

8/16/2005 minutes

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at the George Young Community Center, South Jamesport Avenue, Jamesport, New York, on Tuesday, August 16, 2005, at 7:00 p.m.

Present:

Philip Cardinale,	Supervisor
Edward Densieski,	Councilman
George Bartunek,	Councilman
Barbara Blass,	Councilwoman
Rose Sanders,	Councilwoman

Also Present:

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

Supervisor Cardinale called the meeting to order.

Supervisor Cardinale: "-- with the Pledge of Allegiance and I understand that the Baiting Hollow Scout Camp Eagle Scout candidates are present to lead us with the Pledge of Allegiance."

(At this time, the Pledge of Allegiance was recited)

Supervisor Cardinale: "Thank you very much. Thank you. I would like to approve the minutes of the August 2nd meeting and I would like to put my microphone on, too. (Inaudible)"

Can you hear me? With all this technological equipment, you still can't hear me, right? Some people consider that a positive. Hey, that sounds better, keep it up. Keep it up. Yeah, yeah, right. Okay. I would like to approve the minutes of last- August 2nd's meeting. Can I have a motion to approve?"

Councilman Densieski: "Motion to move the minutes."

Councilman Bartunek: "I'll second that."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The minutes are approved."

Supervisor Cardinale: "Could I have the Reports, please, from Barbara?"

REPORTS:

Receiver of Taxes
Utility collections
report for
July, 2005, total collected:
\$330,138.28

Juvenile Aid Bureau
Monthly report for July,
2005

Open bid reports
NF Golf Resorts, Phase
II,
opened 8/15/05 - five bids
were received: Grimes
Contracting - \$221,061.98
Alessio Pipe - \$222,710.00
Roy Wanser - \$231,091.00
Merrick Utility - \$259,946.00
Bancker Const. - \$299,160.00

Open bid report
Harvard Nichols
Subdivision
opened 8/15/05 - four bids
were received:
Grimes Contracting - \$48,000
Alessio Pipe - \$52,911
Merrick Utility - \$54,300
Bancker Const. - \$75,960

Barbara Grattan: "That concludes Reports."

Supervisor Cardinale: "You are doing so well. Applications."

APPLICATIONS:

Special events
Riverhead Elks Lodge -
Aug. 20
2005 - Elks/Abate Biker rodeo
and swap meet barbeque

Site Plan
Yamaha Motor Vehicle
Sales -
change of use to automotive
sales and additional
landscaping

Site Plan
Calverton Links -
construct a
4,000 sq. ft. tent and (2)
1,000 sq. ft. temporary tents

Special Permit
Prest-O-Peconic - 1400
West
Main Street, construct a two
story building of 4,400 sq ft

Parade Permit
Riverhead Fire Department
-
Aug. 27, 10:00 am Route 58
training grounds

Parade Permit
Jamesport Fire Department
-
Aug. 28 at 8 am, 10k race

Barbara Grattan: "That concludes Applications."

Supervisor Cardinale: "Correspondence, please."

CORRESPONDENCE:

Allen Smith
Regarding court security
in
Justice Court

Thomas and Catherine
Regarding the group home
at
Smith, Jamesport, NY
Mesta Vista development

Helen Ostop
Letter of resignation as
Homemaker in the Senior
Department

Barbara Grattan: "That concludes Correspondence."

Supervisor Cardinale: "Okay. We have two hearings at 7:05 and
7:10 respectively but before we call those I wanted to note that the

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next meeting will be at— September 7th at the Wading River Congregational Church. We're on the road for two weeks in a row.

The— those of you from Jamesport who are looking for the picture of the founders of this building in 1972 with a little plaque acknowledging their role in preserving the building so we could have such meetings as this in it. It's coming, but it isn't here tonight as I had hoped it would be because it's getting blown up because all the people in the picture have grown so old now you can't see their faces unless they've blown it up. So we're going to blow it up and put it on a little plaque and we'll come back and present it at a subsequent meeting in the next month.

In regard to this very structure, I should also note that there's no resolution but there has been an understanding and agreement that we're going to get it painted. The paint is being donated by a good soul and— who remains anonymous and the apprentices from the construction trades are going to be painting without charge to the town so you're going to have a new paint job, so think about what color you'd like best.

Those are the announcements I had besides thanking again the Scouts for being present tonight to lead us in the Pledge.

Anyone else on the Board have an announcement of any sort they would like to make or committee report?"

Public Hearing opened: 7:20 p.m.

Supervisor Cardinale: "If not, we can go to the 7:05 hearing which hearing is supposed to be about the consideration of a local law to amend Chapter 108 entitled Bed and Breakfast facilities. Our town attorney, Dawn, do you want to summarize what this is about before we take comment?"

Dawn Thomas: "This is a proposed local law to amend Chapter 108, specifically Section 64.5. It modifies our bed and breakfast permitting requirements such that there would be an annual filing fee of \$100.00 rather than a five year— I think it was a five year renewal— yeah, five year renewal and so there would be an inspection and an annual filing fee each year by the building department.

And I think that's the extent of it."

Supervisor Cardinale: "Right. And what I think it does also is it deletes the requirement of every five years having to reapply for a special permit. So although you'll have an annual inspection charge, you will not have to reapply each five years for a permit.

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Actually, they worked out very well, bed and breakfasts, since the legislation was passed five years ago, so does anyone have any comment in regard to that public hearing— it being 7:20. It is opened and we're all ears.

It is in the way of— what do we— housekeeping but if anyone has any strong feelings, now is the time. Not having any strong feelings, I'll leave it open for 10 days until Friday, let's see— it would be Friday the 27th or 26th, 26th is Friday, I think. Friday, the 26th. I'll leave it open for any written comment in case you belatedly get excited about it.

And I'll move onto the second hearing."

Public hearing closed: 7:21
Left open for written comment
until August 26, 2005

Public Hearing opened: 7:22 p.m.

Supervisor Cardinale: "It was scheduled to begin at 7:10 but it's beginning now and it's for the consideration of the draft environmental impact statement as prepared by the Town Board to amend the zoning use district map to provide for the Planned Industrial Park Zoning Use District to the exclusion of the Planned Recreation Park zoning use district upon approximately 590 acres located at the Enterprise Park in Calverton.

We have the Planning Director, Rick Hanley, here. We have Mr. Cognisetti (phonetic) who we contracted to prepare the draft environmental statement. We— earlier than— before contracting, we had asked— we scoped the issues we wanted studied. Rick has the scoping document. He also has the draft environmental impact statement.

