as I gather, the land in that neighborhood is zoned either agricultural or one-acre housing. That is the information I got from the Zoning Department. I looked at the assessments of

PUBLIC HEARING - continuedAllen Daters continues:

a number of the areas there since I'm not a real estate appraiser just to see whether anyone there has claimed it either on the houses in the neighborhood or the agricultural land in the neighborhood has claimed anywhere near those kind of land devaluations.

It seems to me you'd save a lot of tax money if your house value went down even 25%. I couldn't find anything like that. Now maybe it's there, but I looked at a good deal of the land, including land adjacent and there wasn't any evidence of anything like that.

One of the other things I was thinking about is just in general to re-affirm as far as the economy of Riverhead. I am a pilot although I don't fly too often, but I don't like really spending my money in another Town when it could be spent in Riverhead with Riverhead businessmen.

Also, as far as the Westhampton Airport as a general aviation airport, it is a very inefficient airport and I can't see spending my tax dollars to support it if they can't find more uses for it. I'd much rather have someone in Riverhead operate an airport efficiently and pay taxes on it. If you can't make it, if it's not justified, then the airport won't exist anymore. If it is justified, it will go on it's own like any other business. The same goes for the airport that was proposed a few years ago by the river. That airport, I understand, was to be paid for by the taxpayers and I think businessmen who opposed it, probably opposed it in the feeling that it might be their tax dollars being wasted. This is an entirely different case. That's all I have to say."

Supervisor Smith: "Again someone in opposition? There being none, someone in support?"

"My name is Arthur Seaman. I live at 78A Sound Avenue, Riverhead."

Supervisor Smith: "Mr. Seaman, do you swear that the testimony that you are about to give shall be the whole truth and nothing but the truth?"

Arthur Seaman: "Yes Sir I do. I being the closest resident to the airport, living at the northern end, I find that that airport has been an inspiration for my son, who has met many, many nice people from that airport. They land, they have no place to go, they knock on the door, they chat, take them for a flight. I myself have had few flights.

I am not a pilot. I do not fly very often, but I feel that under the circumstances that the airport would be a benefit to the area judging from the amount of people I've met, and where they're from and their business in the Town, I can't help but wonder if everybody will remember when good old Mitchell Field was in being and housing developed around it and they ended

PUBLIC HEARING - continuedArthur Seaman continues:

up closing it. The same thing is happening at Bethpage Grumman Aerospace. That's all I have to say at this time."

Supervisor Smith: "Thank you Sir. Anyone in opposition? Someone in support?"

"My name is John Bagshaw. I live at 240 Hubbard Avenue, Riverhead."

Supervisor Smith: "Mr. Bagshaw, do you swear that the testimony that you are about to give in this hearing shall be the whole truth and nothing but the truth?"

John Bagshaw: "I did not come here tonight prepared to speak, so I really don't have my ground work laid. I am for the airport. I think it would be an asset to the Community and I do not wish to debate Mr. Glander's devaluation so-called of the surrounding property, but in one instance, I have shown acreage just to the west of the proposed airpark. It is zoned agriculture. I have shown it to a gentlemen from Italy, he was thinking about assembling about 400 acres for the purpose of growing grapes for wine and both he and his attorney who looked at the property thought that the airport was an asset to the property. Now they both flew. I do not fly myself, I am not a pilot. But they both thought that the airport being right there on the property was an asset. They have not purchased any property and they are still thinking of this property that is zoned agricultural. That's about it. Thank you."

Supervisor Smith: "Thank you Mr. Bagshaw. Someone in opposition? Someone in support?"

"My name is Nancy Seaman. I live at 78A Sound Avenue, Riverhead."

Supervisor Smith; "Mrs. Seaman, do you swear that the testimony that you are about to give in this hearing shall be the whole truth and nothing but the truth?"

Nancy Seaman: "Yes I do. Well first of all I want to say, I'm not anything but a housewife and mother. I don't even fly and I don't like to fly. But I am anxious to see the airport go right where it is. I live very close and I've lived there for four and a half years. Like I said I don't even fly — no part of it. But my son and my husband really enjoy it and we have met so many nice people and just had such opportunity that it's really nice to live there.

