

Minutes of a Public Hearing held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Monday, April 26, 2004, at 4:00 p.m.

**Present:**

Philip Cardinale,	Supervisor
Edward Densieski,	Councilman - (left at 5:45 p.m.)
Barbara Blass,	Councilwoman
Rose Sanders,	Councilwoman
George Bartunek,	Councilman

**Also Present:**

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

Supervisor Cardinale called the meeting to order at 4:00 p.m.

Supervisor Cardinale: "Call this public hearing to order. I'd like to begin- why don't we begin with the Pledge of Allegiance? Barbara, why don't you lead us?"

(At this time, the Pledge of Allegiance was recited, led by Councilwoman Blass)

Supervisor Cardinale: "That's the abbreviated version. Okay. I'd like to state for the record initially that the purpose of today's series of nine public hearings is to review the proposed code provisions of the residential codes associated with the master plan. They are nine sections we are reviewing and looking for public comment on - definitional section at 4:05 is our first section; 4:10 is RB-80; thereafter a TDR section; thereafter RA-80; thereafter RB-40; RA-40; the APZ and Agricultural Protection Zone; Hamlet Residential and finally a map change to the retirement district.

That's the purpose and I'd like to thank those who got us here to this point which is largely this community out here which has been with us in this process for six years, the staff members of Rick Hanley and Eric Roseman and Dawn Thomas, in particularly George Bartunek and Barbara Blass who have worked on the code revision committee which is really a code creation committee. And the implementation committee members which are community members who have done a lot of hours of work as volunteers in regard to this proposed code.

The process began six years ago and it's coming to a conclusion. By May 30<sup>th</sup>, the residential zoning provisions implementing the master plan will be passed and by September 30<sup>th</sup>, the commercial provisions and industrial provisions implementing the code, will be passed.

We on the Board want you to know as you become- come to address us, that our purpose and our objective is simply fairness as set forth in the code. A density of reduction has been made clear to us as demanded by the people of Riverhead and the protection of open space and farmland. Those are the three most clear motivations of- within the master plan that we're trying to implement.

I want to also to remind you all that this code that we're speaking about is intended to be a living document and not a shelf bookend and that we hope to get it right in its initial incarnation. But if we don't, it's a living document and we will return until we get right what we set out to do which was density reduction of this town so that our children will enjoy a town of approximately 40,000 rather than 60,000. The fairness to everyone so that the sacrifice of this rezoning is fairly spread around, and most- and finally, the protection of our open space and our precious farmland.

I should note also that we are accepting comments as of the opening of the TDR section of the code provision but we anticipate that this code will be implemented simultaneously with the commercial districts to assure that we have adequate time to consider all of the comments that we will be receiving and to make certain that the important TDR program starts with all cylinders running, commercial, industrial and residential.

The hearings procedure will be as follows. The first four districts will be opened immediately because they were to be opened by 4:20 at the earliest and then before- sometime before or thereafter, at 4:45 we'll open the final five districts so it will allow the public comment as they please on any one of the nine districts being considered by the time the final hearing is opened.

Anyone who wishes to speak should fill out a speaker card- a request card, include their name, address and subject matter of comment. Please speak directly, clearly and exclusively to the Town Board, not to the audience. Speak only on the issues posed by the proposed code changes and please be respectful of the others who wish to speak.

We have a special guest, I think, here who asked to speak and I'd

like to give him the opportunity to speak first. Is's Dr. Lee Koppelman present yet? Dr. Koppelman is the Director of the Long Island Regional Planning Board and I'd like him to comment. Doctor, did you want this to be on- do you want this to be part of the hearing?

I should note that I am going to open then the hearings to begin at 4:05, 4:10, 4:15, and 4:20 on the definitional section, RB-80, TDR's and RA-80 and I will open the others in the next 15 or 20 minutes.

You had a comment, Doctor?"

Public Hearings opened: 4:25 p.m.

#1. The consideration of a proposed Local Law to Amend Chapter 108 entitled Zoning (Definitions) of the Town Code."

#2. The consideration of a proposed Local Law to Amend Chapter 108 entitled Zoning (B-80) of the Town Code."

#3. The consideration of a proposed Local Law to Amend Chapter 108 entitled Zoning (Transfer of Development Rights) (TDR) of the Town Code."

#4. The consideration of a proposed Local Law to Amend Chapter 108 entitled Zoning (A-80) of the Town Code.

Opened: 4:44 p.m.

#5. The consideration of a proposed Local Law to Amend Chapter 108 entitled Zoning (B-40) of the Town Code.

#6. The consideration of a proposed Local Law to Amend Chapter 108 entitled Zoning (A-40) of the Town Code.

#7. The consideration of a proposed Local Law to Amend Chapter 108 entitled Zoning (Agricultural Protection Zone (APZ) of the Town Code.

#8. The consideration of a proposed Local Law to Amend Chapter 108 entitled Zoning (Hamlet Residential Zone (HR) of the Town Code.

#9. The consideration of a proposed Local Law to Amend Chapter 108 entitled Zoning (Retirement Community District) of the Town Code."

Lee Koppelman: "Honorable Members of the Board. First I want to thank you for the courtesy extended since I have a class I have to teach tonight.

I'm here to speak about agricultural preservation and that covers the two acre recommendations in your comprehensive plan. I first have to applaud and compliment the Town Board for the actions you've taken in undertaking this comprehensive planning effort. I've been waiting somewhere close to four years for this evening.

I think the effort that is underway at the present time is a laudable one. You may have to iron out a few of the kinks or details but I think one of the key elements is the need to preserve agriculture as a way of life, as an economy, and really in terms of Riverhead being the leading town in the county in terms of it being the center for Suffolk County government.

The preservation of agriculture is right at the heart of good planning. At the recent meeting of the Regional Planning Board where we unveiled our comprehensive open space recommendation, agriculture was a key element within that.

At the present time, there are 34,000 acres of viable agriculture that exists throughout Suffolk County. This is less than half of the agricultural lands when I did the first study in terms of the purchase of development rights.

In order for agriculture to remain viable in terms of economy of scale, I believe that we should, hopefully, have a target of 30,000 acres preserved throughout Suffolk County. Of the 30,000 acres about 14,000 acres are now preserved in perpetuity primarily through the purchase of development rights, by several of the east end towns, primarily by the County of Suffolk, as well as agricultural district reserves that Southampton and East Hampton have had underway for a number of years.

In reading the elements in your master plan where you've made provision for mandatory clustering, that is an excellent approach.

The main comment that I'd like to address today is the best mechanism for saving these agricultural lands. I noticed in your comprehensive plan there is a proposal for the transfer of development rights. In one sense this is a viable program in achieving the objective of protecting the viability for the farmers in terms of the development potential, in terms of whatever density will result in

your final deliberation.

However, the maximum program for saving agriculture is the purchase of development rights and within the comprehensive plan for the region, we recommended that the county's funding, and it's quite sizeable, be ear marked specifically for the town of Riverhead and Southold for two main reasons.

One, because this is the center of agriculture for the county beyond any question. Agriculture should be contiguous and continuous and these are the only two towns where that's possible. We've save land in Southampton and East Hampton but to speak about agriculture as an industry really wouldn't be accurate for those towns. The amount of land available is entirely too small.

So in closing, I'd like to again compliment the Board. I think you're taking an action that will (inaudible) for the future of this town. When you consider that agriculture is three centuries old, and continuous three centuries of agricultural production, Riverhead has been at the heart of this for all that time and now you have a mechanism for guaranteeing in the future that agriculture will be preserved as well as the way of life it represents.

So I do thank you for the opportunity and I certainly welcome what you're doing. Thank you."

Supervisor Cardinale: "Thank you. I'm going to go to the cards now. I want to comment on one other thing. This is an important opportunity to listen to the public for this Board and I know that I and I'm sure the other members of the Board are going to do just that and we're not going to comment and that's not because we're not interested nor that we're not smart or that we're not informed.

What it means is that this is your time to speak to us and to tell us what you think. Because we've got a month now after this hearing to get it better, to get it as good as we can get it, to make it fair, to reduce density in this town and to preserve farmland and open space.

So tell us how we can better do that. That's the subject of the hearing. And the first card that I have in my hands is Thad Hill. Would you come up?"

Thad Hill: "Good afternoon. I just wanted to comment on the zoning change. Timothy Hill Children's Ranch was incorporated in 1976

and it was considered by special permit an allowable use on Ag A zoning and that zoning has been changed to RA-40. That causes a couple of concerns for us. One, we only have really about 15 of this 7 acres that we currently hold developed and we don't plan on any short term or long term development.

We continue to farm that property with our hay pasture and our horse pastures for the use of the young people and we would like to maintain that. All around that property, really between Northville Turnpike and Roanoke Avenue, we are the only parcel right off of Middle Road that still continues to do farming and we really feel like the APZ would probably be a more appropriate zoning for our parcel.

It would also allow us down the road to preserve that land long term to allow for some other transfer of development rights. And right now I believe that RA-40 is only a receiving area. So that obviously is the concern for us.

And, lastly, currently with the language of RA-40 or really any of the zoning, it does not allow us to even do any expansion, additional programs on our current property. And only using 15 of the 70 acres, we don't intend to really build that property out. But right now under RA-40 or even under, I believe, APZ, we would not be able to do any expansion at all on that property.

And, so, we definitely would like to have the Board consider at least allowing the original language that would allow by special permit by the Board to consider still doing that. And, obviously, we're okay with continuing to do that and, of course, the Board could deny new companies coming in if they wanted to.

But, obviously, we'd like to think that we've been a good neighbor to the town of Riverhead for the last 30 years and would like the Board to consider it. Thank you."

Supervisor Cardinale: "Thank you. Bob Bennett."

Bob Bennett: "Good afternoon, ladies and gentlemen. My wife, Kathleen and I reside at 84 Henry Lewis Lane in Jamesport. I'm an elected Trustee of the Northville Beach Civic Association which represents approximately 80 parcels and 200 registered voters in this town.

We ask the Town Board at this time in considering the master plan to give serious meaningful support for the Last Chance Coalition's

recommendations on the master plan. Echoing Dr. Koppelman, we strongly recommend that a PDR program be implemented simultaneous with any TDR program.

I and many of my neighbors have real money in that fund from when we closed on our houses. And we would like to see that money used to preserve as much of the development right as is possible.

For the past six years, our President, Joe Hoffman, has been ready, willing and able and directly involved in this process. He and the other members of our Board stand ready to assist you in any possible way in implementing this plan for the future of Riverhead.

Thank you very much."

Supervisor Cardinale: "Thank you, Bob. Ann Miloski."

Ann Miloski: "My name is Ann Miloski and I live in Calverton and I want to speak about the 21 acres of country rural property that we currently have. And before I speak, I wanted to turn these over to you (inaudible).

The reason I'm giving you this is because this happened in 1986."

Supervisor Cardinale: "Okay."

Ann Miloski: "The reason I'm here today is our property when we bought it was zoned Business B. In 1986, they decided that they wanted to change it to country rural because we were near Timber Park and it was a residential development. So at that time, they changed our property and they changed the property on Park Road and Sound Avenue to country rural.

During the process of this zoning that's happening, they changed our frontage to hamlet center and the back half to residential and at that time when I was working with the zoning committees, they said it was going to be RC-40 which we didn't have too much of a complaint about. We thought, well that's okay.

But when the new coalition came in, now they changed it to RA-80 which is two acre zoning which makes the back part of our property- can't even sell it. So I have here a map of the property and it's a five subdivision. This is a five subdivision of our property and right next here is where there's a vacant lot and right here is JR's Steakhouse. And from here to here was all country rural back to here.

These are houses in the back and all along here are houses on acre property and all along here is Timber Park.

All of Timber Park is zoned half acre zoning. They upzoned that to one acre. Then they took the back part of this and zoned it to two acres. And this was not even residential property. It's country rural property.

So by doing that, you're practically telling us we can't do anything with our property. (Inaudible)."

Supervisor Cardinale: "Yes, please. I'd prefer you to be over there."

Ann Miloski: "So, I mean, it just doesn't make sense. And the other thing I'm questioning is how come on Park Road they left it country rural which is the same situation as ours and yet they split our property in half. That was my question."

Supervisor Cardinale: "Okay. I- we will certainly look into this and we want to hear from those who are in split zones and otherwise as you are, so we'll talk to each of you individually as that occurs and we look into each situation if it comes to our attention.

What we're really trying to do today is to try to get a sense of the code provisions themselves and what your comments are on the text and the plan as outlined in the code."

Ann Miloski: "Okay."

Supervisor Cardinale: "But we will take- "

Ann Milowski: "And the second thing that I wanted to say our property is directly across from Grumman which is zoned industrial and 500 feet by a bird from Calverton Industries which is going to be recycling for 500 tons a day, so I don't think that makes a good area for residential. Thank you."

Supervisor Cardinale: "Thank you, Ann. Lyle Wells."

Lyle Wells: "Good afternoon. I'm Lyle Wells. Just a little background so you can understand my involvement in this process and my interest in the Town of Riverhead.

I chair the Farmland and Open Space Select Committee. I also chair the Ag Advisory Committee for the town. I'm a member of the Riverhead Planning Board. I've been involved in the Jamesport Aquebogue hamlet study, a member of the TDR Task Force. And I've been through five administrations and worked desperately to keep them focused on best win-win solutions for preservation and growth.

Outside of Riverhead town, I serve on the Board of Directors for First (inaudible) Farm Credit which is a bank that services and loans money to agricultural enterprises not only here on Long Island, but throughout the northeast. I'm a member and a director of the Long Island Farm Bureau. Also a member of the Stakeholders Advisory Group.

And not least of all, I'm the owner and operator of Wells Homestead Acres, a 100 acre vegetable and cut flower farm that has been in my family since the mid 1600's.

So my involvement and my interest in what happens in the Town of Riverhead is genuine.

I'm angry and disgusted with this as the outcome of so many years of discussions, hearings and finally adoption of a workable master plan. We're back to a place where we were many years ago looking at an upzone, mandatory clustering, and a TDR plan so severely gutted that it will be relatively ineffective.

We hear of pie in the sky promises from others that Suffolk will have up to \$100 million dollars for farmland preservation. We've heard this before. And Riverhead to bond for \$30 million; \$20 million dollars slated for farmland.

I hope this is all true but I doubt it from past experience.

With the adoption of our master plan last year, Riverhead became a leader in planning for preservation, density control, and economic growth. Throughout New York State and the northeast, many communities are focused on Riverhead's land use plan hopeful that the innovative techniques we've adopted especially TDR's can be utilized for their towns and counties. We need to maintain that role of leadership and not become cowards in the face of change and innovation.

With this document today you have turned your back and run from the plan which we had all agreed was a win-win for all of Riverhead. Perhaps things have changed since November of 2003 or perhaps the elected officials have not been listening during the lengthy and

arduous task of completing the master plan. Or perhaps there are personal or political agendas at stake here.

Whatever the case, I implore you to adhere to the master plan which was adopted based on facts, discussion and compromise and reject this material which is based on emotions and misinformation.

There is one thing Riverhead is not short on and that is brain power as was seen throughout this entire process. Why then would you throw out the massive work these Riverhead residents have accomplished based on an individual's view that has never been constructive but rather just the reverse of obstructive and ultimately destructive.

I may be giving more credit than is due but I'm tired of Mr. Amper's rhetoric and misinformation which serves no purpose but to drive a wedge between communities, citizens and their government.

Enough is enough. Stick to the plan and implement a strategy which is fair for all of Riverhead. Together we can make it work; divided we fail.

As a first sign of spring, I brought a produce of Wells Homestead Acres 25 year plan for all of you to enjoy. The taste of Riverhead grown should be enough to convince you that we all win if we are leaders in farmland preservation.

Thank you."

Supervisor Cardinale: "Thank you, Lyle. I'd like to open the remaining hearings, it now being 4:44. The first four were opened at 4:25 and now I'm opening the next five which is RB-40, RA-40; Agricultural Protection Zone, Hamlet Residential, and the Retirement District for which a map change has been proposed.

I'd also like to call the next speaker which is Charles Scheer."

Charles Scheer: "Good afternoon, ladies and gentlemen. I'm Charlie Scheer, I'm president of the Long Island Farm Bureau, a 7,000 membership organization of farmers, fishermen, landscape gardeners, agricultural businessmen and people interested in rural quality of life.

I'm also a 40 year resident of the Town of Riverhead and a nurseryman in Laurel. I also served on the Select Farmland Committee for Suffolk County and Riverhead town. I have a deep interest in

seeing the farmland preserved.

Before I make any specific remarks regarding the proposed zoning change amendments, I would like the people of Riverhead to know that agriculture is alive and well in the Town of Riverhead. There are over 15,000 acres of prime farmland throughout the town. The agriculture industry produces products valued at over \$50 million dollars grown right here in Riverhead, one of the best productive areas in New York State.

Agriculture- the agriculture industry employs thousands of men and women and provided wildlife habitat, background for tourism, Long Island's largest industry, and provides open space and aesthetic beauty as a buffer to urban sprawl.

