

Minutes of a Town of Riverhead Board meeting held by the town board of the Town of Riverhead at Riverhead Town Hall, Howell Avenue, Riverhead, New York on Tuesday, October 20, 2009 at 7:00 p.m.

PRESENT:

Philip Cardinale,	Supervisor
John Dunleavy,	Councilman
Barbara Blass,	Councilwoman
James Wooten,	Councilman

ALSO PRESENT:

Diane M. Wilhelm,	Town Clerk
Dawn Thomas,	Town Attorney

(Supervisor Cardinale called the meeting to order at 7:07 p.m.)

Supervisor Cardinale: "This is the October 20th town board meeting. We are going to begin with the Pledge of Allegiance as we always do which John, a veteran, will lead us in."

(At this time the Pledge of Allegiance was recited, led by John).

Supervisor Cardinale: "Okay. Okay, we are all here. Our town attorney is just walking in. We have our town clerk and our four board members.

This should be a relatively brief meeting. We have only one hearing and it's a very straightforward one.

We have applications, town hall reports and correspondence which will be read into the record by our town clerk."

Councilman Dunleavy: "Do you want me to approve the minutes?"

Supervisor Cardinale: "Let's do these and then we'll do the minutes and then we'll move on. Oh, okay, I'll start with the

minutes and then let you go on.

Approval of the minutes of the town board meeting of September 15th, October 6th, and special board meeting of October 1st and 8th. Would someone offer them, please?"

Councilman Dunleavy: "I'll offer those minutes, October 6th, October 1st and October 8th. So moved."

Councilman Wooten: "I'll second."

Supervisor Cardinale: "And September 15th as well."

Councilman Dunleavy: "And September 15th, amended."

Supervisor Cardinale: "Okay. Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The minutes are approved."

Supervisor Cardinale: "Okay. Applications, reports, correspondence, please."

Diane Wilhelm: "Okay. It's a small agenda today."

APPLICATIONS:

Special event Riverhead Elks Lodge - special events application for Lawn Mower Event, kids bicycle race and kick ball event - November 15, 2009

Special event Peconic Bay Medical Center - special events application for Fundraiser - Plunge into LI Sound December 5, 2009

Special event Little Flower Children & Family Services - special permit application for storage building addition - SCTM#600-36-1-2

REPORTS:

Riverhead police department monthly report for September, 2009

Industrial Development Agency budget 2010

FIRE DEPARTMENTS:

Jonathan David Brown, attorney for Riverhead Fire District
letter re property exchange with town of Riverhead

CORRESPONDENCE:

Concerned Citizens of Jamesport letter re DEIS for the Village of Jamesport SCTM #600-68-1-35

Christopher Kent, chief Deputy County Executive letter re Expire Zone boundary revisions for Canon USA

David J. Hegermiller - Riverhead Chief of Police letter re stop signs on Church Lane at its intersection with Promenade Drive

Diane Wilhelm: "And as a reminder, our next regular town board meeting will be here on Wednesday November 4th, at 2:00 p.m. here at town hall."

Supervisor Cardinale: "Thank you. Is there any announcement by the board or any reports anybody wants to make?"

Councilman Wooten: "I do. I just want to thank publicly and for the record those that volunteered their time for this year's country fair. I think the Riverhead country fair was a great success this year not only with the number of people that were there but with the weather that we had and it's important that we recognize citizens in our community that really go above and beyond and volunteer their time.

Jim and Connie Lull and Sue Young, Pat Mulcahey, the list is

endless. And I just want to publicly thank all of those that volunteered their time."

Supervisor Cardinale: "That's very nice, very appropriate. I think we all want to say the same. It was a great event and I hope we keep it up and keep doing it."

Councilwoman Blass: "It was a great event and I want to add your name to that list, Jim, because I know you worked very hard as well. So we thank you."

Supervisor Cardinale: "Okay. We have one public hearing at 7:05. It being 7:10 we can begin it."

Public hearing opened: 7:10 p.m.

Supervisor Cardinale: "It is one we were joking about at work session. It's for the consideration of a local law to repeal Chapter 17 entitled electrical inspectors of the Riverhead town code.

And the amendment is not complex. It is simply deleting Section 17.1 and 17.2 of our code which addresses appointment, non-liability of town for inspection costs and duties of electrical inspectors.

Dawn, we have this covered in another section. Is that why we're deleting this?"

Dawn Thomas: "Yes, I believe that's true. And I think Mr. Barnes could address that for the board."

Supervisor Cardinale: "Leroy, tell us why we're just not going to have this section. It's no longer relevant for some reason."

Leroy Barnes: "Yes. Leroy Barnes, building department. It's really a housekeeping item.

The board of underwriters has gone out of business after being in business for almost 100 years. So it makes no sense to leave that on the statute anymore, on the books."

Supervisor Cardinale: "Okay. Thank you. Is there anybody

that wanted to make a comment on this? If not, surprisingly there is not. That was as expected a prompt hearing. I'll leave it open anyway for 10 days to take written comment from anybody that can't get here tonight and we will move onto the next hearing, of which there is none, so that takes care of hearings for the night."

Public hearing closed: 7:12 p.m.

Left open for 10 days for written comment until October 30th, 2009 at 4:30 p.m.

Supervisor Cardinale: "That means we are prepared to take comment on any resolution we are about to consider which is resolutions 957 to 983. Sal."

Sal Mastropaolo: "Sal Mastropaolo, Calverton. 973. The first question I have is what's the anticipated cost of the project and how much is the grant application for."

Supervisor Cardinale: "I'll take a look at it. This is East Creek Marina and it calls for enrichment of the water quality that is discharged through the over (inaudible) and existing asphalt parking lot through the reconstruction of bulkheads and replacement of asphalt parking lot with permeable (inaudible) at this location.

Barbara, do you know the-- we may not have an estimate for this project except that we know that it's required because they've been yelling at us about it."

Councilwoman Blass: "I don't have that. No."

Supervisor Cardinale: "And it is one of those projects that if we get the grant we will do it and if we don't, we will defer it."

Sal Mastropaolo: "I guess the reason I'm asking the question is are you getting a grant for half of the cost or are you getting a grant for 10% of the cost and the town is going to eat the other 90?"

I mean taking out the blacktop to put in pavers is probably going to be very expensive. There's no other alternative like

diverting the water somehow?"

Supervisor Cardinale: "The-- yeah, there is I'm sure, but if we do that then we have to have all sorts of drainage and that's expensive.

I want to find-- what I believe this is is a federal grant that pays, you know, either 80 or 100% but I'm hesitant to say it and I don't see Chris Kempner here.

Do you know, Bill? Okay. I believe it is at least 80% and some of the federal grants are 100%. In either event if we don't get it, we don't have to worry about it."

Councilman Wooten: "I vaguely remember Christine Kempner discussing this and I thought it was 100%."

Supervisor Cardinale: "So it's 80 or 100%. If we get it and we don't want it, we can always give it back."

Sal Mastropaolo: "Okay. I have the same question for 974 which is the salt barn."

Supervisor Cardinale: "974, that is a project that we have to do. We've deferred for as long as we could and water quality improvement project-- "

Councilman Dunleavy: "We're going to put this in for the total (inaudible)."

Supervisor Cardinale: "It's 100% grant application."

Sal Mastropaolo: "Okay. I have one other question."

Supervisor Cardinale: "Yes."

Sal Mastropaolo: "980. Section 59-7D, it says an animal or animals removed from a vehicle pursuant to this section shall after a receipt of any necessary veterinary treatment be delivered to the duly town of Riverhead animal shelter. Okay?"

There's no mention in here of who pays for the emergency vet treatment. Shouldn't there be something in here that states the owner in addition to the fine shall pay any expenses for emergency

veterinary treatment?"

Supervisor Cardinale: "Yeah."

Sal Mastropaolo: "It's a public hearing. You may want to add it in before it goes to-- "

Supervisor Cardinale: "Right. This isn't-- Resolution #980 calls authorizes the town clerk to publish and post a notice for a local law to consider an amendment to Chapter 58 Dogs, and he's asking about an animal or animals removed from a vehicle pursuant-- shall after receipt of any emergency veterinary treatment be delivered to the duly-- "

Sal Mastropaolo: "I wasn't sure if it was duly or duty."

Supervisor Cardinale: "-- authorized town of Riverhead animal shelter. So if we pick up animals who are in a vehicle and in distress we bring them to the vets first. The question is who pays for that? Do you know?"

Councilman Dunleavy: "Where did this come from?"

Councilman Wooten: "Is- this is- "

Supervisor Cardinale: "This came from the advisory committee."

Councilman Wooten: "Right. Well, it comes from the state law. I- we're trying to get some teeth into it for local because we can't enforce it so we're trying to put it in so the local police can also- "

Sal Mastropaolo: "My only concern is I mean you could wind up with a vet bill for \$200 and you are going to charge him a \$50.00 fine and the town is out \$150 bucks."

Supervisor Cardinale: "Okay. A good point. And we are going to consider it. Jim is our liaison to that committee."

Another point that was made by town counsel was this, that if-- that would be a violation of cruelty to animals or some statute and they would be-- they would be compelled in most instances to pay restitution if we took a dog out and cared for it under the criminal

penalties as well.

But it's something we should look at and we will."

Sal Mastropaolo: "Okay. That's it."

Supervisor Cardinale: "Thanks very much. If there's any other comment, I'd like to take it. If there is not, I'd like to consider these resolutions and I would like the clerk to call them."

Diane Wilhelm: "All set?"

Supervisor Cardinale: "Yeah. There are also two resolutions to come off the floor-- thank you-- which simply didn't make it into the packet. Can you tell me which ones they are?"

The first is approving the defense and indemnification of two individuals, our town attorney and our I guess it's our planning board counsel attorney in regard to a lawsuit in which they were named individually which is truly ironic because we happen to have won this lawsuit years ago and now to make matters worse, they're not only getting sued but sued individually.

Reappoints-- the next one is reappoints members and accepts resignation of a member to the Riverhead town conservation advisory council.