I've never been afraid and I've never had anything bad happen and my garden is right next to the runway and I don't even hear the planes most of the time. I can be working there and turn around and have someone leaning on the fence and start

PUBLIC HEARING - continued

to talk and I just don't even hear them. They're very, very quiet. And I've never lost a nights sleep, and I'm really a worry wart. So that's all I have to say. Thank you."

Supervisor Smith: "Thank you Mrs. Seaman. Next either side?"

"My name is Francis Davis. I live at West Middle Road, Calverton."

Supervisor Smith: "Mr. Davis do you swear that the testimony that you are about to give in this hearing shall be the whole truth and nothing but the truth?"

Francis Davis: "Yes Sir. I am a licensed pilot. I've flown out of small airports. I enjoy it very much as some of you enjoy boating. On one occasion back in 1975 it was July 4th weekend, Suffolk County Fire control went on the air with a call to look for a missing boy on the Long Island Sound. Myself and Deputy Robert Taylor of the Riverhead Fire Department were airborne. We covered the entire section of the Riverhead Fire District, some of Jamesport, and Wading River, and back in a half an hour. I am in favor of the airport and I think it will help the Town in many ways."

Supervisor Smith: "Thank you Mr. Davis."

Art Schneider, Circle Drive, Shoreham, President of Island Helicopter Corporation; "I would like to talk to the Board on the opening remarks from Mr. Arnoff."

Supervisor Smith: "Do you Sir swear that the testimony that you are about to give in this hearing shall be the whole truth and nothing but the truth?"

Art Schneider: "I do swear. The opening statement --- to preclude that a little bit, I've known Joe Brush personally for a long time. I've known Robbie Hartmann personally for a long time, personally and on a working relationship and I hope when I leave here tonight, we still have that relationship on both parties.

However, I think it would be derelict in my responsibility to my Corporation if I didn't address myself to the opening statement of the learned Council here for Mr. Brush with respect to his opening statement or the middle of his statement with respect to business law in the State of New York, with respect to definition of an airport. He indicated to me through, I would have to say intimidation, that if the airport is not approved and a service that has been out here for many years --- helicopters would not have benefit to take off or land, I would say legally in the context of what the inference was there, I would like to address the Board and say that six years ago I spent a year and one half on a

PUBLIC HEARING - continuedArt Schneider continues:

heliport application and used to know every word in the New York Business Law with respect to that which I do not have at my finger tips, but I think what the Council read was in context of it, but I don't think he probably read it in total. And I do believe that the total definition of it with respect to helicopter operation is different as to what Council had said before the Board. That's what I'd like to say. Thank you."

Supervisor Smith: "Thank you Mr. Schneider. We're quite capable of reading the books for ourselves.

Next, someone in the back row?"

"My name is Mr. Gergis. I live at 27 Lorraine Street, Brentwood."

Supervisor Smith: "Mr. Gergis do you swear that the testimony that you are about to give in this hearing shall be the whole truth and nothing but the truth?"

Mr. Gergis: "I do Sir."

Supervisor Smith: "Thank you Sir."

Mr. Gergis: "What I'm trying to say that we got up tonight not to build a new airport, what we are talking about with a very good safe record. I forgot to say I'm a pilot with a few thousand hours and I flew over the country in small airports and big airports. I flew out of less than half of that airport. According to the aircraft manufacturer manuals, this airport is very very safe and I haven't got manuals with me because I wasn't prepared to speak tonight, but most of light aircraft with the specifications that we mentioned before — maybe about 1500 - 2000 and we do have about 1000 feet extra. Some points I had before as some drivers around the airport, I'm not around most airports but when drivers passing by look at airplanes, some of them do stop and look. They can't help it. But this is in every airport.

The other thing I'd like to speak about that we're not talking about — a supersonic airport or developing airspace for rockets. This is small soft field airports or small slow airplanes and if there is a little change, I'm sure that Mr. Brush would comply, for instance, 50 feet could make maybe 60 to 65. Thank you very much."