Our farmers who have survived, some for 12 generations like Lyle's family, have stayed in business in farming while rejecting the temptation to develop. Long Island Farm Bureau believes that the best farmland preservation program is one that allow farming to be profitable. When a business can hold its own, liquidation of assets are not necessary.

New agricultural businesses such as vineyards, nurseries, horticulture and aquaculture are seeking entry into our market, provided the incentives are available for them to start such businesses.

The incentive to continue farming is farmers knowing that their equity and their private property rights will be intact now and in the future.

At the recent lottery which occurred at the Key Span property, 23 people competed for eight parcels of prime farmland. This shows that farming is still viable and people are still interested.

With that said, Long Island Farm Bureau and the Riverhead agricultural community is very disappointed with what the new administration is proposing to change the zoning code amendments which were proposed in the Riverhead- and adopted in the Riverhead master plan.

Long Island Farm Bureau, civic groups and other organizations and private citizens spent years developing the master plan as was pointed out. That for the most part brought the whole entire community together in a spirit of compromise for the greater good. What is

currently proposed flies in the face of this agreement and the process which has occurred.

Long Island Farm Bureau is also concerned that the town's actions could further divide the community as it pits newer town residents against life long residents and people who have maintained the open space for the public at no cost. We are all residents who love this town and its natural resources and its beauty. And most of all, the quality of life for all of us.

Let's agree today to work together to preserve it as a reality.

Long Island Farm Bureau works through policy which is developed through a consensus of our members. We do not support upzoning as a preservation tool but as was pointed out we did compromise because we felt that the TDR program would help preserve farmland even though it did result in an eventual upzoning but the transfer at one to one was going to offset that effect.

Zoning is a land use tool and may reduce density but does not preserve the land left to its own devices. Land is the ingredient that enables farmers to remain in agricultural production. It is their sole collateral to finance their operations. The equity value is wholly determined by the fair market value for the highest and best residential use. Therefore, it is directly related to the zoning which will occur.

Reduction of density or yield would not have compensated- the compensating or devastating reduction in the farmland value as collateral for borrowing.

Today we are here to provide comments as it relates to the proposed zoning code amendments that would implement the Town of Riverhead's master plan. The master plan was adopted- as adopted, is not a perfect document. There are things in it that are universally agreed upon and some that are not. But at the end of the day, it's a guidance document for our future.

Contained within this document is a sense of moral fairness to all stakeholders, that is all the citizens of Riverhead. Today we are facing a situation where the proposed zoning code is in direct contradiction with the master plan.

The transfer of development rights program as envisioned by the master plan, is based on the premise that one acre equals one TDR

credit. By stripping away this premise of fairness, the town will have a program that does not work. What you are proposing reduces landowners' equity and diminishes the opportunity to preserve an additional 5,000 acres of farmland while ensuring the development-ensuring development by gutting the TDR program.

As it relates to the proposed upzoning, it is unacceptable to pass an upzoning without a fair and equity TDR program which provides incentive, and I want to emphasize that word incentive for the landowner to preserve rather than to develop. Long Island Farm Bureau's position has to- I'm sorry, Long Island Farm Bureau's position as another way to- sorry, Long Island Farm Bureau's position was to look the other way on an upzoning and in addition to get a TDR compromise that allowed us to have a method by which we could preserve farmland, with the incentive.

The beauty of a TDR is that it can provide population density reduction, preserve farmland and open space, and provide sensible development while avoiding taxpayer funding to achieve its goals.

In addition to the obvious, there are other flaws in the reduction of the potential use of TDR's from our perspective, such as reducing the size and area of an APZ zone, allowing work force housing incentives, one-half acre zoning while not requiring the use of TDR's for higher densities, and limiting the potential height of buildings where TDR's could be used as a height variance.

In addition Long Island Farm Bureau believes that north of Sound Avenue should be a sending area for landowners who want to preserve as well as receive TDR's. This particular recommendation has been questioned on its legality, having the areas both be a sending and receiving area. The town had said it was not legal while Long Island Farm Bureau's counsel, Twomey, Latham, Shea & Kelley, say it is possible and legal. Perhaps Riverhead town should request an opinion of counsel from the New York State Department- Attorney General's Office regarding this matter.

Long Island Farm Bureau advocated that the APZ zone should be both sending and receiving to ensure enough receiving areas are available throughout the town.

Long Island Farm Bureau as an organization believes strongly in the traditional PDR, purchase of development rights program, and created by Suffolk County in the 1970's. As of today, over 13,000 acres have been preserved through PDR's.

However, no one program will preserve all 12,000 acres of unprotected land in the town. It would cost \$500 million dollars to preserve it all by using publicly funded programs such as PDR's. Even with Suffolk County's continued commitment to Riverhead the 2% real estate transfer tax, we cannot preserve several thousand acres of farmland. But it will be- but it will not be enough to get the job done alone. We need TDR's.

Riverhead must use all the tools in its arsenal, the PDR's, TDR's, clustering, private preservation tools fostered by the Peconic Land Trust and Nature Conservancy if we are to reach the desired development growth and density.

We urge the town not to deviate from the master plan as adopted. Let's give TDR's a chance to work. It is critical to stick with the compromises already worked out. This may be our last chance to reduce the potential development by one-half and to preserve the majority of our unprotected open spaces.

In closing, please support the master plan as adopted and implement the TDR program accordingly.

Thank you very much. Appreciate your time."

Supervisor Cardinale: "Thank you. Next speaker is Richard Amper."

Richard Amper: "Mr. Supervisor, Members of the Town Board. The stakes are high but the choice is clear. Every project, every program, every worthwhile human endeavor starts with a plan and tonight you are about to implement that plan for Riverhead.

It's a plan born of necessity, it's inspired by vision, and it's developed by the people. It's a plan for our economy, a plan for our environment, it's a plan for our future.

The Town Board members have a lot in common with the Last Chance Riverhead Coalition for whom I'm speaking. Like you, they are not advancing their selfish interest but rather the public interest. Like they, you are not striving to advance your own interest but rather the interests of the people of Riverhead.

Like you, this Coalition has been toiling for more than three years to envision and then secure Riverhead's future. You've worked together, you've strived together, you've planned together. You've

established an unprecedented partnership, one that must not be compromised, one that must not be undermined, one that must be maintained.

This Coalition is committed to establishing a maximum population of less than 40,000 people, the protection of 8,000 acres of farmland, and 4,000 acres of open space, and of a properly sequenced and incentivized transfer of development rights program. This will help to prevent over-development from overwhelming Riverhead as it has other towns to the west.

I believe that the people that live, work or raise families in Riverhead are entitled to fairness. In our effort to stop suburban sprawl and the high taxes and the intolerable traffic that go with it, it wouldn't be fair to place the burden on some people and not on others. If we're to bite the bullet of upzoning, then that burden must fall equally on everyone. The master plan must serve the public and not the special interests, the many and not the few.

We did not all agree a year ago as to how all of these pieces would ultimately be implemented. We did not. This Board never agreed that there was only one way to solve a problem, PDR's versus TDR's. We need both. We agree that if the preservation objectives are to be met, we need both to purchase development rights and transfer them.

But you understand that the sequence in which we do it and the incentives that we provide will determine how to maximize both. If we do PDR's first and do not over-incentivize the PDR program, we will maximize purchase of development rights program.

Both the executive and legislative branches of Suffolk County are changing directions. I have been critical of the slow pace of preservation by Suffolk County but we're seeing change and we want to take advantage of that change. You heard Dr. Koppelman and he said very clearly that we need the resources of all of the people of Long Island to protect the farmland and open space that is so important to the people of Riverhead. Riverhead can't do it alone. And indeed we need to transfer development rights to do a portion of that job and we need to know when to do it and the mechanisms of your regularized evaluation of how we're doing will help define that.

But make no mistake about it. The developers parked outside disguised to look like farmers are self-serving special interest whose cash crop is not corn but condos. It's important for us to understand that they're looking for a special favor from you at the expense of

their neighbors. They've admitted that they're prepared to support an upzoning program but only if it doesn't apply to them.

It needs to apply to all of us. We want to provide an incentive for TDR's to work or we're not going to get the preservation job done. So we support TDR's. But doing PDR's first in a controlled way will not undermine TDR's. It will make the TDR program work better, make the TDR's more valuable. We don't want PDR's to undermine TDR's but we don't want TDR's to undermine PDR's. We need them both.

Tonight's debate is about how many houses are going to be built in Riverhead. The rest of the job you got done. Most of us want fewer houses to be built in Riverhead. The Long Island Builder's Institute and the Long Island Farm Bureau want more. Those real farmers who are committed to farming don't care how many houses can be built on a piece of land.

When a landowner starts worrying about how many houses can be built on the land, he becomes a developer. We owe our real farmers a fair deal but we owe the closet developers nothing. We cannot distinguish between the positions being taken in front of this Board by the Long Island Builder's Institute and those being taken by the Long Island Farm Bureau.

Purchasing development rights is fair to the farmer and fair to the people of Riverhead and PDR's are about to work as never before preserving farmland and controlling over-development. This Board is trying to do both and I think you are genuinely and meaningfully doing that. PDR's must not be undermined by the premature or excessive use of TDR's. This plan must be fair but, equally important, it must be made to work.

As I drive to my office in Riverhead, I have the luxury of driving through the Pine Barrens that I was fortunate enough to have had a hand in saving. Every day of my life, it's truly rewarding to know that I help make a difference for the place that I care about. Now you have the same opportunity. You can take action and make public policy that will preserve the place that you care about, the place you all call home. Don't miss this opportunity. Don't compromise this opportunity. Seize this opportunity. You'll never have another chance.

That's why we call ourselves the Last Chance Riverhead Coalition because this is the last chance to do something no other Long Island town has done, to change direction and end the juggernaut of over-

development, to say Riverhead means too much to us to accede to conventional wisdom and allow more of the same. To make the hard decisions and let the chips fall where they may, to truly put Riverhead first.

For Sid Bail and Ray Saltini and Rex Farr and Gene Greaves; for Helga Guthie, Louise Stalzer, Joe Hoffman; for Barbara Blass and Jill Lewis. The stakes are high, but the choice is clear. From the deep recesses of my mind or the bottom of my heard, I ask you to put all considerations out of your mind, accepting fairness and effectiveness. Then take your place in history.

Implement this plan with the certainty that the vast majority of your constituents will thank you for putting it into place, a program for preservation that we all worked on together. Do it for yourselves and the people of Riverhead.

Thank you and God speed."

Supervisor Cardinale: "Phil Barbato."

Phil Barbato: "Thank you, Mr. Supervisor, Town Board, for the opportunity to speak today. My wife and child and I have lived in Riverhead for four and a half years but I'm a life long resident of Long Island. I grew up on a farm in Smithtown and I have a small farming operation on Manor Lane in Jamesport when I'm not working my first job.

I'd like to encourage you to think about the bottom line here which is the population and the number of homes that we want to have in Riverhead. It's well known that the cost to the taxpayers of a residential home is higher than what you receive in taxes. The farmland- the American Farmland Trust has documented in county after county that it costs more for a residential house than it does- than what you receive in taxes, somewhere between \$1.25 on up to \$1.75, given out in public services compared to every dollar taken in in taxes.

A farm, on the other hand, puts in a dollar and gets back about thirty-five cents in services.

From what I know from my own experience living on Long Island, working for various employers, the fastest way to do away with farming is to allow the population to increase too high. I understand, my family relied on their land for their 401K if you will. That's their

retirement. I fully understand that. But if you want to maintain farming in this town, you've got to control the population and you've got to keep the taxes down. It's as simple as that.

I think the plan is well thought out as everybody has said and we've worked so hard on that. Let's finish it and let's do it fairly. And I urge you to think about that point, that it costs- houses cost more than farms and houses will put farmers out of business.

We're in a historic point here and I encourage as I have- any chance I've had to keep the faith and employ your wisdom and put it to use on this and let's finish this chapter and get on with life in Riverhead. Thank you."

Supervisor Cardinale: "Debbie Schmitt."

Debbie Schmitt: "Good evening. My family farm- we are bona fide farmers and I would like to speak about fairness. Recently I was speaking with a farmer who told me this morning, he is a flower grower and was talking with one of his customers one day. The customer proceeded to tell him how beautiful his farm and operation was. Then the customer asked the farmer if he would ever sell his land. The farmer said no, I am not ready to sell now but someday if someone gives me the right price I might.

Well, the customer became adamant and said how can you do such a thing? I moved out here to be surrounded by farms and open space. Well, it seems that some people in this town are believing that open space belongs to everyone. It doesn't. It belongs to the landowner, the farmers. We bought the land per acre. We paid mortgages, we pay our taxes, we put thousands and thousands of dollars into our farm every year for our businesses. It is the farmer who has the right to choose to sell his development rights- I'm shaking, I'm sorry, or not.

The town says we must compromise to preserve land. We have. We have when we established the original master plan which has been a work in progress for a year. Now the new legislature wants to change that plan from a one to one ratio for our development rights to a .65 ratio for our development rights.

What happened? Did a whole year of work go down the drain? Let me give you an example because many people I speak with are so confused what this TDR plan is about and maybe I can make it somewhat simple.

We hear in the news that our young people are leaving Long Island because it is too expensive to live. How would you feel if the Town of Riverhead proposed a plan called the affordable housing plan and said that your \$300,000 house could only be sold for \$150,000 so that we could keep young people here on Long Island. Say it would never happen? It's going to happen to us if we don't stand up here and fight for our rights.

The farm community has come together today to make people of the Town of Riverhead aware that our farms are our blood, sweat, our tears, and our most precious commodity. Please do not take away our rights, our equity, and our pride and respect for this town. We are good people with families to support and just trying to run a profitable business in this town so we can pay our bills.

Please decide to stay with the original adopted master plan. I have heard comments that the farmer is being greedy and I have to take this personally that somebody had the audacity to put a sign in front of our tractors saying that we are builders in disguise. I would like anyone- I would like anyone who would like to see this .65 plan put in whatever- I would like you to come and work on our farm for a whole season from 5 to 9- 9:30 at night in the rain, in the sun, in the heat, in the mud, and everything. We love it. We're crazy, but we love it. But I want you to understand and sometimes at the end of the year, we barely make it. So I want everybody here to think about this.

I think I have some more to say, just a little bit. Yes. About the farmers being greedy. Well, if we are being greedy, the people who are proposing this new plan are criminals for robbing the rights from the farmers and their family.

So, please, don't do this to the farmer. Perhaps the farmers should call ourselves the Last Chance Farmers. Do unto others as you would have done unto yourself. Thank you."

Supervisor Cardinale: "The next speaker is Rex Farr."

Rex Farr: "Wow, thank you, Debbie, that was incredible. Rex Farr, Calverton. You know, I've been working with you guys for the last four years in the Civic Association, on the Last Chance Coalition, on the Implementation Committee, all with the desire to see the best for Riverhead.

And it really boils down in my mind and believe me there are a

lot- there are bright minds that have been working on numbers trying to be equitable to everybody, far brighter than I am, and it seems to me that we're talking basically about two issues and the one issue I'd like to address this evening is the density issue.

If we can solve the density issue then the preservation issue will basically follow. If on a scale of one to 10 density is a 10, preservation is a 9.99. Now, I don't know the numbers but I have a feeling if we can come up with, you know, a number for the number of people in Riverhead, take a 40,000 figure which I think the Stakeholders' plan envisions, okay.

Let me just add one thing. Somehow I feel like I'm standing here in the middle. I'm a citizen here in Riverhead and I'm confused. As I just said, I've lived with this TDR program for four years and I'm not completely, you know, I don't completely understand it. But I do understand the central issues of density and preservation and I would hope that, you know, the town- the master plan was adopted in November, again, I don't know whether the one to one ratio is the proper ratio.

But I'm kind of tired of being stuck here in the middle, you know. In one sense the county is going to say well, if you have too aggressive a TDR program, we're going to withhold money. On the other hand, if we don't implement both a PDR and the TDR program, I think at the same time, we need both these tools to preserve not just the 10,000 acres but we probably could preserve with that- with a good TDR program, okay, all of our land out here.

So, I just- you guys have some tough decisions to make. You've heard from the community. I'd like to thank this particular Board for bringing the community together, I mean to the table so that we can express our opinion. I want- I would like to see every last acre preserved, I want equity in that farmland for the farmers, and for myself as a landowner.

You're not going to see any houses on my property and I don't want to be blackmailed by the builders either saying to the Farm Bureau or to the community, well, gee, I'm going to sue you if you don't remove the moratorium because you're prohibiting me from making a living. Well, the true stakeholders in this town are the people who live here and not the builders.

So, please take that into consideration."

Supervisor Cardinale: "Michelle Mahoney. Michelle Mahoney. There you go."

