

Minutes of a Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Tuesday, October 16, 2001, at 7:00 p.m.

**Present:**

Robert Kozakiewicz,	Supervisor, arrived 9:30
Edward Densieski,	Councilman
James Lull,	Councilman
Christopher Kent,	Councilman
Philip Cardinale,	Councilman, arrived 7:15

**Also Present:**

Barbara Grattan,	Town Clerk
Dawn Thomas, Esq.,	Town Attorney

Councilman Lull: "Please rise. I will ask our representative from Riverhead's finest to lead us in the Pledge of Allegiance.

(The Pledge of Allegiance was recited, led by Officer Ed Frost)

Councilman Lull: "First order of business is approving the minutes of the Town Board meeting of October 2, 2001."

Councilman Kent: "So moved."

Councilman Densieski: "Second."

Councilman Lull: "By Councilman Kent, seconded by Councilman Densieski."

The Vote: "Densieski, yes; Kent, yes; Lull, yes. 3 yes and 2 absent."

Councilman Kent: "The meeting is going to be a lot nicer tonight with the two that are absent, not here, so."

Councilman Lull: "Reports, Barbara."

**REPORTS:**

Juvenile Aid Bureau

Monthly report for September,  
2001

Recreation Department	Monthly report for July and August
Animal Control Report	Statistics from January 1 <sup>st</sup> through September 30 <sup>th</sup>
Open Bid Reports	For the generator which was opened on October 11 <sup>th</sup> and 4 bids were received

Barbara Grattan: "That concludes Reports."

Councilman Lull: "Applications."

**APPLICATIONS:**

Parade Permit	Roanoke Avenue School - Oct. 31 <sup>st</sup> at 1:15 p.m.
Site Plan	Mid-Road Properties, LLC to construct 126 unit multi family retirement community with clubhouse, pool, tennis courts

Barbara Grattan: "That concludes Applications."

Councilman Lull: "Thank you, Barbara. Do we have any Committee Reports?"

Councilman Densieski: "Just a reminder, Councilman Lull, that we are collecting household hazardous batteries outside of Town Hall. There's a specially marked container for household batteries. You can feel free to drop them off."

Councilman Kent: "We had a Rec Advisory Committee meeting yesterday. We went out to the Calverton site to look at the 65 acres that has been set aside for a town park and we also discussed private donations from corporate and private sponsors for skate park equipment."

We're looking to raise about \$350,000. So if there are any interested corporate sponsors or individuals who would like to make donations for skate park equipment, you can see me or call me during the week. I'm at extension 226."

Councilman Lull: "And a report from the Human Services Advisory Board. They've been in existence since the spring, began an assessment of the town's human services needs. The first step will be the creation of a needs assessment information by asking 12 of the agencies and service providers to furnish one calendar year of data about the health and human services in the town. The second step will be a 90 day intake evaluation from all the agencies and providers between November and February. The third step will be sometime next spring, probably April being the target. The HSAB will come before the Town Board to present their findings and suggestions about moving forward in the field of human services.

Correspondence, Barbara."

**CORRESPONDENCE**

Werner Nufer

Regarding the retention of the former Grumman Aircraft runways at Calverton

Richard & Cynthia Dieterich  
Helga Guthy  
David Bouchier

In support of the moratorium

Barbara Grattan: "That concludes Correspondence."

Councilman Lull: "The time is 7:15. Read the affidavits of posting for the first public hearing, please."

Public Hearing opened: 7:15 p.m.

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on October 16, 2001, at 7:05 p.m. regarding the special permit petition of Robert Heidenberg on behalf of Headriver, LLC to allow the construction of a 135,200 square foot lumberyard and a 38,000 square foot outdoor display area upon property located at Route 58, Riverhead."

Councilman Lull: "Before we begin, just a reminder. The five minute rule that's up on the board does not apply to public hearings. We ask you to be as brief and (inaudible) as you can, but- and to submit to the Town Clerk any information that you'd like to after you have finished your presentation at the microphone. Our Supervisor will be here later on this evening.

He is at the present time attending an important meeting in Melville.

Who would like to begin?"

Councilman Kent: "Well, before we start, I just have a quick question of Rick Hanley. Rick, was the Headriver application submitted to the Planning Board yet? It was, wasn't it?"

Rick Hanley: "It was re-referred."

Councilman Kent: "Re-referred. Have they made any type of recommendation?"

Rick Hanley: "Not yet."

Councilman Kent: "I didn't think I had seen one. I just wanted to make sure that I hadn't missed it."

Rick Hanley: "Okay, yes."

David Gilmartin: "Shall we proceed, Mr. Chairman?"

Councilman Lull: "Yes."

David Gilmartin: "Thank you. Good evening, Members of the Town Board, officials of the Town of Riverhead and all of you who have come to attend this public hearing on our application for a special permit for a lumberyard at the intersection of Route 58 and Kroemer Avenue.

The property adjoins the New York State DOT maintenance facility and is opposite the Tanger Mall. My name is David Gilmartin and I'm the attorney for the applicant.

What we propose to do on this property we submit to you is legally and distinguishable virtually identical to- "

Councilman Kent: "I'm sorry, Mr. Gilmartin- "

Councilman Lull: "Can I interrupt for just a second?"

David Gilmartin: "Surely."

Councilman Lull: "Barbara, would you swear in the witness, please?"

Councilman Kent: "Under the rules now, when we have a special permit application, the witness has to be sworn before you can present testimony to the Board."

David Gilmartin: "Fine. Could I make a suggestion then because I have with me this evening seven people who will offer testimony."

Councilman Kent: "They should all be sworn, yes."

David Gilmartin: "Can they all take the oath at once?"

Councilman Kent: "Yes, that would be fine."

David Gilmartin: "I ask all- "

Barbara Grattan: "Chris?"

Councilman Lull: "Go ahead, Chris, you do it."

Councilman Kent: "Oh. Do you swear that the testimony you are about to give is the whole truth and nothing but the truth, so help you God?"

Collective response: "Yes."

Councilman Lull: "Thank you. Proceed."

David Gilmartin: "Thank you."

Councilman Densieski: "One of them said they don't. One said they don't."

Councilman Kent: "One said they didn't? Okay."

David Gilmartin: "What I was- wanted to point out to you is that what we propose to do on the property is legally and distinguishable and virtually identical to a special permit that you approved for a site that is about one-half mile east of the location."

The hearing is held for the Town Board to receive input from the public and then decide on our application for a special permit and for approval of our plan of construction on the site. And as you know, a special permit is somewhat of a misnomer. I think you'll find that if we've met the conditions contained in the Riverhead town code, you must approve our application for this use.

And thus the focus of our presentation to you this evening will be upon the use with less emphasis on the buildings and construction per se. And while I know that you members of the Town Board have a great deal of familiarity with the project by reason of the extensive and detailed analysis contained in the environmental impact statement submitted by our clients and review by your own independent consultant, and the findings statement you adopted two weeks ago reflects your comprehension of the entire project on our application.

Tonight by way of introduction, I'd like to place into the record some background information regarding the proponents of the project. The property is owned by a partnership made up of Joseph A. Puhfal (phonetic), John Puhfal (phonetic), and Robert Puhfal (phonetic) and they've been the owners of this property since January of 1984.

The Puhfals are in contract of sale to sell the property to my client, Riverhead- or Headriver LLC which is a limited liability company. It's a company that's been created and will be owned and managed by Steven Lerner and Robert Heidenberg. They have built and they operate a number of commercial sites around the country, many of which are on Long Island, and are listed in a handout which I'm going to present to you- will be presenting to you with my remarks this evening.

They in turn are in contract with the Lowe's company which will lease the land and the building. Headriver's portion will be to do the site improvements except for building and the Lowe's company will be responsible for construction of the building and then operating the business.

Since Headriver is the applicant, I would like to add some information about them. They have been in this business for over 25 years. They own and manage 24 shopping centers comprising 3,425,000 square feet around the United States. The stores and shopping centers are, as you will see from the papers that I'm handing to you, a virtual who's who in American business. They take a great deal of personal pride in their property and in the property management and maintenance and they welcome your inspection to any of their other properties so that you may be able to see for yourselves the way that they do their business.

An interesting side note that I want to bring to your attention, is that Steven Lerner who's one of the principals of Headriver, is in a family who owned a farm here in town. They purchased that farm from Jessie Goodale whose son is in attendance this evening. Jessie

Goodale of Riverhead Building Supply Corp., in the 1960's and they owned the property and operated it as a farm until they sold to the DeLalio family in 1998.

Steve is now a 52 year old boy but no stranger to the Town of Riverhead and he's personally motivated to do something nice for the town, for his company and for himself.

So, John, if you- okay, good.

What we would like to suggest procedurally is that I have as you could see a number of people that we want to call. And we have asked them all to reduce their testimony to written form and if it's agreeable with the Board, we would like to have them submit that testimony to you. They've taken an oath, and then have them step to the microphone and give you a description of their qualifications and a brief summary so that what they have to pass along to you would be in the summary and so that you and the members of the public could hear that. Because the purpose of the public hearing is obviously to hear the public.

If that's agreeable with you and if you would accept that procedure, we'd like to follow that.

In- I see from your agenda this evening that you have a number of hearings and at least one of which has drawn a great number of people. And for that purpose I am seeking to find ways to present all that we have to present to you but at the same time not to take up too much of our allotted time this evening and be fair to everyone else.

In that connection, I'm- I'd also ask because of the number of people that we have, if we could have them come up, give you their testimony, give you their credentials, background information, and summarize what they have to say. If we could hold questions, I think what you'll find is that many of the questions that come to mind as you hear one person speak will be answered by somebody later. Is that acceptable?"

Councilman Lull: "Yes. You present yours first."

David Gilmartin: "Pardon me?"

Councilman Lull: "That's fine."

David Gilmartin: "Of course, we'd be happy to answer- address

any questions that you all may have. Another sort of point of housekeeping is that we understand that the Suffolk County Planning Commission has not yet given you its report and recommendation. We also understand that the Planning Board has not reported to you and that the likelihood is that at the end of this evening's presentation we will hold the record open for submission of those reports and recommendations and any written submissions that may be indicated. Is that also correct?"

Councilman Lull: "Yes. Yes."

David Gilmartin: "Would we have an opportunity to make written submissions as well after these things are submitted?"

Councilman Lull: "The record is still open, yes."

David Gilmartin: "Thank you. I'm- without further adieu then, to reduce the time to be taken by seven separate people testifying, I'm going to see if they can do them in tandem."

Councilman Kent: "Actually, Mr. Gilmartin, can I ask you a couple questions?"

David Gilmartin: "Sure."

Councilman Kent: "Are you anticipating that this application is going to be taken up by the Suffolk County Planning Commission at their next meeting?"

David Gilmartin: "We anticipate at the- the meeting is in the first week of November, and we do."

Councilman Kent: "I think it's November 7<sup>th</sup>, I believe."

David Gilmartin: "I'm not sure of the date, Chris."

Councilman Kent: "Okay."

David Gilmartin: "We do anticipate they will take it up and they will have a recommendation."

Councilman Kent: "So would it be your request that we adjourn the public hearing at the end to sometime after that date for perhaps even additional public hearing or do you just want to submit written testimony after the Planning Commission's recommendation?"

David Gilmartin: "I think everyone here has to see how this proceeds but it would be my request to close the public hearing and leave the record open for written submissions- "

Councilman Kent: "Written submissions only?"

David Gilmartin: "Is usually what they say."

Councilman Kent: "So if we leave it open though and the Planning Commission- Suffolk County Planning Commission won't be acting until the first Wednesday of November, I think would be their next meeting. They meet on the first Wednesday of every month. We'd have to keep, excuse me- "

David Gilmartin: "I think it's the 5<sup>th</sup>. Isn't Election Day the 4<sup>th</sup>?"

Councilman Kent: "Election Day is the 6<sup>th</sup>."

David Gilmartin: "Okay, it's the 7<sup>th</sup>."

Councilman Kent: "We're all quite aware of the Election Day up here."

David Gilmartin: "Oh, really?"

Councilman Densieski: "Most- I'm not."

Councilman Kent: "I think it's the 7<sup>th</sup> this year."

David Gilmartin: "Okay."

Councilman Kent: "The 7<sup>th</sup> is the next Planning Commission meeting. So the next time that we convene, we have a meeting on the 7<sup>th</sup> so you'd probably request that we keep the written record open until sometime after the 7<sup>th</sup>."

David Gilmartin: "What is customary?"

Councilman Kent: "Well, customarily we don't act on public hearings- we don't have public hearings until we have the recommendation of the Suffolk County Planning Commission and our own Planning Board. So it's very unusual that we're having the public hearing prior to receiving the recommendations of the Planning Commission and our own Planning Board. Quite- "

David Gilmartin: "Can I make a suggestion?"

Councilman Kent: "Yes."

David Gilmartin: "If the Suffolk County Planning Commission should meet on the 7<sup>th</sup>, that's the same day that you meet so that would not be an adjourned date, when would be your meeting after the 7<sup>th</sup> - "

Councilman Kent: "November 20<sup>th</sup>, I think is the next meeting after that. So you'd want- that's basically what I'm trying to ascertain whether you want us to keep the record open to a certain date, maybe November 20<sup>th</sup>."

Councilman Lull: "The second meeting in November."

David Gilmartin: "20 November is- will be fine."

Councilman Kent: "Okay."

David Gilmartin: "Shall I go ahead then?"

Councilman Lull: "Yes."

Councilman Kent: "Yes."

David Gilmartin: "The first witness I'd like to call would be Howard W. Young and I know that Howard doesn't need any formal introduction to you. We would like Howard to, however, state his degrees, his credentials, his experience in a general manner and as a fifth generation surveyor there shouldn't be anybody in town who doesn't know of Howard Young. And Charles J. Voorhees (phonetic), you probably know him better as Chick Voorhees from the firm Nelson Pope and Voorhees. I'd like to ask the two of them to step up and introduce themselves briefly to you and then go forward with their presentations.

And in this connection, I think John is going to now hand you the written testimony that they've prepared for the hearing."

Councilman Lull: "Yes, go ahead."

Charles Voorhees: "Good evening. My name is Charles Voorhees and I'm a member- a partner of the firm Nelson Pope and Voorhees. Our offices are at 572 Walt Whitman Road in Melville and our firm was

retained by Headriver LLC to prepare the environmental impact statement for this project.

As Mr. Gilmartin had requested, I'll indicate that I have 23 years of experience in environmental planning and consulting. I have a Bachelor of Science degree and a Master of Science degree in Environmental Science and Environmental Engineering. I served 10 years in town and county government and have operated a private environmental consulting firm for the past 13 years. I would like to also indicate that I'm a member of the American Institute of Certified Planners and a certified environmental professional.

And this evening I'll speak briefly about the environmental planning facts concerning the site and the project review that has occurred. My testimony has been filed with you and that is complete for the purposes of presenting the information that I would like to provide for the record this evening.

In preparing the environmental impact statement, I supervised a staff of environmental professionals to complete the documents under the State Environmental Quality Review Act, known as "SEQRA". The documents were properly filed in accordance with the SEQRA notice in filing requirements and were available to members of this Board, the Planning Board, and reviewed by your planning staff and independent consultants on behalf of the town during that process.

I am personally familiar with the subject property that was described by Mr. Gilmartin and appears on the boards in front of you as well as the area surrounding the site and the details concerning this project.

Overall the project has been subjected to a detailed and in depth comprehensive review which included the draft and final EIS and the preparation of findings by this Board. Based on this record, I believe the agency, your agency as lead agency took a hard look at the impacts of the project and I would add that this was perhaps one of the more detailed reviews that I've been involved with in my career.

As a result, I believe the project before you tonight minimized the environmental impacts to the maximum extent practicable and I believe the Board is in an excellent position to proceed with a well informed decision that would result in project approval.

Howard is up there by the aerial photograph and I'd like to just briefly describe the site and the area. That is an aerial photograph

that shows the site roughly in the center. Surrounding area would include the AdChem site to the north which is just beyond the LILCO property line. This power line traverses the area from northwest to southeast along the northern boundary of the property. The AdChem property is accessed from CR 58 which is along the eastern boundary of the site, that access point down to 58 which hugs the southern boundary of the property.

Contiguous to the east of the site is a 2.71 acre property with an Applebee's restaurant at present. The Applebee's site is owned by a sister company of Headriver LLC and there is currently a special permit application pending to create four take-out restaurants and a building which itself was approved under a prior site plan.

In addition, the subject site is zoned A- I'm sorry Industrial A which allows the proposed use of the site as lumberyard complex by special permit from this Board as was indicated.

I should point out that the site is not within the central pine barrens or the area that is designated under the Wild Scenic and Recreation Rivers Act.

Part of the environmental impact statement included a detailed review of the special permit requirements and based on that, I find that locating the Headriver project on the subject property meets the standards of Subsection 108-3E- 3A. The surrounding area is entirely commercial as you can see on the aerial photograph. The commercial use of this parcel as a lumberyard is consistent with surrounding uses and the use does not adversely affect the use and development of other neighboring properties, one of the proofs that's required under the special permit provisions.

As you can see, the site itself is currently vacant and wooded. There are several trails which traverse the property. The site lies within a number of service district which have been identified in the EIS and include the Riverhead Fire District, the Riverhead Volunteer Ambulance District, an EMS protection area, the Riverhead Police Department, the Riverhead Central School District, the Riverhead Water District for water supply, and the Riverhead Sewer District for sanitary waste discharge.

Moving to the panel to the left which was prepared by Young and Young, the project is described in detail in the environmental impact statement and it involves the proposed construction of a Lowe's Home Improvement Store totaling 135,200 square feet with an additional

38,800 square foot of outdoor garden center. There are no other improvements planned on the site at this time and none are reflected on the actual site plan application pending before the Board.

Howard's office has prepared a full site plan submission and has he has a number of mounted boards that are part of this submission and the full package is part of your pre-file testimony indicating the seven sheets that comprise the site plan application as well as the landscape plan.

Just to briefly describe the site use itself. The project will meet the site plan requirements of the town and include safe access and internal circulation to the proposed building. The site plan provides adequate parking for the proposed use. Specifically 482 parking stalls are required and 647 parking stalls are being provided to more than comply with the requirements.

The drainage system is designed to meet town storage requirements and must be reviewed and approved by the town engineer.

The building will be served by the Riverhead Water District for water supply and the Riverhead Sewer District for wastewater disposal. The site will be attractively landscaped to provide a visual amenity as part of the design and as was indicated and you can see Howard in front of us, Howard and Tom Wolpert from his office are both here for any additional questions or testimony that will be required.

Locating a Lowe's Home Improvement Center on this site means that the health, safety, welfare, comfort, convenience, and order of the town as specified in Subsection 108-3E- E3C, are well served by this location and will not be adversely affected. The two other standards in Subsection 108-3E- 3E3 and B are the hazards and disadvantages of the use here and these should be outweighed by the advantages to be gained by the neighborhood or the town and under Subsection D that the use will be in harmony with the general purpose and intent of zoning in the town.

Although expressed in slightly different terms, hazards and disadvantages, actual and potential, are part of what we studied when the environmental impact analysis was completed for the EIS.

As indicated in my testimony and I'll skip over this point, but the Board did request that we also address the cumulative impacts of four take-out restaurants that are part of the special permit application on the adjacent site to the east and that analysis was

included in detail as per your request and the environmental impact statement.

The EIS itself discussed all of the environmental resources of the site and for EIS purposes environmental resources are broadly defined as geology, water resources, ecology, air resources, transportation, land use and zoning, demography and community services with a number of sub-categories under each of them. I won't go through each of those but I will indicate that it is summarized in my testimony, the written testimony, and has been described in detail in the EIS.

A couple of the key points that were a part of our analysis, I will touch on. And that is that the off site wetlands were an issue and maybe we'll put the aerial photograph up once again. This was on the Tanger property approximately 600 feet south of the site and that particular area, as you know, went through a detailed review. It was documented as a breeding habitat for the endangered tiger salamander. Because of this and other reasons, groundwater resources were evaluated in detail through the EIS process. The average depth to water beneath the site is 20 feet and the minimum depth is about 11 feet on the western portion of the site adjacent to DOT yard that Howard is pointing to.

Water quality beneath the site is excellent. Groundwater flow is toward the southeast and as a result of on site groundwater elevation monitoring, it was determined that the wetlands on the Tanger property are not within the flow path of groundwater recharged on the Headriver site. They're actually flowing toward the south and east away from that area. In addition, there are no surface or groundwater connections between the site and the wetlands on the Tanger Outlet Mall site. Groundwater recharge will be increased by this project due to the creation of impervious surfaces. However, water quality will be maintained as the proposed subsurface leaching pool drainage system is the best available technology and the County urban runoff protection study found that water quality is not impaired by this method of recharge.

All sanitary waste will be conveyed to the Riverhead Sewer District. The site lies within this District and is within the allocated flow based on town studies. As a result, the project will not cause adverse impacts to groundwater quality from nitrogen loading. I've indicated three key factors why this will not impact groundwater resources or the tiger salamander breeding pond that are in the testimony.

We also looked extensively at the ecology of the site- "

Councilman Kent: "Chip, could you hold on just one minute? I think we're having some sound problems and we want to make sure that everything you say- I know we have a transcriber here but we also have a record that's being- "

Charles Voorhees: "I'll wait 'til you say."

Councilman Lull: "Go ahead, Chick."

Councilman Kent: "Chick, see if- "

Charles Voorhees: "We're good?"

Councilman Kent: "I don't know. There you go. Hold on a second. Our system picks up the sound and records- "

Councilman Lull: "No. It's off completely."

Charles Voorhess: "I need a guitar. There we go."

Councilman Kent: "Thank you."

Charles Voorhess: "Okay. I'm used to microphones but I usually have a guitar in front of me."

I was discussing briefly the ecology of the site. We did document this in detail, conducted on site field collection of animal species as well as floral species on the property and, again, provided a detailed vegetative study. The project will remove approximately two-thirds of the natural vegetation on property and will obviously change the ecology of the site as you would expect. Since the plant and wildlife species on the property are common to a variety of Long Island habitats and the wildlife species are primarily mobile bird species, no significant adverse ecological impacts are expected.

We did look at air resource related impacts and found that these would not be significant and this was not an area that was necessary to deal with in detail because the draft EIS covered this in sufficient depth.

Mr. Dunn is here and will speak about the traffic. That was included in the environmental impact statement as volume 2 and there was a very detailed study.

There was a large part of the EIS devoted to land use and zoning issues as you might expect, particularly because this is a special permit application. Part of our study showed that the lumberyard use is in harmony with the other uses in the area and is in keeping with the existing zoning. The aerial photograph illustrates the land use in the area as we discussed and we are consistent with this pattern of land use and development.

The proposed project will change the land use of the site from vacant land to a lumberyard use. However, as the existing land use pattern in the vicinity is predominantly commercial, industrial and retail, no significant impacts to the land use pattern is anticipated.

In addition, the proposed project acts as an appropriate transitional use between the commercial and retail uses on CR 58 and the industrial AdChem site to the north. As the proposed project does not require a zone change, no impact to the existing zone of the site or the zoning pattern in the area is anticipated.

And, again, yes, just to touch on the special permit requirements, it is noted that the site is proposed for a lumberyard and this is a contemplated use in the Industrial A zone. Therefore, it is presumed to be appropriate and compatible provided special permit provisions are met. The proposed project meets all of the provisions for a special permit and a detailed analysis of this requirement under Chapter 108-3 of the town code is included in Section 1.3.7 of the EIS.

Your consultant requests that a number of things as part of the FEIS to further develop some of the analysis that was performed, we did prepare a detailed re-use study of the parcel for that purpose. In addition, we showed that there are other advantages in locating a Lowe's Home Improvement Center on the site.

There was a great deal of socio-economic impact analysis that was prepared for this and it was determined that there was a demand for products offered by the proposed project and a conclusion that there is an unmet demand for this type of project even in consideration of the other proposed projects in the vicinity. As a result, the project will not adversely affect land use or zoning patterns in the area and is an appropriate and contemplated use in the Industrial zone by authorization under the special permit request.

Community services are very important and we looked at this in detail providing an analysis of tax revenue in the EIS. The project

will result in a significant increase in taxes generated to tax jurisdictions. The greatest benefit will be to the Riverhead Central School District which will receive 59% of the projected \$239,000 in tax revenue or \$136,000 per year.

Obviously the project will not generate school age children. Therefore, this substantial benefit will be distributed to community service providers and government agencies including Suffolk County and the Town as well as the library, highway department, fire and ambulance districts, the lighting, sanitary and water supply districts.

I touched on the socio-economic aspects of it and will not go into great detail on that.

Just in concluding, we looked at the visual resource aspects of the project. One of Mr. Young's sheets included a detailed landscape plan that showed that the northwest and south side of the property will be landscaped and this will allow for retention of visual resources and buffers and as a result no significant visual resource impacts are anticipated.

We covered required items including archeology and cumulative impacts and dealt with alternatives of the project. The proposed project was found to be an appropriate use of the site in comparison to each of the alternatives explored.

In conclusion, through the EIS process which included exhaustive analysis of key impacts of the project, it has become clear that the project meets all of the requirements for a special permit. The project is well designed and fits the character of the area in conformance with zoning and in compatibility with surrounding uses. No significant adverse impacts were identified through the EIS process.

The EIS results have demonstrated that the other factors identified in Subsection 108-3E4 of the Town code, specifically the suitability of the site for this use in a community, the adequacy of the plot area, adequate access and avoidance of traffic congestion, sufficient off street parking laid out in a convenient way, adequate buffering and landscaping and proper provision for collection and disposal of storm water runoff and waste. And, finally, that the existing municipal services are adequate for the needs of the proposed use. All of these conditions have been satisfied with this application.

I therefore, urge you to consider approval of the pending special permit for a lumberyard complex to allow the development of this proposed project.

That concludes my testimony. Thank you."

David Gilmartin: "Thank you, Chick."