Supervisor Smith: "Thank you Sir. Someone else? Mr. Williams, you've been previously sworn."

Jerome Williams: "There was just two points that I overlooked before that I just wanted to mention. One of the points was a safety point any resident of the Town of River-

PUBLIC HEARING - continuedJerome Williams continues:

head knows that you can get up in Riverhead on a nice sun shiny morning and drive over to Westhampton and you can't see your nose in the fog. That's just one point of safety as a place for aircraft to land. When you get up there and get stuck, you can't see the ground.

Another point is on cost to the taxpayer. This is an airport that's going to be paid for and maintained by Mr. Brush that the average aviators is going to be able to use it free for himself. To come in and land and just relax here and maybe do business in Town with our businessmen. And it's not going to cost the taxpayers anything like most of the airports do like the airport over in Westhampton. Money is wasted day after day over there and that's taxpayers money. I'd just like to mention that, that's all."

Supervisor Smith: "Anyone else?"

"My name is Robert Krudop. I live at Penny's Road, Riverhead."

Supervisor Smith: "Mr. Krudop do you swear that the testimony that you are about to give in this hearing shall be the whole truth and nothing but the truth?"

Robert Krudop: "To the best of my knowledge. I correctly understood opening statements on behalf of the airport with comments to the effect intent today doesn't mean to say that's what's going to happen tomorrow. I implore the Town Board to give every fair consideration to the rights of the people and the privacy that we have enjoyed and your decision. I am opposed."

Supervisor Smith: "Thank you Mr. Krudop. Anyone else choosing to address? Yes Sir."

"My name is Wallace Duggan. I live at 42 1/2 Sound Avenue, Riverhead."

Supervisor Smith: "Mr. Duggan, do you swear that the testimony that you are about to give in this hearing will be the whole truth and nothing but the truth?"

Wallace Duggan: "Yes Sir I do. I want it to be noted that I specifically bought the property which I reside at right now. But one of the main reasons that it was located within three miles of Mr. Brush's Riverhead Airpark. I found it to my advantage and to friends and to other people to whom I know that the value of the airport was of much consideration and in no way detrimental.

I live within three miles which would be considered within the traffic zone and therefore, I am a neighbor to the airport,

PUBLIC HEARING - continued

and as a neighbor, I am very much in favor of this airport. I would like to also add that I am a commercial rated pilot."

Supervisor Smith: "Anyone else with reference to this particular application?"

"My name is Warren Uhlmet. I live in Mattituck. I live at the foot of Park Wickham's airstrip about . . ."

Supervisor Smith: "Mr. Uhlmet, do you swear that the testimony that you are about to give in this hearing shall be the whole truth and nothing but the truth?"

Warren Uhlmet: "I do Sir. I work about 13 hours a day on Soundshore Road in Riverhead, and I'm here to speak in behalf of the airstrip. We use it a lot of times for emergencies, we feel that it's good. I let my record, my letter stand to the Board as the record out of respect to the Town Board and my belief that justice will prevail. I feel that we'll have a proper decision.

The only other thing I have to say is, I suppose that out of respect to Benjamin Franklin, who once said the less you say the more people will remember. Well I'll quit right now."

Supervisor Smith: "Thank you. Anybody else that wants to follow the proverbs?"

"My name is Harry Rambo. I live at 612 East Main Street, Riverhead."

Supervisor Smith: "Mr. Rambo, do you swear that the testimony that you are about to give shall be the whole truth and nothing but the truth?"

Harry Rambo: "I do. Everything was going to say has almost been said, with the exception that there was some expert testimony here on the Town Planning Board — excuse me Town Master Plan and I came up and got a copy of the Town Master Plan, which was made up in '73 and accepted in '75 by the Town. That Master Plan was taken from the 1964 Master Plan which I'm sure you have here and I made a copy of where they do mention airports. And it mentions in here under the heading Airports and it goes into Grumman Airport and so forth and what that would be to the Town of Riverhead and it also says that there is currently a proposal to construct a small airport for private and executive flying and for charter service. Three sites are being considered. Such a facility would be a considerable asset to the Town of Riverhead.