It reappoints the members whose terms expire this month, Sean McCabe, Robert Kujawski, Duane Lew (phonetic), and George Woodhull and Mary Laura Lamont. And it names to replace James Kane who has asked to be relieved of his duties, I think these people serve well and wisely for \$770 or something annually.

It replaces them with an individual, Robert Fox, who we've discussed his background and he's offered to serve. So that's what's being added, those two.

Any comment on those? If there is, come up. If there isn't, we're going to move forward. I guess if we're going to move forward do you want to call-- "

Resolution #957

Councilwoman Blass: "Establishes date for 10th annual

Riverhead bonfire and holiday celebration which is December 12th of this year. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolutions #958

Councilman Dunleavy: "Declares November 15th as Riverhead recycle day. So moved."

Councilman Wooten: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass; Cardinale, yes. The resolution is adopted."

Resolution #959

Councilman Wooten: "Adopts a local law to amend Chapter 101 entitled Vehicles & Traffic of the Riverhead town code, Section 101-19 parking for handicapped. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #960

Councilwoman Blass: "Adopts a local law to amend Chapter 101 entitled Vehicles & Traffic of the Riverhead town code, Section 101-10 parking prohibited - Middle Road. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #961

Councilman Dunleavy: "Adopts a local law to amend Chapter 101 entitled Vehicles & Traffic of the Riverhead town code, Section 101-10 parking prohibited - Roanoke Avenue. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #962

Councilman Wooten: "Adopts a local law to amend Chapter 101 entitled Vehicles & Traffic of the Riverhead town code, Section 101-3 stop and yield intersections, railroad crossings, parking fields. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, sorry Chief, yes."

The Vote (Cont'd.): Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #963

Councilwoman Blass: "Approves the extension of performance bond of Riverhead Sound Associates, LLC a/k/a Aquebogue Golf Resorts for road and drainage improvements. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes, Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #964

Councilman Dunleavy: "Establishes times and dates of regular meetings of the town board for 2010. So moved."

Councilman Wooten: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #965

Councilman Wooten: "Approves Chapter 90 application of Peconic Bay Medical Center for the annual polar bear plunge in December sometime-- December 5th. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #966

Councilwoman Blass: "Extends bid contract for milk. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #967

Councilman Dunleavy: "Declares surplus equipment for auction. So moved."

Councilman Wooten: "I'll second."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #968

Councilman Wooten: "Senior center budget adjustment. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #969

Councilwoman Blass: "Authorizes the town clerk to publish and post notice of public hearing to consider the adoption of the 2009 preliminary annual budget for the town of Riverhead. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

Councilman Wooten: "Question?"

Supervisor Cardinale: "Yes?"

Councilman Wooten: "I realize that it's a political year and it's a- and the economy the way it is and it's kind of hard to justify raises across the board for anybody especially those in elected office, myself included.

This represents a zero percent for the 13 elected officials in the town of Riverhead and although I can only speak for myself and I certainly would not want to have a raise in my salary but there are some in this category, the town assessors for one, who make a pretty good argument with the money that they saved this town over the last year of over \$150,000- a lot of their own in house certs.

Certainly it should be looked at that they're not only

deserving but to bring them into parody.

Is there a way that this could be amended? I realize if this is adopted as is, that's it, there's no wiggle room at all. Could this be amended to reflect I think the lowest raise we got for department heads this year was 3.8 which was contractually made last year when they took a 1.9, to reflect that in this and then we could discuss this further and whittle this the way it has to be?

I don't want to- I don't want to throw everybody into the same boat which is always difficult. So I'd like to make an amendment to let these salaries reflect the 3.8% increase just for the public hearing because that will give us the wiggle room to adjust what we have."

Supervisor Cardinale: "Anybody have a comment on that? The concern that- I know nobody is happy because we have negative inflation thus far this year. Nobody is happy about the fact that we have contracts that we negotiated that called for increases of 3.8%.

But it was a negotiation, it was fair, and (inaudible) for this year. But we have no commitment here and I will find it hard to justify an increase in a year we don't have inflation to elected officials' salary.

Because if it was set right last year and maybe it was or wasn't on all of these people but if it was set right, it hasn't gotten any wronger because there's no inflation in the ensuing 12 months.

So I understand your point."

Councilman Wooten: "Well, I think last year it was 3.9% and there was only 1.9 last year so there really weren't (inaudible)."

Supervisor Cardinale: "I think the important aspect of this and the reason we're discussing it is because once it is advertised, that's it."

Councilman Wooten: "That's my dilemma."

Supervisor Cardinale: "And you can't move it."

Councilman Dunleavy: "Well, you can move it down but you can't move it up. You can move it down but you can't move it up."

Councilman Wooten: "I threw it out there. I don't hear a second, so- "

Supervisor Cardinale: "I understand your point and I don't- I think it's got some validity but I think it's going to be very difficult for this year to get- particularly with a board of four to get three votes for any increase in the year where inflation cannot justify the increase."

Councilwoman Blass: "One thing I would like to ask that we consider is the longevity suggestion that was made very eloquently by Laverne when she had sent us an e-mail, something that we can consider in the budget itself that's separate and apart from the salary (inaudible)."

Councilman Wooten: "Well, that might be a way to go."

Supervisor Cardinale: "Yeah. We did have a memo on that. It's an interesting concept. Elected official's salary do not reflect anything for longevity of service."

Part of the problem is the- certain of these positions are more like department head positions and are well beyond (inaudible). If that is considerable- is capable of being considered then maybe we can take up that on Thursday but I think for purposes of the hearing- it will be a shorter hearing if we make it clear from the outset that we're not giving any elected officials raises this year. But if we consider- "

Councilman Dunleavy: "This is only going to be for a hearing and then we can always go down but I think that- and I have to agree that some of these elected officials do deserve and I think we need to discuss it more but I would say only for a hearing and for discussion. We're not giving anybody raises. We're just going to give them a hearing."

Supervisor Cardinale: "Okay. So the motion on the table is to put 3.8% additional in each of these. I don't see- "

Councilman Wooten: "There is no second."

Supervisor Cardinale: "There is no second."

Councilman Dunleavy: "Well, I second- I'll second that."

Supervisor Cardinale: "All right."

Councilman Dunleavy: "Just for the hearing."

Supervisor Cardinale: "There is also a comment from Councilwoman- Deputy Supervisor Blass that separate and apart from any increase, cost of living increase it's often called, that you put in there she might consider a longevity issue as it relates to elected officials, which you can do separate and apart apparently from the hearing."

Councilman Dunleavy: "Right."

Supervisor Cardinale: "Okay. Moved and seconded. Can we have a vote on whether to increase this 3.8%?"

The Vote: "Wooten, yes; Dunleavy, yes, for the hearing; Blass."

Councilwoman Blass: "I can't do it. No, not in this-- I think elected officials should be leaders here and I don't think we're in a position to give 3.8% raises and we shouldn't hold out the fact that we would even be considering it at this point. I just can't bring myself to do it. I'm sorry. I'd rather explore other things such as the longevity."

I recognize everyone works very hard. Some people work a lot harder than others. But I don't think this is the time to be giving out 3.8% to the leaders of the community who should be setting a better example. Sorry."

Councilman Dunleavy: "It's only for a hearing."

Councilwoman Blass: "John, you said that last year and I remember what happened last year, you know. Some of us were true to what we said and some of us played both sides of that issue to their advantage. So I'm just saying it right from the get go that I can't support it."

The Vote (Cont'd.): "Cardinale."

Supervisor Cardinale: "Okay. The-- for the reasons eloquently as set forth by Barbara, I feel the same way. And I point out that these have traditionally been called cost of living raises. In other words, that we set the salaries of these people and we say that's appropriate, but we don't want you to have less buying power the next year.

Well, last I looked inflation is actually negative for this year. So I can't use the justification I ordinarily would use and accordingly I vote no."

Diane Wilhelm: "The resolution is adopted."

Supervisor Cardinale: "The resolution- no, the motion to amend the resolution is not adopted and we have to now consider the resolution which is an interesting observation. Okay? Call in."

Diane Wilhelm: "Now. Resolution 969 as is."

Councilwoman Blass: "Authorizes the town clerk to publish and post notice of public hearing to consider the adoption of the 2009 preliminary budget for the town of Riverhead. So moved."

Councilman Dunleavy: "And I second it."

Supervisor Cardinale: "Moved and seconded. May we have a vote please?"

The Vote: "Wooten."

Councilman Wooten: "I just want to make it clear, Barbara, that's probably a good remedy, that would certainly serves me as a councilman sitting here trying to look out for all the people that work in this town.

That's why I'm not looking out for all the elected officials but there are a category of a few that I think are really deserving of something since they were short cheated last year.

So, yes, on this."

The Vote (Cont'd.): "Dunleavy, yes; Blass."

Councilwoman Blass: "Yes. And I think we should make a

commitment to truly explore the alternatives otherwise I would not feel as though we were (inaudible). Yes."

Councilman Wooten: "That's fair."

The Vote (Cont'd.): "Cardinale."

Supervisor Cardinale: "Yes. And I look forward to further discussion on that issue."

Diane Wilhelm: "Resolution is adopted."

Resolution #970

Councilman Dunleavy: "Authorizes the town clerk to publish and post a public notice to consider a local law to amend Chapter 108 entitled zoning of the Riverhead town code, Article XXVI site plan review. So moved."

Councilman Wooten: "I'll second."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #971

Councilman Wooten: "971 authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 141 Fairway Drive, Wading River, New York. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #972

Councilwoman Blass: "Authorizes the town clerk to publish and post notice for public hearing regarding Community Development Block Grant (CDBG) 2010 funds. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #973

Councilman Wooten: "Ratifies the supervisor's signature on grant application for South Jamesport storm water quality improvement project. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #974

Councilwoman Blass: "Ratifies the supervisor's signature on grant application for highway department salt storage barn reconstruction project. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #975

Councilman Dunleavy: "Authorizes the town clerk to publish and post public notice of public hearing to consider a proposed local law for an amendment to Chapter 101 Vehicles & Traffic of the Riverhead town code, Section 101-10 parking prohibited - Ravine Road and Ostrander Avenue. Where is this?"