Howard Young: "Good evening. My name is Howard Young. I'm a licensed land surveyor. I have over 50 years experience in land surveying, planning and civil engineering. My education background is I've been licensed through the apprenticeship program and I spent some time in the CV's and went to surveying school in the Navy. I attended the US Coast and (inaudible) classes in Washington, D.D. and graduated from Valley Forge Military Academy and attended Riverhead High School.

I was registered as a licensed land surveyor in 1970 and became a partner in the family firm of Young and Young.

As David Gilmartin said, I am a fifth generation land surveyor here in Riverhead. I happened to be born on the same street that I live on and my office is on the same street so I always say I've gotten nowhere in my life.

Anyway, I have listed in my testimony some projects that I thought were appropriate that I've worked on and I have gone through my testimony sheet by sheet with a presentation and I believe that most everybody else will touch on all these items. I don't want to talk about parking and give you additional numbers.

So, just to you know highlight my testimony, the site is, you know, 21.2 plus or minus acres. With regard to lighting, we show 26 lighting fixtures of one, two or three 1,000 watt luminaires. Some of the lighting near the entry into the structure do have additional lights of 400 watt flood luminaires.

The grading plan which was sheet two and sheet three which is the utility plan will be discussed by my partner, Tom Wolpert.

The landscape plan indicates turf grassed areas, wildflower mix areas, trees and shrubs. And I have included in my testimony the various types of trees and shrubs.

Sheet number five of the seven sheets is an existing conditions map which shows the property as it is today with the rolling

topography, scattered pine and oak trees, the high tension line on the north, the New York State DOT maintenance yard on the west, the improved right of way to the AdChem property on the east and County Road 58 on the south.

Construction details shown on sheet six and seven show the paving and drainage structures and their specifications. I would note that the specification required by Lowe's is one of the finest I've ever seen and were very helpful in our producing a well engineered plan. Their specs for paving and their specs for drainage are much higher than those required by the Riverhead code. Although they may be different, they are superior.

And I thank you."

Councilman Lull: "Thank you."

Councilman Kent: "Howie, just one question. Are there any proposed off site improvements to public highways or intersections?"

Howard Young: "Yes."

Councilman Kent: "Do you have any detailed sheet that shows any of those?"

Howard Young: "We have- Mr. Hill will address the traffic and those off site improvements."

Councilman Kent: "Okay. All right."

Howard Young: "There is shown on the site plan which I didn't want to mention because it's just going to be redundant here, but we do have a connection to the DOT yard which Mr. Hill will discuss and some other unique things here that really make this a well thought out and well designed site."

Councilman Kent: "Okay. We'll leave that to Mr. Hill then. Okay."

David Gilmartin: "Thank you. For the record, it's David J. Gilmartin again. The second two people whose testimony we'd like you to hear are Lindsey McGrady (phonetic) and Lindsey is from the Lowe's company. He'll tell you his position and his experience with them and Fred Habenicht, (phonetic) the architect who designed the layout of the building."

Lindsey McGrady: "Good evening. My name is Lindsey McGrady, Lowe's (inaudible), and I will endeavor to take much less time than Mr. Voorhees. I'm the director of site development for Lowe's Home Improvement Warehouse. I'd like to take this opportunity to thank the Board for hearing the application for special use permit this evening. I've been employed with Lowe's and a real estate engineer construction partner for the last 17 years. I'm currently supervising over 90 projects in Lowe's northeast territory which equates to approximately \$700 million dollars of construction cost.

I received a degree in architectural design from (inaudible) College in (inaudible) North Carolina and immediately started my career at Lowe's.

As many of you are probably not aware of Lowe's or not very familiar with Lowe's, I'd just like to take this opportunity to introduce our company to Riverhead. Lowe's began in remote northwest North Carolina which by the way is where my (inaudible) comes from, in a small town called North Wilksboro (phonetic), North Carolina, in the beginning of 1921 as North Wilksboro Hardware (phonetic). And for several years was nothing more than a small downtown hardware store. However, as World War II came to an end, Lowe's began to expand in western North Carolina and southern Virginia and was actually incorporated in 1946.

During those years, Lowe's began to develop into the lumberyard home improvement building supply industry and began to grow this business throughout the middle United States, southern states, midwest states into the largest and most successful in that industry in the world.

Also during this time, Lowe's became a publicly traded company and in 1979 went on the New York Stock Exchange under the ticker symbol of LOW and I believe we have handouts- we've given you some handouts from our company which will include an annual report from last year, some of the information about our community involvement and so forth, tell you a little bit more about who we are.

We are currently the second largest home improvement warehouse, indoor lumberyard company in the world. We serve more than five million customers, business commercial customers weekly. We now have over 700 stores in 40 states, employ over 100,000 people nationwide. Lowe's is a Fortune 200 company and it's the 14<sup>th</sup> largest retailer in the world, excuse me, in the nation, and the 34<sup>th</sup> in the world.

We've been chosen on different occasions as one of the 100 best companies to work for in America. In the last five years, Lowe's has more than doubled its number of employees and more than doubled its sales.

At our Riverhead facility that we're proposing, Lowe's would employ the full time equivalent of 200 people of which approximately 20% will be management positions, such as store manager, assistant managers, department managers, receiving, delivery managers, and so forth. Lowe's offers an excellent benefit package including 401K packages where we contribute to employees as well as employee stock ownership plans where the company purchases stock for the employees and also has a stock option for everyone plan where we allow our employees to purchase stock at a discounted rate. We also have excellent dental and health insurance policies.

We will stock over 40,000 different products in our facility here throughout the home improvement and construction facility and can special order over 400,000 items. We stock leading national brands in our store such as the (inaudible), Armstrong, American Standard, Maytag, Whirlpool, Kitchen Aid, Owens Corning, Sylvania, Laura Ashley and many others, (inaudible) built many others. We also have many exclusive national brands we carry such as Top Choice Lumber, American Tradition Paints and Cobalt tools.

In our facility we will offer computerized kitchen and bath design consultations, free how to clinics to help our customers improve their home improvement skills. We have monthly kid clinics to educate children in safety, environmental issues, and building skills. We also offer ready to go orders and job site delivery for our commercial business customers. We have (inaudible) program where we employ or actually contract local professionals that actually through Lowe's will install a product such as appliances, flooring, roofing for our customers.

Our proposed facility in Riverhead will be divided in the following functions and you can probably use that plan, just to point out these areas, the floor plan. Just use the floor plan, Fred. Fred will point out the sell floor being the main box of our building, obviously where our products are displayed and stocked for customer selection.

The customer will enter and exit through the very front of the store where our checkouts are located. We have a side lumber canopy on the left side there where you can take out lumber through the front

and load it under a canopy area that will be convenient for customers. We have a receiving area which is where the bulk of our materials come into our building and we will store materials such as appliances and so forth. This area is not open to customer traffic; it is just for employees only as far as stock and to bring in the merchandise.

Our office complex also in the rear of the building where we have, of course, managers, office (inaudible), mechanical equipment rooms and so forth.

In the rear of the building, we'll have staging area outside where we bring in lumber- on the other side, Fred- in this area where we bring in the lumber product into our store.

And I guess the use here, the special use permit we're requesting is for our garden center where we will sell and display seasonal products. In the rear of our garden center is a hard roof canopy area that we store products that are weather sensitive products. In front of the garden center is a hard canopy, excuse me, a shade structure area that we have our checkouts for the garden center as well as we have an area for sun sensitive plants. Then we have an open area in our garden center where we have the rest remaining product- items that are not sensitive to the weather.

In our garden center, we sell such products as landscaping timbers, railroad ties, decking materials, paving and patio stone, fencing, storage buildings, patio furniture, live nursery products, and lawn and garden supplies.

Within Lowe's we break down in our product line into 20 different categories which are briefly lumber, building materials, mill work, fashion electric, rough electric, fashion plumbing, rough plumbing, appliances, furniture, kitchen cabinets, hardware, windows and walls, paint, tools, outdoor fashions, nursing and gardening-- nursery and gardening, outdoor power equipment, flooring, shelving, housewares miscellaneous. Of these categories the nursery and gardening category, it represents an average of approximately five and a half percent of our total sales.

Each of our over 700 stores have garden centers and the average size is 25,000 square feet and each of our competitor's stores, over 1200 stores have garden centers.

And I would just like to conclude my presentation with thanking you for considering our application for the special use permit. I

think I beat Mr. Voorhees' record here a little bit."

Fred Habenicht: "Good evening. Good evening, my name is Fred Habenicht. I'm the architect for Lowe's. I've been a registered architect in the State of New York since September, 1989, and I have over 32 years of experience in the profession. I'm a senior associate in the firm of Rosenbaum Design Group which is located in Lake Success, New York. I have been employed in this firm for 24 years and I have prepared or supervised the preparation of well over 1,000 projects which have been built in Long Island, New York City, the tri-state area, nationally and internationally.

My firm primarily works on commercial projects such as large shopping centers, supermarkets, office buildings, and buildings of that type. We have recently completed two buildings for Lowe's. One is under construction in Medford and near completion. The second building is about to commence construction in Garden City.

Part of my presentation will be the exterior elevations and floor plan and a sample board showing the materials that the building will be constructed of. As stated, the building consists of 135,000 square foot building. It has an outdoor area of approximately 35,800 square feet making the entire project 173,900 square feet. On the outdoor area, 5,600 square feet is under the shade structure which Lindsey alluded to earlier. The unenclosed roof area where they protect your hard goods is approximately 9,400 square feet and the remaining area is outdoor display of approximately 23,000 square feet.

The indoor area consists of- the receiving area is approximately 9,800 square feet. There's an office complex as Lindsey pointed out of approximately 4,300 square feet. The dedicated exit vestibules are approximately 1,900 square feet. There's a dedicated customer pickup area where people could pick up their lumber products and the remaining area is used as open sales area.

The building is a fireproof building consisting of steel frame superstructure, exterior bearing walls. The columns are two hour protected. The exterior walls are three hour protected and the building is fully sprinklered, equipped with fire alarm system. It has an emergency generator that can power the entire building during disasters of either natural or man made disasters so that they could stay in service to service the community when they need to buy building products to overcome the disasters.

The building is designed in strict accordance with the New York

State building code; the Federal Disabilities Act for accessibility. The building complies with the New York State Energy Code as the roofs and walls are fully insulated. The height of the building on average is 28 feet high and it drops down to approximately 23 feet high in the rear of the building.

The building is- the front of the building and the entrance to the building is emphasized by a decorative design element which leads everyone to the entrance of the building so that they know where they have to go in and where they will exit.

As Lindsey pointed out, the merchandise is received in the rear of the building, both at the receiving area and at the lumber drop off- staging area. The building only contains storage for basically electronics and appliances. All the other merchandise is kept out on the floor. There is no large storage areas. Everything is brought in, broken down, put out on the floor so that the building does not contain large storage areas. The product is put right out on the floor.

The truck well at the receiving area as well as the compactor is screened by masonry walls so that its visibility and impact is kept to a minimum. The customers are led in through a dedicated entry vestibule and they exit through a dedicated exit vestibule for an orderly flow of people going in and out of the building.

The building is air conditioned and cooled by small roof top units spread out across the entire roof and the indoor nursery area is illuminated by skylights bringing in natural light to give it, you know, a very appealing effect.

The building- overall building appearance consists of a very simple but graceful color scheme where the main field of the building is a light gray split faced concrete block. There are several accent bands, one being a dark gray which is at the base and at the top of the building, a red accent stripe at the top of the building and a blue accent stripe running down the center of the building.

The metal canopies which protect the public as they come in and out are in blue also and the main entry element is a (inaudible) type material consisting of dark gray, light gray, blue and a red trim which keeps basically the color scheme of a blue and gray building.

Okay. And I just would like to conclude that- oh, and the outdoor area is fenced in with a 24 high chain link fence on all sides

and the bottom eight feet of the fence is filled in with black vinyl slats to hide the product that is displayed back there so there's no visibility of what's happening inside that area.

Now in conclusion I would just like to say that due to the building size and the setback that it is and the landscaping that's been provided, this building provides little or no major overwhelming impact on Route 58 and should, you know, not present any overpowering structure to the community. Thank you."

Councilman Lull: "Thank you."

David Gilmartin: "Thank you. David J. Gilmartin again. I just want to remind the Board and any members of the public that we're providing copies of the various witnesses' testimony and that they'll be on file in the Town Clerk's Office and available for anyone who would like to review.

The next witness we would like to call is Ronald Hill of Dunn Engineering to discuss traffic matters."

Ronald Hill: "Good evening. My name is Ronald Hill. I'm a principal in the firm of Dunn Engineering Associates, 66 Main Street, Westhampton Beach, New York. We prepared the traffic impact study for this project as part of the EIS.

I have been with Dunn Engineering Associates for 14 years. I'm a licensed professional engineer in the State of New York. Prior to joining Dunn Engineering, I was with the New York State Department of Transportation for 17 years, almost all of that with the Traffic Safety Division. Last four or five years I was in charge of traffic operations which dealt with the study of traffic signals, authorizing the signals for state highways and maintaining them.

Our study looked at four intersections, three of them along County Road 58. The first at our westerly access drive opposite the Tanger access; the second one on County Road 58 opposite Kroemer Avenue where our easterly access will be; and then further to the east at the intersection of County Road 58 and Mill Road, Pulaski Road. We also looked at Route 25 and Kroemer Road as the original proposed scope of the study expanded and we took that intersection in also.

The study looked at not only the Lowe's; it looked at the four take-out restaurants that were proposed on the Appleebee's site and also a phase II of this project which included a mixed use of

restaurants and office. We looked at- included in the study also the proposed Riverhead Center which is coming in and also some additional construction in Tanger. All included in and looked at in all- each one of these intersections during the a.m. weekday peak hour of traffic, weekday p.m. peak hour of traffic and Saturday peak hour of traffic.

In all cases at those intersections during those times we showed that with the mitigation measures we're proposing there will be no traffic impact. And there was a question before about what those mitigation measures are. First, we're dedicating 17 feet of property along the entire frontage to Suffolk County and widening the road 17- at least 17 feet and in some cases a little bit more. We'll be providing a shoulder there and a right turn lane into the westerly driveway. Each one of our driveways--

Councilman Lull: "Mr. Hill, can I interrupt you for just a second?"

Ronald Hill: "Sure."

Councilman Lull: "I hate to do this because the heat in here but could I ask somebody to close those back doors? I know. We just asked for that but- "

Councilman Kent: "We did. We already requested it."

Barbara Grattan: "The doors are open here in the back."

Councilman Lull: "Yeah, the doors are open for the outside. Okay. Sorry."

Ronald Hill: "Each of the access driveways will have one wide ingress lane and three egress lanes and with that, the traffic signals will work well, level of service "B"-- "C" or better. And in addition to what we're doing up along County Route 58 and modifying those signals, we will be installing a new traffic signal at the intersection of Route 25 and Kroemer Avenue. And in connection with that, we'll add left turn lanes on Route 25 to facilitate traffic at that intersection.

We had marginal impacts there but it was- we thought that it was enough to go ahead with this recommendation and we will do that.

I think this site is fairly unique with the way we dealt with it

also. We have the two access points at traffic signals. There are no intermediate access points as you often see at shopping centers. Everything is controlled by a traffic signal. And then we've gone further by having joint access in each one of these. In the case of the easterly access point, that access serves the AdChem industrial facility behind us and the Applebee's facility to the east of us. And to the west, we voluntarily made a connection with the DOT yard so their trucks could get in and out of 58 much more safely.

That's, I think, unusual in my experience where the applicant goes ahead and makes these kinds of joint access arrangements without prompting and that's what was done in this case because we felt it was the right thing to do.

That concludes my presentation. If you have any questions, I'd be happy to answer them."

David Gilmartin: "David Gilmartin again. Our last witness is Tom Wolpert of the firm Young and Young to discuss the matters promised by Howie."

Tom Wolpert: "Good evening. My name is Thomas Wolpert and I am a first generation engineer with the firm Young and Young with offices located at 400 Ostrander Avenue in Riverhead. My credentials include a Bachelor's Degree in Mathematics from State University New York at Buffalo in 1974; a Master's Degree in Mathematics from State University New York at Stony Brook in 1982; 27 years of diverse civil engineering experience including 13 years with the present firm of Young and Young. And also I am a licensed professional engineer in the State of New York since 1984.

With regard to the drainage, the proposed drainage facilities are shown on the grading and drainage plan which is sheet 2 of 7 and the set of drawings prepared by us. It includes 16 catch basins, 125 leaching pools, and approximately 3,000 linear feet of drainage pipe. The proposed drainage system has been designed to collect, store and recharge the stormwater runoff generated by a two inch rainfall. Stormwater runoff that exceeds the design capacity of the drainage system will safely overflow into the state and county drainage facilities near the southwesterly portion of the site. Neither on site nor off site areas will flood as a result of development of the site as proposed.

With regard to the grading of the site, approximately 120,000 cubic yards of earth work and paving is proposed including 53,000

cubic yards of cut, 53,000 cubic yards of fill and 12,000 cubic yards of paving material. This will result in a balanced site, that is, we do not expect to remove any excess material from the site during construction.

With regard to water supply, the proposed facilities are shown on utility plan sheet 3 of 7, also prepared by us. The water system includes approximately 1,140 linear feet of new 12 inch diameter water main which will be constructed from the existing water main north of Appleebee's restaurant in a westerly direction along the northerly line of the subject property and terminate at a new hydrant just west of the service connection to the proposed building. This section of water main will be dedicated to the Riverhead Water District within a proposed 15 foot wide easement.

All of the water supply lines and related facilities have been designed in accordance with the standards and requirements of the American Waterworks Association, the Suffolk County Department of Health Services, and the Riverhead Water District.

The maximum water consumption rates for the project include 745 gallons per day for landscape irrigation, 1,750 gallons per day for watering plants in the garden center, and 5,408 gallons per day for inside building uses for a total maximum daily consumption rate of 7,903 gallons. The proposed water supply facilities have been designed to accommodate these projected flows and the Riverhead Water District has issued a letter of public water availability to serve the project.

With regard to wastewater disposal, the proposed facilities are also shown on the utility plan sheet 3 of 7. These facilities consist of an eight inch diameter gravity sewer building connection from the building to an existing sanitary sewer manhole located within the extension of Kroemer Avenue just north of Old Country Road. From this manhole the wastewater will be conveyed through a series of existing gravity sewer lines, pump stations and force mains to the sewage treatment plant operated by the Riverhead Sewer District where it will be treated and discharged under the existing SPEDES (phonetic) permit.

All gravity sewer lines and related facilities have been designed in accordance with the standards and requirements of (inaudible) standards for wastewater facilities, the Suffolk County Department of Health Services and the Riverhead Sewer District.

The maximum wastewater disposal rate for the project based on

Suffolk County Department of Health Services design criteria, is 5,408 gallons per day. The proposed wastewater facilities have been designed to accommodate these flows. And the Riverhead Sewer District has issued a letter of public sewer availability to serve the subject property.

That completes my testimony."

David Gilmartin: "David Gilmartin again. That concludes presentation of the witnesses that we wanted to bring to you this evening and their testimony- I would ask that the record also contain the final environmental impact statement and the supplemental documents that were submitted for the traffic, socio-economic, etc., that led to your findings statement of two weeks ago. Thank you for your patience with all of us and thank you for allowing us to speed it up to the extent we could."

Councilman Lull: "Thank you. Okay. Anybody else who would like to add their voice to the record of this public hearing? Also, encourage anybody who wishes to speak, if they have any written material, to leave it with the Clerk at that time. Steve."

Steve Haizlip: "Steve Haizlip of Calverton. Well, these gentlemen have all given big square feet, 135,000 and so forth and so on. Well, what I've been finding lately with these big huge stores, they are putting the restrooms well off in a corner somewhere and if you're in a store and you're in the farthest end, now, when you get up to about 80 years old, you know, you start to have a little disposal problem so to speak. Now, you want the nearest facilities. These gentlemen haven't said anything about how many they're going to have and where they're going to put them. I recommend and would like to see it in the center of the store and that way I can hold out until I get there."

Councilman Lull: "Thank you, Steve. Sandra."

Councilman Kent: "Does anybody have an answer to that?"

Councilman Lull: "We talked about site plan."

Councilman Kent: "That guy's name? Steve Haizlip.  
H-A-I-S-L-I-P."

Sandra Mott: "Sandra Mott, Riverhead. I'm not going to try and top that, I'll just move on. I watched on Cablevision the last Board

meeting and I watched in great dismay over the fact that Chris indicated that- may I close this door, please? Chris indicated that they- if I remember correctly, that they received a nine page technical- nine pages of technical data that evening that they didn't have an opportunity to review. The gentleman here from Lowe's kept referring to the fact that you voted an approval of that environmental impact statement. I'd like to know whether or not you've read it by this evening any of you. Has anyone read it?"

Councilman Kent: "I have."

Sandra Mott: "You have?"

Councilman Kent: "Yes. I read it the last Board meeting. It was the night it was handed to us- "

Sandra Mott: "All right. Correct. I understand, which is quite typical for this town, unfortunately. That says a lot for the process. You should have not have had this meeting until you indicated tonight you normally have it after Suffolk County Planning Commission makes a decision. Okay. You didn't read it and you voted to approve it, number one. Suffolk County has not provided you with the data that you needed to review prior to this meeting, number two. There is too much- we're having a public hearing this evening on a moratorium and God knows what time we're going to get to that.

We should not be doing this now; we should have been putting it off. I remember Bob saying we had to hurry it up, hurry it up, hurry it up to comply with the time frames. Let me tell you gentlemen there's something called a calendar. You know when things are supposed to be brought in to you, you know when they're supposed to be expected to be completed. You have a particular woman who is employed as your coordinator. You should not be having this meeting this evening.

I know that they're not interesting little items. I read the one for the Glenwood alleged extension. They're not exciting but they are informative. This is a favor that we're giving to the Lowe's company. I mean we give them- not them particularly, I don't want to put it on their shoulders. We constantly make accommodation, whether it's for a little company, a big company, an old company, a new company. We're at the wrong stage in this process.

You need to reschedule this whole process because frankly I would bet that it could be voided out if somebody wanted to bring litigation

against you and you have ample opportunity for that to be coming forth because you've got numerous companies on Route 58 already covering these particular areas of product that are not going to be there. And I don't have to name names, we already went through this with Home Depot.

What do you need a Lowe's for? No offense, gentlemen. Between one corner of Route 58 and the LIE and a mile down the road with Home Depot coming in. They're building it up already. They're already in the process. One is more than adequate. You're not going to have some of your old line P.C. Richards. You're not going to have Riverhead Lumber Supply. You're not going to have Homes Plus or whatever that little paint store- Paints Plus. You're not going to have the same companies that you've dealt with probably personally for your entire life since some of you were born and raised and never plan to leave Riverhead.

The special permit process is a joke. I've said it from the time I've become actively a participant in your process. It is not special. We even have these people telling you, you must approve it. We must? Why must we? I think you need to start over, go back to your calendar, reschedule it, and do what needs to be done to protect the current tenants, the current residents, the current people in this township. The people who have supported you or didn't support you or live next door to you or went to school with you whatever.

Nothing special in the process. Chris even indicated. It was bad enough you didn't read the report. I was insulted that you didn't do that. As a matter of fact, Chris said that he couldn't read the DEIS because he handed me the Lowe's report with their- for their environmental in regard to the Glenwood because he showed me theirs.

I don't know. You must approve it. No. You must not approve it. You must go back to the drawing board. And thank God these gentlemen brought their little review of their architectural plans. That's one of the first times I've ever seen it large enough I could see it from the back. So they were prepared and they're going to suffer the consequences because you all weren't prepared. And then the rest of us that have to live on- next to it or near it or adjacent to it or down the road from it are going to suffer forever.

As to recognizing the economic value of this project, sure, it's going to be brought back to Hickoryville-- is it-- North Carolina? Is that their home base? Like WalMart brings it back to Arkansas. You're not going to benefit anything. You are going to just have a

lot more empty buildings on Route 58 and Kroemer Avenue, all the stone masonry places, all the little places that have been growing azaleas for 50 years on Middle Road.

I'm not in that business gentlemen, so don't take offense. But I do live in the area and you're not going to tell me that your trucks coming in and going out are not going to have any effect on the traffic flow. You said that 5,000,000 customers per week nationwide. How many do you expect in this community? Obviously not 100 or 1,000 or 10,000. You don't live here. I live here. These other people probably live here. They live here and we vote here. And we're getting damn close to that date, thank God.

Do you understand that there is an economic down turn in the United States of America? I just heard that even 7-11 because they don't have people coming in to use their ATM's are losing money. And you're going to build a big box at the entry of Riverhead which used to have beautiful vistas at one point. And guess what? When it goes down and you go out, we're stuck with it.

And don't tell me there aren't any tiger salamanders because I can guarantee you there probably are. And there are deer. There are not only moles and bird life. There's other animal habitat that you're going to be disruptive of.

And I don't even know your corporate philosophy. You do community outreach? Do you use renewable resources such as the potlatch lumber I believe it is, lumber that comes from particular areas, I think it's Washington and Oregon. I'm not certain about that. Where the resources are taken in such a way that they don't make as much of a profit but they are protecting the environment. Is that your corporate philosophy? I don't know. All I know is here's a big box coming into town and you're not going to have any effect negatively on the community. I don't think so.

You need to do a corridor study. I've been telling you that for two years at least. You've got Riverhead Center coming in now. You are going to have another 100 senior citizen community across the street from you, down the road a bit, more towards Mill Road. You're going to have a 14 movie screen theater they say. You're going to have a hotel complex in that same movie theater. You're going to have retail, you're going to have restaurants. You're going to have an apartment complex. You're going to have office complexes. On the other side you're going to have an 89 unit motel.

You're not going to have any effect on the traffic flow? Not unless you're going to turn us into a 347 like they have in Stony Brook. Not unless you're going to turn us into Centereach which Victor Prusinowski said years ago he didn't want Riverhead to become. Well, guess what? We're there already. Thank you.