Now that was made up by experts and the Town accepted if and when the new Master Plan was made up it mentions in this Master Plan that certain things were changed from this and this is a supplement to the 1964 Master Plan. So they do mention

PUBLIC HEARING - continuedHarry Rambo continues:

airports, they didn't tell you where to build it or how it should be operated, but they said it should be an asset to the the Town of Riverhead.

I also brought a couple of aircraft charts. The one that was turned in to the desk is the latest — 1977. This is one from 1971 to show that the airport was on the chart at that time. I have older charts, but I just couldn't find them tonight. Also on this chart, it lists the elevation and the length of all the runways and whether they're commercial, whether they have I.L.S. Systems of whether they're just private airstrips. And to make a little note, not to take up too much time there are local airports namely in Coram which has been there for quite a while. It's only 1800 feet. And the end of it, they just built a shopping center right on the end of the runway here a couple of years ago. They have no problems there.

Spadaro's over in Eastport, they have no problems there. Spadaro's over in Eastport is 2300' and goes right to the Sunrise Highway on one end, and to Montauk Highway on the other end.

Mattitick is 2200' surrounded by a residential area, all except for the end that's on the bay.

Rose's in Orient Point is only 1100'. But he has no problem. Twin aircrafts fly out of Rose's. But they have no approach problems.

Ansonia, Connecticut is only 1700' and it's a city. Ansonia is right next to the city, and it contributes to the city.

New London, Connecticut which is a pretty big Town is only 1900' runways. And the end of it is on a major highway, Route 95 that covers the entire east coast. They have no problems over there.

There are many highways in this Country that are part of an airstrip or the airstrip is part of the highways. And all these experts that give you these diagrams here are only showing you what the F.A.A. recommended for an ideal airport. But all airports are not ideal. There are airports that are in canyons and blind canyons, and they're on the chart and they've been doing good business for many years and they're safe because the man is a pilot, he's supposed to know how to fly in and out, crosswind, downwind or upwind. But there are, of course, advantages to doing things the easy way, and if you have a nice facility and everything is right, you have 15 runways, it's ideal. But the other expert that was here, admitted there should be two runways. Joe Brush's only asking for one. He has the property to put in two or six if he wanted to. He's only asking for one. It's a small private local airport.

A few other notes, but almost everybody has mentioned something that took the wind out of my speech.

Oh incidentally, somebody did mention a show of hands. And I would like to ask that after this is all over, many people came out, these are taxpayers, they came out here on very inclement

PUBLIC HEARING - continuedHarry Rambo continues:

weather because they are excited about it.

Now the opposition came here, they're excited about it. The Town should know how many people are for or against."

Supervisor Smith: "Mr. Rambo, that's what you elect us to do is make the decisions."

Harry Rambo: "In order to make a decision, you have to have the facts."

Supervisor Smith: "And the people are doing very good by getting on their own two feet and telling us what's on their mind and it's not going to get decided on who packs the hall the most and I'm not saying that's what's being done. That's why we don't have shows of hands."

Harry Rambo: "I'll get back to some of the other statements that were made then.

Another expert said the Westhampton airport was very reasonable. It was there for the taxpayers to use. It's not there for the taxpayers, it's a commercial expensive airport. I couldn't afford to fly out of there, and some of the people that have plans there left there and came over to Joe and he makes it very easy for us. It's not expensive, and it's local.

Somebody mentioned that there's on airport in Mattituck and there's one in Brookhaven. And if you have an airplane, you can go to Mattituck or Brookhaven. There are gas stations in Mattituck and Brookhaven, and there are stores in Mattituck and Brookhaven, but people don't want to go to Mattituck and Brookhaven. If you have an airplane, you want to have it in your Town. 90% of the time you spend in your airplane, it's on the ground.