Councilman Wooten: "It's two separate locations. One's in Wading River; one's in Riverhead."

Councilman Wooten: "I'll second."

Supervisor Cardinale: "Moved and seconded. This is a publish and post. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #976

Councilman Wooten: "Recreation department budget adjustment. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #977

Councilwoman Blass: "Rejects bid and authorizes town clerk to republish and re-post notice to bidders for precast concrete drainage rings and associated items. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten."

Councilman Wooten: "Is this the one that we only had the one bid on?"

Supervisor Cardinale: "Yes."

Councilman Wooten: "Yes."

The Vote (Cont'd.): Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #978

Councilman Dunleavy: "Authorization to publish advertisement for on site yard waste debris grinding at the Youngs Avenue yard waste facility. So moved."

Councilman Wooten: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #979

Councilman Wooten: "Authorization to publish advertisement for pickup and removal of yard waste debris from the Young's Avenue yard waste facility. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #980

Councilwoman Blass: "Authorizes the town clerk to publish and post public notice for a local law to consider an amendment to Chapter 58 entitled Dogs of the Riverhead town code, as amended. Were we going to add- "

(Some inaudible discussion)

Councilman Wooten: "The town shall recover any emergency veterinary care from the animal owner."

Councilwoman Blass: "Okay. Moved as amended."

Councilman Dunleavy: "And seconded as amended."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #981

Councilman Dunleavy: "Ratifies the submission of water quality improvement project grant application. So moved."

Councilman Wooten: "I'll second."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #982

Councilman Wooten: "Authorizes the town clerk to publish and post notice of public hearing for the special use permit of Schenck Gas Services, LLC. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #983

Councilwoman Blass: "Motion to pay bills."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #984

Councilman Dunleavy: "Approves the defense and indemnification for Dawn C. Thomas and Richard Ehlers. So moved."

Councilman Wooten: "Seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Resolution #985

Councilman Wooten: "Reappoints members and accepts resignation of a member to the Riverhead town Conservation Advisory Council. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. Vote please."

The Vote: "Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."

Diane Wilhelm: "And that's it."

Supervisor Cardinale: "That completes the resolutions before us. I'd like to take comment on any matter that anyone wishes to address us on. Yes."

Sal Mastropaolo: "Sal Mastropaolo, Calverton. I know you're not going to be able to answer the question tonight so I'd like to formally ask for this at the next meeting."

Can the public get an accounting of the revenues and expenses for the country fair? I thought it went really well. But I'd like to get an idea of how much revenue comes in and how much does it cost the town to run it and does- I mean where does the money go?"

Supervisor Cardinale: "I will ask for that. Townscape runs that fair and I don't know."

Councilman Wooten: "That is a fundraiser for Townscape and Townscape- "

Supervisor Cardinale: "Somebody told me- I understand Townscape to be a not for profit, does good things around the town. They say they turn back all the profits to the town, etc. But

somebody said a while back to me that Townscape was actually founded by the town. Is that true?"

Councilman Wooten: "It was. It was formed for the bicentennial."

Supervisor Cardinale: "Okay. So- but he's asking something that comes up every so often, we don't actually see a revenue and expenses- "

Sal Mastropaolo: "I mean, at \$130.00 a booth, there had to be almost 200 booths there."

Councilman Wooten: "They had probably 400 booths."

Councilman Dunleavy: "The expense of the town is from the police department, the garbage, the highway department."

Sal Mastropaolo: "That's what I'm saying."

Councilman Dunleavy: "That's what you want to see?"

Sal Mastropaolo: "Yeah. It would be nice to say, you know, we had the country fair, we had 400 vendors, the revenue was, you know, \$35,000. The cost to the town for services was \$12,000 and Townscape made \$27,000 which will go, you know, for use around the town."

Supervisor Cardinale: "We should be able to get that for you."

Councilman Wooten: "That's easy enough to get."

Sal Mastropaolo: "Yeah. Thank you."

Supervisor Cardinale: "Anybody else have a comment they'd like to make? If not, we're looking forward to- "

Councilman Wooten: "I think we should do it with all of them, not just the country fair."

Supervisor Cardinale: "Yeah. If not, we're looking forward to dinner and we're going to get there now relatively early so I thank everyone for coming. It's back to the Yankee game at- I think

10/20/2009

1188

it's 20 minutes.

Thank you."

Councilman Dunleavy: "Thank you."

Meeting adjourned: 7:40 p.m.

Minutes of a Town of Riverhead public hearing held by the town board of the Town of Riverhead at Riverhead Town Hall, Howell Avenue, Riverhead, New York on Wednesday, October 21, 2009 at 7:00 p.m.

PRESENT:

Philip Cardinale,	Supervisor
John Dunleavy,	Councilman - arrived 7:40 p.m.
Barbara Blass,	Councilwoman
James Wooten,	Councilman

ALSO PRESENT:

Diane M. Wilhelm,	Town Clerk
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ABSENT:

Dawn Thomas,	Town Attorney
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(Supervisor Cardinale called the meeting to order at 7:10 p.m.)

Public hearing - the consideration of draft environmental impact statement on the special permit petition of Village at Jamesport (Jul-Bet Enterprises LLC) for the construction of a commercial facility SCTM#0600-68-1-35).

Public hearing opened: 7:10 p.m.

Supervisor Cardinale: "Okay. This- good evening. This is a- as you all know out there- this is a hearing- public hearing to consider comments on the draft environmental impact statement for the proposed development Village of Jamesport on Main Road in Jamesport.

I figured it would be helpful to commence it by talking about where we are in this process.

The town board received an application for a special permit meaning a specially permitted use to be approved to permit this

bistro use and professional office use in an area that had designated retail use only- as a permitted use, that we would permit those two uses, office and bistro, as a specially permitted use.

After considering that we felt that we needed additional information and we asked that a draft environmental impact statement be prepared before we. To determine what we wanted studied we had a scoping hearing which is a discretionary hearing to hear from you as to what questions you thought were important about- to study before we made any decision.

And we gave that information, the scope of the study that we wanted done to the applicant who's represented by Charles Cuddy here and he's done what he was asked to do. He's prepared a draft environmental impact statement for our consideration, planning has read it, the board has also and discussed it and the public has the right to comment and that's what this evening is about.

The- we know that there are no zoning variances being requested but we also know that regardless of what happens on the special permit decision we have to make eventually, that site plan will have to be reviewed by the planning board on this and you all will have a chance to be present at those meetings.

The purpose of this public hearing under the state environmental quality review act is to receive comments and recommendations on the issues scoped and determined to be important to study and associated with this project.

Everything you say will become a part of an official record and interestingly enough every one of this- an obligation of the developer represented by Mr. Cuddy is to respond to every one of these comments and to- that's the way the system works.

We encourage the participation of all the other involved agencies which have been identified and they've all received a copy of our scoping document and a copy now of the draft.

And in pragmatic parlance what we're looking to see is if this draft addresses all of the issues that we asked to be studied and that it has all its fingers and toes as the saying goes.

And what we're trying to get out of this is at the end of this evening and at the end of the comment period which will be 10 days

after this evening because we're going to leave it open for written comments for the next 10 days, the - we want to be sure that we can tell Mr. Cuddy on behalf of his applicant what needs to be amplified, what needs to be clarified in the final draft.

Then he has to go out and do a final draft and then we'll be back here for a hearing. Then there will be findings by the town board as to what are the environmental impacts and how they must be mitigated if this project can go on and conceivably if they can't be mitigated what we're going to do in that regard.

So that's the overview and, therefore, that's what we would like to hear about.

I know that some of you have actually read this huge document here. Let me see is she here? Georgette, are you here? Yeah, Georgette I know actually read it because she told me she read it which I know that this guy over here, Rick Hanley, read it, our planning director. I know that Barbara read. I know that I read it, it being the executive summary. I know that Jim also reviewed it and John is going to be back, he can talk for himself.

So, yeah, who did? And Mr. Hall, the environmental- our SEQRA expert read it. So I'd like to hear from you. So we're going to open the hearing. I'm going to ask Mr. Cuddy to begin the hearing. Anything you wanted to say? I should also point out the scoping document was presented to them in August of 2008 and when did we get this document? August 19th was the scoping hearing and subsequently we told him what we wanted scoped, maybe a month, two months later, Charles- October of '08. So October of '08 to now which is 10 isn't it- October '09, so in a year, not on you. So, Charles, you can't blame them for that year because you were preparing this document and you did a voluminous job.

So now we're moving forward in the process. Go ahead."

Charles Cuddy: "We will not blame anybody."

Supervisor Cardinale: "Right."

Charles Cuddy: "I'm here tonight with the consultants and experts that we have retained."

Supervisor Cardinale: "Before you start, Barbara just

reminded me I wanted to do one other thing.

In the period between the scoping and the delivery of the draft and what we're starting tonight, the comments regarding the draft, we received some letters from the public which the clerk has in her file which I wanted to let you know. You're free to examine them. One is from Shaik A. Saad, DOT Traffic Engineering and Safety. One is from Andrew Benners. One is- another is from Andres Benners. No, I guess it's the same one; the same one but twice. One is from- and I'm handing them all to the clerk because she's going to put them in the file. Another is from Concerned Citizens of Jamesport. Another is from Group for the East End.

And the other one, and I'm going to read this, Charles, let you go then, quickly and it's from the- and I hope you have it. If you don't, I'll make a copy immediately. Does he? Okay. It just came in October 20th and it's going to be the topic of conversation, I try to keep it as limited as possible, as relevant as possible.

New York State Office of Parks, Recreation and Historic Preservation. And if you can- as soon as I read this, if you can make a copy for Charles.

It says to Mr. Hall, our SEQRA expert.

Thank you for requesting the comments of the New York State Office of Parks, Recreation and Historic Preservation with regard to the potential of this project to affect significant historical/cultural resources. And to you that means the Indian monograph. OPRHP- Office of Parks, Recreation and Historic Preservation, cannot be confident that this report accurately addresses the considerable archaeological and historic concerns relating to the parcel.

The property seems to include along its northern edge a portion of a hill that had been previously examined archaeologically and shown to contain significant evidence of an important prehistoric mortuary complex.