I don't know whether or not you care or whether or not you feel we must approve it. We don't have to do a damn thing. If they don't vote the way we like, they might be doing some of your gardening supply sales. With your 401K and your dental and your this and your that. Some of these other companies cannot provide it.

Now let me tell you what my background is since you spouted yours. I have a- "

Unidentified - from the audience: "I don't care."

Sandra Mott: "Pardon me? You don't care? That's a lovely- "

Councilman Kent: "Howie- "

Howard Young: "She's taking shots at me."

Sandra Mott: "No. No. In general. Don't take it personally as the old saying goes."

Howard Young: "(inaudible) you don't live here. You're back stabber."

Sandra Mott: "Oh really?"

Councilman Kent: "Hey, hey, hey."

Sandra Mott: "Well, Mr. Young, you know, you're an insulting man- "

Councilman Kent: "Hey, hey, hey."

Councilman Lull: "Ladies and gentlemen, let us put a stop to this right now."

Councilman Kent: "Please, please. Let the speaker speak."

Councilman Lull: "The speaker speaks and during the time the speaker speaks, we will have no more outbursts and we will have no

more clapping. That is not the proper way to handle a public hearing."

Sandra Mott: "Well, welcome to the Town of Riverhead and that's from one of our older- "

Councilman Lull: "Pay attention up here, please."

Sandra Mott: "Well, welcome to the Town of Riverhead. If this is the way you want your town to go and this is the way it's going to go. And that's from a respected individual in the Town of Riverhead who's talking to me about being a whack-o? No. I've only been here eight years but guess what? I come, I voice, I say and I don't want to tell you how many times I'm told you're doing the right thing. I'm afraid to come."

I have nothing against him or their company but I have a feeling that if this goes the way that they want, then your town, from the very entre will never ever be the same. And my feeling is whether you think I'm a whack-o, I consider the source and whether or not you consider my words valid or not, they're always truthful and thought out. And I do read the reports."

Councilman Lull: "Sandra, please stay at the microphone. I neglected to- "

Sandra Mott: "I expect an apology, please."

Councilman Lull: "I neglected to swear you in. Chris, would you please swear in Sandra" For the testimony that she has given."

Sandra Mott: "Well, typical. Sandra Mott, Riverhead. I swear to tell the truth- "

Councilman Kent: "The truth, the whole truth, and nothing but the truth so help you God."

Sandra Mott: "Absolutely, positively."

Councilman Kent: "Thank you."

Sandra Mott: "Thank you."

Councilman Lull: "Thank you. Next, excuse me. Butch."

Councilman Kent: "We didn't swear Steve in either. Steve, do you swear that what you said was true about your- "

Councilman Densieski: "Bathroom problems."

Councilman Kent: "No. You don't have to be sworn in. Steve, Steve."

Steve Haizlip: "I've got to come to the microphone and put it on record."

Councilman Lull: "Go ahead, do them both."

Steve Haizlip: "Yes. It is true."

Councilman Kent: "Why don't you raise your hand, also, Butch? Butch, while you're there."

Councilman Lull: "Butch, thank you."

Steve Haizlip: "Right. It is true."

Councilman Kent: "Do you swear that the testimony you gave and you are about to give, will be the truth, the whole truth, and nothing but the truth, so help you God?"

Steve Haizlip: "The testimony I gave is the truth (inaudible)."

Councilman Kent: "Thank you."

Councilman Lull: "Thank you, Butch, go ahead."

Butch Langhorne: "Butch Langhorne, resident of Calverton. I'd like to know how many folks who Lowe's plan on hiring for this facility. Was that discussed?"

Councilman Densieski: "I think they said 200."

Councilman Kent: "The equivalent of 200 full time employees was what the testimony was that was given earlier."

Butch Langhorne: "Two hundred employees. And what's the average salary? Can that be told?"

Councilman Lull: "That was not included in the report, Butch."

Butch Langhorne: "Can anybody answer that question, the average salary?"

Councilman Lull: "The only information they gave us was about 20% of those 200 were managerial positions."

Butch Langhorne: "The reason I ask these questions is because I agree with Sandra Mott with almost everything she says. And I would just like to add that I hope the Board- because this is a special permit, I hope you folks consider the fact that it is going to be an environmental impact on 25. A major impact."

Councilman Densieski: "Speak into the mike, Butch."

Butch Langhorne: "A major impact on traffic. We already have a major impact on traffic. So I hope that you folks consider that when you consider a special permit and possibly deny the special permit. Thank you."

Councilman Lull: "Thank you, Butch. Next. Mr. Gianos? Please raise your right hand, Bob."

Councilman Kent: "Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?"

Bob Gianos: "I do."

Councilman Lull: "Begin."

Bob Gianos: "Bob Gianos, local property owner within the range of impact. I just have a series of technical questions for the Board. With regards to written comment, how long are you taking them for?"

Councilman Lull: "We'll take written comments for approximately following. We'll figure out the exact date at the close of the hearing."

Bob Gianos: "Okay. With regard to the establishment of the record this evening, I would just like to enter these eight pages of written comment for use by the Board and for use by the Planning Board in making their decision."

Also, I don't know if it was entered into the record yet tonight, but with regard to the Planning Board have they concluded at this

point and given recommendation? Okay, thank you. I'm just going to hand these eight pages in."

Councilman Lull: "Next. Anyone else like to- Bill. Please raise your right hand, Bill."

William Kasperovich: "If you insist. I, William Kasperovich from Wading River, swear to tell the truth, the whole truth, and nothing but the truth."

Councilman Kent: "So help you God."

William Kasperovich: "So help me God."

Councilman Lull: "Thank you. Go ahead, Bill."

William Kasperovich: "And if I could feel the same way about the Town Board I would get on my knees and thank the good Lord."

The day before yesterday, I went to the Home Depot installation- I went to the Home Depot installation in Selden and when they didn't have what I needed, I went to the Home Depot in Coram. Now that's only 10, 15 miles from my house and those two installations no more than 10 miles, 15 miles apart. Well, no, let's say 15, 20 miles apart.

Now, as the man was describing what would be within the building, I could close my eyes and see the Home Depot identical. Both of them. And more than half of the installation is not lumber. So let's not be misled that this is a lumber place. The fact that it goes into residences, fine. But about as much material goes into commercial.

So they are in essence bringing another Home Depot into Riverhead across the road, a mile down. We had a lot of hard feelings and a lot of legal hassle about Home Depot being where they are. But there they are in the process of building, all very well established, even hiring people to work there and we sit here tonight and listens to somebody that wants to introduce the same thing. Almost identical, except for the name.

We need another lumber yard in this town like a hole in the head. When- oh, before I forget and get carried away here- let me add for the record that I agree with Sandra word for word. She is telling you the gospel and no two ways about it. And we- I go back far enough to when this special permit was introduced into this town and that

special permit was introduced into the process so that the Town Board, five grown men tried and true, would make judgment for us.

Here we come several decades later and we have to stand up here and do the defense of the town. This is a shameful situation. If nothing else improves, if no additional facilities are introduced on Route 58, this close area, we will still have a traffic problem that exists today. If- Nelson Pope and Vorhees would go back to their records and check on their study for Wendy's fast food place on 58, they'll find that conditions that were there then have gotten worse, not better. Or they had made the study of this area at that time.

This business of bringing in the wrong end of the horse is really something that should be put down. You people up there on the podium to permit this public hearing to take place tonight are indicating to us that you have no confidence in your own judgment that the people elected you to be there and use. I'm trying to be as polite and mannerly in the choice of words. But I've followed this process for almost 50 years and I find tonight we've come to a new low.

If you got the guts, turn this down flat. Tell them to go home and try again after they've checked all their "P's" and "Q's". And if Mr. Young wants to be ill mannered the way he has shown himself to be, we have a policeman standing out there that Mr. Kozakiewicz uses to throw them out."

Councilman Kent: "Thanks, Bill."

William Kasperovich: "If I say any more, you'll have grounds to throw me out."

Councilman Lull: "Anybody else- whoops. Would anybody else like to add their voice? Mike? Please raise your right hand, Mike."

Mike Spindler: "Mike Spindler. I swear to tell the truth, the whole truth, and nothing but the truth so help me God."

Councilman Kent: "Thank you."

Mike Spindler: "Mike Spindler, Calverton. I just want to make this quick and brief. I've lived out here all my life. I live here so that I don't have to look at that. Okay? If I want to look at that, I can get in my truck, I can drive 15 miles down to Centereach and Selden and look at it. If I want my son to get a job there, he can jump in his car and he can go down to Centereach and look at it.

This is a special area. This is a micro-economy. This is not an economy like Indianapolis, Indiana or Dayton, Ohio or Middle America. This is a micro-economy in very close proximity to the wealth of New York City and we should capitalize on it. This is a detriment to that capitalization, in my opinion.

The equivalent of 200 jobs. So that probably means 400 part time jobs. Is that correct? I mean I know you get that little wording in there, equivalent of 200 jobs.

We heard the same thing when Tanger came out here, okay? Tanger-my son worked at Tanger. He made his, you know, \$6.00 an hour working at Tanger and hated every minute of it. He'd rather go work for Edgar Goodale down at Riverhead Building Supply. Okay? He's been a good man to this town and basically with Edgar and Home Depot, basically I think that's all we need. I don't even think we need a Home Depot. I drive 15 minutes right up the road, up to Medford and I can get what I want. The equivalent drive of driving from here to basically Mattituck, I can drive to Home Depot, okay, and they can keep all that up there.

All due respect to them. I have a lot of friends that live up that way. And they love it up there and that's- it's apples and oranges. I like this, they like that. I want to keep this. They can keep that. Okay.

I'm asking you, why would you come to Riverhead? We're planning- oh, I'm sorry."

Councilman Kent: "Please address the Board. Okay? That's how we get into those problems."

Mike Spindler: "Yeah. Why would one come to Riverhead. There's a tremendous amount of building being done in Southampton. You would not see a Lowe's Department Store on the North Highway in Southampton. Okay? You would not see a Lowe's Department Store on the North Highway in Southold town. But they know where to come.

We- something that you guys have to get- and I don't mean to come off the wrong way. This is a special place. We're not desperate. We don't need Lowe's. We don't need those kind of jobs. We don't need to go down the road, and I wish you would put that elevation up that shows the facade of your store. I really don't want to look at that. Okay? And if it's going to be there, I don't want \$2,000 worth of arborvitae. I want \$100,000 worth of beauty strip, okay. Like BJ's

has. It was put in naturally, it's there. Like out at Bridgehampton they have at their Caldor. You can't see behind that. If it's there, so be it, God bless you, but I don't have to look at it.

Lighting. I just want to touch on lighting real quick. The (inaudible) lights at the Federal Express; the (inaudible) lights on the Tanger building and I know they tried to use good lighting for their stanchion lights are all destroying the night sky out here on the east end. And I'm not some kind of fruitcake or weirdo or whatever you want to call me. But I do enjoy the night sky, okay? I do enjoy living out here in a rural area. I have no desire to sit in up western end of Long Island and look at the sky glow like a nuclear plant.

Parking. You mentioned- I'm caught on this basically- I just walked in on this. Six hundred parking lots- parking spaces when you only need 14. We have- I mean I thought the general feeling of the modern society was to cut down on asphalt. Why are we putting 600 parking spaces in. It needs 400. Take those 200 spaces, get them out, and spend about \$250,000 and put in a beauty strip and make it nice. It's my own ideals that I don't agree with this. I'd rather go to the old Saxtein's- remember that, Ed? Bomarks (phonetic). Where's Edward Archer? Main Street in Southampton. Okay? Those are the kind of stores that I'd rather go to. Who knows how long Goldings is going to be there- well, Riverhead will probably be here forever- Building Supply, hopefully. Make it so at least we don't have to look at it.

Lights, again, I want to reiterate on the lights. Do something about those lights. Those (inaudible) lights are horrendous. Keep it down. It's a trend going on all throughout the country. It's not me, some fruit loop talking about. It's done all over the place. Started out in California. It's everywhere.

Parking. Socio-economic- \$136,000 a year in taxes, is that the gross? I may have got that figure wrong."

Councilman Densieski: "I think it's more than that."

Mike Spindler: "Okay. Well, \$136,000 to the school district--"

Councilman Kent: "Yeah, it was two hundred and something."

Councilman Lull: "It was around 240."

Councilman Kent: "\$239 in tax revenue; 136 to the school

district."

Mike Spindler: "Okay, 136 to the- "

Councilman Kent: "Was what they stated."

Mike Spindler: "136 to the school district and 11,000- \$11,000 a kid, you know, doesn't really do too much. Not that I would turn it down, but, you know, it's not as sweet as it sounds. Okay.

Lighting, parking- architectural review. I think the facade needs to be redone. These buildings are built as cheap and as fast as they can do them. Okay? That's how they make their money. It's a big box. They put a tin roof on top, a cheap facade all around it, and they go away. They back to Hickory, North Carolina. They go back to Chattanooga, Tennessee, you know, where they can sit out and drive around in their pickup truck and look at the country. I want to keep doing that here. I don't need that. Thank you."

Councilman Lull: "Hold the applause, please. Vinny. Chris, would you like to swear- "

Councilman Kent: "Oh, I'm sorry, I was doing some math over here. I think they're hoping their taxes will only be \$239,000. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

Vinny Villella: "I do."

Councilman Lull: "Go ahead."

Vinny Villella: "Vinny Villella, Baiting Hollow. This can all be solved in a very simple way. We're going through a process tonight that's a public hearing so you have to listen to the people. I realize that, it's in the process. But also if you really want to do what's right for the town, we've been saying it- I've been saying it for over a year- you shouldn't be issuing any special permits or change of zones until you have the master plan in effect. Plain and simple. That's all you have to do.

It's not that we're against Lowe's or whatever, against anyone. Get the process working first and then make an intelligent decision. You're doing it backwards. I was going to say something else but- just stay on course, get the master plan. Get this town to make a commitment, make it a number priority, which it hasn't been, is the

master plan.

So, please do yourself a favor and the residents of this town and stop issuing lollipops like it's special permits and change of zones. You don't have to. Get the master plan in effect, do an EIS, do what you want to do, but get the master plan in effect and then make an intelligent decision. Plain and simple. It can solve all the problems in the Town of Riverhead. Thank you."

Councilman Lull: "Anyone else? Okay. Howard."

Councilman Kent: "Wait, why don't we let George go? Howard, are you going to be answering?"

Howard Young: "No. Just- I just wanted to apologize to the Board for my outburst. I do care about Riverhead and Ms. Mott was looking at me, saying I don't live here. I care more about Riverhead than most people that I know and I hope that you won't take that out on my client, my outburst. I do care about Riverhead and I do care about the American system. My family settled this town and we welcomed everybody here and it seems like the people that's come after us don't welcome others here, so I apologize."

Councilman Kent: "We accept your apology."

Councilman Lull: "George. George, would you raise your right hand, please?"

George Schmelzer: "This is the right."

Councilman Kent: "That's the right one. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

George Schmelzer: "I'll try to. Yeah."

Councilman Kent: "No trying here. It's got to be."

George Schmelzer: "Well, I hope- if you do the same thing, I will."

Councilman Kent: "I promise."

George Schmelzer: "Okay. Bill mentioned about this is a new Lowe. Does he mean it's a new store by Lowe's? I don't know. It

could be either one."

Councilman Kent: "The crowd's getting ugly, George."

George Schmelzer: "Huh?"

Councilman Kent: "You better get to the facts here, because the crowd didn't like that one."

George Schmelzer: "Facts? You want facts? Gee, I'm surprised. Now I noticed it's catching up to the town. In the beginning we had mobile home parks that the Town Board considered people that they were the lowest humanity. Put them where- an industrial area or a business area. Now it's not so good. People didn't like it up there. Can't blame them. They were pushed in there. So- and why can we discriminate? Anybody wants to put a store up, we should be glad that people come to Riverhead because anybody comes on their own, nobody on the Board can brag they brought them in. See. Like Splish-Splash. They bragged they brought them in, they came in themselves. If nobody came here, you'd be sending out agents to bring them in. That's what would happen, see. Don't have to do that."

Of course, 58, it will be overcrowded now, but still you guys don't want to extend the expressway. That would cure a lot of this stuff. Yeah. Now if we allow one store, allow another. They must think it's good here. You think they're going to spend their money for nothing? Somebody will someday but you ought to be glad people want to come in here.

Same time, get busy, extend that expressway where it should be. That was the intent way back. And, so, that's about it. We shouldn't discriminate from one store to another. And create (inaudible) monopolies or stuff like that. Of course, if we didn't have this zoning nonsense, we wouldn't have this trouble. That's about it.

If we had this zoning nonsense 150 years ago, we'd have no railroads. Because they'd come out and say well, it makes black smoke, it kills a cow, the noise, a cow doesn't give milk and all that stuff. This country would be dead now. See. We should appreciate people who come to Riverhead and try open some enterprise. So, I don't know, they must believe there's a lot of business around here to take that chance. That's all I've got to say."

Councilman Lull: "Thanks, George."

George Schmelzer: "Yeah, look at though. Please consider extending that expressway at the same time. We're in need of that. Unless you wait so long there's a building on top and say we can't do it. Maybe that's what you're waiting for. I don't know. If you wish it, you'd be tell the truth also. Yeah, like you want everybody else to do. All right. Thank you."

Councilman Lull: "Thank you, George."

George Schmelzer: "Yeah."

Councilman Lull: "Anyone else? So at this time, we will- "

Councilman Kent: "Wait, there's a hand back there."

Councilman Lull: "Yes. Can't see- oh."

Councilman Kent: "It's Harold Lindstrom, right? Mr. Lindstrom, do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

Harold Lindstrom: "I do."

Councilman Lull: "Go ahead."

Harold Lindstrom: "Harold Lindstrom from Riverhead. I think the comment before was about the planning- the master plan. As far as the master plan goes, once that is settled and finished, the town is not obligated to follow that master plan. There have been master plans done in the past in other towns and, again, I said that the town is not obligated. It's just something to show basically how the development should go but the Board is not obligated.

What the Board must do at this point is to turn down projects like this in our town. That's the best type of master plan for this town. And I feel that at this point, if this is passed, we may have a new Board the next election. Thank you."

Councilman Lull: "Okay. If there's no further verbal testimony at this point, we'll close the hearing to verbal testimony and we will leave it open until- "

Barbara Grattan: "November 7<sup>th</sup>."

Councilman Lull: "November 7<sup>th</sup>, okay."

Barbara Grattan: "At 2:00. We have a 2:00 meeting."

Councilman Kent: "No, no. I think they requested November 20<sup>th</sup> because we're going to allow them to respond to the Suffolk County Planning Commission- "

Councilman Lull: "We are adding- yes. We are adding to the record the final report of the Suffolk County Planning Commission and the final report of our Planning Board and then their response to those issues. So November 20<sup>th</sup> is the closing date for written comment. Everyone is welcome to submit a written comment until 4:00 on that day. The hearing is closed."

Public Hearing closed: 9:00 p.m.

Written comment to November 20, 2001, 4:00 p.m.

---

Public Hearing opened: 9:03 p.m.

Councilman Lull: "Okay. The time is 9:03. Madam Clerk, would you read the public hearing?"

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on October 16, 2001, at 7:10 p.m. regarding the special permit petition of William Dreis and Anthony Specchio to allow the construction of two restaurants totaling 528 seats located at Route 58, Riverhead."

Linda Margolin: "Good evening. Members of the Town Board- "

Councilman Lull: "One second, please. Can we close those back doors, please? Thank you."

Linda Margolin: "Mr. Lull, may I proceed?"

Councilman Lull: "You'll have to be sworn in first. This is a special permit as well. Chris, would you- "

Councilman Kent: "Okay. Do you swear the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?"

Linda Margolin: "I do."

Councilman Lull: "Go ahead."

Councilman Kent: "Would you state your name and address for the record?"

Linda Margolin: "My name is Linda Margolin. I'm an lawyer from the firm of Brackin, Margolin and Goovis (phonetic). That's 1 Suffolk Square, Islandia, New York. I am here to represent the applicants on a special permit application for two restaurants on a 4.15 acre site that is sandwiched between Tanger I and Tanger II.

The applicants are Mr. William Dreis and Mr. Specchio who unfortunately passed away in the middle of last month. The applicants owned this property since 1985. As indicated, the application before you is a special permit to construct two restaurants on this site which is a special permit use in industrial zone property.

This property has been zoned industrial during my client's entire ownership of this site. This site is a little bit unusual. It's subject to a recorded easement. The easement was recorded in July of 1996 and was part of a package presented to the Town Board in connection with the approval of the Tanger Mall.

The easement burdens 100 feet in width of my client's site and is the place for the access road to go between Tanger I and Tanger II. You have a colored rendering up on the easel. That will be the subject of testimony by our architect but you can see that the 100 foot easement strip separates the majority portion of the site from the flag that goes up to Route 58.

As you'll hear, the only access for vehicles for this site as we propose to develop it is from the internal roadway that serve Tanger Mall.

I'd just like to give you a little background on this application and also for the benefit of the people who are in attendance this evening. The Town Board held a scoping hearing on- pursuant to SEQRA in May of 1999, almost two and a half years ago. The scoping for the draft environmental impact statement was issued by the Town Board in May of the year 2000.

Subsequently a draft environmental impact statement was filed. A public hearing was conducted this summer on the draft environmental

impact statement and after that public hearing, the Town Board adopted a negative declaration noting no significant environmental impacts on July 3 of this year.

Shortly after that, this matter was scheduled for a public hearing initially in September and subsequently for this date. Currently there is no site plan application with the town. The special permit environmental review and the special permit application that are going forth before you have proceeded on what I would term a pro forma site plan.

The applicants plan on two family type sit down restaurants. They will submit for site plan approval at the appropriate time and they will comply with all code requirements.

We have tonight three witnesses to present to you. They are the architect, the traffic engineer and an appraiser, all of whom will address the criteria in your code for approval of a special permit. I believe that you will find after you have received their testimony that this application meets all the requirements in the town code for a special permit use and although I know that these words are apparently unpopular with some of your residents, that the Board must approve the application because it meets the criteria set out in your statute.

At this point, not wishing to take any extra time, I realize that the hour is late and people are tired and anxious to proceed to the next matter, I'd like to present our first witness, our architect, Martin Sendlewski."

Barbara Grattan: "Swear him in?"

Councilman Cardinale: "Marty, do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?"

Martin Sendlewski: "Yes, I do."

Councilman Cardinale: "Go ahead."

Martin Sendlewski: "I'd just like to hand you a copy of my- a draft of my testimony as well as I have a reduced copy of that color drawing that you have in front of you so it might be a little bit easier to refer to.

My name is Martin Sendlewski. I'm the architect for Mr. Dreis.

And what we have before us here as Ms. Margolin had indicated is really not a final site plan. The reason it's not a final site plan is that we show the two buildings just in terms of a block of space at this point. Once the leases are awarded for the particular buildings, those footprints would be revised more particular to the individual user, whatever restaurant obtains a lease, and a formal site plan will be submitted reflecting that particular use.

With regard to the findings that the Board must consider relative to the site plan in accordance with the Section 103-4 of the code, I just want to briefly go over those item by item.

First off, under item A- I'll just go through them very quick. I don't want to- too much time- questions whether the site is suitable for the particular use in terms of its location. The site is suitable for the location, located not within but obviously sandwiched between two large retail or wholesale mall properties. Also there are other uses similar to this that have been recently approved in the area such as the Appleebee's restaurant.

Whether- item B, whether the plot area is sufficient. As indicated this is approximately a four acre site. The overall lot area that we have is actually 11%. We're allowed a 40% lot coverage but we only have 11% of building area indicated on the plan which would be utilized as our maximum area.

In addition to that, under item C, doesn't apply. That's whether it's suitably near a church or a school so that would not apply here.

Whether adequate- item D, whether adequate facilities exist right now with regard to pedestrian and vehicular traffic. As indicated in the previous approval of Tanger II, the easement that was provided here was an easement agreement between Mr. Dreis and Specchio with Tanger Properties to provide the cross easement. Part of that agreement which was part of the Tanger approval as adopted by the Town was to allow Mr. Dreis and Specchio to have access off of Tanger Drive. That was a pre-determined condition of the easement. We will not utilize Route 58 for an access at all.

And what we have done with the site plan is we have taken the vehicular traffic and the pedestrian traffic and we've allowed for both on this site because there is a lot of pedestrian traffic on the Tanger Mall site between I and II so we have accommodated them with separate sidewalks and separate lighting for that use along with the appropriate parking.

Under item E of the code which, again, refers to curb cuts. That's not applicable here. That would be applicable if we had a curb cut off of County Road 58 or any town road, which we do not.

Under item F, whether adequate provisions have been made for emergency conditions. We had previously received comments in submitting the 14 copies of the application which actually was submitted in March of 1998, is when we submitted this application originally. That had gone through a review with all the town departments. We had received comments back from the Fire Marshal and Building Department which were all incorporated- "

Councilman Lull: "Marty, just let me interrupt you here for a second. I apologize. Can we close those back door again? I'm sorry. Maybe that one, Jack, is okay. The noise tunnel seems to be from that direction. Go ahead, Marty."

Marty Sendlewski: "-- which were- we had responded to all of the correspondence which is on file in the Town Clerk's Office with regard to comments made by both the Fire Marshal, the Building Department, etc., with regard to emergency safeguards.

Item G relative to parking and truck loading spaces. The two facilities are- right now we show them as 10,000 square feet each. That's a maximum footage. Most of those restaurants would really require less space but not knowing what the footprint was going to be, we allowed for a larger area. We do allow for at this time approximately 264 seats per restaurant. Based on that particular calculation with regard to the town, that leaves us an amount of 176 parking spaces that are required by code which is one car per three seats. We also have in addition to that, separate loading and unloading areas for trucks as well as dumpster areas.