The purpose of this hearing is to make certain that the scope of issues was addressed that was addressed in the scoping document and it was addressed in the draft and that it appears to be adequately, completely addressed and then it's going to go to a final and we're going to have another hearing for that."

Rick Hanley: "Yes."

Supervisor Cardinale: "Go ahead."

Rick Hanley: "This motion of the Town Board was prompted by a 2004 report submitted by CB Richard Ellis, Inc. to the Riverhead Community Development Agency suggesting that the demand for industrial floor space on eastern Long Island was high and that the town of

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Riverhead should consider rezoning and marketing an additional 590 acres at EPCAL for industrial use as opposed to recreational use.

The Town Board carefully considered the Ellis report and by resolution dated January 19, 2005, the Board did determine rezoning to be a Type I action under SEQRA and further determined the action to require the preparation of a supplemental generic environmental impact statement in order to verify the conclusions of the Ellis report.

The scoping in this matter was held on February 15, 2005 and the Town Board hired the firm of Divirka and Bartilucci of Syosset, New York to prepare the impact statement.

The document is divided into two main sections, Section 2 assessing the absorption rates on industrially zoned land within the Long Island region and Section 1 assessing the level of impacts upon water supply, waste water generation, and traffic movements of particular industrial buildout.

Section 2 concluded that there is in fact a high demand within the Long Island region for industrial and office floor space higher than that projected to be absorbed within a 20 year period by the original Calverton redevelopment plan adopted in 1999.

The section further concludes that based upon forecast employment rates the 250 acres of the studied 590 acres could be absorbed within a seven year development period and that the entire 590 acres could be absorbed at a 17 year period.

Section 1 of the document completed an evaluation of environmental impacts associated with development under the proposed zoning amendment with respect to water usage, waste water, generation and traffic movements.

The evaluation included the following: water demand would be at 6.6% lower than the existing zoning or development under the existing zoning. Waste water generation should level out at 37% lower than development under the existing zoning. And traffic generation would be 20% lower than the existing zoning.

The general conclusion being that the proposed zoning amendment of the Town Board would have less of an adverse impact upon the natural environment than those impacts resulting from development under the existing recreational zoning regulations.

This concludes the summary of the document and Tony and I are here for comments from the Board and from the public."

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Supervisor Cardinale: "Yeah. Richard Hanley is the Director of Planning. Tony Cognisetti- Canetta- a representative of the firm that did the drafting of the draft environmental impact statement.

It is 7:25, this having been opened a few minutes ago. It's now open for public comment and we would like to hear what you would like to say.

The purpose of the hearing again is to compare the scoped issues with what was handled in the draft environmental impact statement so it occurs to me it's difficult to comment unless you've read the scoped document and the draft environmental impact statement. But we won't hold that against you. If you want to comment, comment anyway.

There will be a hearing on the final. There will also be a hearing on the zone change so you will have plenty of chances to talk later but Larry can't give up this opportunity. Come up, Larry.

Did you actually read this? Good. Because Barbara reminded me so that we look smart. We are aware- yes, that's the point- we are aware, before you start, of deficiencies in the document that- between the scoped issues and the studied issues. We have already talked to Tony about those. We know which they are. Now let's see how well you did in your reading."

Larry Oxman: "Larry Oxman, with offices on Main Street and Old Country Road, Riverhead. Not to really- and I trust that you will be able to find the differences between the scope, what was asked and what was required. I was also attending the scoping session, I'm not the guy that suggested several things be included in the (inaudible)."

Supervisor Cardinale: "Right."

Larry Oxman: "It's also interesting that this document, or should I say this rezoning, is probably one of the ones that will affect Riverhead forever in a major way. I'm very supportive of the change of zoning.

I did have a specific question so I'm not sure whether that's addressed in the draft or the final. But there was confusion- I was confused when the consultant started talking about pricing. So and I can actually quote from under the Town of Riverhead, the market summary, which is page 30-32, I'll read this directly, and I'll read it again just to make sure I read it correctly.

The third sentence says, the average asking sales rate for industrial warehouse space in the Town of Riverhead is \$6.50 or \$20 per square foot comma triple net. The asking- the average asking sales rate for industrial warehouse space in the Town of Riverhead is

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\$6.50 or \$20.00 per square foot triple net. I don't know what this means. It's confusing terms.

When you talk about a sales rate, triple net is a term that's generally reserved for leasing, yet there's no discussion of leasing. And it doesn't say between \$6.50 and \$20.00. It says either or. So that needs clarification."

Supervisor Cardinale: "Tony, you'll- give us all your concerns and then we'll have them answered by Tony who came all the way from where- Woodbury- just to be with you."

Larry Oxman: "Okay. There's an assumption here that the- and it's an assumption and it's a valid assumption but it may not be necessarily hold true, that the allowed occupancy is going to be 15%. It also doesn't talk about the potential of using transfer of development rights and be aware that although- and as Rick Hanley said very, very finely, that about a little under 250 acres could be absorbed within seven years. The majority would take another 10 years. It's a (inaudible) when it comes to what this can provide to Riverhead for the future forever.

So don't let those numbers scare you. Just take a drive into Nassau County. I'm 48 years old. I remember when the expressway ended at 106. I'm sure everyone else can tell a story that they remember years ago, too. I'd like to see this happen."

Supervisor Cardinale: "Thank you. In regard to the 15%, it is- and I'll let Tony answer the first question on the clear terminology."

(Inaudible comment)

Supervisor Cardinale: "\$6.50 to 20 per square foot. Okay. That's quite a range."

Larry Oxman: "That's quite a range."

Supervisor Cardinale: "The other thing I want- the other thing you asked about, 15%. The reason I used that was because in theory we're studying the explanation of the planned industrial park district and that's 15% lot coverage which I believe can go to what, Barbara, 22 and ½ with development- transfer of development rights?"

Councilwoman Blass: "Yes. I think the point that Larry was making is that was one of the issues that we identified in the scope that needed to be addressed, the increase because the planned- "

Supervisor Cardinale: "Right."

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Councilwoman Blass: "-- the PRP is now 10% and if we change to industrial that does require-- there are impacts with that additional coverage and the TDR-- he got two out of five."

Supervisor Cardinale: "That's the fourth one-- I couldn't remember when I spoke to you."

Larry Oxman: "And also light industrial coverage outside of EPCAL is considerably higher."

Councilwoman Blass: "It's higher. That's correct."

Larry Oxman: "And at the same time, we certainly don't want to undermine the property values of outside of EPCAL's light industrial property owners. So this has to be erroneous, so-- but all in all I think that this is--we're in the right direction."