Michelle Mahoney: "Hi. My name is Michelle Mahoney and I'm a member of ACORN (phonetic) and this is just a general comment. Any discussion of the Riverhead master plan must include a discussion for affordable housing. I've been living in Riverhead for six years now and I pay \$1,500 a month for my house. I have an apartment. I have a leaky roof, I have four children living in two- we're a hard working family. We just can't afford anything more. To get another apartment for maybe \$5,000 just to move in. And we don't have that."

In fairness the implementation must include plans for affordable housing. I don't think we should take the money away from farms or- everybody's arguing about that. I just- I'm nervous. I just think that it- you should help out people that are really working hard and not getting any help when they really need it. That's all I have to say."

Supervisor Cardinale: "Thank you. William Bechtold."

William Bechtold: "Yes, good afternoon. Thank the Board for hearing my comments. My name is William Bechtold. I'm a member of the North Fork Preserve Incorporated. We're located on the north side of Sound Avenue, just east of Palmer Vineyard."

By virtue of membership, we're also part owners of the property, the North Fork Preserve Incorporated which consists of 262 acres, part farmland, part open space. We may not be farmers in the same sense of some of the folks here today but we do raise and sell Christmas trees, nursery stock. We grow corn for our own use and we do raise mallard ducks.

At the present time of the 262 acres, about 35%, 86 acres, already has had development rights sold, east and west boundaries. The north side of our property is zoned APZ. It seems inconsistent to have the remaining 175 acres zoned RA-80 and we're surrounded by either property with rights that have been sold or APZ zoning.

My opinion is my own and also that of many of the members or part owners of the property. We did not join to see our property developed. We joined to see it just open. It's a beautiful piece of land. We'd like to keep it so and by having it zoned as RA-80 we only are in a sending area and we'd like to have the option and it seems unfair to deprive the members of the right, if they so chose, to

transfer development rights.

We feel it should be designated as a sending- as a sending and receiving area, not just a sending area. Thank you for hearing me."

Supervisor Cardinale: "Terri Fenton."

Terri Fenton: "Good evening. I appreciate all the hard work that's been done on this. It has been a long time and the Town of Riverhead takes the next step in achieving a responsible and reasonable development and economic growth for the next generation and the many that will follow.

We look to these hearings as an opportunity for open and frank dialogue about the property resolutions. It is understood there will be- there won't be- we will have agreement and disagreement but we hope that in the end of the day, consensus will be achieved that what we have before us represents the best for all in the Town of Riverhead.

We may have questions on each individual part of this and we've been asked to review it, the series of these nine resolutions, zoning resolutions and the districts adopted November of 2003.

More important, however, we have before us a plan to rely on a transfer of development rights program, the primary method for preserving agricultural lands and open space for supporting our significant agricultural industry and for promoting appropriate economic development for our community.

This reliance on TDR's for small growth and development is a big mistake as far as we are concerned. Careful examination of the basis of any TDR program shows us nothing but a movement of development rights from one area of town to another. It is- really you're allowing on growth where a lot of times it shouldn't be seen, such as in the RA-40. We strongly believe we should work with the TDR's and the PDR's being more important actually, but both working together at the same time.

To begin, how did South Jamesport and Aquebogue south of Peconic Bay Blvd. go from a non-receiving area to a receiving area? Given the proposed PCC program we will continue to realize development that exceeds even moderate density expectations?

Given the fact that much of the land included in this resolution

is either on or very close to one of our nation's 18 protected estuaries it would seem prudent if not wise to do our utmost to limit development in this area. This area started out in November, 2003, as an RB-80 and now has been sacrificed as RA-40. Some rezoning change needs to be done immediately to ensure preservation of the Peconic shore line and this proposal does not do that. It is not really acceptable.

There is some problems with the logic of this. Just how the recreation of a work force housing. Smaller lots and subsequently increased density equate with lot improvement and also in that area, it's so dense now, you have two main roads that go north, south. The traffic is horrendous. The traffic on Main Road is horrendous. We do not need high density housing south of the Boulevard. And I thank you very much. Thank you."

Supervisor Cardinale: "Thank you. The- Terri- "

Terri Fenton: "Yes?"

Supervisor Cardinale: "I should- you may not have seen the note on the map. That RB- that RA-40 was a misstatement. It should have- it's not a receiving area. It is RB-40, non-receiving area south- in that area that's designated RA. So I want to put that- make that note because we noted it when we published that. It was published as RA, but the sense of the Board is RB, I think."

Terri Fenton: "Thank you very much."

Supervisor Cardinale: "The next- the next is George Penny."

George Penny: "Good afternoon. My name is George Penny. I reside in the Town of Southold. I'm a taxpayer in Riverhead town by virtue of my ownership of a share of the North Fork Preserve.

I'd like to address the concerns of the club or actually I should say more my concerns because I was selected to be on a committee to research the sale of development rights at a meeting that we had last January, at which time I contacted the town and I was told that we were in a sending or a receiving zone. I believe it was some kind of an AB zone.

I was very surprised to find out just last week that zone is now gone. That's kind of self-defeating to our goal of preserving the property in its natural state. At one time early on before the

programs came up, the preserve was forced to- in any growth or in any progress forward to sell off small parcels of property around our perimeter which have turned into housing.

We don't want that to go any further. It's self-defeating to our purpose and it's- we wish at this time we had the property that we could have sold development rights in those days.

Since those days we have and since Riverhead took on the ag program, we've sold 133 acres to the Town of Riverhead, 50 acres to our east and 83 acres to our west. So we are- we're kind of- you can see our intent right there. We have applied to the town, the county for other programs to try to sell more rights and we've just been waiting. I understand there's a major source of funding.

We have been advised by the town that we are on a priority list of interested properties for preservation yet on this new map we remain a receiving zone. We don't want to be in a receiving zone. We want to be a sending zone."

Supervisor Cardinale: "George, a portion of that property is receiving, not all of it, correct?"

George Penny: "The whole property to my knowledge. The North Fork Preserve Club that I belong to owns the 400 acres in the front. We lease property in the back."

Supervisor Cardinale: "I'll take a look at the map."

George Penny: "So the property that the Club owns is listed as a receiving zone at this time."

Supervisor Cardinale: "Okay, yeah. We're going to look at the map to make sure it reflects what was intended."

George Penny: "Well, that would be great because then we can proceed. I mean if we have funding available to us and another piece of property comes up contiguous to us, we can then have the avenue to buy it and then even more will be preserved. And we are probably the largest block of property between Penny's Road and Reeve- Pier Road and quite honestly that's the greenbelt. But that's a political issue that you guys have to deal with and I'm in the other town so I'm not even going to get into that.

But we'd like to stay the way that we were and actually we don't-

we're not interested in being a dual zone. Just make us a sending zone and we'll be happy. Thank you."

Supervisor Cardinale: "Thank you. Faye Anderson."

Faye Anderson: "I'm Faye Anderson. I live on Middle Road in Riverhead and I'm a farm wife. We have a farmstand on Route 58 and we farm approximately 200 acres of land.

I walked into the kitchen, I guess it was Friday, maybe, whatever, and the radio was on and there was a voice on there that asked what happened to constitutional rights. And that's my question. Where are the farmers or the landowner's rights? We purchased the land. We paid the principal, the mortgage, up to 10% interest on some of the land. The principal is not tax deductible. The farmer pays his income taxes and pays for the land with what's left. He does whatever he has to to keep his business alive. Long hours, hard work and personal sacrifice.

When you stand on his farmland, you stand on his pension plan, his insurance policies and his investments. He has to make agricultural economically viable in itself or he will lose his farm or be forced to sell.

Attribute that agricultural protection zone to the farmer. The farmer preserves the farmland. That zone would not be there without all of those farmers out there on that land. If you want the visual aspect of open space go to EPCAL. The different between the APZ and the EPCAL is there are no farmers at EPCAL and that at one time was all farmland.

Panic over the two acre zoning and the two acre zoning change and the moratorium has put a house on every nook, crook and cranny in this town. There is new for sales signs up everywhere and the moratorium and the two acre zoning proposals have shortened the available supply of land and has increased prices, the same as the fuel shortage.

The farmer cannot afford to purchase land for farming today. Prices are so high and he doesn't know the outcome of zoning changes. And it only takes a three member vote to change the zoning laws now or in the future. A two acre zoning is no guarantee of open space, farming or reduction density in the future. It's subject to change by the future Town Board.

Southold is now looking for work force housing ideas. Young

people cannot afford to buy or rent a home here. In fact, I had my own son and his wife living in my cellar for a while so that they could save enough money to make a down payment on a home.

And where are the young farmers to take over the operation? There aren't many farm families left in this town. There are no farm families and there aren't going to be young farmers who are going to come in here and try to buy tractors and land and everything else to start an operation. It's not going to work.

And why should they after some- I have to say body because it's a government body one way or the other, took away part of their property rights.

In reference to the 37 clustering, Mr. Densieski- I don't know, a year and a half ago maybe, whatever, he said he took a ride around town and he looked at the housing developments and his comment was, I don't like any of this. You remember that? And Mrs. Blass sat there and rolled her eyes and shook her head and I just want you to fight- I just want you to have my opinion. If you don't like the development on one acre, you now have a 70/30. You're going to have those houses on two-thirds of an acre. They're not even going to be sitting on one acre.

What if someone wants two acres for a home with a small barn and animals or a pony? I don't know if there's- the way I'm reading this, there isn't even any way that somebody could do that. Somebody couldn't even go out and buy two acres and say, well, I'm going to put up a small barn, I want some animals and whatever.

And I tried to tell you people a year, well, years ago, not lately, but to stick to one acre across the town. Don't down zone. One acre allows for a pool, a garage, a deck, a dog and trees which are environmentally friendly. They promote air quality and it cuts noise pollution. Below one acre zoning promotes nuisance calls from neighbors. And years ago I tired to tell everybody this and they were down zoning everything, putting more than one house per acre, etc. and this is the situation you're in. Now you want to take our land.

I encourage the town to pass the bond for the PDR's. It's the number one way to go. There's no question about it. Buying the development rights ends the story. And it's fair to everybody. However, we all know the money is gone. And while the county always makes promises as does the state and the federal government, how much have we seen? Thus TDR's are essential, not two years from now but

now before some farmer is forced for health reasons or a crop of houses appears in some crucial area.

I thought the ratio was one to one. Now I hear .65. This just proves how three votes can change the economic viability of the farmer. Encourage a one to one ratio of Riverhead and farming and scenic vistas. No, wait a minute. Encourage a one to one ratio. If Riverhead and farming and scenic vistas are really first, this will still provide for some affordable housing instead of putting ourselves in a situation of Southold, changing zoning for work force housing. And that's what they're attempting to do right now. Already they're trying to change the zoning laws.

True farmers don't want to sell for development unless they are forced to as we were on Route 58. And I kind of resent the comments that the farmers have selfish interests and they are greedy, etc. because I can tell you right now. Through the years I get at least one call a week, somebody who wants to buy a piece of property somewhere and the numbers are not cheap. And a true farmer is not going to sell.

And I thought Dr. Koppelman's comments about Riverhead farmland- it's funny, Riverhead is the only town that had one acre zoning and didn't have two acre or five acre zoning and yet they have the most amount of farmland available.

As to accessory uses. I don't remember with what had to do with the zoning and the sale at retail and which there's- was number two I think in the- maybe 880 or something, whatever. About if someone sets up a farmstand, they have to go with retail but the sale of vegetables only grown within the Town of Riverhead.

Now, I'm going to tell you right now, no farm stand of any kind is going to make it. I don't care how you look at it. I know. We have vegetables. You can't go and stop to buy a head of lettuce and not have a tomato or an onion or a cucumber or something to go with it. There's no way anybody can afford to put up the money to do everything they need for all of these things and be limited with our short season on some of these vegetables.

My son has a couple greenhouses in Manorville and I read that sentence to him and he says they're going to put every farmer out of business. He says they'll put me out of business, too. Because he has greenhouses, he sells wholesale. He doesn't sell retail. Strictly wholesale. The south side comes in a week to two weeks

later than we do. We have a lot of customers who buy corn from us. They have no corn the first couple weeks and then they go into their own. But the point is if Riverhead passes this law and Southold passes the law and Southampton passes the law, I'll tell you right now, we are done. There's no question about that.

I have a suggestion. Go 60% like you did with the outlet center and enforce it the same you enforce the outlet center."

Councilwoman Blass: "Mrs. Anderson, that is- Mrs. Anderson, that is being addressed in the farmstand legislation which we are working on and we recognize that we have to correct this because it was not intended for it to say or to remain as being required that those goods must be produced within the Town of Riverhead. So our farmland legislation- farmstand legislation will take care of that and these will be adjusted accordingly."

Faye Anderson: "Yes. There's no- it would put us out of business."

Councilwoman Blass: "Right."

Faye Anderson: "There are a lot of farmers here who raise vegetables strictly for sale to other farmstands in other areas.

Okay. One more thing I would like to note, too. My husband likes to work every day and he looks across the land and guess what? He owns the land, he paid for the land, he enjoys the land. He can go slop around in the mud. He didn't buy the land on somebody else's money. He did it on his own. He- his family behind him and whatever.

Yeah, I just- because you had the bit in there about the farmstands. I just had a comment that there was no sense in trying to put one or another farmstand out of business or whatever because there's room for all of us to survive. We just have to do it and do it right. Thank you."

Supervisor Cardinale: "Thank you. John Verderber. Okay, Maria."

Maria Verderber: "My husband conveniently stepped out. So I'd just like to say a few words. Maria Verderber from Verderber Nursery and I was born in Riverhead. I've lived out here all my life. I haven't been on any of the committees or councils or anything and I'm not a lawyer but I do know right and wrong and so I'd just like to say

a few things.

First I'd like to say that I think PDR is great, it's a really good program. It certainly has helped me and my family, you know, to acquire land but, you know, I truly believe that with the price of land what it is now and that even with PDR it's just untouchable because they just can't offer enough for the land and quite frankly, I mean I was looking at lots and there's nobody who's going to pay a million dollars for 10 acres with no rights, I don't care if it's on the water, you can't build there. You can grow tomatoes but any farmer can tell you of nursery stock that being on the water is not wonderful for that, you know.

And I just don't think that the town can come up with that kind of money, you know. I know that everybody was fighting over those properties that Key Span or LIPA had and we were in that lottery because people, you know, farmers are desperate. They would love to expand the greenbelt on Long Island. We would love to hold onto the land forever, you know. We really would. But, it's just so hard with the taxes and all the pressures that are on us to do that.

And it seems to me that once the Town of Riverhead, I mean everybody was in on the planning, everybody was in on the deal, everybody was compromising. Nobody got exactly what they wanted but they made a deal and when you make a deal, you make a deal. You know. You don't like pass the deal and then say well now go make a new deal because we've got that deal. You know.

That's not really fair to the constituents of the people who bargained in good faith and gave up and compromises to then have- come back and say, well, now we want more. We don't want to give you one for one. Now we're only going to give you .65 for one. And you know, nothing for nothing; .54 ain't one. So that's wanting something for nothing. That's as clear as I could say it. You know.

And I think it just follows commonsense. And, you know, as far as this sending and receiving thing goes, do you want to preserve farming or not? You know. You really want to preserve the land, well, why don't we make it as easy as possible for people if they want to send and receive. Why can't they send and receive in the same area? Then at least you're saving something.

Everybody is worried that we ain't going to be able to save enough. Well, let's save what we can. Let's make it user friendly, you know, to use the jargon of the day. I don't see any reason why we

can't do that. I mean that just seems to be commonsense.

If you truly want to preserve land, these poor guys that want to preserve land and they're in the receiving zone. They can only receive land. You know what I'm saying? And they want to preserve. You're like- that doesn't make any sense, you know.

And I just would also like to say that upzoning certainly doesn't help the poor people who would like some affordable houses, you know. And that's not helping them either and the other thing is we are under a lot of pressures and when you go back on a deal, you make a deal, you say we're going to do this one for one thing and then you change the deal, well, then all the farmers start to wonder well, you know what, maybe I better act now before they change the deal again, you know.

So you're actually kind of pushing for what you are trying to stop, which is the development, because then people wonder, you know, we were half acre, now we're at an acre and tomorrow we'll be two acres, eight acres, four acres, you know, and the thing to remember, you know, is we did work really hard for this land and we have paid our taxes. And our tax bills are big.

And I don't think that we're being greedy or selfish and I think that, you know, some of the comments that have been made on the other side are divisive, you know. They, you know, they serve to divide people by calling names like that, you know. I mean, like they said. We're trying to preserve Long Island for everyone but we have families, too. We'd like to preserve it for our kids. You know, we have this land for our kids, our family.

I would like to make a place for my kids, my family. I've been working really hard, we all have. I mean, everybody's working really hard. And I just think it's good if everybody can try and work together and so, you know, I would just like to say that everybody bargain in good faith and let's go with what we bargained for. And I guess that's all I have to say.