As you can see by the site plan, one of the things that we did allow for and this was part of our initial reviews with the Planning Department, was to break up the paving in the middle. If you notice we have approximately six landscaped islands within the actual paved area itself which will allow us to put in supplemental plantings and canopy trees, break up the overall area of paving.

Under item H which refers to adequate buffered yards and landscaping, we do meet and actually exceed all of the town requirements with regard to buffers. Actually the setback that we maintained to the south, which is the apartments that are on Route 25, we actually increased that- we're showing a 50 foot buffer yard there

which is not required. We just thought that given this type of development we know there were some issues when Tanger II was approved along the side of the apartments.

We felt it appropriate to allow an additional buffer and we did the same along the easement for the- the cross easement between Tanger I and Tanger II. There our setback is actually from the road. So we could go up very close to the easement. We decided to maintain 50 feet from the easement also and that will allow for adequate pedestrian flow and site distance in that area which is quite busy. We don't want to congest that particular area.

In addition to that, under item J, as far as public or semi-public plaza areas, we will have bench seating and as you see around the front edge of the buildings on both areas we did allow for some outdoor areas, not for seating for dining, this is not an outdoor dining situation at all. It's more or less if people are waiting to have a table, they could sit outside. There will be benches, a couple of landscaped areas for them to sit and relax.

Adequate provisions for storm water. All of the engineering on the site in terms of the amount of rainfall accommodated meets town code for the required rainfall co-efficient.

In addition to that, under item J, municipal services. The parcel in question here is located within the Riverhead Sewer District, the Riverhead Water District, as well as the Riverhead Police, Fire, School District, etc. The- it was incorporated into the Sewer District during the last sewer main extension in this area and has previously existed in the Water District and will utilize those- those utilities.

Under the accumulation of dirt and refuse. Again, these are not take out or sit outside eating type of situations. They are table seating, table service, indoor restaurant facilities and we do not anticipate any type of refuse or similar problems associated with this use due to the fact that they are not take out. People are not taking a wrapped hamburger outside which tend to end up on the ground and when they miss the garbage can, etc. This is all plate interior table seated dining.

Items N and O really don't apply at this point. If you read through the special permit provisions of the code you'll see why they simply don't apply to this project.

Item P, the design of all roads and rights of way meet town specification, which they do. And, again, as indicated previously, we are in the special permit process. We do have to comply with the formal site plan process, formal site plan engineering which will include the full review of the town's consulting engineers with regard to the site. All of that will be reviewed and given the adequacy of the site, the amount of setbacks we have, the amount of buffers, and the overall layout, we have no question at all that we will be able to accommodate all of those items within the requirements of the town code.

Again, item R, refers to- oh, I'm sorry. Item Q refers to the screening of containers. We do have a couple of electric transformer pads that we will anticipate on the site which will be screened and buffered and we have two dumpster locations which are located to the east of the building, both of which will be fully enclosed and screened. And item R basically refers to the number of units. I have a feeling that refers to residential use applications which refer to the number of units of- living units.

In addition to that, as a conclusion, I would like to summarize that based on our involvement with this project now for about three and a half years, and we've had this application not dormant, we've been pushing it. We've had it pending for three and a half years so I'm sure everybody's read all the reports associated with it.

That report was prepared directly by myself and my associates. I, myself, am a licensed architect since 1984. I have a Bachelor of Architecture degree. I have served as an adjunct professor at the New York Institute of Technology School of Architecture. We have all of our engineering and all of that is done in house with my own associates and we, therefore, have looked at the site. We've studied it, we've evaluated it and we can assure that it will meet all the requirements that are necessary for approval.

We- also in our summary, we would note that the use of this particular site with regard to restaurants, really do not interfere with the reasonable development of any of the surrounding properties. Quite frankly, the reason for that is that this property is totally surrounded. I mean it's got Tanger to one side; Tanger to the other side.

The easement- actually the front piece between the easement and 58 will not be developed other than for a sign at the road. So, therefore, it is already fully developed. The surrounding area of

this particular site is fully developed.

It is particularly suitable to the restaurants at this location and one of the reasons that we are very confident in this is that as part of the study that was done here with regard to traffic and the potential for increase there, it was determined and I think when you look at the location and we've all been to Tanger. Everybody's actually traversed Mr. Dries' property going between Tanger I and Tanger II. They estimate that a very high percentage, probably close to 80% of the people that utilize these would be people who are at Tanger anyway. So there really would not anticipate that much of a traffic impact in that respect.

And the proposed use and the proposed site does meet all the requirements of the town code that relate to the architectural considerations and planning considerations which we will still have to review with the Architectural Review Board, with the Planning Department, with the town's consulting engineers, which will be done upon completion of this process and approval of this Board. Thank you."

Councilman Kent: "I have one question, Marty. I don't know if you addressed it when I was out of the room. I was trying to get the air-conditioning put on, by the way. Do you- have you been working with the Tanger- people at Tanger to get some kind of access? Because I notice you have a crosswalk here in an area where there's not a crosswalk now. That's the roadway along Tanger I."

Martin Sendlewski: "Correct."

Councilman Kent: "Which people- I don't know if you- I mean, I go there, my wife goes there a lot more than I do, but I go there quite a bit and that's a very- people drive very fast along that road there and- "

Martin Sendlewski: "I think what I would do is I'll let Ms. Margolin elaborate on that a little bit- elaborate on that. But with the original easement agreement what had happened as I understand it is that in Mr. Dreis granting the easement which was a requirement actually for Tanger II to happen, when he granted that easement it was a requirement of this Town Board and I also think probably the Suffolk County Planning Commission and probably everybody else that looked at this- at the Tanger II approval, that a cross easement had to be done.

In doing that, it really had to traverse Mr. Dreis' property."

Councilman Kent: "No. I'm not talking about their- "

Martin Sendlewski: "Right."

Councilman Kent: "Yeah, okay."

Martin Sendlewski: "What happened was in doing the easement, the easement includes an authorization for us to make the necessary modifications along Tanger Drive in order to accommodate the access. Now this here, we show a crosswalk because obviously it will be pedestrian crosswalks in the area. I think, Chris, what's going to happen is a lot of those items are going to be much further detailed when we actually get into the formal site plan."

Councilman Kent: "Okay."

Martin Sendlewski: "I don't know if you want to elaborate on that. That's all- "

Councilman Kent: "You don't have to elaborate. It's an important- I just think as far as pedestrian- there's going to be a lot of pedestrian travel if these restaurants are put in there. A lot of people will be coming from Tanger I to the restaurants and I think there are other places in the Tanger complex where they have crosswalks- manned crosswalks, they have actual people standing out there and I don't- I didn't know if there was some type of relationship or agreements with the Tanger executives or administration that they will put in this crosswalk that you're showing on here and whether they're going to man it similarly as their other crosswalks are manned for pedestrian travel."

Linda Margolin: "The situation is that we haven't had the discussions with principals of Tanger yet about that but we are guaranteed by our recorded easement agreement two entrances into this site. Based on comments made by your planning staff some years ago, although the site plan originally showed two entrances, we reduced it to one vehicular entrance- "

Councilman Kent: "I see that."

Linda Margolin: "-- and you'll hear from our traffic engineer that although that particular vehicular entrance is two lanes wide, he recommends and the architect says we can accommodate within the site one that's three lanes wide to allow a single lane for ingress and two for egress.

The exact placement of pedestrian crosswalks and the exact location of pedestrian walkways will be developed during the site plan approval process and at that point I think it will be appropriate for us to engage in a dialogue with Tanger about the appropriate location and staffing of crosswalks if that's what's required. We're not there yet."

Councilman Kent: "Okay, and it's also- and a related question is on the vehicular access, you show- it looks like, I guess there's a- I don't know if this is a- is cut now, if that curb is cut now in that area."

Linda Margolin: "No. We're guaranteed a cut in- we're guaranteed two cuts in the median."

Councilman Kent: "Okay. So this would allow traffic to come out and make a left onto what Tanger Drive- "

Linda Margolin: "Yes, I don't mean to interrupt you. But traffic will be able to exit the site and go either north or south."

Councilman Kent: "Okay."

Linda Margolin: "Let me just- before we put on our next witness, is there anything else you wanted to ask Mr. Sendlewski?"

Councilman Kent: "No. That's it."

Linda Margolin: "Okay. I wanted to point out that the same situation with respect to recommendations of town and Suffolk County Planning that- with respect to the last application- obtains with respect to this one. That is, there have been referrals to both the Riverhead Town Planning Board and to the Suffolk County Planning Commission. Suffolk County Planning Commission so far as I know has the matter scheduled to be heard on their meeting on November 7<sup>th</sup>. Suffolk County- your own Town Board so far as I know has not issued a recommendation so we would be making the same request that was made by the attorney who appeared before you. That is assuming that you find that it's appropriate to close the public hearing today, that you keep it open for written comments to allow for the receipt of the recommendations from Suffolk County Planning and your own Planning Board and allow us to respond until November 20<sup>th</sup>.

At this point, I'm going to introduce our traffic engineer, Matt Rankel of Dunn Engineering."

Councilman Lull: "Matt, can you please raise your right hand."

Councilman Kent: "Oh, yes. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?"

Matt Rankel: "I do."

Barbara Grattan: "State your name, please."

Matt Rankel: "My name is Matt Rankel. I'm employed by Dunn Engineering, 66 Main Street, Westhampton Beach, New York. I'll give you a brief resume. I've worked for Dunn Engineering for six years. I am a licensed professional engineer. I'm a certified professional traffic operations engineer. I have a degree in engineering from Manhattan College; a Master's degree in Management Engineering from Long Island University. I worked for the New York State Department of Transportation and for Suffolk County Department of Public Works where I was the Director of Traffic Safety.

Good evening. Dunn Engineering performed the traffic engineering studies for the developed and to be developed sites in the Tanger Mall. Tanger I, Tanger II and the recently approved Tanger Movies.

Last year, Dunn Engineering performed a traffic analysis and report for the proposed-- for the proposal to operate two restaurants as has been mentioned before and it's in between the two Tanger sites, Tanger I and Tanger II.

The written report dated September of last year was incorporated into the DEIS and I'd like to hand you a copy of that now.

The proposal was examined and as mentioned before, does not have any access to public streets. The only access is to Tanger Mall Drive and that was worked out with the agreement, the easement agreement between the two owners. The site plan for the project provides this single access to Tanger Mall Drive which is the north-south roadway. I'm sure you've all driven it. And as mentioned before there's 176 parking spaces.

We use the trip generation sixth edition as published by the Institute of Transportation Engineers to determine the amount of traffic that would be generated by these two restaurants. This report contains information regarding traffic generation characteristics for numerous land uses and is the recognized standard for analysis of this type.

The estimates for the project were based on Land Use Code 832 which is a high turnover sit down family type restaurant and also for factor outlet centers which is the Land Use Code 823. The restaurant- the restaurants are sit down eating establishments with turn over rates of approximately one hour or less, usually moderately priced.

If we estimate the amount of traffic that would be generated as though they were two independent restaurants, they would generate approximately 388 vehicles on a weekday p.m. peak hour, with 214 entering and 174 exiting the site. On a Saturday, 400 vehicle trips would be generated with approximately 250 entering and 150 existing. The results of the trip generation analysis utilizing this methodology are presented in the report at Table 1.

However, little, if any, of the site generated traffic will be new traffic added to the adjacent roadway system. Due to the fact that the site of the proposed restaurants only has access to the internal roadway system, it is likely that the restaurants will function more like an integral part of the center than a free standing entity.

The vast majority of patrons of the restaurant will be drawn from the visitors already at or destined to the outlet center. Many centers, in fact, contain restaurants and they are considered part of the restaurant- of the centers themselves. The ITE trip generation report allows for inclusion of restaurants in factory outlet centers. The more accurate method to determine traffic generation is to consider the two 10,000 square foot restaurants as if they constituted a 20,000 square foot addition to the existing factory outlet center.

Utilizing this methodology, the development of the restaurants would result in 20 new vehicle trips to the site during the weekday p.m. peak and 76 new vehicle trips to the site during the Saturday midday peak hour. The results of the trip generation analysis utilizing this methodology are presented in Table 2 of the report.

Furthermore, many of the restaurant patrons are likely to park their vehicles in the outlet center parking lot and walk to the restaurant, reducing the volumes of turning traffic at the internal access drives.

Our directional distribution analysis shows that the traffic will be distributed equally in both directions on the surrounding roadways. We expect that half will use State Route 25 to enter and half will use County Road 58.

And in either case, dividing these numbers in half, adding 10 vehicles to the traffic on Route 58 or on Route 25, will have an (inaudible) effect.

Overall from the standpoint of traffic generation, development of this site in the proposed manner will generate fewer trips on outside roadways than virtually any other development possibility for the site.

I ask you to note that although a year has passed and the Applebee's restaurant has opened since our report was done and there are several other new projects having access to Route 58 proposed for the area, the traffic from these projects would not affect the validity of our opinion and there will be no perceptible effect on the surrounding roadways from these proposed developments- from these proposed restaurants.

Regarding internal access. We reviewed the site plan which shows a single access driveway connected to Tanger Mall Drive. The driveway is to be aligned opposite a new opening in the existing raised median on Tanger Mall Drive and in our opinion, this access driveway as Linda mentioned should provide three lanes, two lanes out, one lane in, and the two lanes coming out should be used for left turns and for right turns. And that makes for a more efficient exiting from the site.

The parking code calls for 176 spaces and 176 spaces are provided.

In conclusion, the project will have no perceptible impact on traffic on the surrounding roadways. It's only access is via Tanger Mall Drive and that roadway is more than sufficient to accommodate the future traffic volumes anticipated. The parking provided satisfies the requirements of the code of the Town of Riverhead and based on transportation engineering considerations, we recommend that you approve the project. And I'm available for any questions."

Supervisor Kozakiewicz: "Any questions from the Board? If not, is there anybody else who would- no one spoke yet? All right. Linda. Oh, okay, I'm sorry."

Linda Margolin: "At this point, I would- I'm going to introduce our appraiser, Patrick Given. I realize it's not- doesn't appear to be customary for you to hear appraisal testimony on special permit applications but because the surrounding area is pretty much fully developed, we thought the best way to show you that we could meet the

code criteria about not interfering with the use and development of the surrounding area was to have an appraiser address the effect on values of surrounding properties."

Supervisor Kozakiewicz: "Mr. Given, you need to be sworn in. Raise your right hand. So you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

Patrick Given: "I do."

Supervisor Kozakiewicz: "Thank you."

Patrick Given: "Okay. Everybody else said that they would be brief tonight, but I will truly be brief. I have a rather limited scope. But first of all, I am a real estate appraiser, a licensed real appraiser in the State of New York and a licensed real estate broker. I've been active in the real estate appraisal and the real estate business for more than 30 years. I have an Associate's Degree from Suffolk Community College; a Bachelor's Degree from Hofstra University. I've taken numerous appraisal courses and I have taught appraisal courses and I'm very active in the appraisal field.

I was asked to look at the possible valuation impacts that would be caused by this special permit on any of the surrounding or nearby property. And this is truly a very unique piece of property unlike most applications that come in where it's a normal road frontage, etc. This is completely surrounded by commercial property. It is accessed by an internal roadway. It has substantial buffers and it has essentially minimal traffic impacts.

Based upon these factors and my own inspection of the property, I conclude that there would be no negative impacts on surrounding or nearby property values if this special permit is granted and the restaurants are, in fact, constructed. Any questions?"

Supervisor Kozakiewicz: "No. I don't think- any questions?  
No. All right."

Linda Margolin: "That concludes our presentation. Thank you."

Supervisor Kozakiewicz: "All right. I know I saw a lot of hands go up. Rolph Kestling."

Rolph Kestling: "Rolph Kestling, Wading River. I have-- "

Supervisor Kozakiewicz: "Rolph, I- we still haven't done away with that swearing in for the special permit or swearing at. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

Rolph Kestling: "I do."

Supervisor Kozakiewicz: "Thank you."

Rolph Kestling: "I just have one or two questions here. I understand that they are just getting a special permit to build two restaurants. They're not going to operate them. They're going to lease them out. Is that correct?"

Supervisor Kozakiewicz: "Under the zoning ordinance- I don't think we've looked at their intentions and we'll ask Linda to come up and address what the intentions are. But the question here is the question of the special permit and whether they meet the parameters of the special permit requirements or not and they're looking to establish uses. So- why don't you ask all your questions and then I'll have Linda come up and address them. Because I think you said you have a couple questions."

Rolph Kestling: "Yes. Well, the main question is are they going to lease them out? I heard her mention in the beginning family type restaurant. Is there a written definition of a family type restaurant or could it mean anything? What kind of family? Is there a definition for that? In other words, well- in other words- "

Supervisor Kozakiewicz: "We'll ask them to clarify what they mean by family type restaurant."

Rolph Kestling: "Yes. And- "

Councilman Kent: "Is it- is there a certain type restaurant you would not like to see? Is that what you're- "

Rolph Kestling: "Well, I'm asking is there any chance of a Hooters?"

Councilman Kent: "A what?"

Rolph Kestling: "Is there any chance of a Hooters?"

Councilman Lull: "That's what I thought you were asking?"

Councilman Kent: "Oh."

Councilman Lull: "Exactly what I thought you were asking."

Rolph Kestling: "All right. That's my- "

Supervisor Kozakiewicz: "All right. So can you address those two questions?"

Linda Margolin: "The gentleman was prescient. This is a-- it's easier to say what it's not than what it is. A family- a Hooters is not a family type restaurant. The applicant probably will enter into ground leases and the operators will be tenants. Who the tenants will be has not been established. There are no subleases. Because of the length of time it's taken to put this application forth, Mr. Dreis and Mr. Specchio decided that it was not prudent to seek tenants before they were well along because this application has been pending for so long.

I am advised that a Ruby Tuesday might be some idea of a family restaurant, a place that serves moderate price food, allows people with families to sit down and enjoy a meal, and I hope- we hope would be an asset to the community."

Rolph Kestling: "So in other words, will the town have any input in the type and the person that rents the restaurant? Or is it still up for grabs?"

Supervisor Kozakiewicz: "Well, when the site plan comes through, I guess we will find out at that point in time."

Councilman Kent: "What about Rolphie's?"

Rolph Kestling: "What? I lost it. I'm sorry."

Councilman Kent: "I thought you were proposing a restaurant. I'm sorry."

Rolph Kestling: "No, no, no. I mean, frankly we could use a decent restaurant and I would be glad to patronize it if it's the kind I like. Okay. Thank you."

Supervisor Kozakiewicz: "Thank you. Butch Langhorne."

Butch Langhorne: "Butch Langhorne, town resident, Calverton."

Supervisor Kozakiewicz: "Butch, do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

Butch Langhorne: "I do."

Supervisor Kozakiewicz: "Okay. Thanks."

Butch Langhorne: "I had asked this question the night of the Planning Board and that was had they decided on a restaurant. I say the same thing that I said at the last session. I would hope that you folks really review these special permits. I honestly feel that we are talking about- not a fast food restaurant, probably a six to eight dollar an hour paying jobs.

It's not that they're bad but I don't think we need any more of those. We have enough of them in Riverhead. There should be enough property out there that you can do it without any type of permits. I think if we concentrate of doing what we should be doing with Grummans, that will bring in the income so we're- the Town Board can sit back and bring in proper positions, proper jobs that need to be brought in. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else? Hand in the back, Sandra Mott."

Sandra Mott: "Sandra Mott, Riverhead."

Supervisor Kozakiewicz: "All right, Sandra, do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

Sandra Mott: "Yes."

Supervisor Kozakiewicz: "Thank you."

Sandra Mott: "A long time ago when Tanger was coming and it came after we moved into the community, the discussion was that they would never provide eating facilities for their patrons in order to accommodate the downtown development. And at the time, after they came to be, they developed their trolley system which ran abbreviated runs going to downtown and supposedly it was supposed to help like Mr. Yousik's facility, Digger O'Dells and the Riverhead Diner and all of those.

Well obviously that never- that word was never kept, okay. I

know that this property is not owned by Tanger but it might as well be since it's going to be plunk in the middle of their facilities. My concern is whether or not these restaurants- they're nameless, we don't know what they're going to be- they're quote, unquote family restaurants. Will they have liquor licenses and if so as has been indicated, the traffic flow is the best it is right now, and I don't know what control you have or don't have over working who can rent there or who can't, but, you know, we've already been through the Hooters routine.

A few people laughed but it really isn't funny. It really is not funny because for the people who have to live in that neck of the woods and I know many of you do not, there's enough accident on 58. I'm sure that there are enough accidents within Tanger because the traffic flow is really rather bad. No matter what people say it will have no effect, I'm sure it will have an effect. And especially if these restaurants- and that's how they make their money. They don't make it by selling you the hot dogs or the french fries or the special of the day. They make it with the liquor that they sell.

So that consideration has to be made. As I said, I don't know what's within your control or what's not.

And there's another problem in addition, to the neighbors who live, I guess it would be to the south in the apartment complex. Basically they will be over the fence to these facilities. I assume there will be some sort of fencing put up in that to divide up the two areas. It is notorious at the end of the season for people to dump their domestic animals. And in Greenport it is very well known the way the people get off the hook of not feeling so sad about it is that they dump them behind restaurants. So wouldn't it be nice to know that people coming to shop at Tanger and going to eat after their happy summer season out here on the east end, will now have a place that they can get it off their mind to dump their little creatures, dog or cat. And we all know we don't have adequate facilities for the current animals in the township.

And it's just a thought for you to consider that this is not a location for restaurants. It really isn't. Especially going back to the original game plan that they weren't going to have them at Tanger. We've got the food courts. Now they want to have it- again, I know that they don't own the property. But since they have to have easements and they have to have this and they have to have that, these are just a few thoughts. As I said, it is notorious.

With all your other building that's going on on Route 58 as I outlined before I was so rudely interrupted- you missed it, you can watch it on Cable. But the long and the short of it is there are many issues on Route 58. You haven't done any corridor study that was recommended to me when I called around to different agencies that I know of. You've got Lowe's; you've got this, you got that, you've got the other thing. Everything is coming and coming and coming to that neck of the woods, but there's no corridor study for the whole overview.

And the master plan that everyone keeps harping on which is a very important issue, should really put a halt to any special (inaudible). They've been waiting a long time. Well, a little longer won't hurt. Let you go- we're here for the moratorium. That's why I came. That's why other people came, pro and con. But let's stop with the permits because they aren't special.

And as I said when Lowe's told us that, again, how did they phrase it? Let me not misspeak. You must approve their special permit. You mustn't do anything except what you feel is the right thing for the town. And a few more restaurants at that location can wait a few more months, six months, whatever, until everything is properly done.

I go in and out of Tanger II and I and now you're having a movie theater coming as well. Your traffic flow, regardless of what the gentleman's expertise is, he obviously isn't going to be visiting. He's done his study, he's going to have his paycheck cut for it and it will have a negative effect, both on Route 58 and on the other original entrance to Tanger across from Ed's facility. So that's my point of view. I thank you."

Supervisor Kozakiewicz: "Just a comment. When we regulate zoning, we regulate the use. We don't regulate the user or the particular business so we can't say that a restaurant which is a special permitted use, it's good if it's a Ruby Tuesday but not good if it's the Outback. So that's not something that we can do. We identify the type of use but the not the individual users. Tim Yousik. Tim, do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

Tim Yousik: "Yes, I do."

Supervisor Kozakiewicz: "Thank you."

Tim Yousik: "My name is Tim Yousik, I own two restaurants on Main Street and in the process of building a third one along with the fact that I'm also the Business Improvement District president.

You know, a few administrations ago, we ended up with Tanger coming into Riverhead. They created an overlay zone, built this outlet mall, and although it provides a pretty decent tax base in this town, it certainly put a lot of Mom and Pop operations on Main Street out. And that's obvious. Everybody knows the people who have left.

This although it would certainly be supported by Tanger very well like Applebee's now, is also going to damage restaurants downtown. There's no question I'm up here with an agenda. I own two restaurants and I'm building a third one. But at what point do you just take Main Street and put up a closed sign? Because what little traffic is generated from Tanger is for restaurants. I certainly reap the benefits of Tanger being up on Route- up at the end of town.

Saturdays and Sundays I get quite a few customers that come from that area. I thought that was the reason when you created the overlay zone that restaurants were not permitted. And I do understand this is a separate piece of property. If you purposely when creating that zone did not allow restaurants to be within Tanger, now we're going to approve a special use permit so they can be on the little piece of property in between. It doesn't make a lot of sense to me.

I've invested over a million dollars on Main Street and this definitely jeopardizes my investment.

As far as the traffic study is concerned, I believe that is completely bogus. If you take a good look at Applebee's, walk inside Applebee's at any given time, 25 to 30% of the people in Applebee's are Riverhead residents, which is fine. But they drove there. They didn't go there because they were across the street shopping. They made it a point to go to Applebee's because they like that type of a restaurant. If there's a TGI Friday's or a Ruby Tuesday, we're going to have many Riverhead residents going to those restaurants. So to pretend that we're going to see 10 or 70 cars during the course of a day, that's not even remotely correct. There will be hundreds of cars every day. And if you want to do a real traffic study, spend 15 minutes in Applebee's and watch where the customers- where the people are coming and going from. You know.

If you are going to approve it, approve it, but approve it with facts. This study was created to appease somebody, but it certainly

isn't the truth. Thank you."

Supervisor Kozakiewicz: "Thank you."

Councilman Kent: "Just a comment. Mr. Rankel, I think the number you're talking about is per hour, isn't it? Just to correct- yeah."

Matt Rankel (from the audience): (Inaudible)

Tim Yousik: "But, again, spend, you know, everybody should do their homework a little bit before making this decision. Spend 20 minutes up at Appleebee's and find out where the cars are coming from. It's a lot more than 10."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like- yes, hand in the back. Mrs. Hatoff. Good evening."

Ann Hatoff: "Ann Hatoff, Reeves Park, Riverhead. I swear to tell the truth, the whole truth, and nothing but the truth or whatever it's supposed to be- "

Supervisor Kozakiewicz: "Thank you so much."