Our main concern is that it does not appear the significance of this site or its probable location within the property was sufficiently addressed.

While the site is mentioned in the report and seen as a reason

to consider the property highly sensitive, the EIS page you provided, 49, Section 3.9, indicate that there are no national register eligible sites in the vicinity.

While the Jamesport Hill site had not been officially determined eligible, that is only because the site was not endangered previously and no request for a formal determination has been made. The site is clearly eligible, serving as one of the main sites discussed in a major monograph - the Jamesport site and its relation to archaic and transitional cultures on Long Island published in 1959, and I think I saw a copy of that today with Rick Hanley, as New York State Museum Bulletin 372 by William A. Ritchie.

In addition to being a well documented site in the archaeological literature, at least three local residents have contacted our office and the town over the last several years expressing their concern about potential damage to this important historic property.

The level of local concern and historic importance of this site do not seem to be expressed in the report or in the EIS-- environmental impact statement draft.

Given these issues, the office of Parks, Recreation and Historic Preservation would have expected a more intensive testing program in adjacent portions of the project area.

In addition to the presence of the site, a review of the Ritchie's monograph also indicates that many important deposits associated with the site are located at substantial depths below the current surface.

A review of the Shovel test records included in the submitted report suggests that tests may not have been excavated deep enough in the vicinity of the site to have reached similar deposits.

While the tests would have been sufficient in depth on most projects, given the information already publicly available regarding this particular area, the Office of Parks, Recreation and Historic Preservation would recommend a more rigorous testing methodology and therefore we are not confident that the boundaries of the site have been satisfactorily examined.

More detailed records regarding previous investigations of the

Jamesport Hill site are likely present at the New York State Museum and perhaps at repositories on Long Island.

These records should be examined to help identify the boundaries of the Jamesport Hill site, both vertically and horizontally. Examination of these already existing records will help to fill out our understanding of this important historic resource.

Despite these concerns, the testing which was completed has identified intact archaeological deposits, indicating that at least a portion of the site does extend into the current project area. Although the EIS pages you provided suggest that the site was found outside of the currently proposed impact area, the Office of Parks, Recreation and Historic Preservation would recommend having Phase II investigation conducted prior to approving the project.

Phase II testing will allow our concerns regarding the Phase I testing to be addressed and allow the boundary of the already recognized archaeological deposits to be fully examined and delineated helping to ensure that there is less potential for unexpected archaeological finds during construction.

Once this additional testing has been completed, taking into account the concerns expressed in this letter and insuring that the boundaries of both the original Jamesport Hill site and the currently identified site have been well established, Office of Parks, Recreation and Historic Preservation would feel more confident in making recommendations regarding both site avoidance and any mitigation measures which may be necessary.

Please contact me at extension 3291 or by e-mail at douglas.mackey@orphp.state.ny.us if you have any questions regarding these comments.

And I read that not because I like to hear myself talk, although that is probably also true, but I read that because I think that will avoid a lot of discussion on the issue because that's the most recent determination as of yesterday by the people that count which is the New York State Office of Parks, Recreation and Historic Preservation.

And, Charles, you'll deal with that in your- in the process."

Charles Cuddy: "I read the letter, thank you for giving it to me, and we don't have a problem following their recommendations. We will."

Supervisor Cardinale: "Good. And that I hope will cut a lot of necessity for testimony on that issue. That's where we are on that issue."

Charles, I'm sorry to (inaudible). Go right ahead."

Charles Cuddy: "That's okay. My statement is very brief. We're here for the applicant and we're here to listen tonight because that's the comment period and I have the consultants, the experts with us who drafted the DEIS and they will be pleased to hear the comments and address them that are made tonight and those that are made in the 10 day period afterwards. And we're prepared to do that- "

Supervisor Cardinale: "Can you tell us what experts are here with you?"

Charles Cuddy: "Yes. We have Miss Genaro (phonetic) who is a consultant for us, an environmental consultant. We have Mr. Stromski who is here as an architect and we have Mr. Winkleman (phonetic) who is here as a traffic expert. So we have people that have composted essentially this DEIS here."

Supervisor Cardinale: "Okay, great. And thank you for bringing them. Rick, do you have the scoping document as for the study of what? I have it right here. Can you summarize that because I want to get the comments now going. But he's going to summarize what we asked that they study. They have their experts here. Remember that everything that you're about to say or anything you submit between now and November 2nd, these people actually have to respond to every single comment. So make them succinct, to the point and relevant because we don't want to waste their time. They want to respond to the relevant important issues."

Rick Hanley: "The scoping document requested that the DEIS evaluate impacts on the following: soils and topography; water resources, ecology, land use, zoning, growth and community character, transportation and parking, noise and (inaudible)."

Supervisor Cardinale: "Great, okay. So if the people from

the community that would like to comment would come up and begin your comments. They will be recorded. And to the extent that you ask questions and your comments, I'll ask Mr. Cuddy and his experts to address them as they choose or not. Afterwards you may wish to just simply in writing to the comments.

Go ahead, please."

Georgette Keller: "Okay. I'll go first. I'm Georgette Keller. I live in South Jamesport. I'm also the president of the Jamesport/South Jamesport Civic Association. Most of you know me.

I've been here before and, of course, I am glad to hear that there will be exploring further testing for archaeological review. I have made packets for the board and for Mr. Cuddy based on my comments which are four pages, and I'm not going to read them because I'm assuming that everybody can and will read them.

But there are certain issues that are part of it.

I wanted to know now, Mr. Cardinale, are you assured that I read the whole thing? It's not an easy document to read if you're not used to them. And I've been in and out of that document several times but I did want to know when the traffic study was done that was done."

Supervisor Cardinale: "Okay."

Georgette Keller: "Because that is particularly relevant in a seasonal tourist area in terms of the loads that they came up with and how they made their calculations. You are more familiar with that so I figured I'd leave that to you.

But what we're mostly concerned with is community character and that a project of this size is— there is virtually no way to mitigate the factors of a project this size and they're calling for a signal at the entrance of this project under part of the DOT requirement and, you know, that just seems like an absolute nightmare especially in front of the Elbow Room.

And what is that going to mean for impact on our historic district? We finally have an historic district. We finally have semi-public control over the oldest structure in the town of Riverhead which is only several hundred feet away from this

property. You know, what are the impacts going to be on what we have been trying to preserve as a rural community.

My family moved here literally as the towers were falling on September 11, 2001 to live in a rural farm community and area and this is a project that's more than three times the size of Cardinale's Plaza; it's roughly 10 buildings to equal the size of George Young and we're talking about four acres of impervious surface which brings me to my next question.

Mr. Cardinale, you said there were no actions pending before the ZBA?"

Supervisor Cardinale: "Yeah. The indication from the director of planning to speak of is that there are no- we will not make a decision on this until the various issues are resolved and we understand there are no variances being requested."

Georgette Keller: "There was one filed for- "

Rick Hanley: (Inaudible comment)

Georgette Keller: "-- there was impervious surface."

Rick Hanley: (Inaudible comment)

Supervisor Cardinale: "So if I understand it so the people understand impervious and pervious. I had years before I understood that.

That we changed- I think it was in regard to the Atlantis Aquarium, wasn't it- that we wouldn't insist on impervious which is, you know, asphalt, but we would permit if it's better for the environment at the discretion of the planning board as site plan agent, previous which is it can soak through and be better drainage- it had nothing to do with this project. It had to do with the general change in law.

So therefore you don't have to seek relief on that issue. So there won't be any variances required but there will be a special permit required which is discretionary for the bistro and office and there will be site plan which involves discretionary decision-making by the planning board."

Georgette Keller: "Now does that also mean that or I should put it this way. Is there any change then in reading the code from what I understand, that if there's impervious surface area which was under that ordinance it was required to build a recharge basin and that the recharge basin area of square footage had to be removed from the calculations for allowable, that 10%."

Rick Hanley: (Inaudible comment)

Supervisor Cardinale: "What she's asking is- "

Georgette Keller: "Won't that change the amount of allowance for 10% building- development- "

Rick Hanley: (Inaudible comment) "I think you're suggesting that a recharge basin would be impervious."

Georgette Keller: "No. According to how I was reading in the code was that if a recharge basin is necessary, then that square area must be moved from the total square area of the parcel in determining what the buildable footage is."

Rick Hanley: "In terms of not just impervious surface but all the other zoning parameters."

Supervisor Cardinale: "In terms of yield."

Georgette Keller: "It affects all the other calculations. I wanted to know that was true."

Rick Hanley: "As far as floor area. I'll have to look into that for you."

Supervisor Cardinale: "Yeah. You get what- she's saying which is an interesting concept- I don't know the answer- "

Georgette Keller: "So that would change it from being a 42,000 square foot project to whatever it may be- "

Supervisor Cardinale: "She's saying- he's going to check that and get you an answer. But the question I think is this.

If you have to include a sump, is the sump like wetland deducted from the property upon which you establish your yield?"

Georgette Keller: "Because it is on other vacant land for determining what the 10% buildable lot is."

Supervisor Cardinale: "I'm surprised he doesn't know that but, you know, he's not perfect."

Rick Hanley: "Rather imperfect."

Sueprvisor Cardinale: "But he's going to give you an answer when he can- "

Georgette Keller: "Well the important thing is to not know all the answers but to know where to find them."

Supervisor Cardinale: "All right. So we have one question which we'll get to you later."

Georgette Keller: "All right. And I'm sorry, I'm just trying to rush. My husband wanted to be here tonight but Southwest Airlines decided they were an hour and a half late so he's now sitting on the ground in Islip waiting for me."

So you have the cultural resources. And then there's another issue with whether, you know, it's appropriate and in going back to whether it's appropriate, we have to understand how this project even came before us in the first place and that's because of the depth that this parcel has been allowed to have this 1100- almost 1100 foot setback allowance for development.

And that is still a major of issue of concern for the community. Is that the spirit of the master plan when it was developed was to extremely limit development between South Jamesport Avenue and Washington Avenue on Main Road because of residences and because we didn't see it well turn into Route 58.