Oh, one other thing. About the rural corridor- about the changing of the business zones. I think it's very not a good idea, you know. I mean, well, it was done in the past but I mean they clustered all of the business down there on Route 58 but on the one hand it seems like Riverhead is kind of schizophrenic because they want to be like the country but they also want to have these big box stores and all the conveniences that the world can offer, and so

they're changing zoning in one area and changing the zoning in the other area without giving thought to the people who are in those areas and what they might want.

Maybe somebody in like Southold or Mattituck don't want to drive all the way to Riverhead to have to hit a big box store and not that I'm saying that I want big box stores, I don't want big box stores. But I'm saying by squashing the rural corridor in making it just a bunch of farmstands and nurseries and making it very cute and quaint, I'm all for that. I mean, I love the land.

But I also think there is a space for some retail, you know, where some people- and I think to say that there is no room for retail expansion and I'm totally 100% with Mrs. Anderson on her position that we need to be able to sell other things, is really to just kind of pit everybody, you know, against one another down there and say well, you guys fight it out down there over what's left and then you want to take every more rights and it just seems to go that way.

And now I've probably said too much so that's it for me."

Supervisor Cardinale: "Thank you very much, Maria. Linda Seaton."

Linda Seaton: "Hi. I was just going to write something down. I like to play devil's advocate sometimes and I am feeling hearing both sides and all sides that are being spoken about tonight, that this is a good opportunity.

I feel for everybody here and know that there is a way that everyone can be blessed by this master plan and hope that that is what the outcome will be. When I raised my children on a quarter acre, I worked very, very hard and they worked very, very hard with me. And that was 30- the past 30 years actually I'm an east ender.

And I would like to say that I raised my children with the consciousness of seeing the world from a higher perspective, that we are here on this land which does not belong to us. It belongs to God and we are here on borrowed land. And we have a great respect for that land and we have a great respect for everyone who works on land.

We have patronized the east end as true east enders for 30 years and will continue to do so. And I don't think I've worked any less hard than any worker on a farm and now I'm a retailer in Jamesport and I work my knuckles to the bone as a retailer as well and I see farmers

having retail items at their farmstands and I have no qualms about that and I just would like to raise consciousness here tonight that we can get greedy, each and every one of us.

But this land is something that we should be respecting that belongs to everyone. It belongs to our children, our grandchildren, it- the views of the Peconic Bay and the Long Island Sound and the Atlantic Ocean belong to each of us and whether you are a developer in disguise or whether you are a true developer or whether you are a residential owner, I just hope that we think about the fact that we are all here on borrowed land and when we go to the beach and pick up the garbage that tourists leave behind, we should all just be very thankful to be able to have the privilege to do that in this beautiful east end. And that's all I'm going to say."

Supervisor Cardinale: "Thank you. Richard Wines."

Richard Wines: "Thank you, Phil. I just want to say a few things tonight about the TDR program. I think it's probably the most creative part of the master plan, the one piece that's in there that has the capability of really doing something special for Riverhead. And I've been kind of- I don't know quite what's going on.

We've taken this plan and we've drastically reduced the amount of land which can be save by transfer of development rights and then we've taken the incentive which is the same as the sending ratio and we keep on talking about cutting the incentive. Right now it's down to .65 and some want to cut it to .5, and then some people are talking about delaying it altogether, supposedly sequencing it. Moving it so we don't use the transfer of development rights program at all.

I'm- I don't know why this is happening. Because I think we all share the same goals. We all want to preserve land. We all want to see fairness. I think part of the issue may be the transfer of development rights program is often misunderstood. It seems to threaten in ways and I don't think it really does.

Some people think that it's going to threaten a huge overrun on the population build out in the town. Some people seem to think that it's going to somehow or other squash the purchase of development rights program and some think that- ask questions rightfully so and I think, Phil, you're always asking whether fairness is happening and I know that's a key question to ask. But some think that somehow because this ratio might be one, it's somehow unfair.

I think all of these issues- I've spent a lot of time analyzing this program, running the numbers, perhaps more time than anyone else and I'm certainly happy to share any of my numbers and any of my analysis with anyone. I'd like you to poke holes at them basically and see if I've done something wrong.

But first of all, on the population issue, the way I look at it, I'd like to see the population of Riverhead held to 40,000, too, and I think we can do it if we have all of our programs working at maximum effectiveness. If the purchase of development rights program, the transfer of development rights program, voluntary preservation, town and county programs, everything is working at maximum effectiveness, I think we can do that.

I don't think- if you look at the sending areas right now, the total number of sending units- sorry, receiving units in the town is only 1900 according to Eric's latest calculations. Now, the rule of thumb is that only half of those residential units are actually likely to get used and if I use my friend, Dick's calculation, only a third, that means that something between 500, 600, 700 residential units.

This is not going to- we're not talking about a huge population here. And remember that each residential unit, it's only half as many actually result in build out in the town. Compared to if all the other programs are in place, we can have this transfer of development rights program and meet our population goals. So I don't think the population issue is a real one.

Initially a lot of people thought the TDR program wouldn't work because no one would want to buy the development rights. They were worried that there wasn't enough demand-- that couldn't possibly do the job. And somehow or other, it's flipped now the other way and people are saying it's going to work too well. It's going to drive the price of development rights way up.

Now, I just don't see that happening. If you think about it, the only residential development rights right now, the only way they can be sold is to areas that are being upzoned and then you can buy back those development rights. Well, that means the only value is the value- say you can build two houses on a piece of land now and it gets upzoned so you can only build one. Well, presumably the value of that land will go down a little but some people argue that it won't go down at all after upzoning. But that little bit by which it goes down is basically the only thing that someone's going to be willing to pay to buy back those development rights.

And when I look- it's true that some places development rights sell it for a lot. If it's a huge difference between the value of sending and receiving as there is for the pine barrens, for instance, between the middle of the pine barrens and the western parts of Brookhaven, then you can get big differentials. But I just can't-- mathematically I can't figure out how this can happen in Riverhead.

And if the price of development rights isn't going to be driven way up, it's how to see how that can possibly interfere with the purchase of development rights program. And let me just say that I'm a strong supporter of the purchase of development rights program. In fact, I'm hoping that the Town Board will see fit to appoint me to the committee that oversees this program and if we could accomplish the whole goal by purchase of development rights, I'd be in favor of doing that.

I just don't see how with all the money that could conceivably be available that that program can accomplish maybe more than a quarter or a third of the goal.

But then just in the last couple of days, I've noticed one other factor. There's- if we're worried about the purchase of development rights program being driven out of business by the transfer of development rights program, basically the worry is that it will drive up the price and the county won't want to spend money because the development rights cost too much.

Now, first of all, I think it would be a good idea if we drove up the price a little bit because what we're trying to do is we're trying to put incentives where incentives and making sure that when a landowner, even if we- even if he is not a farmer, suppose he is a developer. What we want to do is we want to have the incentives right so that they'll want to sell the development rights rather than developing.

But suppose you don't believe my calculations? Suppose you don't believe my math? It turns out that- and I don't know, I think I have to credit the wisdom of the Town Board on this, but what you've done is basically divided the farmland in Riverhead in half. Half the farmland is now in an area that can send development rights, the APZ. The other half- the other half, fully another 4,500 acres or so is outside of that area.

If you look at the open space, almost all of the open space is outside of the APZ. So for half the farmland and almost all of the

APZ, the only program that will work right now is the purchase of development rights program. But there's not nearly enough money in the purchase of development rights program to preserve even a third of that. So we can just let the purchase of development rights program work in that (inaudible). We don't have to sequence. We can have side by side. And the transfer of development rights program can work inside the APZ and maybe the purchase of development rights can pick up some pieces there, too.

You can have these two programs running side by side without one threatening the other. And I think that would solve a lot of the problems that have been pointed out, and I think rightfully pointed out because we certainly don't want to see the purchase of development rights program hurt.

And, finally, just in the interests, to come back to that key question of fairness. Is it fair that some get more than others? Well, I'm not sure that's really the case first of all if I'm right about my calculations of what the valuations for development rights are going to be. It turns out that unless that ratio is at one or awfully close to one, the incentives are actually going to be stacked the other way so the farmers will get more or the landowners will get more if they develop on site. So they're not getting something extra. They're getting the same as everyone else.

But the real question I ask is, is it fair to the people of Riverhead? Here every- I don't know about the rest of you, but when I drive up and down Sound Avenue and see my great grandfather's farm being torn up and roads put in and houses put in and golf courses put in, I get upset. And, you know, I think we're- we don't have much time here. I think we need to throw everything we can at full strength and I don't think we can weaken any of these programs.

And so I don't think it's fair to the people of Riverhead to do anything other than have a full strength TDR program and a full strength PDR program and every other program we can possibly come up with to preserve land here. Thank you."

Supervisor Cardinale: "Bob Wieboldt."

Bob Wieboldt: "I represent the Long Island Builders Institute. We in most town build houses every year. We've been delaying that to great extent while this town finds its road to the future.

I have to agree with one thing, this is the last chance for

Riverhead. Riverhead (inaudible) or makes a major mistake here. And I think that zoning ought to always be in accordance with a comprehensive plan. A comprehensive plan was adopted, albeit on election eve last night- last year, but that plan called for a balance which our organization represents many builders who waited as many as- almost four years for the right to continue to process applications and the like, accepted the fact that a major reduction in the number of units was going to occur.

The next question though becomes how do you get from your current development base to the allowable development base you're talking about of 40 or 41,000 units? Those two girls in the Last Chance Riverhead poster, if they are children of somebody trying to buy a house as your plan goes into effect, they're going to be buying those dresses in designer clothes stores because their parents are going to have to make a couple hundred thousand dollars a year to afford anything.

And I say this very simply because the choice is not between TDR and PDR. Both are necessary. If we just had TDR and you were just looking within your AOZ, and we developed only 20% of it of your total gross acreage at five to the acre, by buying the development rights from the other 80%, you'd save 80% of your farmland without \$1.00 of public expenditure and you'd be living with development that would be more in line with what the people of Riverhead really need.

When we start talking about paying \$150,000 for a land value, you're looking at a situation where houses have to come out at \$600,000 and more, the McMansions that everybody talks about ruining the view and the landscaping.

My question is where are your kids going to live? The building industry does not go out for the sake of taking a farm field and turning it into houses if it can't sell them, and sell them relatively quickly with today's carrying costs. We do it in response to demand. We're in a position where, yes, we make money building McMansions. The building industry can come out and look at it and what I'm trying to say to you is that the choice isn't between these two preservation methods. They're both out there.

There's another thing out there and that's fundamental to your plan and that's your upzoning. You're setting it up for a situation where the economy of land economics is going to make it more attractive for builders to come in here and take your farms and build two acre developments on them. That's the problem.

How many people in Riverhead that are not now living in a house that's \$600,000 can afford to live here? What we're saying is you're threatening the very big danger and this is why it's really a last chance for Riverhead. You're threatening to take that wonderful farm belt which is now contiguous and workable for all farmers and turning it into a hodgepodge of residential subdivisions for luxury homes for upislanders. So not only will you lose the continuity of your farm belt, you will give it away to people that aren't even in the town.

Now your comprehensive plan has gone through several years of work. You know it didn't have a affordable housing component in it. It didn't look at residential development needs at all. It's not a fatal deficiency because you are going to assume that maybe there was enough zoning out there to cover them.

But you've got to look at those issues. You've got to look at being able to have a family in Riverhead afford a \$150,000, \$200,000, \$250,000, \$350,000, a range of housing opportunity which you can only do by in a certain small percentage of your land, allowing more units per acre. When you talk about housing affordability there's only one ratio that counts. And what that ratio is, is the number of units per acre of land when land is expensive.

Now there was a provision adopted in your comprehensive master plan for a MF district. That MF district is not on the table tonight."

Supervisor Cardinale: "You missed something, Bob. The- we're not abandoning the MF district. We're going to have an MF district. It's that we want- we are going to hear that and pass that with the commercial later on."

Bob Wieboldt: "Later on. Okay, that's fine. Because I think that is (inaudible) for development rights. To the extent you can say to somebody, you can go to five units per acre in select sites subject to town special permit, but go out and buy four acres of farmland and preserve it in order to do that, you can save farmland in big gobs. And I think that's really the bullk.

Now there is a little bit of affordable housing in your A-40. But again I think a fundamental mistake is being made. The A-40 has to be 100% according to the language that I'm reading, affordable, to use the affordable housing density provision. I think that's running against the current of the best thinking in this matter from legislation in Albany to experiments going on all over the island and

elsewhere.

The better way is to incorporate a percentage of this housing into all developments and it wouldn't take much of an amendment to simply say that if a development wanted to be 20% affordable or 10%, you could get double density for those units, in effect add a free lot.

At today's housing cost, you give us the free land, we'll give you an affordable unit.

The other thing I think that's needed in all these districts is a lot more specificity about the idea of mixing dwelling types. We're relying too much on a yield map type calculation with all lots the same size where if you could accommodate different sizes and prices of houses within the development that- particularly those that are using the TDR's, you are going to get a much better housing product.

Now the very worse case for development to save all your farmland is a I said developments of five to the acre on 20% of your farmland. That's the worse it will ever get. Now I'd love to go to Briermier Farms for my weekly pie and look out and see the farms I can see today 20 years from now if I make it that far. And I think the farmers would like to see it and the important point here is the ratio and I have some feelings on that.

One works economically; .65 doesn't. The base land price plus the fact that you've got to buy so many development rights to get to the point you need, drive the land price up to a level that's only going to produce McMansions.

The .65 seems arbitrary. It seems to be based on a comment Barbara made in the paper on some ratio between what was going to be used in commercial and what was going to be used in residential. A fairer way to look at it is looking at what the farmer would have gotten in real residential yield, to find out what the bonus the farmer's getting really is.

If a farmer would average let's say eight-tenths- eight to an acre because of his road layouts and all that when he developed it residentially, the difference between that and one is the only bonus the farmer is really getting in here."

Supervisor Cardinale: "Yeah, Bob, but you are doing that before the upzone."

Bob Wieboldt: "Well, even with two acre zoning you can figure out roughly what you'd lose in land value."

Supervisor Cardinale: "But if you take 100 acres and you have 40- you would have 43 acres yield in a typical. This would permit 65 yield off site and that sounds like a significant inducement."

Bob Wieboldt: "Unless you're looking at 86."

Supervisor Cardinale: "Yeah, exactly, right."

Bob Wieboldt: "I mean that's the difference. I think it's a little bit of a reduction but it would seem to me that if one- we don't want the farmer to have to do a yield map in order to do, you know, the transfer of development rights. But he ought to be able to have a mathematical calculation based on what you think it would be, typically it's a subdivision, and say that to present it.

But that's the only yield. He's not getting any great gain, so it's a minor gain. I think you've got to realistically at giving if no incentive, at least make it fair and even so you're not, you know, if you take away the incentive from the farmer, if that's what you have to do, don't penalize him.

Thank you."

Supervisor Cardinale: "Thank you. Ron Maher."

Ron Maher: "My name is Ron Maher and I'm manager of Alliance Mortgage Banking Corp. and I'm a voting member of Trinity Housing Association, Ltd., a not for profit housing builder.

And I've been working very hard in understanding this plan and speaking with the open door policy that you have here which I'd like to comment this Board and the entire staff here in the Town of Riverhead. Comparing it to the towns west, there is no comparison. And I really appreciate that.

The-- Long Island and the Town of Riverhead and all of Suffolk County is so unaffordable now to our up and coming youth and our existing young couples, our empty nesters, our police officers, our teachers. One thing that nobody understands is that Suffolk County per Sony Mae, average area median income is \$83,700. That's a couple, with both working very hard in order to achieve that money and that is what this plan RA-40 is targeted. To make- and this is not

unreasonable. At \$83,700, you'll be able to afford an \$1800 a month payment. Now how ridiculous is that?

If you're not able to build affordable housing, then how could somebody who's making \$60,000 or \$65,000 buy a piece of property from a farmer who's going to sell it to a builder, who's going to- because they're not able to get their TDR's.

You see, we have a candle that's burning at both ends. We want to build affordable housing, but we want to get as much as we can for the property, and believe me, I've been going around looking at properties and talking to property sellers, they want big dollars- big bucks.

If you take the property cost and this is reality. You go out-- they want \$200,000 an acre. They want \$150,000 per acre. So now let's talk the RA-40 District. This is a real- this is real, RA-40 is 40,000. That's one house per acre. Now that can't possibly be affordable. You spend \$100,000 building a house. You spend \$250,000 before you've even begun to try to market it and sell it and pay the real estate commissions.

So now you go and you say, okay, well, we want to do an affordable housing so we'll take the free transfer development right and we'll dedicate both units to affordable housing and now you have the cost of 75,000 per building lot and then you add the cost of building, let's say it's \$100,000, now you're at \$175,000. You're approaching- you're approaching affordability now.

The next downfall- sounds great, right? Well, property doesn't run in a straight line down a road. Roads have to be put in, you do have that loss as the fine gentleman from (inaudible) just mentioned a few moments ago. So they propose clustering. Now you take part of the property and at least 50% of the property minimally has to be preserved. So you've created a homeowners association. You now increase the density in order to afford to build affordable housing.