Ann Hatoff: "Okay. I have to agree with them. Is that better. I have to agree with Miss Mott and also with Tim. When Tanger was built, there was a whole stipulation, there was not going to be any restaurants. And then you got that little cafeteria thing in the corner and a few years later you have the McDonalds and that whole eating complex at Tanger II. It wasn't- it was supposed to help downtown Riverhead. It wasn't supposed to be detrimental to downtown Riverhead or to Riverhead."

No one- based on Riverhead's history, nobody can be denied the use of their property and if this is a separate piece of property, you're probably going to permit them to do this. However, I think you really have to take into consideration the safety and welfare of the people that walk by this area between Tanger I and Tanger II.

They're talking about some parking. That's just going to be extra parking for shoppers. There isn't really going to be parking per se for the restaurants. And going east and west, I don't know what you call that drive, but east and west between where they want to build and the Banana Republic, it's worth your life in a car let alone walking.

I'm totally opposed to this. I- totally unnecessary. Not a good idea at all. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to speak either for or against- Martin Sendlewski."

Martin Sendlewski: "I was sworn in previously."

Supervisor Kozakiewicz: "Oh, okay."

Martin Sendlewski: "I just wanted to add a couple items that you had touched on already with regard to zoning, regulating use of property and not the user. Also, some of the items that are mentioned, I really respect people coming up and having their views and I think some of the items that are noted for town consideration, I would just like to counter. Because some of them refer to things that are acts of, you know, cruelty to animals and other things that in no way represent what Mr. Dreis would foresee happening here. Those are outside users that are not generated by the site, they're from somebody else and they should have absolutely no bearing at all on the thought process here.

And more importantly than that. One of the things that I think- I've been working on this job for three and a half years. We submitted this application in 198- 98 and prior to that, in 1985 was when Mr. Dreis originally purchased this property, he's had this property prior to there being a factory overlay zone.

I had done site plans previously for industrial buildings on this property back in the early '90's. I did a site plan for a mobile home park on this property in the late '80's. And we have done numerous site plans along the way. This is not a new project. It's not something that we're just coming in with to try to take advantage of what's happened on 58. This is a property that an owner who has rights as a property owner, who invested in this property and has sought to develop it for many, many years and we're, hopefully, coming around the last turn here, has submitted for.

And the town zoning, the restaurant use, there's a, you know, that's sort of going to be a never ending debate, I believe, amongst many people in Riverhead as far as the restaurant/Tanger thing. This isn't a restaurant/Tanger thing. I know it's right in the middle and I'm not saying it's not located between Tanger I and II, but Mr. Dreis is not Tanger. He has no association with them.

This is his own property. He has the same rights to do this here as any other speaker that comes up here if they wanted to add a third bedroom or a den onto their house which is permitted by zoning, for the Building Department to say no we're not going to allow you to do that on your property that you own and have rights to, that's really what it boils down to here. And that's really something that I don't want anybody to lose sight of because of the, you know, what we have gone through.

We've covered every base on this application. We've really gone through it. We haven't even done a formal site plan because we want to get through this part of the process and have the input of the Town Board, the Planning Board, etc. So we've really worked hard on it. It's not something that anybody is trying to shove down anybody's throat. He's had this property and we've looked at many different uses for it.

This is the use that quite frankly is the most appropriate for it. Will it have an effect on some other businesses? It may. I personally prefer to eat downtown, just my own personal opinion. I'd rather go there than the restaurants on 58 and that's where I go all the time. But that's just a personal opinion.

What it boils down to is Mr. Dreis and regretfully I have been working on this project for a long time and had a friendship with Mr. Specchio who recently passed away, you know, they submitted this. They've had this property for a long time and they'd really like to do the right thing. And we've really been in the long haul here and it's not that we're saying this has to be done.

He has rights to this property. He wants to use the property, he wants to develop it, the same way anybody else who has a property with a rightful use should be allowed to do not only in this town but this entire country. And that's all I wanted to add."

Supervisor Kozakiewicz: "So he's explored other alternative uses, Marty?"

Martin Sendlewski: "Yeah, we had looked at originally a mobile home park which was, you know, just a little small private mobile home park. We had looked at a couple of industrial buildings which were, you know, larger box industrial buildings. They were more along the lines of-- similar to the buildings that are on Kroemer Avenue, large industrial box type buildings.

At the time there was no market there for that and those projects both went by the wayside. They just, you know, we didn't follow through on them because they weren't economically feasible and after that, one of the things that I find the most interesting in this whole process is that as all of the issues with regard to Tanger came about when that was approved, when that whole overlay zoning was created, after that was created and Tanger II was submitted, there was a big deal about this property because Tanger II would not have happened in Mr. Dreis did not provide that easement between Tanger I and Tanger II. Simply today it would not exist.

There was even at the time talk of somebody in town-- I forgot who it was-- threatening to condemn the property which cannot happen because it's a private improvement, it's a private business so it would never have been able to have been condemned to build a shopping center. And in meeting with the Planning Department and going through the whole process years ago, when the easement was granted that's when all of these issues with regard to the access, utilities, use of this property, etc., were reviewed and they're all items that are adopted by the town as part of Tanger II's approval. All of those accesses and all of those agreements are adopted as a matter of town record and a matter of the approval process of Tanger II.

After that, we-- again, we started in 1998 and spent three and a half years and it took us three and a half years to get here tonight. I don't know when the other applications that were up here were reviewed and I don't know why-- actually, I do know that it was only about a nine month process I believe for Applebee's to be approved.

You know, it's something-- when you're working on something three and a half years and you see something come in a year and a half later and get approved a half a year ahead of you, it's, you know, everything's been covered here and I just ask the Board to consider that and really, you know, take a look at it and put aside what I see are some of the other issues which are real issues and everybody has those rights, those opinions. Those are real issues.

But when you look at the uniqueness of this application, I think over any other special permit application that you'll see before you, the uniqueness of it and all of these factors, I ask you to very strongly consider it. Thank you."

Linda Margolin: "Is there anyone else from the audience-- "

Supervisor Kozakiewicz: "Well, I was going to ask that

question. Ann Moroh. Okay. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?"

Ann Moroh: "I will. Ann Moroh from Baiting Hollow. Putting aside the considerations that I agree with Marty that the gentleman has to make application to have the rights as a private property owner, this is a special permit process. And I think given the fact this property- this project proposes to build out on almost 100% of the site, it is with all due respect to the traffic consultant's report, I think anyone who lives in the town, anyone who has been to Tanger, anyone who has been on Route 58 found the statements that it would make absolutely no appreciable impact to have two additional restaurants on that site, given the access and having looked at the map and how they're going to get in and out of that property, is silly.

I would urge this Board to do its job in the sense of looking at a special permit as just that. Whatever efforts have been made to either limit the size, scope and traffic impact on the property. I'm not going to get into a discussion of whether or not restaurants are good in one part of town or another because I agree with them. This is not part of the Tanger project. It is influenced greatly by it.

Whatever delays have taken place, whatever negotiations have gone on with the Tanger people, I don't know about. But I think that given the impact that it will have, additional impact on traffic in and out and around that facility that there needs to be a far greater and better use of that particular site. It's just- it not a practical application for the people that live in this town."

Supervisor Kozakiewicz: "Can I ask a question? When you talk about limiting the size and scope are you suggesting that we take the two to one restaurant?"

Ann Moroh: "I don't know what's- I don't know what they proposed or what's been even discussed by any of the- in any part of the process."

Supervisor Kozakiewicz: "They've shown us two restaurants of 10,000 square feet each."

Ann Moroh: "Yeah. No, I see. Two restaurants. I'm looking at the traffic flow and envisioning and I was talking to Rick about, you know, wait a minute, they're talking about coming in this way? I mean I know what that traffic is like on that property. I know what that

traffic is like on 58 and on 25 and, again, that's totally separate from whether or not it's a restaurant or anything else. Although, grant it. I agree with Tim. I think the restaurants will be enough of a draw from people from off the property. It will not just draw cars from within Tanger. It's going to draw an appreciable number of people from off site to come onto that whole traffic mess. It's not a good pattern in there to begin with.

Anyone that's shopped in there when they're busy. And I appreciate the business owner's desire to take advantage of that traffic. Take advantage of those huge numbers of people. But I think the town has an obligation to manage those huge numbers of people on our roadways. And I'm just- I'm not in favor of this particular application."

Supervisor Kozakiewicz: "At all?"

Ann Moroh: "No."

Supervisor Kozakiewicz: "Okay. Thank you. Anybody else who would like to speak either for or against the particular- Bill Kasperovich."

William Kasperovich: "William Kasperovich from Wading River."

Supervisor Kozakiewicz: "Bill, do you swear to tell the truth, the whole truth- "

William Kasperovich: "The truth, the whole truth, and nothing but the truth, so help me God."

Supervisor Kozakiewicz: "Thank you, Bill."

William Kasperovich: "I can't help but recollecting the big to do about not permitting Tanger to have restaurants (inaudible)."

Councilman Densieski: "Pull the mike up, Bill."

William Kasperovich: "There was a lot of to do about not having Tanger have restaurants. Now, the one uncertainty here is that we give an approval, they find a tenant to run the place, we don't know what we would get. Now, Burger King likes to think of themselves as a family restaurant. People come- or even McDonalds because they have the whole family come in and they have the fast food menu. So this business of a family restaurant can mean most anything."

Now, I will admit I went to Tanger after going downtown and I was looking to buy a pair of suspenders for a patient that can't wear a belt, an ill person that can't wear a belt, buy him suspenders. I thought Tanger would be a good place to find it. I couldn't find a pair of suspenders in Tanger I or Tanger II. That's hard to believe. So there are things that are happening in Tanger that's hard to believe."

Supervisor Kozakiewicz: "They must not be a manufacturer's outlet item."

William Kasperovich: "But when I was doing this about halfway through, I wanted to stop for a cup of coffee or something to snack on before I continued on in my search. I ended up in- who took Caldor's place there?"

Supervisor Kozakiewicz: "WalMart."

Councilman Densieski: "WalMart."

William Kasperovich: "WalMart, who had suspenders, plenty to choose from. But there was no place in Tanger just to stop off and have coffee and something to eat. Now, I could see a property of this sort, a man wants to get as many dollars as the arrangement that he can make. And I can't help but envision if we allow two buildings located in this manner and the traffic- the patronage isn't there, that it could- there's a potential to deteriorate. A building of that size, a lesser investment than one building to accommodate a large number of people. This could be shifted over to many unforeseeable undesirable situations.

But the Tanger I and Tanger II- especially Tanger I putting an eating place in Tanger I, the roof was shaking. People screaming and hollering we can't permit that. Now, here somebody is trying to wedge in a possibility to make some money. But as far as being an appropriate place for a restaurant, I don't think it qualifies. And by this tenant arrangement it could deteriorate very quickly. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else either for or against the particular application? Not seeing anybody move, I'm told that we need to close the portion but leave it open for written comment until November 20<sup>th</sup>, this has to be referred. Is that the reason why? Okay. Okay. So no objection to November 20<sup>th</sup>?"

Linda Margolin: "No. That's what we're requesting."

Supervisor Kozakiewicz: "Okay. Very good. Thank you. All right, that being the case, let's move on to the next one."

Public Hearing closed: 10:10 p.m.

Left open for written comments to 11/20/01

---

Public Hearing opened: 10:10 p.m.

Supervisor Kozakiewicz: "Barbara, would you read the affidavits of publishing and posting, the time being 10:10 p.m."

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on October 16, 2001, at 7:15 p.m. regarding the consideration of an individualized residential alternative at 45 Sound Avenue, Riverhead, New York."

Supervisor Kozakiewicz: "Okay. Is there someone here from IGHL- thank you? Good evening."

Tom Trakoal: "Good evening."

Supervisor Kozakiewicz: "Please state your name, please?"

Tom Trakoal: "My name is Tom Trakoal. I'm Director of Programs at IGHL."

Supervisor Kozakiewicz: "Would you spell that last name for us?"

Tom Trakoal: "T-R-A-K-O-V-A-L."

Supervisor Kozakiewicz: "Thank you, Tom."

Tom Trakoal: "IGHL is administratively located in East Moriches, New York and we provide a variety of services to developmentally disabled adults and children throughout Suffolk County. With me is Dr. Barbara Carey Shaw (phonetic), Director of Clinical Services."

Tonight our program will be in two parts. Barbara is going to speak specifically about some of the services that IGHL provides throughout the county and then I'm going to speak specifically about the program that IGHL has proposed at 45 Sound Avenue to the town of Riverhead."

Dr. Barbara Shaw: "I'm disappointed we don't have to swear in."

Supervisor Kozakiewicz: "You don't have to do that here."

Dr. Barbara Shaw: "Okay."

Supervisor Kozakiewicz: "For this one."

Dr. Barbara Shaw: "As Tom said, my name is Dr. Barbara Carey Shaw and I work as the Director of Clinic Services at IGHL and I've been there for the last 17 years.

IGHL is an agency that services developmentally disabled adults and children and we started out in 1978 when we opened our first group home in Mt. Sinai and over the last 23 years, we've developed 32 group homes from Mt. Sinai all the way out to Southold.

We also have two day treatment programs, one in East Moriches where we service 150 individuals, and out in Southampton where we service another 150 individuals.

We have several day habilitation programs servicing about 50 individuals and we also have a big family service department where we service families that have their children home that are developmentally disabled through Saturday recreation programs and also by having providers go in and help families with their children to do activities of daily living and recreation.

We're very excited about this program because the particular group home that we're talking about, two of the consumers who are going to be living- who we're proposing to live in that house, actually grew up in that home. They lived there with their Mom and Dad their whole life and their Dad passed away and then just recently their Mom passed away and we have them respiting at one of our respite houses. And their Mom's dream was that they would be able to continue to live in their family home and have several friends of theirs from the east end also come and live at that group home. And Tom's going to talk a little bit more about the program itself."

Tom Trakoval: "The house at 45 Sound Avenue is approximately 3,000 square feet. Our intent is to keep the basic blueprint of the house the same. However, the interior of the house will undergo extensive renovations and total remodeling. The house will have four bedrooms, two bathrooms, a kitchen, a dining room, a living room and a den and also a finished basement for recreational purposes.

The exterior of the house will be painted and the landscaping will be done by a professional company. Five adult mentally retarded men ages 35 to 50 will live in the home. As Barbara mentioned, two brothers lived in the home with their Mom until recently when their Mom passed away. It was her request that her sons continue to live in the town of Riverhead where they were born and raised.

The other three men currently live in the east end of Long Island. They are currently living with elderly parents who are not longer able to care for them anymore and are in severe need of placement at this time.

The house will be staffed with 10 full time direct care staff who will provide 24 hour awake staffing within the home. Also, the house will have an on site manager who will be responsible for day to day operation of the home.

On a typical days the individuals will be aided by the staff, get up each morning and will attend a full time day program. They will return to the house at approximately 4:00 in the afternoon. At that time there will be staff at the home who will assist them in their evening routines, including meal time, showers, and basically preparing for the next day.

On weekends, the consumers along with the supervision of the staff will certainly be visible in the town of Riverhead, utilizing all the resources and community activities that are available in this town.

If approved by the town, construction would begin within 30 days after the approval and it's our anticipation that the home would open some time in February or March of next year.

If there are any questions, we'll take them at this time."

Supervisor Kozakiewicz: "Yeah, can you more clearly identify where 45 Sound Avenue is? South side of the road, north side of the road, between what crossroads?"

Tom Trakoal: "All right. I don't know the crossroads. It's on the north side of 25."

Supervisor Kozakiewicz: "North side of Sound Avenue?"

Tom Trakoal: "North. Yes. It's the north side of the highway there. Go ahead."

Supervisor Kozakiewicz: "And the nearest intersecting street, do you know? If it's Roanoke Avenue or is it further out east?"

Tom Trakoal: "It's east of Roanoke."

Supervisor Kozakiewicz: "That's what I wanted to just get for the record. Okay, thank you. All right. Is there anyone else that would like to address- Rolph Kestling."

Rolph Kestling: "Rolph Kestling, Wading River. When it was in the paper, the application or legal notice, I tried to find 45 Sound Avenue. Now numbers start on the west and should go down. The numbers are all mixed up. It should be according to the number on the south side of Sound Avenue, not on the north side. But I'm still confused where it is.

Now, he said- he's saying Riverhead, sometimes I hear Wading River. I'd really like- first of all, I have my own opinion about it. That's it."

Supervisor Kozakiewicz: "You'd just like to identify where exactly- "

Rolph Kestling: "I just want to identify where it is and how large the property, not the house, but the whole property. That's all."

Supervisor Kozakiewicz: "Okay. Can you respond to that?"

Tom Trakoal: "The house is on the south side."

Supervisor Kozakiewicz: "South side?"

Tom Trakoal: "Yes. And I believe the property is an acre."

Supervisor Kozakiewicz: "One acre. Okay."

Rolph Kestling: "Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to speak either for or against this particular establishment of group home? Yes, Odell Evans."

Odell Evans: "Odell Evans, Riverhead. I'm still confused about the location. I still don't know where they're talking about."

Supervisor Kozakiewicz: "South side of Sound Avenue, east of Roanoke Avenue, right?"

Tom Trakoal: (Inaudible - from the audience)

Supervisor Kozakiewicz: "Like they said, east--"

Tom Trakoal: "Right next to the Lobster Roll."

Supervisor Kozakiewicz: "Okay, that's west. I thought you said east before. Okay, okay."

Odell Evans: "Next to the Lobster Inn, is that what he's saying?"

Supervisor Kozakiewicz: "Lobster Roll, north side."

Odell Evans: "Okay, thanks."

Supervisor Kozakiewicz: "Okay. Thank you."

Councilman Densieski: "I guess that's my Zilnicki Farms over there."

Supervisor Kozakiewicz: "Near Zdunko Lane. Okay. Anybody else who would like to address the Board with regard to this application? Not seeing anybody, I declare the hearing closed- Chris, do you want to- okay, all right. I declare the public hearing closed, the time of 10:19 having arrived."

Public Hearing closed: 10:19 p.m.

---

Public Hearing opened: 10:19 p.m.

Supervisor Kozakiewicz: "All right. While they're existing, Barbara, would you- the time still being 10:19 p.m., would you read the affidavit of publishing and posting for the next public hearing?"

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on October 16, 2001, at 7:20 p.m. regarding the consideration of a local law entitled Moratorium on residential development."

Supervisor Kozakiewicz: "Thank you, Barbara. Anybody who would like to address the Board with respect to this? Yes? Joe Ingegno."

Joe Ingegno: "I might as well start off. Someone has to start first."

Supervisor Kozakiewicz: "Well, you were the quickest to respond so you've got- you're first."

Joe Ingegno: "Could you bring the check back? Good for us. Congratulations."

Supervisor Kozakiewicz: "Thank you."

Joe Ingegno: "My name is Joseph Ingengo. I'm a land surveyor in town. I am not in favor of the moratorium, mainly because it's going to affect my business significantly and as of right now, the residential home market and residential development because of the sudden turn in the economy and the stock market drop and the terrorist acts and everything else, business in this field has been dropping like a rock. Not just since September but since January.

Parts of eastern Long Island where we do 99% of all our business- "

Supervisor Kozakiewicz: "That's principally residential?"

Joe Ingegno: "Residential. South fork residential, we're probably down 80% right now. Riverhead and Wading River, Manorville, in that area, stayed pretty steady only because mortgage rates are very, very low and the prices of the houses in that area are significantly lower than those on the south fork.

But I see a trend right now is we passed the peak of insanity building which was the last two or three years and I've been in this business for 37 years and it comes in cycles. You get your five years of insanity and then you get your five or eight years of lull. Not you, Jim. But we're not entering into the slow down period again and I think the situation would almost take care of itself without doing a moratorium at this point.

Also, with the slow down in business hundreds of people in this town whose livelihood is dependent upon construction are going to be hurting. They're going to be hurting now because they're not going to have nearly as much work as they had before and if this moratorium goes into effect, they're going to be hurting a lot more than we can imagine.

Because a lot- besides the contractors and the lumber yards and everything else, all these other ancillary services that service new homes and homes after they're built, landscapers and plumbers and carpenters and electricians or whatever, their work load is going to be significantly diminished.

And I just think it's the wrong time now. You know, maybe three year ago when things were going nuts, it might have been a little more apropos to maybe consider some type of moratorium but right now I don't think it's the right time. Thank you."

Supervisor Kozakiewicz: "Thank you. Sid Bail."

Sid Bail: "Good evening, Supervisor. I thought I'd start out by recapping all the portions of the meeting that you missed."

Supervisor Kozakiewicz: "Please don't. Go right to the subject at hand."

Sid Bail: "All right. Just an offer."

Supervisor Kozakiewicz: "We'll meet later."

Sid Bail: "In July we began a public discussion of the issue of the moratorium and it was a warm night, had nothing to do with the temperature. It was kind of like a heated debate about a very, very important issue. And the Town Board said that they would take what offered that night into consideration. And you've come back with a new version of a moratorium and I think you've done an excellent job and I'd just like to read a short statement.

The Wading River Civic Association strongly supports the local law creating new Chapter 109 of the code of the Town of Riverhead entitled Moratorium of Residential Development Within the Town of Riverhead. We believe that this moratorium is absolutely necessary to provide the necessary time to complete the update of a comprehensive master and to adopt zoning, planning changes that might be required to protect the public health, safety and welfare.

We agree with the sentiment that a well planned community will be in the best interests of all the residents of Riverhead. The existing zoning regulations will guarantee- will the existing zoning regulations in place guarantee even more dangerous traffic conditions and zooming tax levies to support schools and other basic services?

For instance, Wading River right now, two of the projects that aren't going to be covered because they're exemptions and as the law requires and recognizes in this moratorium. One has 99 houses in the Shoreham Wading River School District and the other one- and it has 41 houses in the Riverhead school system and there's another project that was recently approved that has 46 houses in the Shoreham Wading River School District.

And my background is in education. I was a teacher for 32 years and I have nothing against kids. But hard pressed that building 350,000 to \$400,000 homes we were told in presentations by developers, these will be mature families. They're not going to come in with large numbers of kids.

Go around Wading River and what do you see? You see the play sets, etc. These people are coming in with two, three or four kids and the idea that I'm expressing is I don't think we should pull up the gate with the moratorium. We agree with the- we urge you to enact this moratorium proposal which provides the necessary time to complete the master plan update and to modify the town zoning regulations. And that's really the bottom line.

If the build- there's a significant difference in this town that if the build out potential is reduced say from 70,000 to 60,000 or perhaps less, in the long term, I think this would be in everyone's interest.

We would also suggest that you create a specific time line for the swift completion of the comprehensive master plan update. The timely completion and review of this plan should be the number one priority of the town and I think that's really a key element. Because

if we shut people down for a period of time, I think it's not only illegal, it's a moral obligation to do the utmost to come up with something so that people don't go away angry, more angry than some of them are already and feel that they've been jerked around for a year.

Okay, thank you very much."

Supervisor Kozakiewicz: "Thank you. Notice when I came back the air conditioning turned on. This gentleman right here. He was up- he had his hand up first. Please state your name and where you live."

Howard Zelser: "Howard Zelser (phonetic) from Wading River. I just wanted to take a moment to say that I support the moratorium for its intended purpose, to give the town a chance to finish a master plan so we have a clear idea of how to develop the rest of Riverhead."

Supervisor Kozakiewicz: "Oh, spoke too soon."

Howard Zelser: "What?"

Supervisor Kozakiewicz: "The air conditioning- "

Unidentified - from the audience: "Go out and come back in."

Councilman Densieski: "Why don't you just go out."

Howard Zelser: "I know a lot of other people are going to speak after I do. Some of are going to be farmers, some are going to be from the building trades and so forth and they are going to talk about a lot of different things. But this is about the moratorium itself. The idea of having a residential- a halt on residential building in certain areas for a year to give the town adequate time to develop a master plan so they can go forward in a more organized fashion with further development in the town.

I think that makes sense and I know that there are some people that are going to be very unhappy about it, but as a resident, someone who is a property owner and pays taxes, I think it's a good idea and every time- the only thing that I can say is that it seems over the last year or two, you know, I work in Mineola. I work probably one of the furthest commutes in the business that I'm in. People always ask me, well, you know, you live in Riverhead, that's a really long commute. Why would you, you know, Wading River. Why would you want to do that?

And I say, well, you have to go there, you'll see, it's beautiful. It's got a rural atmosphere. Sometimes when I come home, I'll see deer. You know, it's just- it's hard to describe unless you live out here and you know what it's like.

Over the last year or two as I've been driving home, more and more I've been starting to see the things that would- I might as well live in Commack or somewhere else. You know, we- large housing developments on Wading River-Manor Road; the McDonalds that recently opened on 25A; the CVS and the other shopping center and the stadium lighting that they put up. There are radical changes going on and I think that we're getting ahead of ourselves. I think that taking a little time out and trying to figure out what the best way to proceed is, is a good idea. Thanks."

Supervisor Kozakiewicz: "Thank you. Eve Kaplan and then Bob."

Eve Kaplan: "Eve Kaplan, North Fork Environmental Council. Well, I think I join with the Farm Bureau and the Builder's Association in saying that there were a lot of people here earlier tonight who obviously had to leave because they have jobs early in the morning and I hope you all will take that into some consideration when you think about this public hearing.

Councilman Cardinale, Councilman Densieski, Supervisor Kozakiewicz, Councilman Lull and Councilman Kent, you've done something that we'd like to see more of in Riverhead. In introducing and drafting and holding this public hearing on legislation for this moratorium you've shown real vision. The vision to see that the thousand or more residential units that are proposed for Riverhead will mean almost certain bankruptcy for this town economically, environmentally, and for quality of life as well.

It will mean millions of dollars in school expansions. It will mean higher taxes for every homeowner. It will mean traffic. It will mean- and it will not mean more affordable houses for people who live here because there's already not a lot of affordable housing and building more is not going to make it more affordable.