Supervisor Cardinale: "Thank you. Any other comments on the document, the draft environmental impact statement? Okay. The-- I remember I said there were four areas, that was the one I couldn't remember and we'll get you a letter so we'll know exactly which ones we'll want you to include in the final that were not included in the draft accurately. Any other comment?"

If there is no further comment on the draft, we will send Tony back to work on increasing the number of issues addressed by four or five and then we will have another hearing before we see-- when we see the final and we'll have another hearing to consider the concept of the zone change in general.

Okay, it's now 7:32. I'm going to adjourn-- close the hearing for verbal testimony. I'm going to keep it open for 14 days in this instance 'til Wednesday September 1st, right? Whatever Wednesday two weeks from now is and then if you have any written material you'd like to submit, please do so. And that was painless."

Public hearing closed: 7:32

Left open for 14 days to

September 1, 2005

Supervisor Cardinale: "So that's the second hearing we have scheduled for this evening and we therefore are completed with the hearings and would like to take comment on any resolutions. There are between-- 774 and 837 that we're considering this evening. We'll then go forward with the resolutions and then we'll take general comment."

Did I see a picture come in here? Is that the one that is blown up? Oh, are we supposed to get a blown up one? Oh, okay. Why don't we-- we do have the-- I had alluded earlier to a picture of those

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responsible for reclaiming the Jamesport School as a community center and this is the very picture which we are anticipating blowing up and putting in the lobby to memorialize the contribution of these people, some of whom are still active in the community and some of whom were very active and did very many constructive things while they were in the community.

So why don't we— this is not the one we're hanging but it is the one we're going to blow up so take a look. It will keep you— Erica, you want to take it and— don't take it him, just pass it around. We'll get it blow up and put in the lobby downstairs. That's been the request of some people for many years and we finally found the right picture.

Angela DeVito is here and she has a comment on the picture, okay. You'd like to hold it in your hands as you comment?"

Angela DeVito: "No."

Supervisor Cardinale: "Okay."

Angela DeVito: "Angela DeVito and I'm speaking on behalf of the Jamesport, S. Jamesport Civic Association and it's going to be the Civic that will be blowing this picture up and really to thank Jeanne for— 31 years ago— "

Supervisor Cardinale: "Jeanne is in the picture, right?"

Angela DeVito: "Yes, she is. Making sure this happens. And one of the things I'd like to ask for the Jamesport, S. Jamesport residents, if you have other pictures that may have been taken at the time that the school was either moved or people who were in front of the school because what we'd like to do is have a panel of pictures that basically remembers and thanks those individuals for all of their hard work and makes it possible for all of you to come here tonight and have a meeting here. So, again, Jeanne, I don't have to— missing here in the audience but specifically (inaudible) to thank her for all of her hard work."

Supervisor Cardinale: "Can I take a look at that picture just for a second? I would be remiss if I did not at least acknowledge the people that are in the picture as being in the picture. This is a picture that was taken in 1974 in front of the old Jamesport School, now the Jamesport Community Center and the people who were instrumental among others in getting this saved from the bulldozer and obtaining a million dollar federal grant which in those days was real money, were the following, and others.

Ollie Griffin (phonetic), Roger Nikosea (phonetic), Carl Locker (phonetic), Ollie Ollers (phonetic), Patricia Marts (phonetic), Kathy

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Anthony, Bobby Harrison, Barbara (inaudible), Mr. Robinson, Jeanne Gillin, Eve Nikosea (phonetic), Rowena Janis (phonetic), still alive and kicking, and Gus Gillen. Many are now deceased. We owe them all a great debt of gratitude for their foresight.

So let me pass it around and I appreciate the Jamesport Civic Associations offering to enlarge it and then— and will reframe it once it's accomplished and get it downstairs.

Okay, the comments that anyone wishes to make on 774 through 837, we'd like them to make. Sal, please come up. Okay, what didn't we proofread well?"

Sal Mastropolo: "Sal Mastropolo, Calverton. 784."

Supervisor Cardinale: "784."

Sal Mastropolo: "The (inaudible) don't match. They're off by a dollar."

Supervisor Cardinale: "Really? That's right. They have to be."

Sal Mastropolo: "Somebody didn't proof it that good."

Supervisor Cardinale: "Miscellaneous consultants is 13276. So let's amend that. Thank you."

Sal Mastropolo: "798."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "The date should be August 18th, not the 19th, for the newspaper."

Supervisor Cardinale: "August 18th is indeed the—"

Sal Mastropolo: "Thursday."

Supervisor Cardinale: "Thursday."

Sal Mastropolo: "And why the News Review? All the others just go to the Traveler Watchman."

Supervisor Cardinale: "You know, that's an interesting question. On the help wanted ads, we often do them in both papers to get a better response."

Sal Mastropolo: "Well there's another one that's a help wanted that you didn't do the News Review."

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Supervisor Cardinale: "Sometimes when we have real difficulty finding people like for this job, senior citizen aide homemaker, we advertise in both. Which one did we advertise in only one with? It's usually an indication we don't have trouble--"

Sal Mastropolo: "Part time recreation aide and chaperones."

Supervisor Cardinale: "Is that easier? Yeah, apparently they wanted to save the money because they get a good response."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "Thank you."

Sal Mastropolo: "800."

Supervisor Cardinale: "800. Yes."

Sal Mastropolo: "On the notice to bidders-- "

Supervisor Cardinale: "Yes."

Sal Mastropolo: "You may want to include or on the website. Most of the other notice to bidders you say available at Town Hall Monday through Friday and you mention the website, but this one you don't. So to be consistent."

Supervisor Cardinale: "Okay. Okay, at Town Hall-- let's see, where-- is that right on the notice?"

Sal Mastropolo: "Yes."

Supervisor Cardinale: "What paragraph?"

Sal Mastropolo: "Second paragraph."

Supervisor Cardinale: "Okay. And on the website. Are they available on the website, Barbara? Okay, so we'll add that. Thank you. To the notice."

Sal Mastropolo: "804."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Second paragraph. Attached prices, there's no attachment."

Supervisor Cardinale: "Second paragraph. 804?"

Sal Mastropolo: "Yes."

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Supervisor Cardinale: "Resolved that the contract be and the same is extended until April 20th. That's what I got. 804. Extends this contract- "

Sal Mastropolo: "Yeah. But the attached prices, but there's no attachment."