One of the issues with affordable housing that the town has addressed and a lot of people are concerned about is you think of cluster housing, you think of these condos. I've heard people refer to as all different types of things. There is no affordable housing construction going on in the Town of Riverhead or anywhere. It's not happening.

There are joint ventures between the Town which have been

happening years and years and years, and the county and Steve Levy, newly elected, formed his own affordable housing committee and the state, your Gov. Pataki has formed his own. It's the top priority; it's their most important issue. Meanwhile nothing is being done about it.

But the Town of Riverhead is doing something about it. You know, you all have the hopes of getting married, have children. We have children, our children are going to have children. If we're only able to build one house per two acres and allow that building developer to build that McDonald house, then in the future there isn't going to be any work force.

There's not going to be any policemen because they can't afford to live here. We'll be shipping in from Pennsylvania to come to work eight to four here to protect you and your \$600,000 house and your plow from the people who live in hovels somewhere in the back of these woods because that's what it's going to be.

They also address in their plan which I think is a very comprehensive plan, it's the best I've ever seen and I've even run it past President George Bush's advisory committee on affordable housing, Dave Engel (phonetic) in Washington at length, and in the master plan, Section 8-2, they want it and they insist that it goes through several stages of planning for the subdivisions that they're proposing here, RA-80, RA-40, these are good residential plans that when utilized by the proper builders and through the proper marketing and transfer of development rights, these houses are going to look like and- are going to look compatible to the area.

It is going to provide a necessary, and I can't stress how necessary affordable housing is and work force housing. I noticed that they have included up to 100% of the area median income. That's important. Does everybody here know that just about everybody around here makes \$83,700? Well, they don't.

And unfortunately you do need a working couple in order to achieve that. \$83,700 for a single wage earner, it's just not happening, and you can have the manager of that big box store and he's not making that kind of money. Board members on the Board here, they're not making that kind of money.

These incomes are not available to new home buyers. So we need to be able to utilize these transfer development rights together with the increased density in order to have a not for profit, or a builder

who's not unscrupulous, will follow the work force housing permit-provisions, and when increasing density, do designate the portion of the property to true comprehensive affordable housing.

The- when you start getting into the transfer of development rights it is our belief at Trinity that there should be a bank. Western townships and other townships and we've been told by state and governmental officials and people on affordable housing action committees that there's a clearing house for transfer of development rights.

One of the problems that do slow down this total master plan and could prevent things from happening is that you don't have a sender but you have a receiver. So I'm going to build, I'm going to receive transfer rights from a sender but he's not ready. He hasn't got the survey, the County of Suffolk Health Department's not happy because he's dumping fertilizer. They're saying, well, you know what, we're not going to give you the increased density.

I'm talking about RA-40 east of Roanoke. Like if you look at- there's also so many different mitigating factors that the town has figured out so they've placed zoning that works together well with the larger government agencies, the county.

So I go along with their plan and I think that if it's managed properly which it seems it is and they have the question and answer periods. They're very receptive to questions and answering them. They don't shoot from the hip. They do their studies, they come out with a wonderful comprehensive residential plan that doesn't include a town of sprawl.

And I would hope that it does get implemented soon and that they do set up a bank or a clearing house for a transfer of development rights that we'd be paying in order to increase the density to make affordable housing. Thank you very much."

Supervisor Cardinale: "Thank you. Larry Oxman."

Larry Oxman: "Good evening, Larry Oxman. The woman, I don't recall her last name, but the farmer Debbie, I was truly moved by that passionate speech and I think that sums an awful lot of the people of this community hearing little comments from people in the audience saying that the farmers are greedy, that the farmers are this-- is a bunch of (inaudible).

Anyhow. Going through the plan. I guess I have several issues. Since you're not returning comments, I'm just going to put them out.

One, I was very, very surprised about the change in thought of one transfer of development right being rated at one acre going to the .65. I truly think that that's the intentions that and the agreements that were forged over years. The flip side is that the builders, I'm sure, would want two development rights per acre if you want to talk about an incentive to go out and buy farmland.

But it seemed that the one acre density based on the actual acreage doing a simple map perimeter survey, was the easiest and a very workable idea. I think that the .65 is just not going to offer the incentive and I think it's going to undermine the whole TDR program.

I also believe that the TDR program is just one component and the purchase of development rights is truly an area that you must move ahead with quickly.

Receiving zones. Going through the receiving zones, I didn't understand why business center and shopping center were left off and only the destination retail zone included. And obviously the downtown. But let me come back to the downtown in a second.

The commercial development along Route 58, I think that the property owners have pretty well accepted that there will be certain ceilings as far as coverage. It's less than they're allowed today but through the purchase of development rights they could increase their coverage. Again, I don't know why BC and SC were left off, whether it was intentional or simply an oversight."

Supervisor Cardinale: "Barbara has a comment."

Councilwoman Blass: "It was unintentional."

Larry Oxman: "Okay."

Councilwoman Blass: "They should have been included."

Larry Oxman: "Okay. The downtown, however, I feel very differently. I think that the downtown needs as much adrenalin and a shot in the arm as it could possibly get and to put restrictions that are or should I say to impose zoning that's more restrictive than it is today, is not a wise move. We can always do it later. Let's get

some things going. There is some exciting proposals happening downtown. I don't want to see any obstacles placed in the way.

Again, we're talking about the RA zoning but particularly as a receiving area I think that the allowed minimum lot size of 40,000 square foot should be altered. I think that if you're going to have a receiving area, that it should be permitted to have a higher density.

So, you have a two acre lot without any development rights. Right now it says that you can buy one development right, two units. Why not let it go to half acre yield but you're buying three development rights, you're saving two extra acres of farmland.

You have to decide where these development rights are going to go. I don't believe looking at the maps outside, I see an awful lot of areas that are not receiving areas. I think that you need more receiving areas. I think that this has to be market driven and I don't see any reason why that shouldn't be the case. I'm going to come back to that in a second, also.

The same would hold true for hamlet residential zoning, that why is there a minimum of the one acre lot size. Why not reduce it further but only through the purchase of development rights.

Not too long ago I was in a community north of Boston, an older community filled with lovely homes, look at Jamesport. Jamesport is a wonderful area south of the Main Road. They're on small lots, but they're beautiful homes. They are on small lots. Why can't you have, you know, it's really design. It's design and architecture. If it looks good, it will work.

So I would suggest that we think about allowing a larger transfer of development rights to those particular sending areas.

There are also, you have the B-80 and the B-40. Why are we restricting those particular communities? Why can't- we're not talking about a lot of land either. If you look at the maps and I'll submit formal written statements outlining this. We're not talking about a lot of land. Why can't those parcels also have an increase in density through the purchase of development rights?

You should be able to control aesthetics by zoning regulations, permitted coverage, Architectural Review Board, so, again, this will help preserve the farm belt.

Let me touch on affordable housing. It's certainly necessary in the community. I agree with the statement that a lot of other communities require the builders, the developers, to set aside a percentage of their new subdivision, new community, to be affordable.

The way I understand how the affordable housing program works today, it's based on the mean average income of a person in Suffolk County, how much they could afford, and then that would dictate the price that the home could be sold at.

The problem with the development that is- that's a floating number so if you have a developer that's going to let's say have 40 homes that are all affordable, he's done his numbers. But what does he base it on? Does he base it on an interest rate of today of 6%? What if the interest rate doubles by the time three years from now or two years from now when he gets his approvals? He can't possibly- that means that he can no longer sell that house or he was planning on selling the house at let's say just 250, just a number out of the air, but some- probably somewhat realistic- a realistic number. If the interest rates go up, he now has to sell it for 200. He can't. All of his costs were predicated on 250.

So in a percentage basis, chances are that those units are pretty much of a wash from a developer's point of view. He's making his profits on the market rate units. So if it fluctuates, it's not devastating. If the entire development is predicated on some type of a floating number, I think that that's setting something up for disaster.

Two family homes. Not a new concept. Again, a community up in Boston which dates back to the 1700's I was amazed to see row after row of federal style homes but they were all two family homes. They were beautiful on historic registries.

If we couple that with affordable housing where we let a builder come in and put a very lovely, attractive two family house, what have we created? We've created a situation where it could be affordable for someone because the income that's provided by the apartment or should I say the other unit, helps pay their mortgage. At the same time, they're now supplying a unit that is for rent which will be affordable for other people in the community.

The fact that the- you might- it would be a restriction that- you would have to be owner/occupied, what better landlord than someone that's living next door versus some apartment owner that's out of

town. So if you had- let's say if you had 50 two family homes, that would be the equivalent of having 50 affordable houses in one area and 50 rental units in another area. If you blend them together, spread them out throughout the community, I think that you're just, again, you're way ahead.

Last, but not least, is the Health Department zoning. I don't quite know if we've gotten past the point where they will- the Health Department recognizes that the transfer of development right comes with the wastewater credits. And that's a big issue. Because if they don't recognize that, I'm not sure that we could actually- from the town's zoning, you may be able to increase the density. I'm saying you may be able to shift the density from one piece to another piece, but if the Health Department doesn't go along with that or recognize that, you'll never get your approvals.

So there's been some questions recently over whether, you know, the Health Department wants the sending parcel to be sterilized. It can't be farmed. Don't know. But this is a very- it's a key issue.

I want to give you- this comes back to the R-80, R-80 property, and only being able to transfer one development right to it. What you have before you, I think, although it's an example, I think it's pretty well based on real numbers. So I've talked about a 50 acre parcel and that's saying that the value of the land today, in a one acre zone, is \$150,000. The total value of the land is seven and a half million.

You figure that the lot yield of this 50 acres after you take off roads and drainage, you see the 80%. If it's a one acre or 40,000 square foot minimum lot size, it would yield 43 lots. If it's a 80,000 square foot parcel, it would only yield 21 lots. And if you- the next line below that, you'll see what the value is based on the \$150,000 per acre. The 40,000 square foot zoning says that the- each lot, the land cost to a developer is \$172,000. At 80,000 square feet, it's \$344,000.

I'm also using for the sake of this example that the transfer of development right is worth \$35,000. Now, the first example talks about one acre at 172, buy a development right of 35, your total cost is 207. You divide that in half because you can build two half acre lots. Your land cost is a little over \$100,000 and in order for the developer to achieve that a little of \$100,000, they're purchased 44 development rights.

With the two acre yield but only being allowed to buy one development right, you can see how the numbers have just increased dramatically. The end result of that is that the per one acre lot is now at \$190,000 and you've only accomplished the sale of 22 development rights.

Going down to the last example, if you keep- if you concede to allow the two acre zoning but allow it to eventually have three development rights transferred to it, you'll see that it's much more in line with the first example. That the end cost is just slightly more. It's \$112,000 but another very interesting outcome is that 65 transfer of development rights have been absorbed in this piece of property. So these are real numbers.

Mrs. Anderson is correct. I call her often to see if her farm is for sale as do other- I call quite a number of people. There are a lot of farmers out here that really don't want to sell, and that's the truth.

We have to do something, I think, to preserve the quality out here. You know that I sit in on most of the meetings. You know that- where my heart is, active in the science center and I've sat on several other committees to help the town.

I'd like to see this process done properly and as fair to all. Thank you."

Supervisor Cardinale: "Thank you, Larry. Charles Cuddy."

Charles Cuddy: "Good evening, Board members. I'm here to talk just specifically about one district, the RC district. As you know, that covers just a small plat, actually 40 acres on Middle Road.

And the reason I'm here is that this is not one of the districts that you've actually zoned but you're going to take the existing zoning and move it over to this particular area. My concern and my client's concern is that you leave it as it is. That you leave it at two units to an acre and not make it one unit to an acre.

And the reason is very simple. It's the same thing that we've been talking about most of the day. It's a dollar issue. If you want to have decent affordable retirement community, you have to start with a low base price. If we're to start bringing in development rights to this site, even just one right to increase it to two to an acre, is going to cost us easily \$35,000, \$40,000 or more. That means the

unit that's there is going to increase that much and the people buying that unit are the ones that are going to be burdened by that, not benefitted by it.

So what I'm asking you to do is to very seriously consider leaving it exactly as it is, leave it two to an acre. If you do not do that, you're really increasing the price to the person who's looking to a retirement community that they can afford.

Mr. Havasey is also here to speak on the same issue tonight. I think he's going to address directly the question of the dollars that can be saved. I ask you to really make an attempt simply to adopt it as is and that is two to an acre. Thank you."

Supervisor Cardinale: "Thank you. I note that on the retirement community district, that district will be- the text change will be heard on a separate evening. The map change is being considered tonight.

The other thing that I think is being contemplated there is that this would no longer be a floating zone. It would be specifically mapped and we'll get to that text change I guess on that evening. Thank you.

The next person is Walter Smrek."

Walter Smrek: "Mr. Supervisor, I'd like to compliment you. I think it's a great piece of work you people have put together here. I have a number of what I'll call point issues in having reviewed the documentation. But before I start, I'd like a clarification of what you said was changed outside, the RB-40, RA-40. Is it south of Peconic Bay Blvd. the error? Because the big circle out there circles everything."

Supervisor Cardinale: "Right. The- Barbara can speak to that, I think better than I."

Councilwoman Blass: "It's everything that's in that circle that was originally- "

Walter Smrek: "And I have a problem with that, is I was happy to see RA-40. If it goes to RB-40, I'm very disappointed. I happen to live on St. Mary's Drive. Every house on that block is on a quarter acre with the exception of my house which is on one acre. I feel that the changes in the upzoning and the changing to RB-40

singles me out, okay, as not being able to build on one acre.

I don't have 100 acres. I'm not going to build 40 units. I have the ability under the old zoning to build one additional house on my one acre and the new zoning just precludes me from doing it. I can't even buy a transfer of development rights the way the current zoning reads. So I have severe objections to being in RB-40.

But with that, I'll go on to the code. I had several issues in 292. There's a whole lot about protecting the agricultural land and you have a whole bit about what the agricultural uses are that are included. There is nothing that states what is excluded.

And in that regard I think sod farming should be excluded unless the sod farmers replace the soil they remove every time they harvest a crop. Twenty years of skimming off an inch every time they harvest a crop is going to deplete the soil by two feet and it's not going to be good for agricultural use. So something needs to be done. Either they need to pay a fee, \$20.00 a yard for topsoil they are removing or replace it after they remove it. I think it should be in the zoning laws that they should have to replace it.

In the uses also there is a whole set of things about erecting houses, reconstructing houses, altering. There is nothing there that talks about placing houses and by that I mean trailer houses, mobile homes or houseboats in any of these zones, either RB-80, A-80.

And the real issue here and I'll point a specific example is an undersized lot on Peconic Bay Blvd. that has a mobile home, one of those, you know it's got a motor in the front, the guy drives up, parks it there, it's been there for a couple years. He doesn't pay taxes, the laws don't apply to him, and there's nothing in the zoning laws that preclude everybody from doing it. And it's not addressed in the zoning uses."

Supervisor Cardinale: "That's a second use, correct?"

Walter Smrek: "Excuse me?"

Supervisor Cardinale: "That would be a second use on that lot, right? The one you're talking about."

Walter Smrek: "No. 108.2 and I think it's on most zonings, on the very first paragraph they talk about, you know, the zone, no building, structure or premises shall be used or arranged or designed

to be used. No building or structure shall be hereafter erected, reconstructed or altered. It don't say anything about placing something there. So anybody can go put a mobile home there and I don't think the zoning stops him."

Supervisor Cardinale: "We'll certainly look at that language but the incident- what you just mentioned about two, the house and that home unit placed on the same lot- "

Walter Smrek: "There is no house. It's just an empty lot. It's an undersized lot and the individual has a motor home there."

Supervisor Cardinale: "It's not on a foundation?"

Walter Smrek: "No."

Supervisor Cardinale: "Okay."

Walter Smrek: "And it's been there for a couple years."

Supervisor Cardinale: "I understand your point now."

Walter Smrek: "The same regard really relative to houseboats in East Creek. I mean there's a house, it's on the water, he does not pay taxes. You can put them one by the other and there's nothing in the zoning that stops that or precludes it and towns like Patchogue have precluded houseboats in the rivers."

Supervisor Cardinale: "I understand. Thank you."

Walter Smrek: "Under uses Paragraph C, there's a whole host of uses and this is typical all the way through. We talk about private garages, private bath houses, private greenhouses. I think the word temporary needs to be put in there. And temporary meaning that there's no foundation and it's removable."

But you talk about swimming pools but the word private isn't used. Does that mean we're authorizing commercial swimming pools in an RB-80 zone?

Under 108.4 cluster development, we talk about items one through six. I think item seven ought to be added and that's the location of and soil removal associated with any ponds that are in excess of maybe 5% of the acreage. That's an issue that's been bugging you elsewhere in the town.

On 108.5 guidelines, number four, it talks about agricultural lots of a cluster subdivision plat must be so laid out as to provide a minimum lot size of 10 acres, and then it says a minimum building area of one acre. I suspect that should be maximum building area of one acre. If it's a minimum, then theoretically the guy could build a ten acre building. And that- by the way, that comment applies to several of the zoning area.