Everyday you want to go do a little work on your airplane, you don't want to have to go to Brookhaven. If you have to fly somewhere, maybe you wouldn't mind it. But my point is, most of the time, you don't use your airplane and all these people that are complaining about the noise. There are 365 days in most years, unless it's leap year about 25 or 30 of them are flying days. When the average non-instrument rated pilot can fly and that's the type of an airport this is. Weekends, some people can fly. Every weekend isn't fit to fly and I think the amount of flying that is done is very little compared to the expense of having a plane and the enjoyment that you have in the sport.

Also somebody mentioned planes coming in with the fog. You have people here, even if they won't admit it, they've had their skin saved by that field because they were out of other airports that were closed and they had to come into Brush's. Some will very easily admit it and others won't admit it, but there are many of them that are

PUBLIC HEARING - continuedHarry Rambo continues:

here tonight. They know who they are.

When the man talks about airplanes flying so low that his man had to get off the tractor, those were his crop dusting planes that he had. They can't fly any lower. This is fact. The pilots at the airport and there's one of them here tonight, had to go over, we got together and we stopped some of the spray planes from the activity that they had because I happen to have a brother who was almost killed with the same type of a plane and these pilots were doing the same things here and when we asked them, and we explained the situation then. They maintained a traffic pattern and flew according to the way they're supposed to fly. But they were getting a way with time saving which is a big thin in their business.

The dangerous part of flying is 600 horsepower, 3 feet off the top of the potatoes. Not the average pilot that's going out to take his family for a fly on the weekend.

I'll cut this short. I got many notes, but on that glide slope that the expert marked out here. I don't know where he got his figures from, but as I said, there are many types of aircrafts and many of them on the side of a mountain impossible to get his type of a glide slope. You land uphill because there's a mountain on the other end of it, and you couldn't come in downwind, you couldn't come in upwind, you have to come in the way the airport is laid out and those are F.H.A. approved airports. I thank you."

Supervisor Smith: "I thank you Mr. Rambo. Anyone?"

"My names is August Kuebler. I live at Harper Street, Calverton."

Supervisor Smith: "Mr. Kuebler do you swear that the testimony that you are about to give in this hearing is the whole truth and nothing but the truth?"

August Kuebler: "I believe your duty as a Town Board is to follow the wishes of the people and the great majority of the people have spoken. Thank you very much."

Supervisor Smith: "Thank you Sir. You've been sworn before."

Robert Hartmann: "I just have to answer Harry. I hope he wasn't incinuating that I wasn't telling the truth about the plane, because I can give him the home and address and everthing of that guy that was flying it.

There's also an element of danger here that wasn't brought out too clearly is the closeness of that — it's within 10 feet of the right-of-way of 105. People coming along that road — it's just impossible for them if there's

PUBLIC HEARING - continuedRobert Hartmann continues:

any type of action there at all, it's impossible for those people to keep their eyes on the road. It's drawn to the plane.

At the far end of the runway on the southerly end, you got one of the most dangerous intersection there is in the whole Town. And numerous accidents there, you well know it. And anytime there's planes coming in and out of there, it's very conceivable that these people will have their eyes drawn away and it just presents another dangerous aspect to it. Including that plane that flew over that we had to stop our work, it wasn't mentioned that the telephone poles on that side of the road was removed.

A couple years, when they built 105, our irrigation well had to be moved to facilitate 105 and the well driller was there removing the well and putting it down in a new well he was commanded to put a light on top of his rig — well into my field, as a beacon for the planes. They're only coming in in the daytime. Now this is a clear, very clear picture of property rights. Thank you."

Supervisor Smith: "All right. Anybody else? Mr. Kuebler you've been sworn."

August Kuebler: "Mr. Hartmann seems to think he owns the air above our homes and I don't believe he's entitled to that. Also these aircrafts are flying at 800 feet above the elevation of the ground and 100 horsepower aircraft doesn't make very much noise at that altitude. Thank you."

Supervisor Smith: "Yes Ma'am."

"My name is Hilda Hallock. I live at 81 Sound Avenue, Riverhead."

Supervisor Smith: "Mrs. Hallock, do you swear that the testimony that you are about to give shall be the whole truth and nothing but the truth?"