Supervisor Cardinale: "Oh yes. Okay. Okay. That's a no-no. Where's the police chief? We need to know- we're paying for these uniforms so we can be duly impressed. Oh, it's purchasing. It's only your uniforms. (Inaudible). It's all Jack's fault. Jack, you plead guilty? Okay, he's guilty. You didn't attach it. We may approve this but I will not let it go until you show me that. Thank you. I will not execute it."

Sal Mastropolo: "808, I have a question. In the last paragraph on the first page, Be It Further Resolved- "

Supervisor Cardinale: "Yes."

Sal Mastropolo: "-- they're forwarding certified copies to the Planning Department, the town attorney, and the Office of Accounting. And it just begs the question, are these committees- do they receive any kind of stipends that you're sending them to the Office of Accounting?"

Supervisor Cardinale: "Yeah. No, they're not. They don't receive any money. They don't appear to be doing a lot either. But we're going to buy some open space soon. We're still not going to pay them. How come you get it Jack if the Office of Accounting, we're not giving them any money?"

Jack Hansen: (Inaudible)

Supervisor Cardinale: "Record keeping. Okay. These are record keeping but no, they don't get any money to answer your question."

Sal Mastropolo: "Okay. 817."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "There's a whole bunch of application 90's where we waived the fees."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "Okay. And then on this one we go out of our way to say that the applicant will pay for overtime if required. So that begs the question well, why are we waiving the fees when we have

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the costs associated with the Fire Marshal doing the inspection. We should at least cover our cost."

Supervisor Cardinale: "There's a- that's an interesting question."

Sal Mastropolo: "It seems that we're inconsistent. And if we're going to charge for overtime, we should be charging for the Fire Marshal's time."

Supervisor Cardinale: "Well, it- we're very- how shall I put it? It is much improved since the years that I first joined the town. We have placed in an ordinance the waivers for certain non-for-profit and firematic fraternal organizations that seek Chapter 90's. We waived the 200.

What we're saying in these approvals is although we're waiving the 200 because of their purpose, they are non-for-profit or firematic or fraternal purpose, we are not going to supply extra police officers to cross at the corners, we're not going to supply building and grounds to help set up unless we are- we're not going to provide our Fire Marshal services at the site unless they pay for the services on an hourly rate.

So although we waived the 200 we are not prepared to waive anything further and that's really what that's saying."

Sal Mastropolo: "Well we should at least charge for the Fire Marshal's time to do the inspection. It's not like he's not doing an inspection."

Supervisor Cardinale: "We do not charge for the 200, right? But we do charge them for any expenses administratively other than- I don't think we- the 200 covers the initial review. And, incidentally, it's correct because the policy I think is still a wise one, because what was happening in the real world before that was if we liked the entity, we'd waive it, and if we didn't especially, we wouldn't. So we said look, if we're going to waive, we have to waive it for all not-for-profits, all religious corporations, all firematic groups not just the ones we like. So it's imperfect, Sal, but so is the world."

Sal Mastropolo: "831."

Supervisor Cardinale: "Okay, thanks."

Sal Mastropolo: "There's no Whereas about the site plan fee and the receipt number. All the other site plans have a Whereas that talks about the site plan fee and either the check was deposited with a receipt number."

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Supervisor Cardinale: "Yeah."

Sal Mastropolo: "This one's inconsistent."

Supervisor Cardinale: "Okay. We're going to table this and when we get it back we'll make sure to add Whereas the site plan and fee has been paid."

Sal Mastropolo: "Okay. 833."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "You're missing the list of subject to the following and the declarations and covenants."

Supervisor Cardinale: "833- "

Sal Mastropolo: "It's the only site plan in the packet that doesn't have the list subject to the following items and the declarations and covenants."

Supervisor Cardinale: "What number? 83- "

Sal Mastropolo: "833. Old Castle Retailing doing business as Bonsal America."

Supervisor Cardinale: "Okay. I'm getting there. I think I have it. Yeah, approves the site plan of Old Castle d/b/a Bonsal. And your point again is?"

Sal Mastropolo: "There's no list of subject to the following and there's no declarations and covenants. It's just a one page site plan."

Supervisor Cardinale: "Oh yeah. Rick- "

Sal Mastropolo: "Usually they're about seven pages long."

Supervisor Cardinale: "You've got a good point."

Councilwoman Blass: (Inaudible comment)

Supervisor Cardinale: "Oh. Okay. I was going to ask Rick. Do you mean this to be one page Bonsal? Because it's an amendment. Yeah, we had passed the- that's a good question. But, this is actually a- it should read approves modified site plan. Okay? The reason it doesn't have any conditions is in the initial site plan approval we put all the conditions and we're now modifying only what's stated here."

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Sal Mastropolo: "Okay."

Supervisor Cardinale: "All right. Good thank you."

Sal Mastropolo: "You're welcome."

Supervisor Cardinale: "Appreciate it. Any questions or observations, Sal? Yes, Sid. Sal, Sid."

Sid Bail: "Sal or Sid Bail. President of Wading River Civic Association. I'm here to speak in support of resolution 790 which calls for a \$12,000 adjustment to the twin ponds capital improvement fund."

This money would go for Dark Sky (inaudible) fixtures. Those of you who haven't been to Wading River, you know September 7th, the town board meeting, I'm inviting you all to Wading River. And it's a very quaint, quaint area, and about four years ago after many years of planning, etc., the town committed- I think it's close to \$300,000 for the improvement of the parking lot.

And fortunately most of the businesses are doing well. We have a great restaurant by the parking lot, it's like a commercial, etc. But one of the concerns that was expressed about the parking lot was it is a bright little sucker and you know in the last three or four years, I think we've all become more educated on the topic of energy efficiency.

And I have to give Councilman Densieski credit for introducing the dark skies initiative into Riverhead and it seems it would be hypocritical, you know, if, you know, we didn't have this commitment to this. And I know ideally maybe this should have been part of the original plan but we weren't there at that particular time. And the little hamlet of Wading River, the old part of Wading River, I think is really an asset to the town of Riverhead, the entrance to the town of Riverhead.

And it's gotten some very, very favorable comments. The fixtures, and I know Ed spent a lot of time and one of my members, she's spent an incredible amount of time bugging Ed and you know Ken Testa and working with the office, Carol Fishkin (phonetic) and she really poured her heart and soul into this.

If you go to the Village of Port Jefferson, the fixtures in Port Jefferson, the fixtures that we're talking about, and I think they would be served not only the Dark Skies issue but they would you know highlight Riverhead's investment in the parking lot to I think put it in its best light, the parking lot.