Under the use district schedule, we talk about .15 impervious surface on B-80. And I think that same number, .15, is used in all the zoning areas. I think somewhere along the line, I think it's important to point out that a greenhouse is an impervious area as is buildings and driveways but the factor .15 is awfully large for an 80,000 square foot plot, residential.

On the TDR which is section, Resolution 292, I'd like to point out to all the people that were up here and maybe I'm looking at it uniquely, but I look at the TDR-- that the transfer of development rights is used to constrain the population in the town, not the dollars for the transfer of development rights.

So the farmers that are worried about not getting fair treatment for dollars really must- should understand that what they get in dollars for a right is not necessarily change a whole heck of a lot whether the factor is .65 or .1 or 1. It's how much money they get for that right that counts and on the reverse side how much money a person pays for development rights.

And with that, I'll get into the purchase of development rights. What I found was when I looked at the residence A-80 and the residence A-40, the redemption of preservation credits, that on those two zones the redemption was not specified. It was left up to the Planning Board. It was floating. And in all the other zones, it was specified as one right per building or per domicile. And I think something like that needs to be put into RA-80 and RA-40.

But more importantly within those two zones is you might want to contemplate exchange ratios that are higher for plots that are on the water. If someone is going subdivide a plot on the water it just seems ridiculous to me that, you know, he's going to probably make \$800,000 on a quarter acre or something like that to trade that for \$15,000 somewhere else.

For him to buy \$15,000 and make \$80,000 or \$800,000 out of that lot, just doesn't seem fair. So there ought to be some equitable

weighing of the value of the property that's involved in the exchange of credits.

I guess the only other comment I'll bring up- a lot of the issues have gone by today- is I think the map that shows the transferring areas and the receiving areas or the sending areas and the receiving areas, there probably needs to be a third color in that map that says these are the areas that have already been sent and these are the areas that are already, you know, purchased rights. I think everybody here would get a clearer feel for what the real exchange ratio is. How much land is really available to send and how much is really available people want to buy.

I thank you."

Supervisor Cardinale: "Thank you. Next speaker is Eve Kaplan."

Eve Kaplan: "Hi, good evening. I want to thank the Town Board first of all for the juice and cookies in the hallway. Without you, I don't know how we'd still be here. What? Oh, they were just for me? Okay. Sorry.

Well, I think we all agree clearly it's been said over and over again tonight that we all know that purchase of development rights is a great tool. It's not a coincidence that after being invented in Suffolk County, it spread all across the country. I mean, it's probably our single biggest environmental success on Long Island to invent purchase of development rights.

It's a win for landowners and for government and for citizens who pay taxes. It really doesn't have a down side. At the same time, I think we also know that what we've heard over the last- you know, since PDR became a tool, was that we never ever have enough money to buy and preserve as much land as we'd like to, whether it's the county or the town or the state or federal monies.

Unfortunately there's --that we have a great opportunity. We have a lot of land that we can't preserve. We'd like to preserve. Many people who would like to preserve their land and these days more and more people who want to preserve their land as the values for development rights rise, and never enough money.

And it's great news to find out that the county wants to be back in the business in a big way and it's great news that the town has a few more, you know, tricks up your sleeve. I know as far as with, you

know, the extension of the Community Preservation Fund for another decade and maybe some more bonding opportunities.

And I think we all know that Riverhead, we're in a unique situation. We have the most land to preserve and we have the least money to do it. You know, we don't have the credit rating of East Hampton. We don't have the Community Preservation Fund of, honestly any of the other east end towns. We have the lowest income, which means that we have the lowest amount that we can borrow against that income.

We also have some of the highest property taxes which, again, every time you're spending money on preservation, it's worthwhile, it's a long term investment, but it's money coming out of tax dollars for the long run. And we chose to make that investment but there's only so much that taxpayers can bear, you know, up to a certain point.

And that's why it seems clear that we need to turn to every tool that we can and transfer of development rights is such a tool. Now, let's not forget that it's something- this is not something new. Riverhead has had a TDR program on the books for quite a while. So we're not starting this from scratch.

We're starting from something that really hasn't been used and hasn't been utilized to the advantage of the residents. It was on the books, is on the books. As with the map that we see in front of us, it's similarly designated land near Long Island Sound as a receiving area and it designated a lot of land in the farm belt as sending areas and what we saw is that, among other aspects to the plan, that did not provide really the incentive for people to use the program, whether it was farmers to sell rights or developers to buy rights.

So, you know, what the town started doing a couple of years ago was to call people together to look at new ideas. You know, as Richard said, creative ideas, solutions to how we could fix this program and make it work for us.

Because the amazing thing about the TDR is that it brings private dollars to help preserve land and private dollars that honestly Riverhead is going to need. We may not want to take them but we really aren't going to have a choice because in 10 years, in 20 years, we're not going to be able to afford, you know, the \$200,000 development rights that they're paying in Southampton or East Hampton and they have, you know, they're doing it over there but they're not even preserving what they have left and that's a tiny fraction of what

we have left.

So is it complicated? Yeah, it's a complicated tool. Does that make it bad? Not really. It's kind of like the constitution. There's a lot of checks and balances. It's sort of like a pulley system. You try and provide incentives, not too much incentive, for the person to sell. You have to provide incentives for somebody to buy and to use the right, and you know, is there a magic number? Not really.

You know, I think about a year ago, some people talked about trying to do a study to find out what that, you know, this ratio should be, whether it should be 1, or .8 or .65 and honestly I don't know why that was never done because there's certainly been plenty of time to do it. I think if we wanted that magic number, if we wanted to hold off, we've already had a whole year that we did hold off and now is the time to move forward and see how this goes.

People say it's a shell game. And the answer is yes, it is a shell game and that's why it's such a great program actually, because as residents, it's to our advantage to move development away from the places where we don't want it. You know, every landowner in this country that has land that's zoned for development has the right to build.

But does that mean we want building everywhere? Not really, you know. We want building in places where we like to go and do things that require dense development, like downtown, you know, like at the Grumman site, along major highways like Route 58, and so forth.

So this program gives us a way to take development away from the places where we don't want it like our farm belt and to put it in the places where we do want it. You are moving that development around, that's true. And that's what makes it powerful.

So, I looked at this map and I was surprised by a couple of things. If you look at the map for the TDR program on the back, you know I'm surprised that this is what is being supported by groups, I guess, environmental groups and civic groups, because this to me looks like the program that we were trying to get away from, you know, when I was working for environmental advocacy.

You know, I've said it before, I'll say it again. Riverhead has the longest stretch of undeveloped Long Island Sound-front as well as some of the largest parcels on the Peconic Bay that haven't been

developed. And I think environmentalists and naturalists agree those are not the places that we need to concentrate our development.

And what I see here as many people tonight have mentioned is instead of giving people north of Sound Avenue the opportunity to preserve their land as many of them really want to, we're essentially this looks to me like it's trying to get them to develop as it does for some parcels or many parcels on the Peconic Bay. And I don't know how that's the environmental solution.

And, finally, and I think most importantly, you know, we're all here tonight because we care about Riverhead and we care about this plan. You know, all of us who have worked for many years, we work on the plan because we think it's going to make a difference. You know, a lot of people get very jaded.

They say it's just a piece of paper. But, you know, week after week, month after month, we say it's a piece of paper but it's something that brings together all of our visions for the future, that will keep us going in the direction that we want to go, and it can be easy for people to feel like there's a position or a platform that they have to stick to.

You know, I left advocacy in part because I wasn't interested in the platform. I didn't want a platform, I didn't want a posture. I wanted solutions. And we can, you know, you can have a group and you can say well, we're for this at all costs and we're never going to give in, but where is that going to get us? You know, the people who live here. Where are we going to end up with that kind of mentality?

You know, we're going to end up with people still arguing about those positions a year from now. We're going to end up with the lawsuits preventing the master plan from being put into effect. It could be a year, it could be two years, it could be three years.

I mean has everyone forgotten that two acre zoning is such a- I mean that is a decade long battle that we have finally arrived here to cut our density in half, and that's an incredible step forward for Riverhead in a lot of ways. And as soon as we've gotten this, we've gotten this groundbreaking agreement, we're already letting ourselves lose the opportunity to grasp the solutions and put them into effect.

So, I guess I'd say, you know, people may be putting out messages and encouraging people to grasp details of these plans, and details of the code, you know, and a number here and a decimal there. But the

way it's going to affect the people who live here is whether we can reach a solution and put it into law as quickly as possible.

Because if we continue to argue about this and if we don't negotiate and we don't make a few compromises and we don't acknowledge the real interest of different groups of people who live in our town, we're not going to get anywhere and we're going to lose all the forward momentum that got us here today.

We can feel good about that. Maybe we feel courageous or we feel like, you know, we're heroes fighting for a cause but where will that really get us? It won't get us anywhere.

So I urge the Town Board to look at solutions that were agreed on and are agreed on and I think that by moving forward by implementing those solutions with the TDR program, with the zoning changes that you have proposed here, I think that that's how we'll really see preservation in the future of Riverhead. Thank you."

Supervisor Cardinale: "Thank you. Robert Andrews."

Robert Andrews: "My name is Robert Andrews. I farm in Wading River on the corner of Hulse Landing Road and Sound Avenue. I have a 30 acre farm there which was Residential-1. The proposed RB-80 on the master plan will- is proposed.

The problem is that this RB-80 will take away the residential zoning and will cut our land value in half. We were Agriculture B before the Residential zoning was put on our farm by the Wading River hamlet study. We were told at that time it would stay that way for Wading River's study and zoning change was complete. At that particular time, you had people that did this study. It was a lot of money that went to the wind if this is the way it's going to be.

We didn't ask for the RA zoning. It was put on our farm by the Town of Riverhead and we felt that by keeping this zoning, when we looked at it, of course, it was an excellent zoning. That's when our troubles started.

A special permit was then needed to put up our greenhouses, our stand, and because they didn't conform to the zoning. This all started in 1989. We have had 14 years of pure hell in order to keep this farm going. We've been accused, abused, misinformation, in the newspapers, and for what?

We did believe that the RA zoning would work out for us so we had no choice but to go along with it anyway. We needed those greenhouses to keep our head above water.

It's really not logical for the farm to be two acre zoned. The farm has a development of three-quarter acre to the east of us, with a street into the farm with water. To the north is a development in progress with street dead ended into our farm with water. To the west is about 150 acres that is preserved and on the other side of the (inaudible) to the east is the Wading River park. I think that is ample ground to be preserved.

On the original master plan that was adopted back in November, before the changes were made on the plan that is now proposed, I have a copy of the original plan which I took off the computer and on page 38 it stated in that plan that all areas in the agriculture and residential A zones would be changed to 80,000 square feet with the exception of Residence A zones in Wading River area.

These area have already largely been built out with 40,000 square foot lots. An increase in the minimum lot size there would only result in numerous non-conformities. It's commonsense. This was in that plan.

Now, another item that I have that if you are going to cut us so severely on our zoning and what our farm is worth, we are on the north side of Sound Avenue and why don't we have RA-80 where we would receive TDR's?

I am forwarding a letter to you with our concerns. You should have it by Wednesday. I would appreciate if you would answer it. We are good citizens. We try to do things right. We went through this thing, the whole 14 years we took it and we tried to do everything right. And also we vote. Thank you."

Supervisor Cardinale: "Thank you. Bob Havasey."

Bob Havasey: "Good evening. My name is Bob Havasey and I'm the developer of Sunken Pond Estates which is a 192 unit active adult community on Middle Road. I'm also the developer who will be developing the property that is proposed to be working on the retirement community property that's located directly next door to it on Middle Road.

And what I just want to talk to you tonight, as Mr. Cuddy had

indicated it is affordability. At Sunken Pond Estates, we have 108 units which have already been sold and occupied in the final phase. Eighty-four units are presently under construction. We have sold those units in probably- we're in the market of 2002 to 2004 which is arguably the hottest market in residential housing history on Long Island. We have sold those units from as little as \$155,000 and the average price of the 192 units will be approximately \$210,000, showing extraordinary value for a really wonderful product.

And affordable product and great value doesn't necessarily mean cheap or unattractive. In fact, a Councilwoman in the Town of Southampton has visited our property. She has taken back our brochure and she uses our property and our product as the model for those developers going in to Southampton saying this is what you developers should be building for really attractive affordable housing in our town.

So it certainly proves that Riverhead can, in fact, show Southampton something about attractive residential housing.

The trigger clearly for affordable housing is the price of land. Certainly this Town Board or any Town Board cannot impact the other two elements of affordability which is interest rates which clearly have been at record levels and are only going to go up in the coming years.

The other things they can't afford is what, in fact, will be the TDR prices that ultimately will be settled and then it will be market driven and things like that.

So as we look at what Mr. Cuddy had indicated the possibility of a proposed one TDR to an acre and to buy four, again, it is indicated that the original property when we first looked at it and first purchased it was two units to the acre and with going into four. So, clearly that one extra unit does impact the prices.

Again, I'm a developer and our group has clearly shown that not everybody out in this community is looking to build \$600,000 homes. We clearly place a great deal of emphasis on value. We've very sensitive to our senior market because clearly there's two segments of the market that are clearly in greater need than others.

Clearly the senior citizens who for the vast majority that are on fixed incomes, affordability is very critical because not only it's that, but it's rising utility costs, rising taxes and things like

that.

So the senior citizen market is very sensitive to this and in your deliberations as you've indicated in the future, please take into consideration the number of units you'll allow as the right versus the other one as far as to be purchased.

And just another- as you've indicated, Mr. Supervisor, a subject for another day. The other segment of the market is sensitive to prices will be the multi-family districts, because ultimately this very popular notion of work force housing is ultimately-- will go into that district.

And so clearly when you look about what TDR's one has to buy versus what you'll allow, again, please be sensitive to that market because, again, as been talked about on every segment of this population in town, everybody is sensitive to affordability and having- not only for work force housing, but young marrieds, a place where they buy and stay around here.

So, that's what I have to say. Thank you."

Supervisor Cardinale: "Thank you. Ed Purcell."

Ed Purcell: "As opposed to most of what the other people have been concerned with, I'm only primarily concerned with three small pieces of property down here on East Main Street, my own, my mother's, and the Sapps repair garage down here. They all three have been changed from commercial over to residential, RA-40.

And just east of my property, all the rest of that is still HC, commercial. And it doesn't make any sense to me where two out of the three properties presently have commercial type buildings on them, and the only reason my mother's property is still being used as a residence is because she's lived there her whole life. And when she passes on, hopefully, it will be 10 or 15 years down the road, but I want to take it over and use it as commercial.

And if it's RA-40, it would be a lot more difficult to do that as opposed to leave it as commercial where it presently is. Plus Sapp repair shop here, that already is commercial and it's not as if they will build another building on it, they'll change it to something else. It's been a repair shop since the '20's and I don't expect that even if it were to change hands, it would change anything other than what it presently is.

So it just doesn't make any sense why you changed those three pieces of property and not all the rest of the property there on East Main Street over to- in that general area, from commercial over to residential. I just don't understand why you've done it, so it just doesn't make any sense to me.

The rest of it, the way you want to do the other zoning in town, I think that the one to one would probably be the best- the .65 as most of the farmers have said and most of the- many of the other people have said, because of not taking into consideration what the roads that are going to take up some of the property, really is not going to be the incentive to keep it as farmland.

Now if you had taken that and you had made it maybe .8, maybe that might have been realistic. But dropping it down so drastically with the roads that you have to put in and the loss for those roads because it just takes so much, it's ridiculous. Thank you."

Supervisor Cardinale: "Thank you. Phil Schmitt."

Phil Schmitt: "Good evening. I'm Phil Schmitt. I'm unprepared. I did not plan on coming up here tonight but a few of the comments and things that have been going on, it just got my blood flowing a bit.

I think most of you know me, most of you know where my farm is. I am a farmer. I do nothing else. I was thinking about it here. I think the only other thing I made money for is jury duty. I've been, you know, farming here a long time. The only building I've ever done is barns or greenhouses. We have not sold any land. As a matter of fact, in 2000 my wife and sister and brother-in-law purchased more farmland, hopefully, you know, my children if they wish to continue.

I guess, first thing I do want to talk about is the PDR. I mean it is something that has to continue. As a Farm Bureau member, I've been to Albany and Washington and lobbied for those dollars along with the people in the Farm Bureau. I take offense to some of the comments earlier.

The Farm Bureau was there to- for the initial plan in Suffolk County with the Talmage property with one of our members and worked hard to make sure that farmland was viable in the pine barrens and that it continue there and on the Key Span land.

The other thing I wanted to say was that I think the last time I

came to this podium was back in 1997 or whenever the last master plan-  
to opposed the two acre zoning at the time. And when this came about  
a year, 18 months ago, or whatever, and the two acre came up, first  
thing was, okay, I guess we're going to have to do battle again. And  
it took a lot of convincing from some of the other farmers and  
everything and people that worked closely with this that, you know,  
hey, this TDR thing, this is a compromise. This is going to work.