Instead the build out of Riverhead is going to mean our entry into the vast expanses of unaffordable, unlivable, Long Island suburbia. And I think that's what the gentleman before me was talking about when was describing what's happening in Wading River which- parts of which now look like any other place on Long Island.

A lot of people were here tonight to speak on both sides of this issue. Those who support the moratorium have been terrified as they've watch Riverhead evaporate in the last few years. Others who don't support the moratorium have various reasons. Some may be impatient to build. I can be impatient but I remind you that this moratorium is just a time out, a breather. It's not the end of development. It's not the end of building trades. It's a time out to look at the big picture, long term. A community, not just individuals.

And what we hope it will be is really a beginning, not the end. But a beginning for the town of good, sound, environmentally and socially sustainable development. I'd like to see a good master plan put into place in a year and adopted with farmland and open space preservation measures that we're already working on and actively. And I think that will make your jobs easier. It will make my job a lot easier and it will make everybody who lives here lives better with a \$400,000 master plan, something that's cost more than many people's houses, planned development can proceed.

So the moratorium I think we should think of as something that's actually going to help people who live here use their land, eventually develop their land if that's what they chose; keep it open if that's what they chose. And enjoy living here. Low taxes and the east end quality of life that everybody values. Thank you."

Supervisor Kozakiewicz: "Thank you. Bob Wieboldt."

Bob Wieboldt: "My name is Bob Wieboldt, I represent the Long Island Builder's Institute, several dozen firms headquartered in Riverhead and several hundred people engaged in housing construction right now on a full time basis and probably a thousand more people who work and live in Riverhead in various supply yards and delivery shops.

I hate the sound of the word moratorium. I say that as a public policy expert who's been involved in housing and affordable housing and sensible planning for over 35 years. Why? Because it is a punt. It's a punt on a first down of a football game. I made this point, I think, in July.

There is at this time an extremely important for this town to find out where it's going, to plan to preserve its agriculture, to plan for its housing development, to plan for its landscape protection, for its future economic growth, etc. Why did that need a moratorium which really means folks that it delays government action until the end of that moratorium. It typically stretches it out.

It's like there is no time limit, you do your term paper the last night.

It's the kind of government that means that people who want to preserve agricultural land and we could be doing that now if it wasn't silly season for elections and things, you know, should be having policy plans written and done by December and January, not waiting on the master plan.

There's a lot of reasons, I think, that Riverhead needs to be different than the rest of Long Island. It has the potential to do that. We've participated in a number of meetings in agricultural preservation and other things in the town and we'll continue to do so. However, we have some problems with the moratorium. I'd like to put them on your plate so that you can consider them if you have to go in this direction. I'll caution you not to for several reasons the most pressing which I'll save until last.

You have developed a proposed local law, the first section of which cites the agricultural values in the town, the importance of agriculture which is the justification fundamentally for this moratorium. There's little additional language that justifies in any way, shape or form the need for a town-wide moratorium.

You also indicate in this- and there's no question in our mind that agricultural activities are an important part of the town and must remain so. And as originally proposed, the moratorium would have just dealt with the agricultural preservation area. By then there was some talk of a TDR program and nobody had to define boundaries so there was a lot of technical questions as to whether you can really notice a hearing properly.

Your consultant's report, however, has been out since April and six months have gone by and conversations on this issue were hot and heavy in May and June and sort of slowed down as the moratorium conversations have increased.

But do we believe Eve and the North Fork Environmental folks when we say there's a crisis here and I think a lot of us run scared. I mean people say this town is overdeveloped and is being inundated in houses and I'd like to quote from a really good source, the North Fork Environmental Council fact sheet.

If one really reads this, it's designed to promote the idea that development is overwhelming the place. You had 20,000 people in 1980;

you had 23,000 people which represents maybe 1,000 families 10 years later in 1990 and now you're talking about an estimate of about 25- up from 23, 2000 more which follows your building permits of 2 to 300 a year in a town of how many tens of thousands of acres and square miles of land. Why don't you divide that and figure out how much building you see.

Sure you are seeing bare wood now and you didn't see it during the recession of the '90's but you're not in any way subjecting yourself to a building boom. Two hundred permits is not a building boom. It's one housing complex. It's 100 acres of land if it existed in one place, on half acre lots. It's 50 acres if it was clustered as one single condominium using very little land. This is not in any way, shape or form an inundation that is facing other towns.

Now, Eve also pointed to the fact that the farmland preservation, 4,000 acres have been preserved in the town in the last 10 years. I would stand proud and tall if I were a member of this Council because you've allowed 1,300 and some odd building permits in the same period, some in condominiums and some in half acre lots. I'll bet you money, you didn't convert 1,000 acres. So you're doing preservation at a rate four times that of building in this town for the last decade and everybody involved in that deserves some kind of compliment because that essentially is a preservation to development balance you ought to be proud of and not listen to these paid fanatics for the environmental activists.

Now, (inaudible) are all around us and they keep saying these kinds of numbers but I think- and they use coercive terrorist tactics on public officials. You know, we're going to throw you out of office if you don't do it our way. But let's let them get their facts straight first.

Now to get back to the moratorium issue per se. You develop a very good argument for an agricultural moratorium for short duration. How long does it have to be? Does it really result in a year or a need for a year? Now your Planning Board Chair put on the public record which will be available to anybody that wants to challenge this moratorium, that the reason you could not proceed in an agricultural moratorium alone was the fact that you do not have in your budget this year funds for an environmental impact statement which would be required to be done on that specific part of the plan so you couldn't advance that until the whole plan was done.

That is not sufficient grounds to in my mind enact a (inaudible)

step of interfering with property rights which, I think, the courts in New York which is a fairly liberal state on moratorium law, have held again and again, has to be based on an imminent threat to public health, safety, welfare and the like. I argued that there is no imminent threat. I argued that the reason is that you are unable fiscally for a few bucks to do the GEIS and split this out of your report and do it right now.

To recap where I am at the moment, I'm saying that your justification is agricultural, you are extending it to the whole town, that's a leap that you can't sustain with the language in the statute, that the rationale for agricultural was that you can't do it now because you have to do an EIS on it and you haven't got the funds. That does not constitute a public emergency; it does not justify a town-wide moratorium.

Now, the statement on page three of the statute, indicates it's not a building moratorium. That's nonsense. Applicants can continue to be process but- and those that have a final approval, which in Riverhead can be four years after application, are allowed to proceed. It defines those who invested a large sum of money and time in the process of the moratorium is only those that have reached final. I think I can show you dozens of cases and there were dozens of people here this evening that would indicate that they've been in the process for years, and they've spent a fortune and why can't they go ahead.

You've got about 15 subdivisions I believe that are subject to this moratorium, possibly 18. You say that they can be processed during moratorium so we're not really delaying them. That's a myth. You have of that 15- of the 18, only four have reached preliminary approval. The others are all at Planning Board approval of the SEQRA statement which is the only other approval prior to preliminary, and the statute itself says you can't give preliminary or a final during the moratorium period. So you really can't process. So that little bit of help that we thought we had in there, doesn't seem to exist for at least 14 of the 18 projects that are involved.

I would argue that if you do go ahead, you ought to allow at least the preliminary approval or be granted conditionally on any changes in the master plan taking place because that would indeed allow processing to go ahead.

So what have you done? You've really stopped all these jobs which add up to about 1,300 housing units. Now what's the effect of that in Riverhead and on the Riverhead economy? You folks must read

the newspapers. We are on the precipice of economic destruction of our economy right now. Every political leader all the way up is saying don't let America fall over the cliff, let's get going, keep America moving.

What's the economic impact of 1,350 houses? Do you want it real simple? It's two full time man years or person years of employment for every house that's delayed in this process. Now assuming that these houses pop through the approval process sometime between now and the end of the moratorium or six months later, what you've got is no source feeding. Those people who work in construction in this town between the middle of next year and the following year because they would be fed from these approvals. These are the pieces of bare wood that you would see, these are the foundations that would start. You're taking that out of the economy.

And what does that mean? I calculate a minimum of \$135 million dollars in building material. I'm wondering why Lowe's was so interested in getting an approval tonight if they knew this was coming. It's two years of no building construction. No purchases of that kind of volume. You're talking about 2,700 full time jobs. Now, that assumes there's two persons to a home and I think I said this before to the town but I really want you to understand that two people don't build a house today. They used to do that in the log cabin days, maybe.

What happens is more than 53 trades are involved in the construction of that house and today on Long Island that's 53 independent small businesses will have some action involved in that house. But more than that, we've calculated- once in a while we play a little game in the building business and we sit around and say how many people are involved in the construction of this house, from secretaries that take phone calls to people who make appointments, people who drive building materials supplies, to people in law offices, and people out there with surveying equipment as well as masons and carpenters and plumbers and electricians.

We get into the 130 to 170 range whenever we do it. Some people work for a few minutes, a few hours, a few days, a few weeks. And most of those companies are local and you're talking about a broad spread of impact throughout the economy of the town of Riverhead. It's in every law office, it's in every title company, it's in every lumber yard. It's even in places that feed the construction workers. So I'm saying it's a major economic impact, very significant, multiply it out, get it up to about three or four hundred million dollars worth

of construction if you just turn it over once or twice in the area it's in.

So please understand it's a very serious and significant blow to your economy. A lot of these people are here, there's thousands upon thousands that are affected in one way or another. It's very easy for somebody to say we ought to do a moratorium while they have a job and employment. All these people have to meet not 12 months planning process; they've got to meet monthly mortgage payments; monthly rent payments; weekly food bills; educational costs and the like. And you are fooling around with their livelihood for a year, year and a half.

Now we think that you are recognizing that by creating exemptions you don't want to subject people to undue hardships. You say that in your statute. It's very interesting. You're actually admitting you've got an undue hardship with the moratorium.

You are also going in and superseding all the state laws applicable to subdivision and site plan approval and the ZBA for the purpose of enacting this moratorium for a year. And here you're getting into a very squishy ground. You're applying it to all subdivisions, whether or not justified in any way by your agricultural preservation needs. You're saying that no subdivision approvals, residential only basically, can be approved nor can the Town Board itself binding your next group after the election if there's a change, to the proposition that there's no preliminary or final site plan approvals either. And you're saying that you can't make (inaudible) of SEQRA. You don't say anything about (inaudible) of SEQRA; maybe you ought to.

Can you bring a subdivision in during a moratorium and get the SEQRA accepted or can't you? You say you can't have preliminary approvals and you say you can't have final. Think about that one. Again, when the subdivision first comes in, that's the first stage, when you go through sketch plat getting to that point. You either do it or don't preclude it. If you do preclude it, then you're really shutting the can of worms down completely. There's no way in hell a subdivision can move at all.

Then you have to do something that all good zoning ordinances need. And if you're taking ZBA protections provided in state law away from a land owner, you've got to substitute him with something. So you come in with a variance procedure. You can come in and prove an exceptional hardship. I would contend that every one of those actions that you rule yes or no, this is or is not a hardship, may well be

subject to its own SEQRA. Because each one has to rest on the determination of the environmental significance of each application.

By the time the applicant comes in, prepares all the paperwork, gets on the schedule, goes through the public hearing, a lot of that year is gone. I think that's an illusory exemption. It's an illusory hardship proceeding.

Lastly, you are allowing one exclusion that fascinates me. You say that where a landowner gives you 70% of the tract, preserves it through acquisition and/or donation to the state, county or town, he's exempt from the moratorium. And that, ladies and gentlemen, boils down to the mugger's deal. I'll exempt you from the mugging tonight provided you pass over your wallet.

Now if you are trying to say that we will allow a subdivision that's more or less in conformity with the recommendations of the comprehensive plan, i.e., a subdivision that sets aside 70% or more of its land for agriculture or open space, that's sort of legitimate. But when you say you've got to give it to us, agree to sell it to us, donate it or whatever, or we don't process you, there's something not (inaudible) about that and I don't think the court's going to like it.

Now, I'd like to skip over to the final caution and perhaps one comment. Acquiring a piece of land through the Community Preservation Fund is in my mind as important a step as allowing it to be developed. They go hand in hand, they're part of the same comprehensive planning process. You don't put a moratorium on that. Nor do you put a moratorium on commercial development, just residential. It seems like it's a partial thing, it's a bias. Sure we'll buy your land but that may have been a receiving district. It could have saved a heck of a lot more farmland acreage than it represented by purchase. You might want to think about moratorium on that end of the spectrum. Also, I think it's only fair.

Lastly, I'd like to give you the caution, the one I promised you in the beginning. In Pennsylvania, there's been a ruling in the case of Nolan versus Newton Township which was 18 month development moratorium that prevented a landowner from submitting a subdivision application. The court in Pennsylvania said that the moratorium was valid, perfectly enacted yet it referred it to a Board of Reviewers because it said that they ought to offer compensation to the landowner for the delay. And the Board of Reviewers is now analyzing that.

In a more recent Pennsylvania case which is Mahler versus the

Township of (inaudible), the record 773A.2d 770 (Pa. 201). The court found that the- it was based on state law in Pennsylvania which isn't too different than New York. We find the power to enact the zoning ordinance for whatever purpose does not necessarily include the power to suspend a valid zoning ordinance to the prejudice of the landowner. Courts are moving away from the earlier New York decisions.

And more importantly, and very important to this town, and here my words become words of iron, I think, there's a case which the Supreme Court has agreed to argue, Tahoe Sierra (phonetic) case. It involves a questions of whether a moratorium can be considered a compensable temporary taking. The (inaudible) circuit on appeal found it couldn't but the Supreme Court reached down and took the case for hearing. The case is docketed 00-1167 on the US Supreme Court calendar. It's called Tahoe Sierra Preservation Council versus the Tahoe Regional Planning Agency.

The court will hear arguments on this in- it's scheduled according to the Supreme Court's web site for argument in January. If the court rules that moratoria can indeed create compensable takings, I say to you now that any community that adopts one right now might find themselves paying for it quite literally this spring.

And since everybody involved in the moratorium is automatically similarly situated, this cries out for class action and is strictly an action on damages if the Supreme Court of the United States rules that however valid a moratoria is an exercise of police power which involves a taking and will result in compensation.

So I urge you to consider that in the process. I think your better- much better alternative is to move Godspeed on getting a comprehensive plan adopted, (inaudible) is prepared to help you do that quickly. Do that over the next few months once the election's over and please avoid the moratorium because you're creating a lot of human hardship and- "

Supervisor Kozakiewicz: "Two things. One- "

Bob Wieboldt: "-- putting the town and the members of the Town Board at an extreme legal risk. Thank you very much."

Supervisor Kozakiewicz: "Two things. One- and I'm going to make the comment. Please, I have to, I'm going to respond. Hold on. Hold on. Hold on, please. We're here to- this is to Bob and then it's going to be a general comment. We're here to hear comments for

or against the moratorium and legal reasons why we should or should not consider it. This is not a time to take any personal attacks at anybody. So I do not believe that's appropriate. I think it's unfair to take any personal attacks at anybody and I'm hoping that nobody else will do that.

Secondly, I don't- I have to ask the question as far as the GEIS comment from Barbara. I know Barbara is eager to come up and where that came up because I don't recall ever hearing that or ever seeing that the master plan has been delayed because we can't afford to do a GEIS right now. We, in fact, you know had the comment earlier that we have authorized the retention of consultants at a cost of three hundred some odd thousand dollars and that's not a problem. So I'm trying- "

Bob Wieboldt: "I believe my comment was directed to the idea of splitting off a part of it prematurely because that would require- "

Supervisor Kozakiewicz: "Yeah, but that was a different issue as opposed to the monetary aspect. Yes."

Bob Wieboldt: "So what I'm arguing is you can go ahead with a moratorium on agricultural preservation provided you can do something about the agricultural area, but you indicated at the last hearing that you couldn't do that because you had to wait until the whole plan was done."

Supervisor Kozakiewicz: "I think the idea was to- it was more sensible to do it that way, to look at the entire town, all the business elements, and then do the GEIS based upon that and that's what the town decided to do. I think that's what the comment was."

Bob Wieboldt: "What's your other comment, Bob, as far as none of my remarks were made- should have been understood to be a personal attack on anyone. If they were, I apologize."

Supervisor Kozakiewicz: "Thank you."

Councilman Kent: "Actually I have one question also. You have a lot of facts and numbers. I wanted to know if you knew how many approved lots there are right now that are available to be built upon in the town of Riverhead."

Bob Wieboldt: "I don't know that number and that's- "

Councilman Kent: "Well, because this is not a building moratorium. There are jobs that could be had if you build your homes on lots that are already approved. So you had a lot of numbers and figures there. I thought you might know that number."

Bob Wieboldt: "No. In the Southampton moratorium the same issue came up. You know what tends to happen in development, is the lots that have just recently been the focus of a lot of expenditure, you know, a transfer, of planning and engineering and all that, tend to come on the market quicker than lots that have been dormant and some for many years, have been dormant for many reasons. They may have wetlands. They may just not be attractive in today's market, they may need ZBA's.

I don't think that's a fair equation. We notice that when somebody goes and gets a subdivision approval they tend to start housing and that's where your market starts to build in any given year. So while there are other opportunities out there, it's not saying a lot. You can always build on one of those. If that was the case, I'm sure in today's market people would be doing that already."

Supervisor Kozakiewicz: "Thank you. Any other questions, Chris? Okay. Hand in the back. Sandra. And then, remind me, make sure, if you wish you can get up next and queue up. Okay?"

Sandra Mott: "Sandra Mott, Riverhead. I'm in support of your moratorium, all inclusive. I think that tonight's last meeting, if anything, indicates the need for some sort of stepping back, realigning your process and in addition to the other issues that are outstanding in the town in regard to the Burman deal and you missed the Lowe's presentation, but- and the other special permit that was here for the two restaurants and so on.

Again, I go back to the definition of special. If you had a moratorium and you had your master plan and as Eve said who I never felt was a terrorist or a fanatic in any manner, shape or form, I mean that is the point why we are fighting in the Middle East right now, is it not? So we have the freedom to voice our views. That's why 6,000-7,000 people died at the World Trade Center.

Those are inflammatory terms. You can be as apologetic as you like and I know that you over- "

Supervisor Kozakiewicz: "He did apologize, so- "

Sandra Mott: "Yes. But I'm saying this is my opinion from listening back there for as long as I did."

Supervisor Kozakiewicz: "I'm trying to keep it to the topic at hand."

Sandra Mott: "And the topic at hand is- "

Supervisor Kozakiewicz: "Whether we should enact the moratorium or not."

Sandra Mott: "-- people are here to support or not to support."

Supervisor Kozakiewicz: "Right."

Sandra Mott: "And in 20 years of housing experience that I have been involved in, I say housing and not real estate because it's a different category as far as I am concerned, specifically senior housing, the Town of Riverhead with the numbers of senior quote unquote retirement adult only quote unquote communities that are going to overburden the town, their social services, the hospitals, fire, police, emergency, the infrastructure in general, the additional traffic, the involvement of the habitat's demise.

You know, my mother was sitting back there when somebody was saying gee Riverhead used to be and she said nice. Only eight years ago it was extremely nice. It's less nice now. I don't think you want to go down the path to have it become completely un-nice.

People moved here for particular reasons or they were born and bred and stayed here and plan to die as you have indicated in your advertisements for the campaign, or whether people are new to the community. Another gentleman spoke that he goes up island to work. Well, I grew up up island and the long and short of it is we've chosen to be out here and it is nice. And let's try and maintain that niceness.

Things shouldn't be pushed. Things be brought up on the table at the last minute saying hurry up, our time is running out. We've got to do this tonight. I haven't read this, I haven't read that. If you have a moratorium you can sit back and positively approach the issues without all this pushing through.

And- this gentleman- I forget this gentleman's name from the construction trades group, building trades group, indicated a mugger's

agreement. Sometimes when I listen to what's being pushed through in special permit and rezoning, I think it's sort of the reverse. You know what I'm saying? I think that we're getting mugged as the community who's going to have to contend with the tax base.

And I'm not even discussing the school increase and budget and so on. They want to run over to Calverton, give them 50 acres for a facility over there.

Again, I go back to what Victor Prusinowski said a number of years ago, that he did not want Riverhead to become like Centereach, Middle Island Road or 347 in Stony Brook. Well, you know, from what we heard again tonight, you're moving in that direction very rapidly.

My only other comment is the fact that this threat of not having jobs, now, I don't know where anyone else has been in the past five weeks, but the World Trade Center is gone. The community in that neighborhood is gone. Do you think these people are going to work out here in some schmucky little house when they have an opportunity to make God knows what kind of money in the city? It's 70 miles into the city. They're able to work there and the long and the short of it is, I'd go west rather than east. So, if they're worrying about work, there's going to be plenty of work.

There's lots of construction work. Either- if they want to stay locally, fine, as someone said. But also up island, you know. And as to worrying about not having jobs, they'll have plenty of jobs, better paying than anything can pay out here."

Supervisor Kozakiewicz: "Thank you. Anybody- yes, I'm sorry. I almost passed your by."

Michele Pincus: "Good evening. Mr. Supervisor, Members of the Board. My name is Michele Pincus. I'm a partner with the firm of Lazer, Abtacker, Feldman, Rosella and Yettid (phonetic) in Melville. And I represent several clients in the area who will be impacted by this proposed legislation.

We understand that the goal of the moratorium is to enable the town to better preserve and protect its farmland. We further appreciate the fact that the town has within its power and means the ability to do this. However, as a point of information, we have certain constructive suggestions that the town should consider before its enactment of this moratorium in the manner in which it is currently written.

The moratorium does not accomplish the precise goal as written since it is over encompassing. It covers all residential property without any distinction on the physical characteristics of the property. It is inappropriate to hold off all development to serve what is a legitimate public purpose. Farmland must be defined narrowly so that it is preserving just that, farmland. And as part of this legislation there should be a definitional exception that defines precisely what is going to be protected.

The way it is currently written, property that is residentially zoned yet largely wooded without any agricultural value would now fall within the moratorium.

We further appreciate the fact that the proposed moratorium attempts to provide for a procedure to obtain an exemption. However, if you read each of the items outlined in section 109-007B, which discusses these exemptions, and I will refer to them briefly, nowhere are the terms farmland or agriculture even used. There's reference to the proximity of the premises to natural resources, agricultural soils, pine barrens, wetlands, coastal areas, endangered plants, the impact of the proposed subdivision on the applicant's premises and surrounding area, environmental significance, compatibility with aesthetic resources, and compatibility with proposed development, but it does not narrowly define the farmland or agricultural aspect that I previously discussed.

In addition, there is some issue in the wording of section 109-006 on excluded applications and subsection 5 specifically refers to residential subdivision applications and I'm quoting, where more than 70% of the tracts being preserved through acquisition and/or donation to the state, county or town space programs which are subject to approval by resolution of the Town Board.

These parameters are much too limited since the same results can be achieved through the use of the likes of covenants and restrictions or scenic easement. It does not have to be outright dedication to the town. And we would urge the town to explore and consider these other methods. They are not currently addressed in the legislation at all.

In sum, we request that the town take another look, not at their purpose but at the language used in their method to achieve that purpose and tailor it in such a way that it is reasonable in scope and compatible with its goal without being so restrictive that it impinges on the rights of those affected by this legislation. Thank you."

Supervisor Kozakiewicz: "Thank you. Yes."

Councilman Kent: "Do you have a written statement that you could submit?"

Michele Pincus: "I don't, but I can submit something."

Councilman Kent: "Can you mail it to the Clerk, please?"

Michele Pincus: "Absolutely."

Barbara Grattan: "Can I have your name, too, because- "

Michele Pincus: "Michele Pincus."

Barbara Grattan: "Thank you."

Michael Strauss: "Good evening, Mr. Supervisor, Members of the Board. My name is Michael Strauss. I'm an attorney with offices in Port Jefferson. And over the last couple of years I've begun to represent some clients who are proposing various developments in Riverhead. Most of my practice, zoning-wise, for the last 15, 17 years has been in towns west of here and I found that as development has moved further east, of course, naturally begun to have clients who proposed projects here and started doing work here.

And part of the reason I wanted to come and speak and waited this long to speak tonight is I understand at some of your earlier meetings, that for the most part, most of the people who attended and spoke were people who were in favor of the moratorium. I think that what can happen sometimes in these situations is the people that are actively involved in the various businesses that get affected from developers, all the trades and the people that Bob Wieboldt spoke about, don't feel as motivated because they're simply going about their business as usual. And it's only when it's coming to the brink that something like this may happen, that they begin to come out.

And I wanted the Board to really understand that there are a tremendous number of people affected and a tremendous number of people who probably are opposed to the moratorium but haven't been as activist in their approach to it thus far.

In terms of the big picture, I'll try to be brief. I've been involved in about three or four moratoria over the years and they don't really work. They don't really end up accomplishing anything

different than what a Town Board can accomplish by simply good planning, whether it's adopting a master plan, whether or not it's upzoning property, that can all be done whether or not there's a moratorium.

In a moratorium people get hurt. When projects are just stopped for a year or there's a time out as one of the speakers referred to, what really happens is there are people who are under contract to purchase expensive properties where the owners of those properties get hurt because they may not be able to close. Many times there are a lot of sales that have already taken place, contracts to build houses. There are people who plan lives where the rug is pulled out.

If instead you simply adopt a master plan or go ahead with upzonings, people can plan their lives much better. They know that a particular piece of property may get upzoned but that if something is already in the pipeline by way of an application, if that's grandfathered at a relatively early state, people can plan for the future. They can make decisions. The rug isn't pulled out. They don't get hurt specifically.

When you're talking about subdivisions, at an earlier hearing of the Planning Board, I believe they recommended to you for instance that preliminary approval should be grandfathered. In the subdivision process, preliminary approval is the main nuts and bolts basic approval. It follows the sketch plan. That's where the layout is completed. And, in fact, the only thing that changes with respect to final approval, are pro forma things and perhaps some engineering provisions and calculating bond figures.