You know, so, you know, we support it and I don't come begging, you know for money that often. I'm looking for it not only this

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happening but the efforts of Councilwoman Sanders across the street from the parking light. We're working very hard. She's put together a little task force with Riverhead and Brookhaven and, you know, this will be really a very, very nice spot.

Thank you very much."

Supervisor Cardinale: "Thank you. Any other comment on the resolutions? Yes, Angela."

Angela DeVito: "Angela DeVito. Resolution #781, first I'd like to say that I'm glad to see that there's going to be some road improvement done in South Jamesport but I would like to know why Point Street does not appear as part of the program for this year."

Supervisor Cardinale: "It is there."

Angela DeVito: "Well, you only have here- I have Front, 2nd, 3rd, Green, Center and West."

Supervisor Cardinale: "Mine says Point."

Angela DeVito: "Oh, yours says Point? I don't have the full resolution. Okay. That takes care of that. I didn't get to town hall on time today to read them all."

Supervisor Cardinale: "Yes."

Angela DeVito: "Because Point Street is particularly in very, very bad shape."

With regard to Center Street, are road improvements going to go all the way down to the boundaries, sort of telephone poles that the town has put up that marks part of the southerly terminus or is it going to stop just at Front Street, the northern part of Front Street?"

Supervisor Cardinale: "What I think we should do is- it's awkward because I can't exactly instruct the highway superintendent but I can tell him he's not getting his money unless he brings it down to the beach. Because we control as a board the pocketbook but he is an independent so to speak once he gets the money. So I will ask him to bring it down to where it should end and that is at the beach. If he doesn't do it I won't give him the rest of the money."

Angela DeVito: "Same for West Street. Thank you."

Supervisor Cardinale: "Thank you. Yes, sir."

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Sal Diliberto: "Good evening. My name is Sal Diliberto and I didn't intend to get up and speak tonight at all but I'm here on 831."

Supervisor Cardinale: "Yes."

Sal Diliberto: "Mary Ann Diliberto is the applicant actually on the tasting room and I heard some comment that there was something missing from the resolution and that because of that it was going to be tabled."

I talked to Mr. Hanley outside, he told me that if we were downtown in town hall they could I guess get the receipt or whatever it may be but I hate to see this being delayed so far because it's been such a long process for us. We started a very long time ago. I've got a lot of wine that I'm not really able to sell from the tasting room. We're just-- we were named last Wednesday by the New York State Wine and Grape Classic as the best (inaudible) in the state of New York and we're from the town of Riverhead and we're proud of that. But if I don't have a place to sell it, I really can't do business. And I would ask if there's some way that we can manage to handle the resolution this evening."

Supervisor Cardinale: "Yeah. What amount of acreage is under-- do you have in wine?"

Sal Diliberto: "We have-- I have-- at that location, we have approximately three acres of vineyard but I have other partnerships with other people in Jamesport where I'm able to obtain grapes. Last year we made approximately a thousand cases and it's our intent to keep making approximately a thousand cases."

Supervisor Cardinale: "We reviewed this at the work session and actually Barbara was not present and she wanted-- I wanted to have her the opportunity-- give her the opportunity to review it but the questions-- what we saw-- which you explained as a two acre piece for starters-- "

Sal Diliberto: "This is-- there is a two acre parcel that's owned by my house and which we're going to put the tasting house. The two acre parcel next door is owned by me. We bought them separately. We kept them separate. We have another one acre that we lease adjacent to those four acres so we have five acres right there."

Supervisor Cardinale: "That may help resolve the concern we had. We weren't looking really at this particular site plan but we were looking at the statute we had just passed as it applied to what we thought was a two acre piece."

So we can with that explanation, I think-- are you comfortable with?"

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Councilwoman Blass: "Mr. Supervisor, with all due respect, it was my colleagues that were mentioning the fact that they had not signed the site plan because there were outstanding policy issues and I merely said well I wasn't there so if they're comfortable I would be happy- "

Supervisor Cardinale: "There was another issue- "

Councilwoman Blass: "-- but there were policy issues- "

Supervisor Cardinale: "Well, the policy issues were what I just said. But with five acres- I don't think that they're any longer apt. But we didn't initial three copies was your concern I think."

Councilwoman Blass: "I don't think you signed any."

Supervisor Cardinale: "We didn't sign any? But-- so that's what he's talking about. I'm not-- I don't remember what I saw on Thursday. We want three copies of the site plan on my desk tomorrow morning. You can do that? And then we're going to initial it. That was the technical problem. We had not initialed it and Barbara correctly wants to make sure that we have three copies of initialed site plans because we've got some confusion about what we're approving."

Sal Diliberto: "Okay."

Supervisor Cardinale: "But if it's time sensitive for you, I think we would be comfortable with your assurance, Rick, that we'll have it on our desk first thing in the morning."

Anybody- do you have a problem?"

Councilman Densieski: "Nope. Fine by me."

Supervisor Cardinale: "George, you- "

Councilman Bartunek: "Well, I think that we should come to terms with a policy on this where we haven't adopted a farmstand code and we don't have a policy on it and unless the town board disagrees with you, I think that we ought to have definite clarification of the amount of acreage that you and your wife own. I think that would be fair to ask."

Sal Diliberto: "Right there on Manor Lane?"

Councilman Bartunek: "Yeah."

Sal Diliberto: "We own four acres- "

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Councilman Bartunek: "You don't have to own it, just on Manor Lane. It doesn't have to be contiguous acreage. But the- I think what we ought to do is we should discuss a policy first before we can give you an answer on how we want to resolve this."

Supervisor Cardinale: "Okay. Let me tell you why I think you're wrong which is seldom the case. If--what we're talking about just so you understand is that in our code if you had two acres and no other acreage, in theory you could have a wine tasting room. We didn't intend that. We intended that you had to have a minimum of five acres, okay?"

Sal Diliberto: "But isn't that under the farmstand law?"

Supervisor Cardinale: "The farmstand law is yet to be passed but we'll eventually."

Sal Diliberto: "Yes. But I'm in the APZ."

Supervisor Cardinale: "That's correct."

Sal Diliberto: "And in the APZ the site plan is even more restricted because no matter what the size of the structure- "

Supervisor Cardinale: "That's correct also. But there's no provision under the APZ that you have to have a minimum of five acres. So, therefore, we cannot impose that provision at this time so, therefore, I think even George knowing I'm saying that (inaudible). Because we were never concerned with yours. We were concerned with the policy underlying it. You may be-- after we pass the farmstand which I anticipate will be done some time late this year, we would probably want to have at least five acres of-- five acre parcels before you had a tasting room or a wine stand."