And, you know, maybe we can maintain some of the equity that we  
have in our land. And, you know, just to keep going and that we  
weren't really on the total losing end of the stick. And I finally  
got convinced, okay, I mean maybe I wasn't totally happy with what  
everything that came out but now all of a sudden here in the 11<sup>th</sup> hour  
it's changed. It's gone. I mean what happened?

I came here in November to clap and applaud the Board for finally  
adopting this plan and now we change it. I mean, I don't understand.  
You know. It kind of sends a clear message that, you know, well, this  
is where we are now. It's a work in progress. Well, what's it going  
to be in three years? Three acre and 35%. So maybe get it done, put  
it up for sale. Thank you."

Supervisor Cardinale: "Thank you. I want to thank everyone for  
their comments. I have no additional cards. So if people would  
like to speak and are still here, now is your time to fill out a  
card. But-- "

George Schmelzer: (From the audience - inaudible)

Supervisor Cardinale: "No. I don't have it here but let's not  
stand on ceremony. Let's hear from the people that wish to be heard  
from. Sal. Yes."

Sal Mastropolo: "Sal Mastropolo, Calverton. My comments are  
relative to the verbage and some of the zoning use districts. If you  
go on RA-80, if you go to C3, it says accessory dwelling units on lots  
of 10 acres or more with a maximum living area of 1,000 square feet.  
It doesn't say how many. It doesn't say one or more than one. Okay?  
It should be clearer whether it's one accessory dwelling unit on a lot  
of 10 acres or if it's more than one, how many per 10 acre- you know,  
per 10 acres. Okay?

If you go to 108-4 A6 it says cluster developments in this  
article shall require a minimum of 70% of class 1 or class 2 prime  
agricultural soils are preserved through the creation of farm lots and

the recording of agricultural easements. I had spoken to Barbara trying to understand when you do cluster, okay, if 70% is farmland and 30% is building, who owns the 70% and how do we tax that land. Okay? And I thought I was satisfied with her answer but now I see ag easements and that begs the question, well, who owns the land."

Councilwoman Blass "It's a conservation easement and the owner of the land is the owner of record. It's a conservation easement. The farmer retains the ownership of the underlying land- of land."

Sal Mastropolo: "So if I start off with 100 acres and it's 70% ag and 30% clustered, the farmer owns the 70%?"

Councilwoman Blass: "That's correct."

Sal Mastropolo: "Okay. Then why is there an easement if he owns it?"

Councilwoman Blass: "It's a conservation easement. He's recording an easement that says he is not developing on that 70%."

Sal Mastropolo: "So there's no development rights on it."

Councilwoman Blass: "That's correct. It's a conservation easement."

Sal Mastropolo: "Okay. And that land is taxed the farm rate not at residential rate?"

Councilwoman Blass: "Yes."

Sal Mastropolo: "Okay. If you go to 108-5-4, I'm not sure if this is a mistake. It says building height shall not exceed 35% of the height of the existing tree canopy, whichever height is less. Thirty-five feet is the maximum height in the town. Okay? If the existing tree canopy happens to be 20 feet, that means that you've limited the building height to 20 feet. Is that what you really intend? I mean, it almost sounds like something is put in there incorrectly.

It's 108-5 Guidelines #4. It says building height shall not exceed 35 feet or the height of the existing tree canopy, whichever height is less."

(Some inaudible discussion among the Board members)

Supervisor Cardinale: "We're going to look at that, Sal. Thank you."

Sal Mastropolo: "Okay. All right. Under zoning use district schedule, you have minimum lot widths of 175 feet, okay. I can't see having a minimum side width of 17 feet with both side yards totaling 34 feet. I mean if you have 175 foot width, it should be a lot bigger minimum side yard than 17 feet."

I noticed when you drop down to 100 feet, you're at 10 feet. Okay? With a 17 foot side yard, the houses are going to basically- could possibly be one on top of the other on one end. Okay? I would think with 175 foot frontage, you should have more than a 17 foot side yard.

Under Residence A-40, on 108-4, work force housing. You talk about going from 40,000 to 20,000 square feet for work force housing but there's no mention as to whether a TDR is required to do that."

Councilwoman Blass: "It isn't."

Sal Mastropolo: "Shouldn't it be?"

Councilwoman Blass: "The discussion was- "

Sal Mastropolo: "I mean- go ahead."

Councilwoman Blass: "-- was that the- you can purchase the TDR for a conventional subdivision to bring you to the 20,000 square foot density or if you are going to provide two affordable units, you don't have to purchase the TDR."

So you have an option of getting back down to the 20,000 square foot allowable density in one of two ways. You can purchase the TDR and provide conventional housing or you can provide two work force housing units."

Sal Mastropolo: "Okay, so that's by design. I thought, you know, if we wanted to preserve land, tacking a TDR on there would have preserved another piece of property."

Supervisor Cardinale: "Right."

Sal Mastropolo: "Thank you."

Supervisor Cardinale: "Thank you. Okay. Yes, your name, sir."

Brian Bollermann: "Brian Bollermann, Aquebogue."

Supervisor Cardinale: "Yes."

Brian Bollermann: "Let me give you a copy of (inaudible). Some of those comments are a little outdated because I got a chance to speak to Rick Hanley. I couldn't make the question and answer session and some of the stuff that had changed, I guess there were typos in the zoning districts for South Jamesport.

Did the area north of Sound Avenue that was zoned RA-40 was that also- is that also wrong in the adopted- the resolutions? Is that supposed to be RB-40?"

Councilwoman Blass: "No."

Supervisor Cardinale: "No."

Brian Bollermann: "So that is still RA-40 north of Sound Avenue for the work force housing?"

Supervisor Cardinale: "Yes."

Brian Bollermann: "Okay. I'll start off with Residential #298, the hamlet residential. Huge improvement over what was originally proposed for that area. To go from five to 15 units per acre which is in two years ago in that master plan, to now finally bring it back to something that's in more conformance with the surrounding neighborhood of the two acre upzone to the one acre purchase is- it's going to preserve the character of the hamlet center in Aquebogue and Jamesport and whoever worked on that- I don't know if it was Ray Saltini or whoever it was on the code revision or whoever wrote it, you did a good job.

And now onto the RA-40. North of Sound Avenue, you want to talk about the gold coast of Riverhead, you're talking north of Sound Avenue and you're talking along the Peconic Bay in South Jamesport. I don't understand why you would have a provision for affordable housing in an area where people work very hard to attain the ability to live in that area. I think the RB-40 zoning district would be much more appropriate north of Sound Avenue.

It's not a question of fair. It's not a question of anything.

People have earned the ability to live there. It's almost a status-I'm talking within the Town of Riverhead, status symbol. And I think to go in build affordable housing units there to have people for whatever reason can't afford a home there become part of a beach association and to have the status of living up there, I think is wrong."

(Inaudible comment from the audience)

Brian Bollermann: "I do think the zoning district is wholly appropriate in the downtown Riverhead area. That- and in some of the more economically depressed areas of the town. And I think the zoning district RA-40 was appropriately placed around Middle Road, downtown Riverhead, and a little east and west.

Two family residences, I think they should require TDR's to come in. We're talking about population control as well as residential control. One of the major goals of the master plan is to limit population build out and to allow people to build a multi-family residence. Whether it's two family doesn't help in the population control method and I think the TDR's should be there.

And multi-family homeowners' associations, I don't understand what that is. I should have asked Ray that question when I was talking to him. Are these gated condominium projects or are they duplexes on like attached units on one acre? Or is that a work force housing community that's gated?"

(Some inaudible discussion among the Board members)

Brian Bollermann: "Because it says dwelling one family, dwelling two-family, and it goes dwelling multi-family homeowners' associations only. And it's not defined. I see the sentence but I don't see a definition of multi-family- "

Councilwoman Blass: "We actually were going to define HOA subdivisions and that's I think what this is speaking to and we should include that in the definition section. It's a specific kind of-specific type of subdivision that sort of mimics a condominium complex but the difference is that the underlying land is actually owned by the homeowner as opposed to in a condominium where the- it's part of the common area."

Brian Bollermann: "Okay."

Councilwoman Blass: "So it's like a subdivision in that regard."

Brian Bollermann: "Okay."

Councilwoman Blass: "But, Rick, we probably should include an- a definition of a HOA."

Brian Bollermann: "Okay."

Councilwoman Blass: "Thank you."

Brian Bollermann: "And on- more on the work force housing initiative. We're in a school district with a 22% poverty level. I want to make clear, I don't have anything against work force housing. What I was really against was the way it was administered. I thought it was a give away before I see these code revisions. Because you could get and affordable home, 10 years later sell it for full market value and walk away with a back pocket full. I was wrong on that."

Councilwoman Blass: "Not now."

Brian Bollermann: "No, the previous and- "

Councilwoman Blass: "That is true."

Brian Bollermann: "-- one of my bones of contention was that it didn't stay affordable. You look at the subdivision on Old Farm Road and the ones off of Roanoke Avenue, these people got these homes dirt cheap, low taxes. And they can walk away 10 years later \$300,000 and go buy- it was a give away. It was a government subsidized, residence subsidized give away.

And I think the new revisions you have with the lien on the home, with the 10 years cap, CPI following that, I think those are excellent provisions in the town code to help keep houses affordable when th owners who originally own them, sell them over.

But I disagree with- I don't think it goes far enough in some respects. For example, you say they can recoup the cost of capital improvements to a home and one of my arguments is a swimming pool, a fence, a deck, a patio, an extension to the home, that should be discouraged as much as possible.

Because if you live in an affordable home and you can afford

luxuries like these, there's another family behind you waiting in line that would love to have that home that can't afford luxuries like those. And I think those things should be discouraged, large capital improvements. I'm not talking about painting the home. I'm not talking about putting in rugs, I'm not talking about the general upkeep of the home. I'm talking about luxuries.

When you're in an affordable housing unit, you're not there for the luxuries. You're there because you need a place to live. And eventually the goal is to bring you into the market rate housing and pay market rate taxes.

Also, work force housing is not assessed at full value. They don't pay full market value taxes. And if you do that, if you do make them pay full market value taxes, it's not affordable. On new construction which is what affordable housing will be, the market rate taxes on \$180,000 home would put those taxes around \$5,000 a year which would add around \$500, \$450, \$500 a month in the mortgage.

What I propose is that the Town of Riverhead adopt incremental taxes, where the first year they pay 10% of full assessed value and by the 10<sup>th</sup> year, they pay 100%. By the 10<sup>th</sup> year, they'll be paying full assessed value and that will be an incentive for them to go and find market rate housing and once again for the family behind them, a new family that needs to get in to afford it."

(Some inaudible discussion among the Board members)

Brian Bollermann: "The Residence B- no, you changed that. That was- changed that one. And Residence A-80, under accessory uses items, allows living areas of 1,000 square feet on 10 acres or more. I spoke to Rick about that.

And my question is, is that a taxable increase on land? Is there an envelope that the farmer worker housing is supposed to be put on? Because if you are putting a home on 10 acres that land is taxed as a residential improvement. But I don't think that's the goal of this housing. Whereas if I put a shed up on my back yard that's 100 square feet, you're going to tax me on it.

Is this housing age restricted? Are children going to be sent- are families going to be living in these homes that work on the farm? Are they going to be sending children to the school district? Is there a limit on the number of non-related individuals that reside in the home? I think the current number is six individuals in any

residence in the Town of Riverhead. And is documentation required to ensure with this special housing allowance that they are legal citizens of this country or they're here on a visa or working permits or whether they're actual citizens?

And I think these items should be clearly defined.

And I'm also wondering why in accessory uses, why swimming pools and boat houses are in some communities or in some residential districts, but they're not in other districts."

Councilwoman Blass: "They shouldn't have been called out at all as an accessory because they're understood to be permitted accessory structures in all zoning use districts."

Brian Bollermann: "Okay. And now to the TDR law. Too many concerns of mine are not addressed in the TDR law. One, is that a period of time may lapse between purchasing a development right, banking it and allowing someone to come in and transfer those development rights.

If you purchase a development right for say \$30,000 per acre, per credit, and a year goes by and the market rate is now \$35,000 credit, do you transfer it to the developer at \$35,000 credit or \$30,000 credit? There's a period- there could be a period of inflation between the two transactions.

Well, my question is could the town bank 100 development rights and then just have the landowner sit on the land and wait for the land value to go up but meanwhile have the development rights stay the same exact price and in five years from now, they're getting development rights at way below market value on their highly valued land and they're basically making out like bandits.

I think the town should be able to re-sell to the developer at the new market rate if there's a lag in the time between purchasing, banking and transferring."

Councilwoman Blass: "So you would be advocating then, if I understand you correctly, that the town establish or there is already the provision for a clearing house, but you would be advocating that the town actually purchase development rights at today's values and sit on them for a while- "

Brian Bollermann: "No, no, no."

Councilwoman Blass: "No."

Brian Bollermann: "I'm saying if it occurs, for example, if there's not a match, if we- I don't want to- you don't want to wait for a farmer to sell their right. If they want to sell them, you want to buy them."

Councilwoman Blass: "Right."

Brian Bollermann: "But if there's no developer wishing to use them for a period of time and inflation occurs- "

Councilwoman Blass: "Right."

Brian Bollermann: "-- or he's going to transfer them at the same exact price that we purchased them for or are we going to charge them the inflationary rate or whatever the market value for a TDR is?"

Councilwoman Blass: "Well, first of all, we're not actually getting involved in a clearing house situation right now. What's happening is that we're looking towards the arm's length transaction between a seller and someone who's looking to purchase those development rights."

Brian Bollermann: "So there would be a match."

Councilwoman Blass: "So what they do, you know, the process has to go through the Planning Board and the town certainly, but there's not, you know, we're not interjecting ourselves and saying, well, if there's a lag time here and the development right escalates in value, somehow someone else has to make up the difference. This is something that's out on the private market."

If we were to get involved in operating on a clearing house, there is certainly the opportunity for development rights to increase in value and if someone were to come along and say I'll be willing to pay you twice what you paid for it, well, that would be great. That would be the market looking at its best."

Brian Bollermann: "Yeah. I was looking (inaudible) be banking them and that there would be reserves of TDR's or development credits to transfer. I thought there might be a lag in time."

Councilwoman Blass: "And there might be if we actually get into the banking situation, but we haven't necessarily determined that we

were going to be doing that as a town yet."

Brian Bollermann: "Okay. And then another concern was is there a trigger for- if someone wants to sell the development rights and there's a town entity or a government entity and a developer that both want to purchase the same rights, is there a precedent for who gets those? Is it the town that gets to preserve them before they're used for development?"

Supervisor Cardinale: "I don't think that this program as I read it contemplates the town purchasing rights. We would anticipate private transactions."

Brian Bollermann: "So is the town officially out of business?"

Supervisor Cardinale: "So- we're not in the business, never have been in the business."

Brian Bollermann: "Yeah. You just- you spent \$20,000,000 purchasing rights, you're in the business."

Supervisor Cardinale: "No, no, no. That's- you're talking about the purchase of development rights."

Brian Bollermann: "I'm talking about- well, they're competing, aren't they, TDR and PDR?"

Supervisor Cardinale: "The purchase of development rights are retired. They're not banked."

Brian Bollermann: "Well, my question is- a landowner wants to sell their rights and a developer wants to increase their density, you can either buy them and retire them or he can transfer them and build with them. That's competing."

Supervisor Cardinale: "Right."

Councilman Densieski: (Inaudible)

Supervisor Cardinale: "So, yeah, that's true."

Brian Bollermann: "I think I'm confused them."

Supervisor Cardinale: "Yeah."

Brian Bollermann: "Maybe I'm totally confusing you."

Supervisor Cardinale: "Well, yeah, because what I think you're contemplating is that the bank- that the- "

Brian Bollermann: "No bank."

Supervisor Cardinale: "-- that the town is going to be a clearing house or a bank, and we're not."

Brian Bollermann: "Well, even if we're not banking, if a landowner wants to purchase- let's say you get a match between a landowner and a developer, but there's \$5,000,000 in our Community Preservation Fund, why would we transfer the rights to the developer instead of step in and buy the right? Or is it a competitive bidding process?"

Supervisor Cardinale: "Where did the \$5,000,000 come from?"

Brian Bollermann: "Well, aren't you going to float another \$30,000,000 bond?"

Supervisor Cardinale: "Yes. But that would be for purchase, not for the- we would purchase development rights."

Brian Bollermann: "Well, something has to happen with it, either it has to get bought or it has to get transferred. You're saying two things. So are you going to buy it and preserve it or are you going to allow to be transferred?"

Supervisor Cardinale: "Go ahead."

Councilwoman Blass: "I think the landowner is going to make what deal, whatever turns out to be the best price that's offered him. If we offer him based upon market value and the appraisal process, "X", you know, \$40,000, and the private individual would approach him and say, well, I'll do- I'll go for 45- "

Brian Bollermann: "Okay, so it's a competitive bidding. Okay."