To grandfather only final approval when someone has perhaps spent two and a half years and a seller may have been in contract for two and a half years waiting to close, again, contracts of sale are signed for houses. Just because something is about to have the final approval and doesn't quite have it, to have that stopped for a year has devastating effect.

I do believe there will be a fairly significant economic effect if you do this. I think we all know what we're facing in terms of uncertain economic times. And, again, I really just wanted the Board to realize that it really will have a significant impact on real people. There are ways to accomplish the same long time goals without this kind of dislocation.

You are probably only talking about in the hundreds of housing

units that are going to be substantially affected, if those go forward, you can still plan just as well in the big picture in the long term without really have that kind of devastating impact on certain individuals. Thank you."

Supervisor Kozakiewicz: "Thank you. I just wanted to make one, I guess, correction. I think what happened, and it seems like it's maybe a little blurry, it's been a long day. The Town Board had originally decided to go out to public hearing that July 7<sup>th</sup> hearing with the idea of- that stop point being the preliminary plat stage. And then as a result of comments from the July 17<sup>th</sup> hearing and perhaps even some input from the Planning Board, the Board- and I say that as, you know, the majority of the Board, decided that they wanted to go forward with it in this fashion. So that's what happened. I just don't want to say that it came from the Planning Board that way. Actually we had noticed that way in the first instance. Okay?"

Michael Strauss: "Okay."

Supervisor Kozakiewicz: "Thank you. Mr. Hartmann."

Robert Hartmann: "Robert Hartmann, I'm a farmer. Only one of hundreds and hundreds of farmers from the past and that are still here that are all part of making Riverhead a very agricultural town for many years. And it still is. I want to be short and sweet. I'm not in favor of any kind of moratorium. I think we have a very competent Town Board and Planning Board and they can handle any kind of problems that we have. Some people think they aren't up to snuff, well, everybody has their opinion.

There's an awful lot of farmland out there yet and an awful lot of it would have been sold off already to the county, state, town, what have you. But they've been a little short of money right along. And there's still plenty out there.

I know for a number of years, there's been just tremendous amounts of farmland that could have been bought. It sounded like a lot at the time but it was peanuts compared to what it is now and if they just get that price up a little bit, it'd still be peanuts. And basically, the majority, that's what the farmers want to see. They want to have a way of bringing in some money on their land and being able to hold their land and keep it in agriculture.

Now, I think there's a lot of environmentalists and it seems to be the majority of the action is from people that got their little bit

of heaven down in Wading River. If all these people would put their energy towards the town, county and state of getting some more money up here for the farmers, I think the problem would be very easily solved along with the people that we have in place here right now. Thank you."

Supervisor Kozakiewicz: "Thank you. Hand all- yes, you had your hand up before. Come on up. And then the hand in the back. I can't see the face, so."

Brad Berthold: "I'm Brad Berthold from Northville. I'd like to go on record as being in favor of the moratorium. There is such a thing as smart growth and I think we've had some problems with that in all the east end towns and Riverhead in particular according to some of the observers from afar.

I don't think we can continue to govern growth in Riverhead by change of zoning and special permits. I think that's the reason we're having this consideration of a moratorium. I think it's a great idea and in view of some of the people who are worried about employment. I lost my job as a direct result of the World Trade Center attack and I'll probably have to change careers at age 57, so I sympathize with them.

But on the other hand, if housing starts are way down and construction is way down now, what better time to consider a moratorium? This is the time. If we were in a boom economy as we recently were and prices were going up and everybody was working, there would be more of an effect of people, I think, than there is now. If people aren't working now, they're not giving up the boom economy that we recently had.

This would seem a good time to have a moratorium. It would have have much less effect now in the near term than it would have had say year ago.

I also wanted to comment on one of the previous speaker's comments about the wording of the moratorium where it was just not aimed at preserving farmland, but woodlands, wetlands and other areas. Good. I think we concentrate on the farmland to a great degree here and I think some of the funding programs that have come down recently are starting to change that trend, to look a little more towards other types of open space, woodlands, farmlands, potential park properties and things like that that we might want to consider as part of the growth plan for Riverhead.

I think we have a tremendous Planning Department and Chairperson. They're doing a great job. It's taken a while and if they need a moratorium and- so we can take a step back and look at this, develop our master plan, consider where we want the town to go, how we want the town to grow, this is the time. So I would be strongly in favor of the moratorium. I thank you."

Supervisor Kozakiewicz: "Thank you. The gentleman queuing up."

James Esposito: "Good evening. James Esposito, property owner and taxpayer in the Town of Riverhead. I'm opposed to the moratorium and question how it's going to affect the pending subdivision that I have presently before the Board. If it's passed the way it's written right now, this in effect would devastate me financially. I'm a very small time operator with all of my finances invested into once piece of property and living month to month making the payments, trying to go through on- it's a relatively small subdivision and if it becomes put off for a year, I'm going to be financially destroyed. I'll probably wind up losing my own personal house. That's about it."

Supervisor Kozakiewicz: "Thank you. Thank you. Faye Anderson."

Faye Anderson: "I'm Faye Anderson. I live on Middle Road in Riverhead. I'm known to never throw anything out. I have a Long Island Traveler Watchman news article here from February 5, 1987. It says- it was the editorial. Saving Farmers. The Town of Riverhead is to be commended for putting together the comprehensive farmland preservation package unveiled this week. Riverhead has a large and vital agricultural community that needs governmental attention if it is to both survive and thrive.

When the town officials sit down and review this plan, they should bear in mind that the goal is not to save farmland but the farmers. Open space gives a great deal to the community but it should not be judged on its scenic value alone.

The people who till the soil, who sell and service the machinery, who cares for the crops and all the other agricultural related activities are essential to the community. Their jobs and contributions are what needs to be preserved.

That was 14 years ago. Who said we need a time out? We had 14 years to come up with something, to develop something in this town to do something. Years ago there was a moratorium, I believe, on Route

58, I think it was for a year or something. It accomplished nothing. The next administration came into power and made new changes to accommodate specific projects. Overlay zone seems to be the favorite expression.

The farmers went through the whole zoning issue in 1987 and again in 1997 and here we are again. In 1987, it was suggested that the town implement a one acre zoning throughout the town. No down zoning. The town didn't do that. A one unit per one acre TDR program was suggested. Do you have a TDR administrative plan in place even now, after 14 years?

It's a known fact that farmers have rarely been offered fair market price for development rights. And I just want to know, after this whole thing, we were actually advised to subdivide our property. I'm married to a die hard farmer and we didn't. Okay.

The effects of the moratorium on the farmer. First of all, jointly owned land in which one owner stops farming and the other owner cannot afford to buy the other half of the farmland is one problem. Joint or family owned farm ownership in which one dies and the family is faced with estate taxes, the sale of development rights, borrowing power or equity. In all four cases consider the appraisal factor. In one and two, the government uses the highest possible use factor. In three and four, how will the appraisal be determined on land in a moratorium? And for number five, farmers will be reluctant to purchase farmland and I for one had said at one time after this last bit that I'd never buy another piece of farmland in this town because everybody wants to take it away.

Why should any family or next generation invest into an unknown equity? This is the third scare. This moratorium demoralizes the farmer.

A financial advisor once said to me if you put \$1,000 into an account every year, at the end of "x" years you would have "x" amount of dollars and I said stop right there. I haven't put \$1,000 every year into investment. I've put many thousands every year and paid many thousands more in interest. Rates were 10% at one time and you are standing on my investment right now.

I have five children and everyone has had an education beyond high school. They all worked every summer, except for if they had education classes, not 40 hours per week, but 60 hours per week. They paid for their own cars, insurance, higher education, and paid back

their own student loan because Mom and Dad were putting their money into buying farmland.

I sat at the Wading River hearing and listened to those who wanted a moratorium. Most probably have no investment in a farm or anything except their own homes. Many built their own homes on former farmland with one acre or less. If a housing development has 100 homes on 100 acres, 200 people can vote or show up at a hearing. A farmer who owns 100 acres has two votes. What kind of equality is that?

It's the farm family out there who has preserved the land. Many of their ancestors cleared land they had by hand and horse, not power saws, bulldozers or backhoes. The farmer puts everything into his farmland. This is his investment in the future for himself, his family and the town. If a person invests in a store or a building, he can depreciate the part of the investment over a period of time, thus recouping tax dollars. If one invests in an IRA, it's a tax deductible investment until withdrawal. But the farmer pays federal and state income tax on the money before he can invest it in farmland. In other words, he pays his taxes first and buys land with whatever he has left. Only the mortgage interest ins a tax deduction. But the interest is still an out on pocket expense.

I feel this moratorium and any upzoning definitely hurts the equity of the farmland. It devalues the land and demoralizes the farmer. While you think you are protecting this town for the future, it only takes a vote of three to totally reverse this in the future and have some speculator, real estate broker or developer realize a windfall profit.

The farmer has been preserving agriculture for all this time. Let him continue without further problem. He already has enough restrictions and restraints and, yes, these same farmers have maintained agriculture for the last 15 years since we've been fighting all of this whatever, without the last two proposals. There's nothing more demoralizing to the farmer than a threat to the farmland in equity.

If the town and country are committed to agriculture, they should purchase the rights at a fair price. If the farmer is already committed to agriculture- the farmer is already committed to agriculture, but agriculture has to be an economically viable entity in itself to survive. I ask you to please vote no. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the Board? Hand in the back and then Mr. Danowski. You were too slow. Getting old."

Dan Rajennie: "Good evening. My name is Dan Rajennie (phonetic). Supervisor, Councilmen, I'm also opposed to the moratorium. I'm a small builder developer and the moratorium would have a drastic financial impact on me personally as the note we have is going to be due during the time the moratorium will be in effect. And unfortunately the Bank of Smithtown doesn't believe in time outs or breathers when it comes time to giving out the payment, as would apply to the rest of the builders and developers here who have financial burdens also. Thank you."

Supervisor Kozakiewicz: "Thank you. Mr. Danowski."

Peter Danowski: "Pete Danowski. I do represent some clients in town and after the first public hearing, I read a newspaper article that basically said that the proposed moratorium impacted three projects and that's all it impacted. They're all my clients. I would say on one of those projects it was not an agricultural piece, not actively farmed and wooded so it really didn't deal with agriculture.

I'm here tonight to give you some positive news without the need to talk a moratorium. That positive news is that my client, Mr. Barnett is here tonight. Following suggestions and leads and many, many months into years of discussions with the Planning Board has embarked upon the process with Suffolk County that will lead to a development plan, we believe, that will be consistent with the desires of the town.

And by that, I'm suggesting that the County of Suffolk is considering the acquisition of half of the property in substance which will lead to a development plan that will reduce the density in half. It will be a fair result. Why? Because instead of a taking of your property without compensation the County of Suffolk may be coming forth with dollars to pay the contract vendee in this case monies not to develop at the density now allowed in the town.

How could the public or how could this Board complain if, in fact, monies were paid fairly negotiated at market value? Now this is only a plan but why I say I can stand up here today with some positive thoughts. Yesterday the County Legislature with a specific committee of that Legislature passed an acquisition resolution that is the first step leading toward the possible acquisition of half of the proposed

property.

The plan would also consistent with other regulations in the county including the Health Department, allow agriculture to remain on the majority of the property with a very dense cluster, meeting the Planning Board goals of reaching a 70%/30% split as far as agriculture and 70% of your land and 30% remaining for the developed area.

This is what this Board and the public should be supporting. They should be supporting a concept that would allow a negotiation that could end up in a fair result from happening. If you pass this moratorium, that project will end that proposal. That proposal will end.

Here's the real practical that the public should understand. Market value is what we all discuss when we talk to the county or the town when acquiring development rights. What do you think the county looks for in determining the market value? Is there an approved subdivision for the property? Is it half way there? And you know what? If it's a one acre plan as opposed to a two acre or a five acre or a ten acre plan, that one acre plan is worth more money. Anyone that tells you differently is lying.

And when this moratorium comes in and you see some flowery language that suggests and it's certainly not a fact, that low density increases your value. It does not increase your value to anyone that does an appraisal. And appraisals are what the county and the town rely upon. Their market value analysis is always several years behind. The farmers in this town have never been provided with full market value on their development rights purchases.

I'm hopeful over the last year, I'm hopeful today that things are changing. Bob knows recently I represented a client, the Zaleskis (phonetic) in Jamesport. I believe that is the highest value that's been paid in town to date at \$16,000 an acre and this Board passed a resolution to contribute towards that, contributing \$2,000 to the \$16,000 per acre sum.

But traditionally over the last several years farmers have been paid eight, ten, \$11,000 an acre. If you go to East Hampton, you might be paying \$320,000 an acre. All right? Who knows? I think \$320,000 is actually a figure for a building lot. But the numbers that you see are so disparate from the Hamptons to here, you have to wonder is something wrong? If someone not giving a fair shake to the Town of Riverhead?

What I'm suggesting is I do think the county is now embarking on at least a reasonable view toward appraisals and if they become reasonable on the one project that I'm talking about and I say one, it's actually two, Aquebogue Golf Resorts and NF Golf Resorts. That will show some fairness from the county. This is what should happen throughout the town.

If you want to preserve agricultural as Faye was just talking about, be fair to the farmer. Don't take away their value. Don't zone them out of existence. Don't hurt their equity. Cooperate as a government. Cooperate as the public in supporting fair market value for land in the Town of Riverhead.

Why do you think farmers would ever sell to developers? Do you think they want to? Don't you think they'd like to sell to Suffolk County and the Town and sell the development rights and continue farming? The reason is simple. The dollars have never been offered to reflect fair market value.

What I'm suggesting is most clients, most attorneys, when approached about fair market value analysis and producing a plan will cooperate. This moratorium will end that cooperation.

And let's talk to you about some detail on this and some of the previous speakers talked about some specific issues on technicalities. I'll talk about them in simpler terms. Does this law, when it starts talking about legislative intent, stop applications from being filed? I don't know if it does or doesn't. But certainly in the beginning of this legislation, it talks about superseding all the state powers and the town laws that require you to accept an application, including the Zoning Board of Appeals. It does not limit it to agricultural uses, residential uses in those lead paragraphs. It seems to me the town can't accept any application for any purpose throughout all of these areas that you seek to impact.

Secondly, you talk about- and I can understand why someone stood up here and said are you segmenting review? Has this Town Board resolved by resolution if they're going to adopt a specific chapter out of the comprehensive plan and not adopt the whole plan at once? Well, the reason I look at is on page 2, there's a general paragraph that talks about a specific chapter and the justification for this one year moratorium is that the final version of that chapter should be finished in 12 months. It's not saying here that the whole master plan will be adopted within 12 months, only a chapter.

So this ordinance is already telling us that this Board has decided to segment and adopt a chapter, at least that's the reading I get by reading this paragraph. So if that's true, it stays in the legislation; it's not true, it should be changed.

Interestingly it also talks about the 2% transfer tax funds as that's going to be the solution. Well, I'd like it to be the partial solution but why is that a justification for a moratorium? If that's a positive comment that we're collecting these 2% funds, then let's collect them and let's spend them and let's buy some farmland at market value.

And to the speakers that are concerned about woodland and wetlands, let's do that as well. Let's take the money- and I know there was one proposal along Peconic River that was at least up for public discussion where a partnership possibly could be entered, let's buy up some of that beautiful land along the Peconic River and preserve it. Let's do those things. But some of these paragraphs have nothing to do with a justification for a moratorium. They're in place. You can act with them today. You don't have to hurt the farmer. You don't have to hurt anybody. Forget the moratorium.

You also in your initial legislation started covering in at the preliminary map and I understand Mr. Strauss' comment. If someone spent and the general feeling is it takes a couple of years in the process has paid for the engineers, has paid for all the experts, has gotten through the process of sketch plan, has concluded SEQRA, has gone through public hearing, has done the road and drainage profiles, why shouldn't that be enough? Why do you say to him, well, let's delay the approval, let's hope that the Planning Board doesn't grant it, and we can just at late in the game nail him and he's finished.

Now for those who want no development ever, they are always going to come up here and say, hey, moratorium stops everything and grinds it. It's interesting as well-- you saw a need at the end of the time period to say that's it. You're calling in unless and until this time period is extended by the Town Board after adoption of a subsequent local law. Why don't you just stop and say one year. Period. Because it leads to the suggestion that you may extend it again. And we've heard some bad rumors from other towns that keep extending moratoriums and never do anything about anything on the legislation that follows.

So, I also wanted to comment that specifically this 70% comment, I've heard in the Planning Board the concept which could certainly be

supported about clustering densely, trying to preserve 70% of open space for agricultural use. This 70% in paragraph 5 on page 5 doesn't really say that. And I question if I had a client that sold his development rights, would that meet the terms that you use in this sentence? Because it talks about an acquisition or a donation of the property. Now full rights are not gone, there are still agricultural rights when you buy the development rights. Does that meet the definition of this 70%-- I don't know that it does. It's not defined. It doesn't say that it does. And I would think that those who might want to oppose all development would say it does.

So, I'll end my comments tonight with one further thought and one technical comment. I think the people you should be listening to are the speakers who own land, who have been here a long time, who have worked that land, and are severely hurt by this. I think when you heard from Henry Talmage last time, if you heard from Lyle Wells, those are the people you should really be listening to, you should listen to their words and I think they speak from the heart.

And I'm just asking you because I know a lot of the farmers were here tonight earlier, they couldn't hang in here, they've got to get to work early in the morning. Will their comments that were made at the last public hearing be part of the record on this particular matter? I know it was a separate hearing. This is a subsequent hearing. The language has changed but I would ask you, if it's not clear, that you incorporate it by reference and make that part of the record on this legislation. Certainly Lyle and Joe Gergela and others who wanted to speak here tonight that had to leave thought that would be the case. Thank you."

Supervisor Kozakiewicz: "Bob Krudop."

Bob Krudop: "My name is Bob Krudop, I live in Riverhead. I'll probably cut to the chase and I could say it's a reasonable basic premise and assumption that these gentlemen standing in front of me are all honest people and we would agree that honest people don't steal. Now, I'll go on.

I've been a member of this community, our community, for over 60 years. As a child, I worked picking raspberries on the Serene (phonetic) farm, now Bryermier (phonetic). I earned a nickel a pint. I worked for Charlie Hallock, I picked potatoes, eight cents a bushel. I loved the land. Upon graduating from college, I came back here, my home. And I bought my first acre and then I realized I needed more space. I liked open space and I bought the next acre. And then I

bought the acre with the house on it that my wife and I moved in. Then I was fortunate enough to get the next acre. And I had to have a bigger tax bill and we would sell the product from our garden down in front of the house to make our property taxes because as a school teacher I didn't earn that much money. In fact, the first acre cost me 40% of my first year's salary.

I don't think there's anybody out here in this community that appreciates open space or has worked harder to keep it than I have or my family. To the extent that with the help of my family and a friend, we've been able to preserve a portion of this community. We have given 20 plus years, hard work, a lot of sacrifice, our lives, to accomplish this and we did it without hurting others. Unfortunately I can't say the same about some people that speak here that have opted to maybe live on their eighth acre and put the rest of their earnings into savings so that they would have a comfortable retirement or maybe don't even own a home.

To put a moratorium in place on the property that's within the confines of our current guidelines or master plan or regulatory laws I think is heinous. I think it's wrong. You don't need that moratorium to accomplish the ends of a proper master plan. You just have to get to work on it. I do agree with the preservation of open space but you must acquire it legitimately, not by confiscatory measures such as moratoriums.

If you are buying time for open space, what you're doing is taking and making open space at no charge that means taking. And taking is, I think, part of the word stealing. Perhaps put to a vote or referendum, with the understanding that if you do feel the moratorium is necessary then pay for it. Give those people, those farmers, or even the people that have some extra land that they wanted to have just so they would have some room and have some open space, free taxes or even something additional. And then let that go to a vote so that that's- that difference will be subsidized by all the people that want to see this moratorium. Pay for it, don't just take it.

Really work on a master plan, please. Put positive effort into a legitimate funding program. I don't know if you'll ever see cheaper money than what we have available today and I believe if I'm not mistaken municipalities can probably today borrow at a rate of 3% or even less. Truly, that's where your options should be. Buy development rights at fair value to the farmer or to the landowner who's maybe having a farm so that it will stay in open space and,

hopefully, agriculture. Buy if you have to outright sensitive lands. Those that may be environmentally concerned about. You can do it. You'd probably get community support to fund that type of program.

So I guess going back to the notes, based on the fact that you're honest people and that you don't steal, you will not approve this moratorium. Thank you."

Supervisor Kozakiewicz: "Diane Moshier."

Diane Moshier: "Good evening, Mr. Supervisor, Members of the Board. My name is Diane Moshier. I am the owner and operator of (inaudible) Services. I have a question more than an opinion at this point. And my question is the way the moratorium is written, it's my understanding that four lots or less are exempt and called minor subdivision. However, a proposed six lot subdivision with no town road proposed is considered by Planning Board standards, a minor subdivision. Would this, too, be exempt? I know that's not something that you could possibly answer right now but if you could take that into consideration, I'd be interested in obtaining that information. Thank you."

Supervisor Kozakiewicz: "Thank you. Anybody else? Yes, the gentleman to my right, room's left."

Len Axson: "Good evening. My name is Len Axson, I'm the President of the Long Island Builders Institute and we've been here over four and a half hours. Nobody wants to hear people repeat the same thing again so I'll try and say something slightly different.

I've been listening with a lot of interest this evening as many of Riverhead's residents have talked about how important it is to preserve the Riverhead way of life, whether it's the small town values or the rural vistas or the small stores or the night sky. Yeah, I think are many of the things that make Riverhead special.

And it's obviously a worthy goal but a moratorium won't do that, won't accomplish that and it won't even help. A moratorium is a knee jerk reaction to either stop development or procrastinate on finalizing a good development- a good zoning plan, master plan.

Builders are not the enemies. We provide for the housing needs of Riverhead's population. Your children should be able to live here. A lack of affordable housing doesn't get corrected without building. There shouldn't be a moratorium on selling coffee in a deli or hiring

new teachers or selling produce in a farm stand or interfering with anyone else's ability to earn a living, including the builders."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address us? Yes, Wally Binger."

Wally Binger: "My name is Wally Binger. I live on Main Road in Aquebogue. And I am against the moratorium. Obviously, hopefully, you people- hopefully the Board has a plan that they're going at here and I assume it's two acre zoning. But specifically what we're talking about here is a moratorium at the moment because we're waiting for a master plan. There is a master plan in place and there is a master plan that allows my property to be subdivided in one acre lots. I haven't done so and as I said at the last meeting, I have no plans to do so. I just do not want to give up my rights."

I was happy to hear Peter Danowski say that the Suffolk County legislature- legislation, - legislator- excuse me, I'm very tired."

Supervisor Kozakiewicz: "I think we all are a little bit."

Wally Binger: "-- recognizes the fact that they cannot take land away without giving some kind of value. All along it's been the fact that the Suffolk County is not giving us enough money for our rights basically. If you have a car for sale for \$2,000 and I come up to you and say I'm only giving you \$500, I'm taking the car, that's not going to work. And that's basically what they're doing."

I would like a fair market price. I will sell my development rights. I discussed this with one member of the Town Board and I'm really pissed off at Phil for not even paying attention here this whole meeting."

Councilman Cardinale: "I'm listening."

Wally Binger: "You're one of the people who's backing this two acre zoning. You're one of the people backing the master plan. You left the meeting for about a half an hour. You returned to the meeting- I assume the mike goes into your office."

Councilman Cardinale: "I think I left the meeting for about 10 minutes to go to the restroom."

Wally Binger: "I stand corrected, sir."

Councilman Cardinale: "You- okay."

Wally Binger: "If this is an economic problem, I hear this is- everybody saying if we have too many houses we'll have too many kids in school and it will raise our taxes. If this is an economic problem, then if we want to keep the taxes lower for the people who may live in Wading River, may live in Calverton, if they want my land in Aquebogue, they should pay or make up the difference. I see this partially an economic problem. If it's an environmental thing, if we're going to save open space. I don't see how we're saving open space by making two acre zoning."

All of this has come up before. I wasn't going to speak tonight because there were some very good speakers before me but I felt in staying this long I was going to and I'm not going to go on much further.

I would like to say on a Sandra Mott comment earlier on, God bless the people that died in the World Trade Center and I don't believe she brought that up at this meeting. But as for jobs in New York City and as for construction jobs, the terrorism act at the World Trade Center has, in fact, put a halt on all construction in New York City. Basically what people are doing is offices are moving into temporary quarters. They're not re-building the offices they were building prior to this. They moved into temporary quarters. They are not doing any renovations to the work that they're doing. The offices that are being built- the contracts that have started have stopped because they're waiting for federal subsidized money. So in saying the fact that if these construction workers on eastern Long Island need a job they can go to New York, is totally erroneous. I thank you for your time, gentlemen."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to address the- Bill Talmage."

Bill Talmage: "I know it's late. I'm Bill Talmage. I'm a farmer and a developer, no wonder I'm confused. I was just sitting there thinking about this whole thing tonight. I really didn't want to speak but I was thinking about, you know, we could have a farm family this winter that's sitting around the kitchen table looking at the books that says you just can't make it another season. We're in trouble. And the creditors want their money and we have to sell the farm."

With this moratorium in place, that family is in a tough spot. A

developer who might come in to build houses, the land's frozen and with a master plan revision in the works and who knows what it's going to be when it comes out the other end. Yet you need cash, the bank wants their money. I'm worried that family might not even be able to sell their house. And that's not the intention of what you're trying to do here.

I don't support moratoriums in general but I think you- I want you to be careful not to do anything unintentional and that particular family in that particular spot doesn't have a year to wait. And there could be people in that situation out there right now.

The other thing I would- just want to talk about, unintentional things. I don't want you to accidentally stop things that would generate positive tax base development for the town. The dollars- the tax dollars that would come during the year, assume you'd back something- a project that was a positive project for the town, that was going to pay positive tax dollars and not cost for schools and things, you know, high end houses, etc., you don't want to back those up a year because the dollars in tax revenue that you lose in that year will never be made back up to the taxpayers. You lose it forever. And that's not what we're talking about. That's not the intention. But you could accidentally do that.