Hilda Hallock: "I do. I didn't expect to say anything because Shirley said exactly how we feel. When someone says do you own the air above, I don't hope to own all the air. And in some ways, I even enjoyed watching the planes once in a while. But I don't enjoy it when they keep going back and forth over the backyard. When there are stunts being done, which we have had in the past few years, it's become more and more. Joe didn't do it, other people did. And Mr. Rambo, you're speaking for yourself, but we live there. And there are many many people that come in there and Joe says he doesn't know them either."

PUBLIC HEARING - continuedHilda Hallock continues:

There's one other point. Mr. and Mrs. Seaman are renting the house next to the airport from Mr. Brush and I think there should be a point made there. They can move anytime."

Supervisor Smith: "Anybody else? All right Mr. Rambo. If you want to get back up, you've been sworn."

Harry Rambo: "What I wanted to say is, she mentioned that there are many many planes that fly in there that have nothing to do with Joe what-so-ever. And Joe didn't ask for them. And he doesn't want them there particularly. These are people that are coming and landing there and going across the street to do business. They never came in and thanked Joe for the use of his facilities and they even got in the way.

And Mr. Hartmann complained about the boosting, the traffic has been there over the years. It's the same planes that have been in Joe's airport year after year after year. The additional traffic is the people that are doing business and making money on Joe's strip. Joe never charged a nickel, he never made any money from it. But the business is being done across the street, using and they did not refuse to sell anybody that landed even when they are suing to stop his airport."

Supervisor Smith: "Thank you Mr. Rambo. Anyone else?"

"My name is John Kaloroumakis. I live at 147 Northern Parkway, Riverhead."

Supervisor Smith: "Mr. Kaloroumakis, do you swear that the testimony that you are about to give in this hearing shall be the whole truth and nothing but the truth?"

John Kaloroumakis: "I do. I would like to say that I am a student pilot at this time. I live in the Town of Riverhead. I think that a small airport such as Mr. Brush's would be a definite asset and one of the topics that were brought up was noise pollution. Well if we had a decible meter measuring the amount of noise for the average airplane landing and taking off from Brush's airport and compared it to an irrigation motor that possibly has run all night long and I talked to a Police man who said that Mr. Hartmann's irrigation motor was one of these, I think that we would find the irrigation motor making much more noise.

The other point is, I think that in this age of mass transportation that if the airport isn't here now, it's only a matter of time that it will be here. It is a very important part of our transportation system. Thank you."

PUBLIC HEARING - continued

Supervisor Smith: "Thank you Sir. Anyone else?"

Robert Hartmann: "I just forgot one point before. We're talking about 15 or 20 planes. If there were 3 owners a plane, you're talking about 50-60 people."

"My name is Duane Lewin. I live at Overlook Drive, Aquebogue."

Supervisor Smith: "Mr. Lewin do you swear that the testimony that you are about to give shall be the whole truth and nothing but the truth?"

Duane Lewin: "I do. The only thing I want to say is my qualifications are that I'm a taxpayer, an observer of life and a 30 year resident of Aquebogue.

I've grown in this Town and always, as an observer I'm 120% for the airpark. I've flown in and out of the field many times although I do not own an airplane and I don't have property on Sound Avenue. I'm here on principle alone, that if a man pays taxes as Joe Brush, he has a right to use his property as he sees fit.

And my opinion, logically speaking, the airpark is very beneficial to Riverhead. And as you, the elected people, our officials of the Town of Riverhead, I hope you can see clearly the need for an airpark. Thank you."

Supervisor Smith: "Thank you Mr. Lewin. Is there anyone else?"

Supervisor Smith recessed the public hearing for 3 minutes after which the meeting resumed at 10:56 P.M.

Supervisor Smith: "I discussed with the Council, off the record, the particular application by Mr. Ackerman with reference to the filing of an Environmental Impact Statement pursuant to the rules, regulations and laws of the department of Environmental Conservation. Specifically, I want to know and I understnad that you wish to brief it, what information that would have come out of or could reasonably have been anticipated to have come out of an Environmental Impact Statement that was not ilicited at this hearing this evening. The evidentiary aspects of the hearing are closed."