Councilwoman Blass: "It is in the sense of competitive."

Brian Bollermann: "Okay. And then the cluster requirement change. I actually spoke to Rick. I was confused with the 70% class 1 or 2 soils and he said basically all of Riverhead is a class 1 or 2

soil. So I'm assuming the cluster provision is the same as was intended in the original master plan and the proposed.

And then, okay. These are just general comments on things. Someone- I think it was Rob Pike had stood up here and mentioned the farmer's bill of rights because there's a lot of development happening where someone's back yard abuts directly against a farmer. And you have issues where if farmers want to spray pesticides and there are people sunbathing out in their back yard or there's an irrigation pump running overnight, I think new residents that come into the town should be required to sign a waiver understanding that they're moving next to a farm, an operating farm where the farmer is going to be tilling the land and their house is going to get dusty or they're going to be spraying pesticides and they might have to close their windows or they might have to come in front outside and stop their barbeque.

I think it's totally useless to have people constantly coming to town hall complaining that there's a tractor slowing them down on Sound Avenue or there's pesticides being sprayed. So I think that when people do close on their home, they should be made very well aware exactly where they're moving into.

And sod farming. Every time a sod farmer reaps their crop, they're removing two inches of topsoil. How long can a sod farmer work before he removes all the class 1 or 2 soils? And my question would be that, that might be one specific area of farming where you might consider not allowing it on preserved land.

Because in the future if the sod farming operation goes out of business and some other farmer wants to come in and use the soil, he may find where it used to have two feet of topsoil, it now only has 12 inches of topsoil. And that, I think, defeats the purchase of preserving the land in the first place.

And, the third one is lawsuits. When the Kozakiewicz administration adopted the master plan, I think there was a provision in the end that said adopted or as amended and I hope that all the changes, because there have been really significant changes made to this master plan, and you can see if coming for example with the Lakeview project.

If they're not allowed to build that project, I see lawsuits coming because the zoning change has been so significant in that area from adopting the master plan, that he's going to file a lawsuit and

say that this does not reflect the intent of the initial master plan adopted October 4<sup>th</sup> or 5<sup>th</sup>, the night before the election.

And I hope that doesn't happen. I hope that there were significant measures taken in adopting the master plan that allow changes like these to occur.

And, lastly, on the .65 ratio, I think it's a good compromise. I would rather see .5. That's still a 16% increase over the .43. .65 is fine by me. It- that's a 32% increase over the .43 as of right. I think that's a pretty good incentive to sell because you're talking about \$1,000,000 and you say well, I can buy your land for .43 or .32% over that, it's a lot of money. And I think that's a pretty good incentive to sell."

Supervisor Cardinale: "Actually it's a 50% increase."

Brian Bollermann: "I apologize, 50% increase. That's even better for the person to sell their rights. So I think that's a pretty good executive decision."

Councilwoman Blass: "Mr. Bollermann, I just wanted to point out to you that we have on the books already what's known as the right to farm legislation that was incorporated into the legislation that established the purchase of development rights program. So the right to farm Section 44-4 addresses those concerns about nuisances that may be associated with adjacent land being used for agriculture."

Brian Bollermann: "Yeah. I was just talking about when people go to closing, you know, just in the Town of Riverhead, have a paper there acknowledging that you're going to be next to these properties. Thank you."

Supervisor Cardinale: "Thank you. Stacie- Stacie Stueber. Sorry."

Stacie Stueber: "Good evening. Thank you for hearing me at this late hour. I just had a couple things to say after listening to the discussions this evening.

I've lived in Riverhead for over 25 years which is most of my life. After being married in '99, my husband and I decided that we were going to move and settle and raise our family here in Riverhead. Now I have been blessed with the opportunity to have been raised in a farming family although I have not chosen that path myself.

The values of- and work ethics that have been instilled throughout- from my father and watching my brother and brother-in-law and everyone working, it is incomparable to any other. I, you know, the farming lineage goes way back in my family. My grandfather farmed in Queens, my father began farming in Farmingdale, and now we're out here in Riverhead. We've run out of island, there's nowhere else to go.

And if you want to preserve the farmland, you have to preserve the farmer. And the farmers were here tonight in numbers. There are tractors outside, they're angry. They want you to know this. The town is- they made a compromise and they feel the town is turning their backs on them and they're going to say why bother. You've got to just keep that in mind. You want to keep the farmlands, you've got to keep the farmers.

I've watched my young nephews. They're in their early '20's, they're working 10, 12, 14 hour days and there's plenty other things that they could be doing. Their contemporaries don't work that hard. They're in college. They come home for the summer. They hang out. My nephews are working their fingers to the bone.

They want to continue farming. They want to see it grow. They want to continue the businesses that my grandfather and father has kept on going.

So I hope that the Board will reconsider and stick with the master plan that was originally adopted in November. Thank you."

Supervisor Cardinale: "Thank you, Stacie. Is there anyone else that has a comment at this time? Okay. Gene."

Gene Greaves: "Gene Greaves, Calverton. I just wanted to make a few quick comments. I know that we are at a monumental period in Riverhead town's history here and that I don't envy the scrutiny that this entire Board is under with the decision process that does need to be made.

I do feel that the plan as a whole is adequate. I understand that the PDR program has been spoken about highly and I think most of us agree priority should be given there but that TDR's are also going to be needed and I suggest possibly instituting a mandatory periodic review which would enable the better management of our preservation and the density which I think everybody agrees is the ultimate goal of this whole exercise.

Lastly, I did have a question with regards to the comprehensive master plan and some of the numbers that were cited and specifically on page 2-24, paragraph 2. It indicates that the full TDR scenario results in a slightly lower build out estimate and it indicates that that scenario assumes 70% of the TDR rights going to commercial rights. So I just wasn't sure if that had been taken into account at any point. So, thank you for your time."

Supervisor Cardinale: "Thank you, Gene. Yes, sir, back there."

John Zilnicki: "Hello, I'm John Zilnicki, a farmer from Riverhead. I've been farming since I got out of school in '73 and I don't get too involved with all this stuff but to Mr. Amper I take great offense that he can be so political and talk about disguises. I'd like to know who he is disguised as."

You have a one to one ratio. You talked about it, you know. You worked with this here, I don't know how long now it's been. Why do you have to change it? These people work with you. You've been working. Stick with the plan. Why make things difficult?

You know, just keep everybody on an even keel. Why make it so hard for everybody? Why make enemies? Why make positions? This Town Board has enough work to do worrying about Main Street, EPCAL, Route 58, besides worrying about the land.

You've got a sand mine I here in (inaudible). Worry about all that stuff. Look how full this place was. You've got the Suffolk Theater just sitting there empty. What a great place that would have been to have a meeting. You guys still own it. They have lip sync programs at the high school. Put it to use. Get the thing. Put the heat on, put the electric on, use the darn theater. There's got to be ways how to use the place.

And you know that's about all I've got to say. It's just, you know, plus this here map. It isn't up to date at all. There's already preservations on this here north of Sound Avenue bit. You know, it's an old map. It's not correct. I'm really surprised with all this paperwork that it's so misinformed. Nothing's correct. I'd like to know when was this paper made that there are no corrections. To come to a meeting like this- "

Supervisor Cardinale: "I believe the map reflects the proposed zoning, not the past preservation. I think that's the simple answer. It's meant to propose the zoning that's on top of each piece of town,

not what's been preserved and what's not been preserved. There are probably other maps that show that actually."

John Zilnicki: "I as a person, I don't believe in the transfer of development rights. I've seen TDR's. I think there was a TDR done on Reeves Avenue years ago, we used to rent the land. And this here TDR has been flip-flopped. There's a golf course on it now. I think TDR's were shipped to the back of the farm (inaudible) deals would have a say. I don't know the details, I'm not involved. I'd like to know where the TDR's are today because I don't think TDR's is no program from what I can see, I don't think it's true.

Between- when you get lawyers, politicians, builders or whatever, everything is going to be flip-flopped and I don't believe in it. The preservation, either county or town or Peconic Land Trust, at least it's going to be set in stone. There's not going to be no flip-flop. Maybe in 50 years or 70 years from now somebody is going to say, well, we need houses. People need to live. Maybe, you know, we'll all be gone. That will be a different story by then.

But TDR program, I don't believe in it because there's a farm on Reeves Avenue. You look it up to see a program TDR has been set, it's been there for a while. It hasn't been enacted.

Are there any other TDR places? It's talked about but we as the people we don't know where they are or if they are. I just know one farm that was done. There's a golf course there. There is a what do you call it, a clubhouse there too, now. It's not a TDR anymore. So that's all. Thank you."

Supervisor Cardinale: "Thank you, Mr. Zilnicki. Is there any other comment? Yes, please come up."

Odell Evans: "Odell Evans, Riverhead. I've just got one question on the lot width."

Supervisor Cardinale: "Yes."

Odell Evans: "Under RA-80 a lot width of 175, and you go to RA-40 and it's 175 also. Now that doesn't seem to make much sense. You have a lot for RA-80 but a narrow lot- I mean a smaller depth for RA-40."

Supervisor Cardinale: "That occurred to us as well as will there be a change in that?"

Councilwoman Blass: "I think there has to be."

Supervisor Cardinale: "I think that's going to be amended to 100."

Councilwoman Blass: "I'm not sure what that is- "

Odell Evans: "I think it's 100 now. Work force housing, that's 100 width. It should be at 130 maybe."

Supervisor Cardinale: "Yeah, they'll take a look at that."

Odell Evans: "Okay, then. All right. Thank you."

Supervisor Cardinale: "Thank you, Odell. Is there any other comment? Yes."

Robert Kozakiewicz: "Good evening. I know you've been here for a while, Bob Kozakiewicz, Riverhead. I had no intentions of saying anything given where I've been and where I am today with respect to the master plan.

However, when I was listening to one of the speakers describe the affordable housing program and how people have benefitted unfairly because of the lack of enforcement of affordable housing and that they shouldn't ever receive a credit for capital improvements that they put into residences, it struck me as very un-American.

I'll put into a car scenario. I buy a Hundai, well, let's make it a Buick. I fix it up, I soup it up, I trick it out, and what this guy is saying is I can't go anymore than a Buick, I can't strive for a Cadillac. I can't strive for a Mercedes. I got that affordable house, I'm stuck with that affordable house. I can't look further down the road.

What is American? One of the things about America is the beauty of owning your own home, having your kids play in the yard, the dog out there, a white picket fence, and to say that you can't ever look to have your swimming pool or a tennis court or some other amenities, it just struck me as so strange and so un-American.

And I hope, I know you guys were sitting there kind of poker faced, which you have to do. You can't really show a lot of emotion. But in the back, I was going, wow, that's a phenomenal concept. I buy an affordable house and I can't hope to look for anything better.

Listen, that put the thumb on you when you buy that affordable house. What's the incentive to keep going on?

As far as the plan itself, we've done a lot of work, this Board is doing a lot of work. I do feel, however, with the TDR, I've just got to make a brief comment because the same speaker said, well, .65 is cool to me. And for me, I don't want an acre of land; .65 is cool for me, too, I don't care.

But part of the deal and part of the understanding and part of the compromise and we all know was that there would be a one to one. And I think that there's a certain good faith implicit in this process. The whole idea behind this master plan and it was right from the get go was sending out the questionnaires, getting the public's input, hearing what they had to say, listening to what they had to say, hearing more of what they had to say, listening more to what they had to say.

And part of the deal, part of the underlying understanding was that we're going to go to two acres but in return for that, we're going to try and achieve a one to one TDR. And here in the 11<sup>th</sup> hour, to try and pull that away smells bad. It looks bad.

And I can see, I missed a lot of the comments earlier today, but you can understand why you're getting the reaction you are. And I would suggest to you that you think very strongly about where we've been, all the discussions that have taken place in this room, all the meetings and all the hard work that's gone in to this plan when we're getting so close to getting the zoning adopted.

And I think when you do and you consider all that's gone behind us, all the hard work that's been put in, all the handshakes, if you will, that have been made, you'll do the right thing. Thank you."

Supervisor Cardinale: "Thank you, Bob. If there's no further comment, I'd like to close the hearings, but there is, I think, two more comments, I'll take those. Please, Larry."

Larry Oxman: "Actually that's- you talked about closing the hearing. I didn't want to come here and speak very specifically about single parcels. Will you leave the- "

Supervisor Cardinale: "Yes. I intend to leave the- after I take the last speaker or two, I intend to keep the hearing open for written comment through May 10<sup>th</sup>."

Larry Oxman: "The other brief comment is with the TDR's, again, the one to one versus the .65. Remember that Riverhead has had a moratorium for almost three years and there, you know, which has held off developers from buying large parcels. In that three period or four year period, prices for homes have almost tripled on Long Island.

If you don't offer the farmers some good incentive, I, as a broker, am going to start to offer them large numbers and I mean, some won't sell, some will. But you're going to really lose this opportunity to consummate this deal that you have with the farmers. And I wouldn't rock the boat at this point in time. Thank you."

Supervisor Cardinale: "Thank you. There was one other comment, I believe. George, did you have something that you wanted to say?"

George Schmelzer: "This- mentioned before that the farmers, the farm is a good habitat for wildlife. The only wildlife I ever saw on a farm was potato bugs and deer ticks. The deer ticks got me years ago, still affects me.

And I don't know what kind of a weejie board you are using to make up this master plan, but it's a mess. Now, if you want to have affordable housing, I suggest you have every subdivision you approve be mixed, affordable housing and say a quarter acre lots in back with a flag lot. I have an idea in mind, I'll show you sometime what to do, what could be done.

But really I'm here now with the protest what they're doing to our land. They didn't ask us to do with our land, the guy with the weejie board, he asked others. Now, on River Road it was industrial. Okay, well, consider that in the future. It's been industrial for a long time. Now they want to make it residential, part of it; part of it campgrounds. What the hell kind of a mess is that?

Then I've got some land on the other side of the expressway, a triangle, I've got a chance to put a side track there. So we need it to be industrial. No good residential, all that traffic going by night and day at the same level. So, on a farm by the river, they put a half residential and a half campground. What's- what goes on here?

And by the (inaudible) have an island, make that for campgrounds, too, an acre and a quarter island, not good for residential. Now people go there now and start fires. Of course, that's my hard luck, not yours, see. You know, how about asking the owners what they would like instead of some guy with a weejie board."

Supervisor Cardinale: "That's what we're trying to do, George, give the public a chance to tell us what they'd like."

George Schmelzer: "Yeah. I'd like you to consider what I just asked you for, please."

Supervisor Cardinale: "We will."

George Schmelzer: "And- what the heck, I don't want to stay here all night."

Supervisor Cardinale: "I want to thank you for your comment and I don't want to cut you off. I want you to say what you have to say. But- "

George Schmelzer: "Comments tonight?"

Supervisor Cardinale: "Yes, your comments tonight and I appreciate them and always I appreciate them. And it's nice to see you back because I know you've been ill."

George Schmelzer: "Yeah. Okay. Listen to this make me ill, too."

Supervisor Cardinale: "I know the feeling, but, I understand."

George Schmelzer: "Okay. And I wanted to discuss the parking lot with you. That's out of place here."

Supervisor Cardinale: "Right. I'd be glad to talk to you privately on that."

George Schmelzer: "Yeah, okay."

Supervisor Cardinale: "And I will as soon as we wrap this up. If you'll let me, I will do that and I'll meet with you as I leave."

George Schmelzer: "About this- "

Supervisor Cardinale: "Yeah."

George Schmelzer: "-- I can speak to you in details about this problem we've got with that proposed zoning here."

Supervisor Cardinale: "Well, you know that you can always speak

to any member of the Board who is open to speak with you."

George Schmelzer: "I don't want anybody to say, gee, you should have come and told us before, we can't change it now, or that stuff."

Supervisor Cardinale: "Yeah. You should also speak to- "

George Schmelzer: "Okay. I'll see you- "

Supervisor Cardinale: "-- with us specifically with us on your own concerns."

George Schmelzer: "-- in a very few days and maybe straighten this out."

Supervisor Cardinale: "We try. Thank you."

George Schmelzer: "Okay, thank you."

Supervisor Cardinale: "Okay, I would- if there's no other comment, I'd like to state that this hearing will be kept open for written comment through May 10<sup>th</sup>. I want to thank everybody- "

George Schmelzer: "You better extend it to July 10<sup>th</sup>."

Supervisor Cardinale: "Yeah. For- May 10<sup>th</sup> for written comment. I want to thank everyone for their insights and their clarify and their courtesy and their thoughtful comments this evening as we struggle to do what's- what we think is fair.

So thank you and, please, if you have any other comments, please get them to us in writing by May 10<sup>th</sup> on the residential codes. And I don't- I think we agree on the goal. The question really is a question of strategy. And, hopefully, we will agree on that as well. Thank you."

Meeting left open for written comment to  
May 10, 2004

*Barbara Lutton*  
Town Clerk