Now while we're not talking about big box stores, we are talking about the development of a project that would be greater than exists from Washington Avenue to Jamesport Avenue.

We're also talking about a project three- more than three times the size of Cardinale Plaza so how can that community character factor be mitigated? It can't. It needs a traffic signal. It needs a traffic signal when you know we've all kind of held our breath wondering when a second traffic signal would come and we all

really kind of figured that it would be at Manor Lane so the fire department for health and safety and for you know emergency.

And we're going to put in a shopping center and a couple of bistros and some medical offices? And really do, you know, those things don't typically exist in our community, the medical offices and we don't have professional offices in a compound where you have a bunch of them.

We do in Aquebogue, there is that one, but even that campus style development there is nothing compared to the size of these buildings. So we really want to see how all of this is going to be made like it looks like it belongs bordering the historic district.

And even the name along, the Village of Jamesport. It is neither in a village nor is it in village zoning. So it's, you know, quite inappropriate to take what is truly a hamlet and now make the rest of the world think like it's some village.

It could be its own village because it's bigger than the entire hamlet. So that really needs to be considered and how this 1100 foot setback came to be and that we really expect the board to deal with that because it is not in the spirit of the master plan the way it was drafted.

And I know people say well this guy bought the land and he's already suffered restrictions and losses of use, well so has everybody else who owned vacant land along that corridor. So he's not being asked to suffer anything that other property owners haven't also lost along the way and you buy vacant land, that's the risk you take and in this case he purchased it well after the master plan was started with full knowledge. If he didn't have full knowledge, well caveat emptor kind of really takes place here.

So, those are really our major concerns, that and the archaeological find so that whatever is there is found and is preserved and I have a couple of letters from the community in my packet that I'll give each of you and Mr. Cuddy for people that could not be here and there are also letters from the inter-tribal historic preservation task force as well the letter that you received from the State Office of Parks, Recreation and Historic Preservation because Mr. Mackey has- somebody in the community has spoken to Mr. Mackey about four years ago and I e-mailed him and he did send me a copy of the letter and I didn't know whether it would

get to you in time for the hearing so I brought copies for everyone.

Okay? So thank you very much. And I'll give these to all of you."

Supervisor Cardinale: "Thank you, Georgette. Yes, next comment please. Thank you."

John Stefans: "Good evening. My name is John Stefans and I live in Northville. I recognize what I'm about to say is not within the scope of the draft environmental impact statement. However, I believe it is a troubling issue that leads to a question that I would like to ask you.

Leroy Barnes, the head of our building department was quoted in the News Review as saying that if this project moved along, he would engage, meaning hire, a building inspector from another town to handle the case and I happened to be editor of the News Review at the time and I know that the reason Mr. Barnes gave this for hiring another building inspector was because of the acknowledged romantic relationship between the sponsor of the project Julie Kline and the deputy building inspector Sharon Kloss.

I find that very troubling to begin with because I have it on good authority that Miss Kloss even went so far as to visit a neighbor, the owner of the adjacent parcel, to explain the project that was in mind. I find that quite improper.

But the question I want to ask is that if Leroy does indeed hire a building inspector from another town would the taxpayers of Riverhead pay for that service?"

Supervisor Cardinale: "I think that what you're recounting is some years back, six or seven if I recall those articles. So I'm not sure- "

John Stefans: "Oh, no, no. It wasn't six- no, no. No, no. My quote of Leroy Barnes- "

Supervisor Cardinale: "Where was that from?"

John Stefans: "About two years ago. Absolutely."

Supervisor Cardinale: "The expenses associated with the

project are generally borne by the developer. So if there was a conflict, I'd have to defer to my town attorney who is not here as to whether we can pass that expense on.

We do, however, have another individual in the building department office, Kuzinski, that also does commercial inspections, so-- which was not the case two years ago, so I'm hopeful that we could use inside personnel.

Certainly we'll be mindful of that, we don't want to spend money twice. We don't want to spend town money unnecessarily so if, in fact, we can use the inside person I'm sure we will to avoid any conflict. If, in fact, we have to go outside, we'll explore all opportunities to pass that cost on and I don't think that there's ever been acknowledged anything but a friendship which-- between our deputy building inspector and the applicant."

John Stefans: "It did go beyond that in quotes with that question."

Supervisor Cardinale: "Oh really? Well, I'll look at your articles because I know you are a good reporter."

John Stefans: "Thank you."

Supervisor Cardinale: "Thank you. Next comment please. Mr. O'Neill."

Sean O'Neill: "Good evening."

Supervisor Cardinale: "Good evening."

Sean O'Neill: "Good evening, ladies and gentlemen. My name is Sean O'Neill. I own a business that borders this property and now that we're talking about finances and reference of finances from the town to the town, I think it's imperative that this project's a go.

It would create a great tax base and put money into the town. It's a land that's not been used (inaudible) for the last 30 years. This is a wise move to utilize the space in a productive manner and I hope the town, the people in Jamesport realize that if this would turn into other than a local establishment like a federal or state establishment, it would be great risks of loss of revenue and it

would still be developed.

So it's something to take mind of."

Supervisor Cardinale: "Thank you, Mr. O'Neill. Any other comments we'd like to take that you would like to make? We're here, make them verbally. It's easier for you if you'd like and, of course, we'll keep it open until November 2nd for written comments. Yes, Mr. Barbato."

Phil Barbato: "I'm Phil Barbato. I live on Manor Lane in Jamesport.

In reviewing the draft EIS, I noticed a couple of things related to the correspondence from other agencies that seemed out of date.

The appendix C has what's supposed to be approvals I think from the Suffolk County Department of Health Services. The letters that are in there are, in fact, notices of incomplete application."

Supervisor Cardinale: "Put that down a little bit, see if it works. Okay. Try it again."

Phil Barbato: "There are two letters in there. One is dated April 12, 2006 and it addresses something called the hamlet of Jamesport and it is a notice of incomplete application. I don't see how that could be an approval letter."

Rick Hanley: "It's not."

Phil Barbato: "Another one is a notice of incomplete application dated April 4, 2005. It's also addressed to hamlet of Jamesport. So I don't know if these are relevant in terms of approval of Suffolk County Department of Health Services."

Supervisor Cardinale: "Rick, do you want to address that?"

Rick Hanley: "Yeah, they're both notices of incomplete application."

Supervisor Cardinale: "They're just exactly what you think."

Rick Hanley: (Inaudible) "And the health department will not

be able to act on this until SEQRA is complete anyway so it's very premature."

Supervisor Cardinale: "They're not approvals. They're notices that they need additional information before they can approve."

Rick Hanley: "Right. And they could issue an approval until SEQRA is complete and- "

Supervisor Cardinale: "And we have to make a decision which we did, didn't we? Didn't we make the decision that we are the lead agency, that it's a one type action?"

Rick Hanley: "Type I action."

Supervisor Cardinale: "Type I action and, therefore, we into the draft environmental impact statement. So those are just historical data, they are not any approvals."

Phil Barbato: "Well my question is does that agency have the right information (inaudible) because it's talking about something called the hamlet of Jamesport. What project is the county reviewing? That's my question. Do they have the right one."

Rick Hanley: "Well, this was not submitted by the town. This was submitted by the applicant. The project name hamlet Jamesport is correct. That may have been the nomenclature that was used at the time. It started out as that."

Supervisor Cardinale: "Charles- "

Charles Cuddy: "It originally started- "

Sueprvisor Cardinale: "It started out as hamlet, historic village. It's the same project, but hamlet, historic village and village, is now village at Jamesport. But it was hamlet; it was historic village and now it is village but it's kind of not relevant because they still know they have to get approval. All they're getting is correspondence that says they need information."

Phil Barbato: "Phil, same question for the letter from Riverhead water district then. That's dated September 1, 2004."

Rick Hanley: "What appendix is that, Phil?"

Phil Barbato: "Oh boy, it's in the same one, appendix C. The project changed since then that's the one question I had there."

Supervisor Cardinale: "Well, remember, they're not going anywhere until they get a- they're here really asking us whether we will permit a specially permitted use. Even if we permit that specially permitted use ultimately they have to go through the site plan and they also have to have health department approval and what else- probably a series of other approvals, DOT for the road opening. It's going to be a big one here as you know."

Phil Barbato: "Well, I'm just pointing it out because I think the scoping document says that water and wastewater and stormwater are issues to be addressed and if they don't have the approvals, they need from the relevant agencies, then they're not addressed."

Supervisor Cardinale: "Yeah, but they would never have been addressed by this time in the process because they- they're not going to spend that kind of money until they know what uses they have or what site plan they have."

But they will be addressed- when you say that as part of the scoping document, is that what you are saying?"

Phil Barbato: "Yeah--"

Supervisor Cardinale: "What are they supposed to be addressing in this document with regard to water and sewer?"

Rick Hanley: "Exactly what was mentioned that the flows that are associated with the project are approvable by the health department (inaudible) sewage treatment on site based upon the 600 gallons per day per acre site."

Supervisor Cardinale: "And did they address that?"

Rick Hanley: "They said that they're going to conform with Suffolk County Health but they don't have any permits yet."

Supervisor Cardinale: "Yeah, but what they're saying is their application will conform with the standards and they will be able to comply. That remains to be seen when they apply."

Rick Hanley: "Right."

Phil Barbato: "There's a tax revenue estimate, I don't have—I'm sorry, I don't have the appendix number— letter, but what I wanted to point out is it only shows incoming receipts of taxes. What's left out is the costs of those developments."

As you know, commercial and residential developments are a net loss to taxes to a town because you have to provide services and other town activities to that property. So it's constantly pointed out that this would be a tax revenue input. In fact, I think it would be a net loss to the town in terms of taxes."

Supervisor Cardinale: "Yeah, you understand that comment, Rick?"

Rick Hanley: "Yes."

Supervisor Cardinale: "The traditional wisdom is that residential projects are traditionally a net loss, particularly if they have children associated with school districts, but everybody seems to acknowledge that commercial projects should be a net gain to your tax district, mostly because there's no children going to the school district and hence 70% of your taxes aren't getting an additional burden."

But what you're really saying is you don't think that part of the study was sufficiently complete and in the final you'd like to see not only the benefits but the burdens. Right?"