Also, I'd like to just make sure you, you know, your careful about- you don't want to have a moratorium for example Zoning Board of Appeals and things like that. Just make sure when you word your thing, if you do decide to go ahead with it, you don't accidentally, you know, ban all kinds of things that you didn't intend to do. So just be careful. That's all I wanted to say. Thanks."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to speak either for or against the proposed local law? Now seeing anybody move, and if there's no object, I declare the public hearing closed, the time of- "

Councilman Kent: "Well, I think we should take some action on whether we're going to include those comments that were made at the prior public hearing for those people who couldn't hang on."

Supervisor Kozakiewicz: "Well, would you- I don't- "

Councilman Kent: "I don't know how we do that."

Supervisor Kozakiewicz: "I think the only way to do it as an

alternative would be to keep the written comment period open for a week and allow the people who had a chance to speak at the last meeting submit written comment- "

Councilman Kent: "Okay. So we should- "

Supervisor Kozakiewicz: "So if the Board would be inclined to do that- "

Councilman Lull: "Can we submit it on their behalf from the record?"

Supervisor Kozakiewicz: "Well, we have a different local law. Its purposes is and the extent of it are a bit different. I think it would invite perhaps different comments. So the way to, I think, really adequately address it would be to allow the written comment to be received in light of the fact that there's a new proposed local law as opposed to the one that was heard on July 17<sup>th</sup>. That would be my- unless there's- "

Councilman Kent: "Why don't we just leave the record open for written comment for a week and that will allow those people to submit the- "

Councilman Lull: "How are we going to let them know?"

Supervisor Kozakiewicz: "Don't argue, we'll do it."

Councilman Lull: "I'm serious."

Councilman Kent: "People will contact us."

Councilman Lull: "I'm not sure."

Barbara Grattan: "So it will be open until October 23<sup>rd</sup>?"

Councilman Lull: "Yeah, I have no problem with that but I- "

Councilman Kent: "In five more minutes, it will be open until October 24<sup>th</sup>."

Supervisor Kozakiewicz: "Okay."

Barbara Grattan: "Let's wait, okay?"

Supervisor Kozakiewicz: "So one week for written comment. Close of business next Tuesday, otherwise- "

Councilman Kent: "Why don't we put it to Wednesday. What the heck?"

Supervisor Kozakiewicz: "Wednesday. Okay, thank you. Is there any objection to that?"

Councilman Densieski: "No."

Supervisor Kozakiewicz: "Okay, fine."

Public hearing left open to October 24, 2001

---

Supervisor Kozakiewicz: "At this point in time, do we want to go to open comment period, guys? See- "

Councilman Kent: "I don't think anybody wants to make any open comments."

Supervisor Kozakiewicz: "Anybody want to make any comments? Can we take up resolutions."

Councilman Kent: "I think everybody has made all the comments they need to make tonight. Haven't they? Is there anybody out- "

Supervisor Kozakiewicz: "All right. We're going to take up resolutions then."

Barbara Grattan: "Resolution #1059

Supervisor Kozakiewicz: "No one responded. I asked. Okay, go ahead, go ahead, go ahead. I'm sorry."

Councilman Lull: "Couldn't see your hand."

Rolph Kestling: (Inaudible)

Supervisor Kozakiewicz: "I know. I asked the question. No one responded. I didn't hear anything. All right. Come on up, Rolph. Five minutes. All right, sir. Boy oh boy oh boy."

Councilman Lull: "I didn't see anybody's hand."

Councilman Densieski: "Testy when he's tired."

Supervisor Kozakiewicz: "Yeah, I guess we're all testy when we're tired. Okay."

Rolph Kestling: "Okay. Rolph Kestling, Wading River. Remember that sign I told you, the wrong sign that was up on Cedar Road?"

Supervisor Kozakiewicz: "Did you talk to the Highway Department?"

Rolph Kestling: "I talked to you."

Supervisor Kozakiewicz: "All right. I will- I noticed in the record. It should be Cedar Road- "

Rolph Kestling: "Instead, yeah, but- "

Supervisor Kozakiewicz: "I'll tell you what. I'm going to go right in there and while you're talking and I'm going to leave a voice mail on the Highway Superintendent's voice mail."

Rolph Kestling: "Okay. Guess what?"

Supervisor Kozakiewicz: "I don't know."

Rolph Kestling: "This wrong sign is still up. What do you- I mean, you write down all the time, you're going to talk to somebody."

Supervisor Kozakiewicz: "Rolph, tell me what the right sign is."

Councilman Densieski: "Have you ever called Mark directly?"

Supervisor Kozakiewicz: "No. Because it's easier to beat me up on camera. Go ahead."

Rolph Kestling: "It's Cedar-- "

Supervisor Kozakiewicz: "Go ahead. What is it Cedar Road or Cedar Street?"

Rolph Kestling: "Cedar Road."

Supervisor Kozakiewicz: "Okay, thank you. Where?"

Rolph Kestling: "In Wading River."

Supervisor Kozakiewicz: "In- thank you."

Rolph Kestling: "Off Hulse Landing Road."

Supervisor Kozakiewicz: "I'm not the only person up here. There's five others, too."

Councilman Densieski: "No, no. Keep going on, Bob. That's fine."

Supervisor Kozakiewicz: "Okay, thank you."

Rolph Kestling: "Okay. Okay, next one is going to be a real short one. Remember those 50 acres what you deeded to Stony Brook?"

Supervisor Kozakiewicz: "We agreed to transfer the incubator to Stony Brook."

Rolph Kestling: "And you are putting in water lines and sewer lines?"

Supervisor Kozakiewicz: "No. They are putting water lines and sewer lines."

Rolph Kestling: "And I don't see any signs of building there. Is there a plan- "

Supervisor Kozakiewicz: "They are finalizing construction plans based upon the last sewer resolution."

Rolph Kestling: "You know what brought me up to that? There was an article in Newsday about a week or so ago and it seems that (inaudible) the one that's speaking all the time, he's going to be leasing space in the Great River, the former Grumman plant in Great River."

Supervisor Kozakiewicz: "Yeah, that's the high tech."

Councilman Lull: "They have three- "

Rolph Kestling: "Huh?"

Councilman Lull: "They have three incubators."

Rolph Kestling: "Yeah, well, now he's leasing more space. More space. At 22.50 a foot. How come they're not using the 50 acres?"

Supervisor Kozakiewicz: "That's a high tech incubator which is a different type of facility."

Rolph Kestling: "In other words- "

Supervisor Kozakiewicz: "I mean are you asking if he's still- they're still prepared to come to the 50 acres? I'm told they still are."

Rolph Kestling: "Well, yeah. I'm wondering if they are."

Supervisor Kozakiewicz: "Well, I've been told they are."

Rolph Kestling: "They are."

Supervisor Kozakiewicz: "Okay."

Rolph Kestling: "You know, like I said in my first comment, I don't trust them and I never will."

Supervisor Kozakiewicz: "Okay, thank you."

Rolph Kestling: "Thank you."

Supervisor Kozakiewicz: "Anybody else who would like to speak? Mr. Kasperovich."

William Kasperovich: "William Kasperovich from Wading River. I'll leave all my other comments out."

Councilman Densieski: "Thank you."

William Kasperovich: "Except for one that you're going to act on Resolution 1067 which got me all excited the other evening. Are you gentlemen with me?"

Councilman Densieski: "That's the gas station in Calverton."

Councilman Kent: "That's the Hess, yes."

William Kasperovich: "That's right. This has been for local determination. You say a planning- a public hearing was held as petition required and it was a very improper public hearing and I don't see anyplace, any correction or concern or involvement for the traffic problem there."

Councilman Densieski: "I believe this is subject to the conditions of Suffolk County or was it New York State?"

Councilman Kent: "New York State."

Councilman Densieski: "New York State, Bill."

William Kasperovich: "But it's our lives."

Councilman Lull: "It's #9."

William Kasperovich: "It's our lives."

Councilman Lull: "Finding #9."

William Kasperovich: "Come on. The- we lost one life there at that intersection. I know that intersection. I had a tire blow out on me, I had a car force me off the road twice, I know that control there is not good. And I got all excited about that and yet you people don't seem to pay the same value on human life the way I do. The only plus side I could think of here is that with a gas station there, there will be more lights, it would be brighter, something, but as far as a corrective measure for safety of human life, you are just not there. And that drives me up the wall in the worst way. That when human life is not of concern then the things are no good. The rest of the items are just put aside and whatever."

Supervisor Kozakiewicz: "Thank you. Tim Yousik."

William Kasperovich: "I didn't bring my tape recorder to record this."

Councilman Densieski: "Thank you, Bill."

Councilman Kent: "We'll get it right though."

William Kasperovich: "I'll have this in my craw for the rest of my life."

Tim Yousik: "Tim Yousik, business owner. Briefly, I just- I got done talking to Barbara Blass a few minutes ago which reminded me of with the master plan that's slowly coming together, one of the recommendations from the Planning Department is going to be a change of zone for the western part of Route 58, not to allow restaurants.

The other thing to take into consideration is when you're coming off the expressway and you are going to look at these two restaurants, what you're going to see as you are coming down the expressway is these massive parking fields. Again, one of the other recommendations is there will be no parking in front of these places; it's supposed to be behind. The designs look like 1950. I mean is this- this is what we want the east end-- I mean the western part of Riverhead to look like? Fine, approve it. But it's awful.

The other thing that really has to be taken into consideration, you changed- you made a change in the zoning up there to allow the movie theater. If you were to walk out of that movie theater, how do you get to this restaurant? There are no sidewalks. You would be walking on that little road. Who's going to be the one that's responsible? This is something that should not happen and you- all you gentlemen are in the position to say no."

Councilman Kent: "I have."

Tim Yousik: "Well, adopt the master plan and then we won't have any problem at all. Thanks."

Supervisor Kozakiewicz: "Thank you. Anybody else who would like to speak? No? Okay. Take up resolutions."

Resolution #1059

Councilman Lull: "Approves request for leave of absence. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Chief, we did have a question on this one whether this particular leave of absence could be a shorter period than six months. Do you- I'm sorry to put you on the spot. This was for- but six months is- "

Councilman Lull: "Shaun."

Councilman Densieski: "Shaun Brady."

Councilman Lull: "Shaun."

Chief Grattan: "We talked about a year or six months (inaudible)."

Supervisor Kozakiewicz: "So six months is- okay. All right. Okay."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1060

Councilman Kent: "Appoints Margie Kozma a recreation aide to the Riverhead Recreation Department. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1061

Councilman Densieski: "Accepts performance bond of Hardy Management Co. which is 84 Lumber. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1062

Councilman Cardinale: "1062 appoints a part time assistant recreation center manager to the Riverhead Recreation Department. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1063

Councilman Lull: "Reduces the irrevocable letter of credit of the subdivision entitled Fox Meadow Estates. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1064

Councilman Densieski: "Approves the special permit petition of Joseph F. Sciotto. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1065

Councilman Cardinale: "1065 approves the site plan of Joseph Sciotto, dentist. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1066

Councilman Densieski: "Approves amended site plan of Coastal Pipeline Products. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1067

Councilman Lull: "Approves the special permit petition of Calverton Enterprises, Inc. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yes. Just for the record, this is taking that gas station that's in really, really bad shape and it's going to fix it up nice and the State is going to take care of the traffic problems there. Yes."

The Vote (Cont'd.): "Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes."

Supervisor Kozakiewicz: "As pointed out by Councilman Densieski, one of the Resolves is that no site plan approval shall be issued prior to an approval from DOT for road opening and road improvements. So, yes."

Barbara Grattan: "The resolution is adopted."

Resolution #1068

Councilman Densieski: "Authorizes the Town Clerk to publish and post notice of public hearings for a change of zone and special permit of Reliance Leasing, Inc. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "I didn't know if we wanted to- I had just written some notes on the original one, just because it's notices of public hearing and whether we should have inserted words after hearings regarding change of zone and special permit petition of

Reliance Leasing down in the Resolve clause to make it a little clear what we're doing."

Councilman Densieski: "Fine."

Supervisor Kozakiewicz: "And if there's no objection- "

Councilman Kent: "No."

Supervisor Kozakiewicz: "Moved and seconded."

Barbara Grattan: "Okay. What are we doing?"

Supervisor Kozakiewicz: "I'm just going to- it's two notices. It's not a notice of public hearing. It's two notices of public hearing, one for the change of zone and one for the special permit. And I think the last Resolve should also identify who those hearings belong to. In other words, Resolve that the Town of- the Town Clerk is hereby authorized to publish and post the attached notices of public hearing regarding the change of zone and special permit petitions of Reliance Leasing, Inc."

Barbara Grattan: "You've got it."

Supervisor Kozakiewicz: "Okay?"

Councilman Kent: "Yup."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes."

Councilman Densieski: "As amended."

The Vote (Cont'd.): "Cardinale, yes; Kent, yes."

Councilman Kent: "And the public hearings will be November 7<sup>th</sup> and that meeting is in the afternoon at 2:00. So if anybody wants to attend. Yes."

The Vote (Cont'd.): "Lull."

Councilman Lull: "And I think the meeting will be there whether or not anybody wants to attend. Yes."

The Vote (Cont'd.): "Kozakiewicz, yes. The resolution is adopted."

Resolution #1069

Councilman Lull: "Approves the six month extension of the temporary sign permit for Sunken Ponds Estates. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1070

Councilman Kent: "Approves the amended site plan of Traditional Links LLC Friar's Head Farm. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "1070?"

Barbara Grattan: "1070."

Supervisor Kozakiewicz: "1070."

Councilman Densieski: "Yes."

The Vote (Cont'd.): "Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1071

Councilman Cardinale: "This approves the site plan of TRW Realty Corp. for the Riverhead Auto Mall II. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densiesk, yes; Cardinale, yes; Kent; Lull- "

Supervisor Kozakiewicz: "Wait a second."

Councilman Lull: "Hold on a second."

Supervisor Kozakiewicz: "We didn't get a vote from Kent. You went right past him."

Councilman Kent: "This is the one that I- we were going to require that they have no parking in the landscape areas."

Supervisor Kozakiewicz: "It's in the 15<sup>th</sup>. That the landscaped areas along 58 shall not be used for the outdoor storage and display of motor vehicles. Plus we should point out that this one also was redlined so that there's a fence, split rail, about halfway bisecting the improved area so that they cannot park vehicles in the grassed area as well."

Councilman Kent: "Okay."

Councilman Lull: "Just had to make sure it was in there."

Supervisor Kozakiewicz: "And it's also in the covenants and restrictions, paragraph 14."

Councilman Kent: "Yeah, I saw that. It's 14. Okay, yes."

The Vote (Cont'd.): "Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1072

Councilman Densieski: "Authorizes the Town of Riverhead to grant permission to erect a sign for Crystal Pines Estates. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1073

Councilman Kent: "This is a recreation program fund budget adjustment providing youth program supplies for \$675. So moved."

Supervisor Kozakiewicz: "Is there a second?"

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1074

Councilman Cardinale: "This authorizes the Town Clerk to publish and post notice of a public hearing to consider the adoption of the 2002 annual budget for the Town of Riverhead regarding elected officials' salaries. So moved."

Councilman Lull: "Is that mine?"

Councilman Kent: "Yes."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz."

Councilman Kent: "Yes. Maximum amount. You don't have to take the money or (inaudible) doesn't have to take the money. Whoever."

Barbara Grattan: "The resolution is adopted."

Resolution #1075

Councilman Densieski: "Authorization to publish a bid for milk. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Got milk? Yes."

The Vote (Cont'd.): "Cardinale, yes; Kent."

Councilman Kent: "Does it include chocolate was my question."

Councilman Densieski: "I had to do that."

Councilman Kent: "Yes."

The Vote (Cont'd.): "Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1076

Councilman Lull: "Authorization to publish bid for office products and furniture. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1077

Councilman Cardinale: "1077 is a Sunken Pond Estates capital project budget adjustment of- from contingency and legal expense to water main construction, \$7,600. So moved."

Councilman Densieski: "Second the motion."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent."

Councilman Kent: "I'm sorry to bring this up but why are we paying for water main construction?"

Supervisor Kozakiewicz: "We get that money deposited- and then we- "

Councilman Kent: "Okay. This is money they already deposited?"

Supervisor Kozakiewicz: "Right."

Councilman Kent: "For contingency and legal expense. Okay."

Supervisor Kozakiewicz: "Right."

Councilman Kent: "Yes."

The Vote (Cont'd.): "Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1078

Councilman Densieski: "1078 is various budget adjustments. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1079

Councilman Cardinale: "1079 authorizes the Town Clerk to publish and post public notice for a local law to repeal and replace Chapter 107 entitled Wetlands, Floodplains and Drainage of the Riverhead Town Code. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Cardinale, yes; Densieski, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1080

Councilman Densieski: "I'm getting there."

Councilman Kent: "We already approved your site plan."

Councilman Densieski: "1080, Town of Riverhead authorizes Town Clerk to publish and post notice to bidders for senior citizen human resource center. So moved."

Councilman Cardinale: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1081

Councilman Lull: "Awards bid for landfill reclamation demonstration project. So moved."

Councilman Densieski: "Reclamation. Oh yeah, demonstration."

Councilman Kent: "Didn't we do this at the special town board meeting?"

Councilman Cardinale: "Yes, we did."

Councilman Kent: "We did this at the special town board meeting already, 1081."

Councilman Cardinale: "Motion to withdraw."

Barbara Grattan: "Did we?"

Supervisor Kozakiewicz: "Yes. This was done. Motion and second to withdraw."

Barbara Grattan: "Okay, who seconded it?"

Councilman Densieski: "Densieski."

Supervisor Kozakiewicz: "Densieski, motion by Cardinale."

Barbara Grattan: "Okay. Withdraw?"

Councilman Densieski: "Yes, for reasons stated."

The Vote (Cont'd.): "Cardinale."

Councilman Cardinale: "Yes, for reasons stated."

The Vote (Cont'd.): "Kent, yes; Lull, yes; Kozakiewicz, yes.  
The resolution is withdrawn."

Resolution #1082

Councilman Kent: "This accepts Joe Quigley's resignation from the Street Lighting Division. So moved."

Councilman Densieski: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Yeah, I'd like to thank him for his service. Yes."

The Vote (Cont'd.): "Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz."

Supervisor Kozakiewicz: "I join in Ed's comments and yes to accepting the resignation."

Barbara Grattan: "Okay, Resolution is adopted."

Resolution #1083

Councilman Cardinale: "This resolution is a Cliff Road West and Old Orchard Road improvement capital project budget adoption. So moved."

Councilman Lull: "Second."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1084

Councilman Cardinale: "This directs the Supervisor to take specified action regarding the Cablevision franchise agreement. So moved."

Councilman Lull: "I'll second it."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Councilman Densieski: "Quick question. Is this the same one that we read the other day because I know you guys- "

Councilman Cardinale: "Yes."

Councilman Densieski: "There's no changes here?"

Councilman Cardinale: "There's no changes. We cut it back to exactly- "

Councilman Densieski: "Okay."

Councilman Lull: "May I make a suggestion- may I ask a question?"

Councilman Cardinale: "Yes."

Councilman Lull: "The second to last Resolve clause makes a reference to all three towns and yet the three towns are not mentioned. It doesn't make it clear which three towns."

Councilman Cardinale: "Okay. The three towns- yes, the three towns are Riverhead, Southampton and Southold."

Councilman Lull: "Yes."

Councilman Cardinale: "So, if- maybe we can clarify that."

Supervisor Kozakiewicz: "And I don't know the answer, Phil. Did you have a chance to speak to special counsel on the issue of the second channel being a PEG or educational government? Because I know I didn't have a chance (inaudible)."

Councilman Cardinale: "Yeah. The- I didn't get to counsel, I did get- what I did do is I re-included the reference to the paragraph within the contracts that indicates that the first section is a PEG station and we're entitled to a second upon notice of the eight hour use of the first. We did that and then when they okayed the station but as you know they indicated they wanted to make it a governmental

station. So there is support in the contract for it. I know that which is recited at the first Whereas."

Supervisor Kozakiewicz: "So- "

Barbara Grattan: "So we're- is somebody going to amend it to put the three towns in- "

Councilman Densieski: "Add Southold and Southampton."

Councilman Cardinale: "That would be at the- "

Councilman Densieski: "The second Resolve?"

Supervisor Kozakiewicz: "The next to the last Resolve. Right?"

Councilman Cardinale: "Yeah."

Supervisor Kozakiewicz: "Actually the third."

Councilman Kent: "It's not all east end towns by the way."

Councilman Cardinale: "Yeah, it's- on the third Resolve clause, fourth line, after the word town, I'd ask that you put in Southold, Southampton and Riverhead."

Supervisor Kozakiewicz: "Or do you want to say shared by the Town of Riverhead, Town of Southold and Town of Southampton and take out- "

Councilman Cardinale: "Okay. Then delete shared by all- delete all three towns and include Southold, Riverhead, Southampton."

Councilman Kent: "How about in the first- "

Councilman Lull: "Yeah, the first Resolve clause it says all east end towns."

Councilman Densieski: "Yeah."

Councilman Kent: "I think East Hampton and Shelter Island have (inaudible)."

Supervisor Kozakiewicz: "Yeah. So it should be the same up there, too. To be shared by Town of Riverhead, Town of Southold and

Southampton. Do you see that, Phil?"

Councilman Cardinale: "Yes, I do."

Supervisor Kozakiewicz: "Okay."

Councilman Cardinale: "I would move the resolution as amended."

Councilman Kent: "Seconded, as amended. Let's vote."

Councilman Lull: "The places where it says all east end towns, let's replace it with the three towns."

Councilman Densieski: "Yes. Every place it says all east end towns."

Supervisor Kozakiewicz: "Okay, good."

Barbara Grattan: "Are you ready to vote? Densieski?"

Councilman Densieski: "Yes."

The Vote (Cont'd.): "Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1085

Councilman Densieski: "Awards bid for the 69KV pole replacement. So moved."

Councilman Kent: "Seconded."

Supervisor Kozakiewicz: "Moved and seconded."

The Vote: "Densieski, abstain; Cardinale."

Councilman Cardinale: "Just a question. Where is this pole?"

Supervisor Kozakiewicz: "This is outside the Sherman property. It's along Connecticut Avenue."

Councilman Cardinale: "Okay."

Supervisor Kozakiewicz: "This was discovered as a result of the report we did and we went out to bid in the summer. We didn't have a

successful bid and then we went back out again and did a second time."

Councilman Cardinale: "And it's outside the property up at Grumman, which we just sold, right?"

Supervisor Kozakiewicz: "Right."

Councilman Cardinale: "Is this an understanding that we were going to do this or can we stick it on him?"

Supervisor Kozakiewicz: "The understanding that this- "

Councilman Cardinale: "That was the deal?"

Supervisor Kozakiewicz: "Yeah, because this was something that was a condition precedent (inaudible) outside and then in return he took over the maintenance and upkeep from here on over."

Councilman Cardinale: "Okay. Well, if this is part of the deal, I'll vote to support it, yes."

The Vote (Cont'd.): "Kent, yes; Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Resolution #1086

Barbara Grattan: "Resolution #1086 to pay bills."

Councilman Kent: "There was a tabled one that was circulated."

Supervisor Kozakiewicz: "Right. Authorization to pay bills?"

Councilman Lull: "So moved."

Councilman Cardinale: "So moved. Seconded."

Supervisor Kozakiewicz: "Moved by Lull; seconded by Councilman Cardinale. Vote?"

The Vote: "Densieski."

Councilman Densieski: "For which one?"

Councilman Kent: "Pay bills."

Supervisor Kozakiewicz: "To pay bills."

Councilman Densieski: "Yes."

The Vote (Cont'd.): "Cardinale- "

Councilman Kent: "Wait, we're not done yet."

Councilman Densieski: "No, there's more coming."

Councilman Kent: "We've still got to do the moratorium vote.  
Hold on."

Councilman Densieski: "I think Bob's got a couple off the floor  
tonight."

Supervisor Kozakiewicz: "Don't make accusations."

Councilman Cardinale: "Yes, to pay bills."

The Vote (Cont'd.): "Kent, yes; Lull, yes; Kozakiewicz, yes.  
Bills are paid."

Supervisor Kozakiewicz: "There was one that had to come off the  
table."

Councilman Cardinale: "1046."

Supervisor Kozakiewicz: "That was for the- "

Councilman Cardinale: "Appoints assistant recreation leader for  
the Go Girls (inaudible) programs."

Barbara Grattan: "Right. I forgot that."

Supervisor Kozakiewicz: "Yes. Do you have a copy of it?"

Councilman Cardinale: "Yes."

Councilman Kent: "We decided to do that now?"

Supervisor Kozakiewicz: "We checked it, it's okay."

Barbara Grattan: "All right, who's taking it off the table?"

Councilman Kent: "I'll take it off the table and I'll move the resolution all in one. And I don't even need a second."

Councilman Cardinale: "Second to take it off the table and move it."

Barbara Grattan: "Oh good. Now we're ready for a vote."

Supervisor Kozakiewicz: "Yes. Moved and seconded."

The Vote: "Densieski, yes; Cardinale, yes; Kent, yes; Lull, yes; Kozakiewicz, yes."

Councilman Densieski: "What time did I say this meeting was going to close?"

Councilman Kent: "Wait a second. I want to vote on the moratorium tonight."

Councilman Densieski: "On the what?"

Councilman Kent: "The moratorium."

Councilman Densieski: "Yeah."

Councilman Cardinale: "Yeah, right."

Supervisor Kozakiewicz: "Is there a motion to adjourn?"

Councilman Cardinale: "Motion to adjourn."

Supervisor Kozakiewicz: "All right. Seconded by (inaudible)."

Meeting adjourned: 12:20 a.m.

*Barbara Grattan*  
Town Clerk