Harvey Arnoff: "I would think that the Town Attorney should also be given the opportunity to apply to as a party of the proceeding board on behalf of Mr. Ackerman's client and did take the position of the Town as a Supreme Court Proceeding.

I only offer that as a purpose for the Board's consideration. I think he's still a party to this proceeding."

PUBLIC HEARING - continued

Supervisor Smith: "That case has been terminated and the Town Attorney renders advice to the Town Board. So we'll examine what you submit."

Harvey Arnoff: "I have a few points to reply to very briefly. I would offer up for the Board, I've only made one copy and I'll either furnish you with additional copies or I can offer this up. The entire section 240 of the general business law wherein it is expressly set forth that helicopters are aircraft. And then follows to the definition which I read to the Board earlier."

Supervisor Smith: "Mr. Arnoff we've got copies of it."

Harvey Arnoff: "Additionally, I would call your attention very peculiarly that an expert testified as to certain F.A.A. requirements and yet submitted with Mr. Brush's application was the original letter from the F.A.A. dated July 13, 1970 approving the airstrip and then the letter and it's very brief and I would just like to read a paragraph of it dated September 9, 1977 based on review, the existing airspace determination that was issued on December 23, 1968 was found to be valid for existing operations at the airport and is still in affect.

In other words, they looked at the airstrip, they looked at the requirements and they said we're not changing our opinion and yet the experts testified here tonight, would have you believe that they've now gone completely against all their own regulations. I would say that that type of reasoning flies in the fact of reason.

I think finally to deny an airpark in this Town is to bury our heads in the sand. I think that to say that it would destroy the beauty of the area. I would ask the Board to consider how 200 homes on the 200 acre planned subdivision would compare to this airstrip. The area is zoned agricultural which we all know is one-acre residential. Assuming with me, we could put 200 one-acre lots in this area regardless of cluster and the Master Plan, assuming we could do that, I would ask the Board to consider which they'd rather have as their neighbor. 200 Additional homes in the area, or this airstrip.

I would say that the airstrip is ultimately going to be a necessity in the Town. It will service more and more people. I'm not saying that it will become a commercial strip. We have sufficient commercial strips in the immediate area to service large aircrafts. I think there's been sufficient counter arguments made in response to what Mr. Glander proposed at 75% reduction. Very peculiarly, even the example he used in Mattituck wasn't 75% of any figure, other than an \$8,000 figure and I would venture a guess that that land

PUBLIC HEARING - continued

is not similarly situated in its similar geographical location as the airstrip. Thank you very much."

Leonard Ackerman: "Mr. Supervisor, I would first like to express on behalf of my clients my appreciation for the way this public hearing was conducted. I find it refreshing having practiced for many years in Easthampton to find such an orderly Town Board Meeting with respect to a special exception and particularly find it encouraging that these things can be done in a very gentlemanly fashion, so that we can establish a record on which according determination which is found to be unsatisfactory can be appealed without having necessity of a reman, and I think we can avoid that with this kind of a hearing.

Should this Board find, however, that an Environmental Impact Statement is not required or that the consideration set forth in the requirements of the New York Statutory Law are not in violation pursuant to the proposal here made by Mr. Brush, then I would strongly urge the Board to find that this special exception should not be granted under the statutory requirements contained in the Riverhead Town Ordinance. I believe that there has been a record established here which indicated the failure of the applicant to meet the specific requirements of the special exception use permitted for an airport use in this area.

I would respectfully request that the Board deny the application. Thank you very much."

No one else wishing to be heard and no further communications having been received, Supervisor Smith declared the hearing closed at 11:03 P.M.

PERSONAL APPEARANCES

Supervisor Smith: "Does anybody have anything else on their mind?"

No one wishing to be heard and there being no further business on motion and vote, the meeting adjourned at 11:04 P.M.

Irene J. Pendzick

Irene J. Pendzick, Town Clerk