Phil Barbato: "Yes."

Supervisor Cardinale: "Okay. Would you write that down?"

Rick Hanley: "Yes, I have it."

Phil Barbato: "The traffic study that's been mentioned recommends a new signal at the site. I just wanted to point out, I think Georgette covered this pretty well, but it's about four or 500 feet from the existing signal and anyone who was on Route 25 the last couple of weekends knows that Route 25 and Sound Avenue were parking lots."

I don't think that this can be discussed as a minimal impact on

local traffic. It would be a horrible bottleneck right there in the hamlet of Jamesport."

Supervisor Cardinale: I think everybody understands that's a major issue."

Phil Barbato: "On the land use and zoning topics that were required, I just wanted to point out that nearly all of the 10 buildings are in the special use category. I think there's two of them out of 10 that are actually permitted uses. The rest are going to be special- they're going to have to go before the town board for a special use permit with the exception of the retail stores.

Now the retail stores, it's not clear whether they have been required frontage along on Route 25. There's a section of the zoning code, 108-282A3, that requires that in rural corridor retail stores must have frontage along Route 25. And I didn't think that was true.

And the last point on- "

Supervisor Cardinale: "What was that section- "

Phil Barbato: "108-282A3."

Supervisor Cardinale: "Thank you."

Phil Barbato: "So then the other remaining issue- the remaining uses that are being requested are all special use and they're professional offices and medical offices.

The way I read the rural corridor zoning ordinance, none of these would be permitted because what it says is that they can only be- in rural corridor there can only be existing single family residences. You have to start with a house that's already there and then turn it into a medical office or a professional office.

There's no houses there. So where do we get medical and professional offices?"

Rick Hanley: "I think the confusion is we just amended the ordinance to take into account the renovation of existing buildings- "

Supervisor Cardinale: "Right. That's not the ordinance that they're going under though. Okay, we'll explain that to- "

Rick Hanley: "Within a certain distance of a building- "

Supervisor Cardinale: "The ordinance that you refer to accurately is not the applicable ordinance in the area between Washington Avenue and South Jamesport Avenue. There's a- the ordinance that's applicable there permits by special permit professional office use.

But as long as you're on the topic I understood there are eight- there about 10 buildings more or less- "

Rick Hanley: "I have a breakdown, Phil."

Supervisor Cardinale: "Yeah, but he's saying that eight of them will use special uses. Is that accurate?"

Rick Hanley: "The site plan that was made part of the draft impact statement, show 10 buildings, bistro, cafe at 8,000 square feet, retail stores at 17,000 square feet, professional office at another 8,000 square feet, and then what they call medical office at another 8,000 plus square feet."

Supervisor Cardinale: "Okay, 17 is retail and what- eight and eight- "

Rick Hanley: "Eight and eight, that's what- 24."

Supervisor Cardinale: "Okay, well, then 24,000 of the- "

Rick Hanley: "Twenty-four thousand plus."

Supervisor Cardinale: "Twenty-four thousand plus of the 21,000, if you've got eight, eight, eight and 17,000, he's correct, would be professional."

Rick Hanley: "Or bistro."

Supervisor Cardinale: "Or bistro which is not- wasn't- I might have just recollected wrong, but I thought that less of a percentage was being sought for special permit use and that's your point, right?"

Rick Hanley: "Right."

Supervisor Cardinale: "Your point, Phil, is that a large percentage of the use would be specially permitted. We could address that with conditions. If and when we ever approve the special permit or thought about it, we could limit the amount that we would permit to be used for those office and bistro uses and I guess your point is just that."

Rick Hanley: "It's possible that the applicant may have increased the square footage of bistro and medical office in order to mitigate traffic and parking issues from the times of day of peak access to the site. I'm not exactly sure but-- "

Supervisor Cardinale: "But since this SEQRA process we're involved in is generated by a special permit application, we need to know and apparently that's what we're knowing it from, what he's proposing of the 41 or 44,000 square feet permitted would be specially permitted uses. And my recollection was a lot less than that."

Rick Hanley: "That's my recollection, too. I think there may have been a change from the original site plan application to this special permit and the SEQRA process."

Supervisor Cardinale: "Because maybe they're more rentable than retail but, frankly, they can't rent the retail they have in Jamesport."

Okay."

Phil Barbato: "And my point there was that most of the project you need special permission for so how do you rationalize that with the fact that for a special permit approval, the applicant has to show that the special use will not be more objectionable than the nearby properties-- to the nearby properties, than the permitted uses if this is going to be mostly a special permit type of development? How can it be less objectionable to the surrounding properties? I think that was Georgette's point also."

Did I understand you correct to say that the requirement for professional medical offices that applies to the rest of the rural corridor does not apply to Jamesport?"

Supervisor Cardinale: "Yeah, there's a special-- the area between Washington Avenue and South Jamesport Avenue permits-- the zoning in that area is specific to that area. Because actually when we were doing the master plan if you think about it, the town of Jamesport is basically between South Jamesport and Washington Avenue and if we were going to put rural corridor there, it would be a little different in character than the other rural corridor. It was allowed some special permit uses not permitted in the rest of the corridor between Route 105 and the Laurel line. That's correct.

But you just look it up. It is what it is. It's what it is since 2004 when we passed it."

Phil Barbato: "I looked today and I didn't see it there."

Rick Hanley: "Professional offices are allowed (inaudible) within a certain distance of a hamlet center."

Supervisor Cardinale: "Within a quarter of a mile of a hamlet or village center you can put professional offices by special permit. Okay? That's well stated. Okay, within a quarter mile of hamlet or village center you can put professional offices by special permit. You can't do that if you're not within that distance."

(Some inaudible discussion)

Supervisor Cardinale: "And it doesn't require that there be an existing building which is what was confusing you."

Phil Barbato: "Okay. The only other thing I had was on the overall site plan it shows the residential portion of the property, another 34 acres, and there is a proposed cluster, looks like getting it down to about one acre type lots.

Just a comment there. I think you can preserve more farmland, good farmland, if you clustered it more than that."

Supervisor Cardinale: "Thank you."

Rick Hanley: "In order not to segment this project, we asked that the applicant provide the potential subdivision layout that could exist on the residential portion. There's no subdivision application presently before the planning board."

Councilwoman Blass: "It does provide (inaudible)."

Phil Barbato: "Yeah, there are some pretty big lots in there and the other thing was it didn't have a connection to this supposed village center. It was cut off. The new residential portion is cut off from the new commercial portion and what's the point?"

Rick Hanley: "That's why we wanted them to show the residential development."

Phil Barbato: "Yes. It's disconnected. Why not show a walking path or some other connection between the two."

Supervisor Cardinale: "I understand your point. Thank you."

Phil Barbato: "Thank you."

Tom Kowalsick: "Hi, my name is Tom Kowalsick. I wrote something up so it wasn't quite question and answer but you can have a copy of this and people can respond because there are actually questions in it. It's just not quite as-- "

Supervisor Cardinale: "The good news is as you submit that and you make statements, they are compelled to respond to these questions."

Tom Kowalsick: "Okay. Because we live adjacent to this property, you know, we've got a lot of concerns obviously, so-- .

My wife and I live at 1520 Main Road in Jamesport, the property immediately west and adjacent to the proposed development known as the Village of Jamesport.

For a number of reasons we would like to go on record as opposing the special permit petition of Village at Jamesport for construction of a commercial facility consisting of 10 buildings of 42,000 square feet gross floor area including professional office and bistro uses on a 9.712 acre parcel which is zoned rural corridor located on Main Road, Jamesport.

When we moved into our home in 1980, my great grandparents farmhouse still stood on the property which is proposed to be developed.

My mother grew up in that home and she actually helped her grandparents grow vegetables and raise animals on the property that is now being proposed being leveled and developed.

Actually my father's parents owned the property across the property where the Elbow Room and the travel agency exists. I can remember walking around in the old farmhouse and walking through the buildings across the street.

So as you can see, my family has some strong roots in this hamlet of Jamesport.

When we first bought our home the field adjacent to the east side of our property which is proposed to be developed, actually had crops growing on it. It was an actual farm for a couple years I can remember at least and according to the maps I was looking at in the town web site, those haven loam soils on the property actually are very productive for crops.

After we bought our home I remember the town talked about changing the zoning of the property along the Main Road in Jamesport to country rural to help preserve the rural nature of hamlets like Jamesport.

Eventually this became a reality when the most recent master plan was completed. And this helped our decision to remain in our home because we trusted the Riverhead town would protect our property rights with this zoning.

So for the last 29 years my wife, children and I have lived in our home thinking our rights as homeowners were being protected from the type of over-development that was occurring in western Suffolk and western Riverhead for that matter.

Country rural or rural corridor zoning (RLC) was supposed to take into consideration that the hamlet of Jamesport was a mix of family residences and small businesses, not to be over-developed. Rather a place of small businesses, those which reflect rural character of the farming community surrounding the hamlets.

And, yes, at the same time to protect the rights of homeowners like us from having property adjacent to ours becoming over-developed, to protect the rights of the developer who wants to now jam 10 buildings totaling 42,000 square feet including two bistros

right smack in the middle of the hamlet of Jamesport.

We're also kind of confused as to why this particular piece of property has a thousand foot setback when to our knowledge all other parcels in Riverhead with RLC zoning have a 500 foot setback.

We understand that this setback line has been changed more than once and I'm sorry but how are homeowners like us supposed to keep track of all these changes, to even make comments sometimes on this stuff.

And why this property only? This thousand foot setback is significantly changing the size of this proposed development. The intent of the RLC zoning was to control huge projects like this in our hamlets. Huge projects like this impact residences like ours that are part of the mix in this RLC zoning.

It seems to us that in this case the rights of the developer are becoming more important than the rights of homeowners like us who have lived here for the past 29 years. We were here first, we did not buy property next to a 42,000 square foot development that includes two bistros.

Rather the developer bought property that was a farm and is adjacent to my family and our home. All right? We have rights and we want the town to protect the rights of us as homeowners.

A developer in the town should be working with us but instead we feel the only concerns that matters sometimes are those of the developer. Why do we feel that way?