Sal Diliberto: "Five acres of productive vineyard or five acres before you could actually have a location? Not that it would matter to me but- "

Supervisor Cardinale: "Yeah. What was the farmstand- five acres?"

Councilman Bartunek: "I think it's five acres of property owned."

Supervisor Cardinale: "Five acres of total property owned."

Councilman Bartunek: "Right, Barbara?"

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Supervisor Cardinale: "In the town. Otherwise you could have—in theory, I mean I love wineries and wine tasting room, but in theory every two acre parcel in the APZ could be a wine tasting facility if we didn't have some kind of control.

But you're— we've got to approve this in any event because the status of the code right now makes you eligible. So if you want it done tonight rather than two weeks from now, I have no problem and I don't think anyone else does after that discussion."

Sal Diliberto: "Okay."

Supervisor Cardinale: "Thank you."

Sal Diliberto: "Thank you."

Supervisor Cardinale: "Okay. Any other questions? Larry— this is on the resolutions before us."

Larry Oxman: "Larry Oxman, speaking on resolution 806."

Supervisor Cardinale: "806, yes."

Larry Oxman: "806, transfer of development rights and this has to do with a commercial application-- of an application of development rights in a commercial site plan. Having read this today and had been at the public hearing, I think that there is— there may be an oversight here because if you— not as an attorney, but if I read this, it says that the board shall have the authority to vary the development standards."

Supervisor Cardinale: "Yeah, that's what it says. Yes."

Larry Oxman: "And I thought that the intent was to allow the board flexibility to vary from the standards that were set not to just simply be able to vary it which means that it could go— it could become more onerous rather than more restrictive or— "

Supervisor Cardinale: "You're talking about the second line in paragraph one of the amendment, right?"

Larry Oxman: "Yes."

Supervisor Cardinale: "The town board shall utilize the standards set forth at Section 276 of the town law in determining whether to vary. In other words, my concern was this. We definitely needed to vary the standards if they were using development rights but we needed also a guide as to what— in what— what degree of discretion we had. So we read in 276 because that sets forth the degree of discretion that we're limited to. We have to go between this and this

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in varying the standards so it isn't simply a rule of man, it's a rule of law. And that's the change that we added after the discussion that you had."

Larry Oxman: "Could you give me an example of how this actually would- "

Supervisor Cardinale: "Could you give him an example? Okay? Well, let's make sure- "

Dawn Thomas: "Let me just point out quickly that 276--"

Supervisor Cardinale: "Yes."

Dawn Thomas: "-- are the standards that the zoning board of appeals is required to use when they give a variance for any development standards so the town board would be required to use the same set of standards that the zoning board of appeals (inaudible)."

Councilwoman Blass: "Generally I think the intent was to offer relief- "

Rick Hanley: "The intent was to allow- offer relief- "

Councilwoman Blass: "-- as opposed to making it more stringent."

Rick Hanley: "There was no legislative intent to make it more onerous or more restrictive and if maybe there's some language change we could put in there to make that clear it's not necessary."

Dawn Thomas: "No, I don't think we need to. The zoning board of appeals has identical requirements. Whatever they have, and I don't have the statute in front of me (inaudible), but the intent would be if you were able to increase yield by the addition of development rights, (inaudible), require development standards such as landscaping or parking and the board is already entitled to relax parking standards, if necessary, but this gives them the flexibility to be more effective in applying the TDR program."

Supervisor Cardinale: "Yeah. I think we're missing the point though, Larry being an inveterate developer- "

Larry Oxman: "I also would like (inaudible)."

Supervisor Cardinale: "-- he would like the word vary to mean relaxed is what he's saying.:

Larry Oxman: "I gave this verbage to two other developers and they both drew the same conclusion, that they weren't sure what was being said."

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Supervisor Cardinale: "Well, they are concerned that when you say you can vary, you can vary to make it more stringent or more relaxed."

Larry Oxman: "Right."

Supervisor Cardinale: "Our intention is to relax that. I'm not so sure- I'm not so sure we shouldn't use the word frankly relax because predictability is important and they want to know that we can't make them more stringent. Is that basically- is that a relevant concern?"

Dawn Thomas: "I don't really think so. I think as a legal term of our variance, in the land use sense, this is going to mean to relax, just- I can't imagine your application would be to enhance your development standards such that it would impede development."

Supervisor Cardinale: "Okay. What she's saying, Larry, is the town board shall utilize the standards in determining whether to vary development standards as set forth herein. You could add, however, upon application by- upon application.

What you're contemplating that they would make- the developer would make the application having utilized the development rights to relax the standards. He is going to have to be one kind of fool to make an application to make more strict the standards.

So if you just added the words to vary development standards as set forth herein upon application that would do it for you I think."

Larry Oxman: "Yeah, it sounds like clearly the intent was here."

Supervisor Cardinale: "Yeah."

Dawn Thomas: "Well, it's in the context of your site plan application because the TDR would be applied to your site plan which is an application you bring to the town board so the site plan is going to reflect what it is you need to be adjusted to to be able to accommodate the transfer of development rights. I can't imagine you trying- "

Supervisor Cardinale: "Would this be upon site plan application?"

Dawn Thomas: "Yes. That's what it's all about."

Supervisor Cardinale: "You want to make Larry smile by saying upon site plan application at the end of it?"

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Dawn Thomas: "The title is commercial site plan application."

Supervisor Cardinale: "Okay, so it's implicit you're saying. All right."

Larry Oxman: "It's not for me. I'm just- "

Supervisor Cardinale: "It's not for you."

Larry Oxman: "-- that other people have also said that this was a little unclear. That's all. And if this is the way it would be interpreted legally, then that's fine. So it's for everyone's benefit."

Supervisor Cardinale: "Have a little faith. Don't you know that this is the board that was given a (inaudible) award for making development decisions predictable and business friendly? I swear to you. And fair. Fair, predictable and business friendly under our new code. And I got misty eyed when I received that. The developer-- remember, like what's her name, Sally Field, they love me, they love me, they really love me. And then I embrace the nearest developer I could see. See I really am business friendly. Okay. Anyway, anybody have any further comment?"

Councilwoman Blass: (Inaudible)

Supervisor Cardinale: "I should. How are you?"

Mark Houraney: "Good. Mark Houraney, Riverhead."

Supervisor Cardinale: "Yes."

Mark Huoraney: "On #833 for the approval of a site plan. I just want to make sure that we discussed at the work session that basically in the town of Riverhead, even if your building is not up to code that you can get a site plan, be approved and move on with your work. That's correct?"