Well, when has anyone from the town asked to sit down with my wife and myself and discuss the project and what impact it has or is going to have on our lives or our property?

This is a huge proposed development for this area. And we're not just- we are just as important as the developer.

The development will have an impact on our lives and property and here's some more maybe of the questions.

We're quite concerned about the impact this development will have on the value of our home and our property. Your decisions could have a negative effect on the value of the home that we have

lived in and invested for the past 29 years, not to mention paid taxes on for all those years. Have you considered this?

I have heard a lot about the developer needing variances approved, special permits approved, because this is important economically to the developer. Well, what about the value of our property right next door to this? Because this is important to us. Does the town care about that?

For the record, over the past 29 years our home's foundation has been solid. We did not have problems with water accumulating on our property or entering our basement. We're very concerned about the impact of the proposed excavation and removal of tremendous amounts of soil, including the leveling of the property to street level and the installation of retaining walls around our property.

What is this going to do to the water table? How will this impact our property? Will we now have drainage problems on our property? Has anyone in the town considered any of these things? Are you protecting our rights on that?

Now the signal thing has been mentioned but I wrote about it so I'll read it.

Since a traffic signal is proposed to be installed on Route 25 in the vicinity of the front door to the Elbow Room Restaurant - yes, two traffic lights 200 feet apart in Jamesport - can you believe it?

Well it is obvious that traffic will be impacted greatly by this project if there is a need for another traffic light in our small town and, therefore, we will be impacted greatly as well, will this include a turning lane to try and allow traffic to flow when cars are turning in and out?

There's very little room in the front of our home to widen Route 25. There is a retaining wall that is only about one or two feet off our property line, then a sidewalk, then the road. Has anyone from the town walked down the sidewalk, looked at the retaining wall, measured the distance from the side of the road to the existing sidewalk?

I have and I don't think it can be done in a safe manner for those that will be utilizing those sidewalks or for my family having

to exit our driveway onto Route 25.

And, also, will this impact parking that occurs in the village and at the Elbow Room right now?

I would welcome a meeting with you in the front of my home so you can see my concerns.

Ten buildings, possibly two bistros, that's translating to a lot of garbage. According to the plan on the Riverhead town hall web site, this amounts to lots of dumpsters, at least that they've got located.

Dumpsters will be located very close to our property line. Dumpsters for bistros contain food, can draw rodents and what time in the morning will trucks be allowed to enter this development to pick up and empty these dumpsters? All these things are going to impact our life.

Regarding bistros, we are concerned about the hours of operation and the odors that such facilities will generate. Due to the tremendous removal of soil to bring this site down to the level of Main Road, it appears that the roofs of the bistros would be located much lower than our property actually after that.

Therefore, we're concerned that exhaust outlets would be at a similar elevation to our property and our home. This means smoke, odors could be moving across our property and even in through windows in our home.

Now you may find this hard to believe but I invite you to my home, sit in my backyard on a chair and look out the back and imagine the elevation change with all that soil taken away and these buildings now and you come to your conclusions.

And we've asked this before and will a bistro some day become a McDonald's or a Burger King? Can you guarantee this will never happen even if the current developer sells the property which we know is a very good possibility?

So, Mr. Cardinale, you were mentioned I should say in an article titled Weekender, Jamesport, New York which appeared in the August 19, 2005 real estate section of the New York Times.

The article in speaking about Riverhead and Jamesport said the master plan seeks to control development through zoning, development rights— development rights transfers and the creation of a rural corridor.

It mentioned you moved to Jamesport from Dix Hills in 1978. We came for the rural attractiveness Mr. Cardinale says, and I think it will be preserved.

Well, here's your opportunity. Give the master plan a chance to work. Tell the developer stick to the main intent of this rural corridor zoning, a mix of residences and small businesses that reflect the rural character of the hamlet like Jamesport. No bistros, no offices.

We're asking this town board to please remember we did not move next to 10 buildings, two bistros that occupy 42,000 square feet. We moved next to a farm that was my great grandparents owned it, my mother grew up on.

The developer moved next to a family, ours, who has lived in their home for 29 years and that family has rights and those rights must be considered strongly in the decisions you make.

Thanks."

Supervisor Cardinale: "Thank you. Yes, I would like to have that made part of the record."

Councilman Dunleavy: "Can I ask him a question?"

Supervisor Cardinale: "Yes."

Councilman Dunleavy: "Yes. Okay. Your property is at a higher elevation than what he has to bring his property down to. Is that correct?"

Thomas Kowalsick: "Yes, that's the way I understand it. Yes. We're— I'm going to say if I look out my front door that two the Main Road my eye level would probably be in the range of 10 or 15 feet."

Councilman Dunleavy: "Okay. So actually his rooftop will be at the same elevation as your windows in the rear of your house."

Thomas Kowalsick: "I- when I look at the way the plans are set up and like I said, I invite you to come to my backyard and look, that's the way I picture it. If the way I understand it is that it's going to be level so that obviously buildings are on flat land, and that, you know, if there are exhaust fans or whatever the case may be, the wind blows and- "

Councilman Wooten: "Your property is to the east or the west, sir? First parcel to the west, right?"

Thomas Kowalsick: "I'm the first parcel to the west."

Councilman Wooten: "If you see a strange man walking around your backyard, it's me."

Thomas Kowalsick: "Well, you're invited."

Councilman Dunleavy: "You don't mind us coming?"

Thomas Kowalsick: "No, I invite you. I think you just need to get the perspective of being in the back of our yard, on our deck, whatever, and just looking out and- "

Councilman Dunleavy: "Okay, thank you. Thank you for the invitation."

Ann Kowalsick: "Hi. My name is Ann Kowalsick. I'm here on behalf of my mother-in-law Florence who wrote a letter but couldn't be here. So I just wanted to read it to the board.

I would like to go on record as opposing the special permit requests of Jul-Bet Enterprises for construction of a commercial facility consisting of 10 buildings of 42,000 square feet gross floor area and including professional office and bistro uses.

In addition, I understand that there is some question regarding whether any of the land had native American significance, which I remember this to be the case as I was growing up on this property during the 1940's and 1950's.

The land in question where this project is proposed was at one time owned and farmed by my grandparents Peter and Mary Sieminski. I was raised by my grandparents on that farm as well. The farm remained in the Sieminski family for some time and was eventually

10/21/2009

1218

sold I believe to the Froehlich family who then sold the farm to the present owner.

I have many good memories of the old farmhouse where I grew up that once stood across the street from the Elbow Room in Jamesport and working on my grandparent's farm as well.

In addition, I thought you may be interested to know that as a child and teenager growing up on this farm we would sleigh ride down the hill situated near the back of the property until it was discovered that a portion of the land was a sacred native American site.

In the 1940's I remember a portion of the land on this site was deemed sacred and was fenced off, stones to mark the site were placed in the area and I also remember a large tower like structure being constructed on the hill as well.

At that point, we were instructed we could no longer go onto the site and I remember having to walk around the site whenever I walked to work on the farm in the back via the driveway that still exists and winds its way from Main Road to the back farm.

In addition, we could no longer allow our cows or horses to graze in this area and had to move them to another site to graze. I recall finding many arrowheads when digging in the soil on this farm where I grew up.

In the 1950's, I remember individuals archaeologists coming to the property and again working on the site as well.

I thought that this information may be useful since I heard a lot about the site having significance as a sacred native American site.

I remember this to be the case as I grew up on this property.

Feel free to contact me if you have any questions.

Sincerely,

FLORENCE KOWALSICK"

Sueprvisor Cardinale: "Thank you. Could you make that a part

of the record, please? And thank you for your comments and your written summary.

Is there anyone else that would like to make a comment on- at this hearing? Mr. Janis."

Raymond Janis: "My name is Raymond Janis, I live in South Jamesport. I own two pieces of property in Jamesport. I'm not for and I'm not against. I'm not arguing the point.

I'm just arguing the point from the point of view. I own two pieces of property on the south side, 1509-15, which is in between two commercial lots. I was put into RLC from country rural and it's two lots.

When I bought the first lot, I could put 15,000 square feet. I think it was village at the time. Then they went to country rural, okay. Then they came-- later on in years, I bought the second lot figuring on- because they've got so many different things- the thing I want to get across first is because I want to get across the first two lots.

I could put 15,000 square feet. With the two lots now, I can only put 6800 square feet. Okay. I got excepted. I was told, you bought it, that's it and that's how you make the changes. Okay, I won't argue the point.

We own a piece of property in Jamesport in the village center. I go 700 feet. I'm in the village.

My first thing- what I'm trying to get across is I can remember- I didn't know I could build almost 100% or whatever it is. I don't want to get involved, talk about anything because I'm not good at talking.

But I went into the building department and I remember seeing these maps that they have all over sometimes, from Tuttle's Lane all the way to Manor Lane, there was a 500 foot setback. I inquired one time, somebody here- oh, wait a minute. I just want to get- excuse me.

The only thing upsets me also on the two properties- I other own- I was in this room when we were applying for country rural. There was another couple ahead of us got accepted. Mr. Sendlewski

was with us. He was representing me and he goes like this, Raymond, no problem.

Mine came up and I got the answer we have to put you on hold. I just want to let it be known the reason I was put on hold was because on account of this piece of property across the street. And I had to suffer for that.

Okay, get back to the other stuff. From Tuttle's Lane to Manor Lane and I seen that map in there and probably in the '80's or something like that, with a 500 feet all the way across.

Now I'm not trying to say hanky panky stuff. I know that— why this one piece of land, comes across, goes up, comes down, goes back down and then goes across. Now this was done later and why was it done. That's only my answer. If that could be answered to me in some kind of way, that's the only thing that I'm here complaining about.

Why was this property put back 1100 feet where mine was country rural, I went to RLC, I couldn't even argue the point because they said they would put me on hold because they wanted to see what was going to happen across the street. And I suffered for that.

I don't know if you are going to understand what I'm trying to get across, but if I— and also, my piece of property on the north side is 700 foot deep and I was told by one of the board members I could only go 500 feet back. I couldn't use the other 200 feet.

That's only my— is the 1100 foot is the part I do not understand. And to me I think there was some hanky panky because I did see the map (inaudible), goes back down and goes this way.

I thank you for your time."

Supervisor Cardinale: "Thank you, Ray. Yeah, Rick, that's a good point. Would you— the town board had asked the same question of the director of planning and, Rick, you did some research. Would you relay that to the public?"

Rick Hanley: "Yes. (Inaudible) the old zoning maps and this particular area was originally zoned Business C which was 30% coverage I believe and during the Janowski administration it was changed to Business CR which reduced it to 15— I think 17% was first

and then it went down to 15%.

But through my inspection of those maps it was like an identical layout of the business districts. There was no change in concerns of these lot line alterations between Business C and Business CR and rural corridor is the identical- "

Supervisor Cardinale: "So succinctly put- "

Rick Hanley: "Five hundred foot setback was not in existence for any of those districts."

Supervisor Cardinale: "Well, according to those, it did."

Rick Hanley: "On these particular parcels."

Supervisor Cardinale: "So the previous zoning districts went to the property line rather than to a pre-established distance which was continued with the country rural, but the result was odd because you have a number of setbacks at 500 feet from the Route 105 corridor to the Laurel line and then you have certain of the older districts which- parcels which were retained to the lot line."

Rick Hanley: "I don't believe this is the only parcel- "

Supervisor Cardinale: "No, there's about five parcels. But we understand your question, Ray. We asked the same question and it's a very- it becomes very significant issue in view of the density of yield that is permitted if you go back that far on this parcel. So we're looking at that and discussing it with the director of planning on how that happened.

Mr. Wines, you had a comment?"

Richard Wines: "Yes, thank you. Just for the record, I'm Richard Wines, resident of Jamesport and since this project is not in a historic district, is not likely to be in one for another century, I'm here as a citizen of Jamesport and not in my capacity as Chair of the Landmarks Commission.

First of all I want to thank Mr. Cuddy for taking my suggestion at the previous hearing to change the name then proposed for the historic village of Jamesport to just the village of Jamesport.

Although I wish the developers would go a little bit further and not say it is the village of Jamesport either because clearly it isn't the village of Jamesport. That's down the street. And until they come up with a better name, I'm just going to refer to it as a development in Jamesport.

I also want to thank Mr. Stromski and the developers for making significant improvements on this plan since we've seen it last and I hope there will be continual opportunities for members of the community to work with this team to make further improvements in the design.

Despite the changes, I think there is— there are a couple major flaws with the plan and with the environmental impact statement that supports it.

For instance, and I'm reading now on the introduction page xvii and there are similar statements elsewhere. It says the proposed buildings are designed to embrace both the residential and agricultural character of its surroundings by repeated elements of sloping roofs, divided light windows and the use of siding materials that replicate natural materials. Also cupola and (inaudible) roofs would be used to connect with the country farm atmosphere, the agricultural context in the area.

The statement is repeated elsewhere in the draft several more times.

However, despite all the efforts of the architects, the buildings themselves are handsome I think, I don't think anyone would mistake this development for a rural farmstand. Farms simply do not have 10 very large blocky buildings clustered together, all more or less the same size, and many of them either identical or virtually identical.

Most farms I have ever seen have one or two large barns and a farmhouse and then a bunch of smaller buildings scattered around. So I don't see how the town board can accept a draft environmental impact statement that clearly is in error here. It simply isn't what it claims to be.

In addition, and I'm quoting now on page 78 of the draft environmental impact statement which quotes town code about the rural corridors. It says in order to minimize the visual impacts on

the predominantly rural corridor, non-agricultural uses shall be housed in residential or farm style buildings.

And, again, these buildings-- maybe we could take a walk around Jamesport and find some residential buildings that look like it, but I don't think so. And so to me and I think everyone on the town board will have to agree, these buildings simply do not fit this description as called for in the code.

And basically, therefore, the design meets neither the requirements of the code or the statement that's made here in the environmental impact statement in support of the code.

The second major point I'd like to make is that however nice the architecture is, it really doesn't have a lot to do with Jamesport. It could be anywhere. And, again, I'm going to read from the environmental impact statement on page Roman numeral XI.

And it says the proposed uses in conjunction with the development layout, architecture and location will reflect the character of the downtown Jamesport community. And fortunately there's even a photograph in the environmental impact statement of the downtown Jamesport community and, quite frankly, I fail to see how anything in these designs is this.

As this photograph shows, the real Jamesport is made up of a bunch of smaller buildings. Even the largest there, the Jamesport Meetinghouse is only about half as large as the smallest of the buildings proposed for this development in Jamesport.

And moreover, there's a whole variety of shapes and sizes and most of these designs are very simple, not terribly elaborate. And there's lots of natural material. And it fits.

So I basically there could be-- need to be significant improvements in the design before the statements in the environmental-- draft environmental impact statement can be considered to be anyplace close to accurate.

And, finally, I don't think the design, the layout, is really part of Jamesport and, again, I want to read from the draft environmental impact statement a couple places. It says on page Roman numeral IV, that it's being designed as a walkable community, to promote shared use with the surrounding retail and commercial

parcels.

And it says it would extend from the downtown Jamesport with a design that is consistent with surrounding retail and commercial use along Route 25. And on page Roman numeral IX, it says that the intent of the project architect is to create a design that interconnects the proposed development with downtown Jamesport.

Well, I'm a little mystified because I can't find any connection here. There are virtually no connections with the existing village. It's basically down the street, around the corner, and off in the back.

I know one of the concerns expressed earlier was there should be parking for the village and there is parking back here. I don't know if it's useable for people other than in the development of Jamesport but that parking is like 300, 400, 500 feet by the time you go out to the parking, down the sidewalk, around the sidewalk, and then you finally get to some of the stores. So it's hard to see how it connects that way.

And, of course, there's no visual connection at all. It's off over there someplace. And there's no really way for visitors to go back and forth which seems to me if you extend the village, you should be extending the village. It should be continuous, so that it benefits the merchants in the village of Jamesport and is an attractive way of doing it.

Wouldn't it be wonderful, for instance, if there could be a string of shops that would start at their shops let's say and maybe go around the corner so people could walk along from the existing stores into the new stores and maybe get to some parking.

You know, that would be a development that would actually say what the environmental impact statement says that this development does, but doesn't.

So basically I think those three main things. In addition, there's really nothing in here for the community. There doesn't appear to be any parking. There's no mitigation. All the community gets is increased traffic and competition and it could be good for the community but it's not even though the environmental impact statement says that it is.

So, in short, I think there is some serious flaws to the claims in this statement and I think anyone can look and see that it's not the way it's described. These plans don't fit that description.

So, anyway, thank you very much for listening to my concerns."

Supervisor Cardinale: "Thank you, Richard. Yes, Mr. Diliberto, did you have a comment?"

Sal Diliberto: "I hope this makes sense but I was thinking about a story that my mother used to tell me about how she was raised in Italy by a maiden aunt and her aunt lived to be about 93 years old, never married, and she used to tell us that the reason she never married was because when she was young and young men would come to the house, her father would always find a reason why she shouldn't go out with them. One was too fat, one was too short, one had big ears, one had a big nose. And as time went by, less men came over and eventually no one came and she lived out her life lonely.

My mother said her father really wasn't being honest. The real reason he didn't want her to marry because he was afraid since she was the youngest, that if she married he wouldn't have anyone to take care of him when he got old. It's kind of selfish on his part.

I've heard over the years a lot of reasons why people feel they don't want this development and I wonder if people are really saying the truth about why they don't want it or if they're just giving reasons that they think are good enough to raise objections to it.

I think mostly it's about fear, that people are afraid of the change to the town of Jamesport.

The village itself, obviously if people look at the stores there, are suffering. There are several vacant stores and have been for quite some time even before the economic downturn. I don't think that those stores will ever be able to be fully rented unless there was parking available to the people who rent those stores.

I don't know if this project can still tie into the rear of these stores, but years back— going back even before the master plan when they first had proposed this before the master plan was adopted, there was talk by the developer and I believe he still is willing to tie in parking to the rear of the stores.

I agree with Richard that there should be a better tie in between the stores. And I'm assuming that at some point further along in the process perhaps there can be something that the developer can do that would serve the community in some way. Some type of community facility as a part of this very large development.

I don't know about the negative impact that Phil Barbato talked about from commercial development. I do know that I was at a meeting one time where I think I was told that if EPCAL and other developments happened in the town of Riverhead the way they were supposed to that the taxes for the taxpayers in the town of Riverhead could go down by 65%.

I don't know if I ever believed that that would happen but I do know that if it does happen, it's not going to just happen in one day from one project. There's not going to be miraculous tax reduction day where we all wake up and our taxes are lower than they were the day before. It has to happen project by project.

This project is for the most part to my understanding appropriate for the zoning that's there and if we keep saying no to all projects, and there are always going to be people in a community, whether it's Wading River or Baiting Hollow, Jamesport who when change comes in are going to object to it on a variety of grounds, but if we keep saying no to that where is the commercial development going to come from? Where is going to be the increase in tax base?

You can't just keep buying up land for open space. I love the open space but you can't buy every parcel so they won't be developed otherwise you won't have any tax base.

So at this point I'm still in favor of this project. I don't think that I've heard anything that's a major reason why it should be rejected.

Thank you."

Supervisor Cardinale: "Thank you, Mr. Diliberto. Any other comments? Again, those of you who would like to make a comment in writing either watching on TV or here, get it to the town clerk Diane Wilhelm by November 2nd, close of business and address it to the concerns that you have, particularly as to whether the— remember this is a draft environmental impact statement.

We're going to give instruction to Mr. Cuddy and his client as to what needs to be clarified or amplified and then they're going to be back here for another hearing on the final so we want to make sure when they get here, the answers to the questions you have are in the document.

So with that, I'll indicate November 2nd to Diane Wilhelm, 4:30, town clerk's office any written comment and I thank you all for coming and I appreciate your thoughtful comments.

We'll see you at the next hearing on this. Thank you."

Public hearing closed: 8:30 p.m.

Diane M. Wilhelm
Town Clerk