Supervisor Cardinale: "Yes, that's correct."

Mark Houraney: "Okay. And then the other quick thing, there was a navigation easement as we all know over EPCAL. Was that checked to make sure that the stacks don't interfere with that at all? That it's in the covenants and restrictions of the deed for EPCAL."

Supervisor Cardinale: "That's a question I want to defer to counsel. Is there-- it's not going any higher than the original stacks-- that's my understanding?"

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Dawn Thomas: "I don't know the specifics of this site plan application."

Supervisor Cardinale: "Yeah."

Dawn Thomas: "But I understand that there's no conflict with the easements that are in place."

Supervisor Cardinale: "Okay. They- I defer to her answer. She indicated- I don't know if you heard that- that there are no- that she understands there are to be no conflict with the easements and the stack. I had actually asked the question, is the stack any higher in the site plan or is it the same height anyway."

Mark Houraney: "Because you'd hate to have him put them up and then there's a problem obviously."

Supervisor Cardinale: "Right."

Mark Houraney: "They've been through enough. So- "

Supervisor Cardinale: "Rick, do you have a comment on that?"

Rick Hanley: "These stacks are ventilators."

Supervisor Cardinale: "Yes."

Rick Hanley: "And these stacks are higher than the height restriction in the ordinance- "

Supervisor Cardinale: "Right."

Rick Hanley: "-- but no higher than any existing projection. And my review of the supplementary height regs provide an exemption for ventilators so I don't see any issue- "

Supervisor Cardinale: "But that's not the gentleman's question. The gentleman's question was to make certain that when we approve it- I know it's fine, it's exempted from an ordinance. He just wants to make sure it doesn't run afoul of any- "

Rick Hanley: "These stacks are less- "

Supervisor Cardinale: "-- of any runway that is operative."

Rick Hanley: "It's less than any existing projection. There are towers on this building that are well up- "

Supervisor Cardinale: "Higher- "

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Rick Hanley: "Oh much higher."

Supervisor Cardinale: "All right. So this is not the highest point."

Rick Hanley: "No."

Supervisor Cardinale: "That's what I was concerned about. Thank you."

Mark Huraney: "It's just not the height. It's the fact that if you put any structure, it doesn't matter about the height, it has to do with any structure being built above the top roof of the building line, there are certain requirements in the covenants and restrictions. That's all."

Supervisor Cardinale: "Thank you. Any other comment on the resolutions? If there is no comment on the resolutions, we'll review them and then take general comment. Could you begin with the resolutions, Barbara?"

Resolution #774

Councilman Bartunek: "Declares lead agency and determines environmental significance of the authorization for the issuance of \$4,395,000.00 in serial bonds by the Town of Riverhead to pay the cost of the establishment of a new park and recreational facility at Enterprise Park at Calverton. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #775

Councilman Densieski: "Town of Riverhead 2005 Recreation capital improvement project budget adjustment. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes."

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Supervisor Cardinale: "Yes. This is for the Bear's Estates park improvements and I'm happy we're getting to that and hopefully they'll get them up quickly. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #776

Councilman Bartunek: "2005 Sara Grant budget adoption. So moved."

Councilwoman Sanders: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #777

Councilwoman Sanders: "2005 B&G Truck acquisition project budget adoption. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #778

Councilwoman Blass: "2005 Farm Road area improvement project budget adoption. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale."

Supervisor Cardinale: "Yes. This is a first of \$500,000 in road improvements. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #779

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Councilman Densieski: "Town of Riverhead 2005 Deep Hole Road improvement project budget adoption. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #780

Councilman Bartunek: "2005 Middle Road improvement project budget adoption. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #781

Councilwoman Blass: "2005 So. Jamesport Roads improvement project budget adoption, Front Street, 2nd, 3rd, Green St., Center St., West Street. So moved."

Councilwoman Sanders: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #782

Councilwoman Sanders: "2005 Harrison Avenue road improvement project budget adoption. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #783

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Councilman Densieski: "2005 Pier Avenue road improvement project budget adoption. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #784

Councilwoman Blass: "Yes. With the amendment of the dollar-- we're taking a dollar from the top-- "

Supervisor Cardinale: "Yeah. We're adding, yeah, the 276."

Councilwoman Blass: "Okay, thank you. This is a budget adjustment in connection with the Calverton Sewer District. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #785

Councilman Bartunek: "General fund budget adjustment. So moved."

Councilwoman Sanders: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #786

Councilwoman Sanders: "PAL fund budget adjustment. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

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Resolution #787

Councilman Densieski: "Town of Riverhead recreation program fund budget adjustment. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #788

Councilman Bartunek: "Riverhead Sewer District budget adjustment. So moved."

Councilwoman Sanders: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #789

Councilwoman Sanders: "Scavenger Waste district budget adjustment. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #790

Councilwoman Blass: "Twin Ponds parking field improvement budget adjustment. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

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Resolution #791

Councilman Densieski: "Town of Riverhead water District budget adjustment. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #792

Councilman Bartunek: "Accepts resignation of a part time homemaker in the Nutrition Department (H. Ostop). So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #793

Councilwoman Blass: "This resolution is a termination of employment. So moved."

Councilwoman Sanders: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #794

Councilwoman Sanders: "Authorizes the attendance of an assessor at seminar. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #795

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Councilman Densieski: "Authorizes the attendance of one police officer to the Colonel Henry F. Williams homicide seminar. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #796

Councilman Bartunek: "Authorizes the sewer district employee to attend course. So moved."

Councilman Densieski: "Seconded the motion."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #797

Councilman Densieski: "Authorizes the Town Clerk to publish and post a help wanted ad for chaperones and part time rec aides. So moved."

Councilwoman Sanders: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #798

Councilwoman Sanders: "With the amendment to- of August 18th authorizes the publication of help wanted advertisement for part time and or full time senior citizen aide and homemaker. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #799

8/16/2005 minutes

Councilman Bartunek: "Authorization to publish advertisement for diesel fuel for use by the Town of Riverhead. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #800

Councilwoman Blass: "This is an authorization to publish advertisement for food. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #801

Councilman Densieski: "Authorization to publish advertisement for meat and poultry. So moved."

Councilwoman Sanders: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #802

Councilwoman Sanders: "Authorization to publish advertisement for propane. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #803

8/16/2005 minutes

Councilman Bartunek: "Awards bid for 2006 Ford Super Duty F550 crew cab landscaper truck. So moved."

Supervisor Cardinale: "Landscaping truck. Yes."

Councilman Bartunek: "I'm looking at the price of this and I'm thinking it ought to be a land cruiser."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and it's seconded. Can we have a vote please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #804

Councilwoman Blass: "Extends bid contract for police uniforms. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale."

Supervisor Cardinale: "Yes. And Jack's going to get us the attached prices."

Barbara Grattan: "The resolution is adopted."

Resolution #805

Councilman Bartunek: "Adopts a local law amending Chapter 108 entitled Zoning of the Town of Riverhead town code, Article XIX cluster development. So moved."

Councilwoman Sanders: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #806

Councilwoman Sanders: "Adopts a local law amending Chapter 108 entitled Zoning of the Riverhead town code, transfer of development rights. So moved."

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Councilwoman Blass: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #807

Councilwoman Blass: "Appoints a member to the Recreation Advisory Committee. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Bartunek, yes; Sanders."

Councilwoman Sanders: "I'm sorry. I had a question."

Supervisor Cardinale: "Yes."

Councilwoman Sanders: "Phil, do you remember in the advisory committee guidelines-- "

Supervisor Cardinale: "Yeah."

Councilwoman Sanders: "-- did we refer to two year terms for all committee members?"

Supervisor Cardinale: "You know. I meant to ask Peggy that, why she made it a two year term. Peggy, is- we made it a two year term for this member. Are they staggered terms or are they all two year? Do you remember?"

Peggy: (inaudible)

Supervisor Cardinale: "Yeah. The guideline called for two year terms to be reappointed. Okay."

Councilwoman Sanders: "Yes."

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

Resolution #808

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Councilman Bartunek: "Appoints a member-- members to the Riverhead Open Space/Park Preserve Committee. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #809

Councilman Densieski: "Authorizes the supervisor to execute lease agreement with Cingular Wireless LLC Plant #9, Riverhead Water District. So moved."

Councilwoman Sanders: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #810

Councilwoman Sanders: "Authorizes the supervisor to execute lease agreement with Omnipoint Communications Inc., Pulaski Street tank, Riverhead water district. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #811

Councilwoman Blass: "Just a brief discussion, Mr. Supervisor."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "We must have used the template from the (inaudible) Restaurant because there are a lot of references to that business."

Supervisor Cardinale: "Are there?"

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Councilwoman Blass: "As opposed to Central Suffolk Hospital and there are a lot of blanks. So I have no problem with this but I'd think this agreement needs to be amended."

Supervisor Cardinale: "Don't sign it until they fix it. Yeah."

Councilwoman Blass: "We did designate the number of parking spaces but (inaudible) and there are a couple of things that need to be- "

Supervisor Cardinale: "Peggy. Okay, Peggy, make sure we clean up 811, legal things, before they give it to me."

Councilwoman Blass: "Authorizes the supervisor to execute license agreements with Central Suffolk Hospital. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale."

Supervisor Cardinale: "Yes. I'll vote yes. They'll clean it up and this is for the designer's showcase Hawkins House beginning in September just a few feet from here. So get it to me and I'll sign it. Oh, I did vote yes, yes."

Barbara Grattan: "Sorry. The resolution is adopted."

Resolution #812

Councilman Bartunek: "Authorizes the supervisor to execute agreement with the NF Management. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale."

Supervisor Cardinale: "Yes. It is NF Management. Thank you."

Barbara Grattan: "The resolution is adopted."

Resolution #813

Councilman Densieski: "Approves application of the African American Educational and Cultural Festival, Inc. So moved."

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Councilwoman Blass: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale."

Supervisor Cardinale: "Yes. It's August 27th, 10:00 am to 5:00 p.m. at the riverfront."

Barbara Grattan: "The resolution is adopted."

Resolution #814

Councilwoman Blass: "Approves the Chapter 90 application of Church of the Harvest. So moved."

Councilwoman Sanders: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #815

Councilwoman Sanders: "Approves the Chapter 90 application of Darkside Productions, Inc., for a haunted house. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #816

Councilman Bartunek: "Approves the application for fireworks permit of Timothy Hill Children's Ranch. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #817

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Councilman Densieski: "Approves the Chapter 90 application of Living Water Full Gospel Church. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #818

Councilwoman Blass: "Approves the Chapter 90 application of Riverhead Country Fair Committee. So moved."

Councilwoman Sanders: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski."

Councilman Densieski: "Just want to make a quick note here. This is October 9th. This is the 30th annual Riverhead Town Country Fair and Jim and Connie Lull have been running it for 24 years. They've created a lot of opportunities for businesses downtown and Riverhead Townscape is the benefactor and have made a lot of improvements downtown. So I wanted to acknowledge them. Yes."

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

Supervisor Cardinale: "Yes. It's a great fair. I vote yes."

Barbara Grattan: "The resolution is adopted."

Reslution #819

Councilwoman Sanders: "Approves the application of Word of Life Ministries, Church related street fair. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #820

Councilman Densieski: "Approves the temporary sign permit of the Baiting hollow Club. So moved."

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Councilwoman Sanders: "And seconded."

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

The Vote: "Bartunek."

Councilman Bartunek: "Are there any objections to having a website on temporary signs?"

Supervisor Cardinale: "I think not because the temporaries often have phone numbers. So it's just another method of communication."

Councilman Bartunek: "Yes."

Supervisor Cardinale: "But not on permanents as you know. Then it's a yes?"

Councilman Bartunek: "Yes."

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

Resolution #821

Councilwoman Sanders: "Approves the temporary sign permit of Bubba-Lu's Sugar Shack. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale."

Supervisor Cardinale: "You can imagine my disappointment when I learned this was an ice cream shack. But I vote yes anyway."

Barbara Grattan: "The resolution is adopted."

Resolution #822

Councilman Bartunek: "Approves temporary sign permit of Halloween Scene. So moved."

Councilwoman Blass: "And seconded."

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

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The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #823

Councilwoman Blass: "This is an order authorizing the increase and improvement to the Riverhead Water District for miscellaneous improvements to district facilities 202-b. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #824

Councilwoman Blass: "Accepts the 5% performance bond of new Cingular Wireless PCS LLC for LIN Cellular Communications (NY) LLC. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #825

Councilman Densieski: "Authorizes the release of security posted for Hartill Contracting, Inc. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #826

Councilman Bartunek: "Authorizes the Town Clerk to publish and post notice of public hearing to consider the designation of downtown Riverhead as a historical district. So moved."

Councilwoman Blass: "And seconded."

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

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The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #827

Councilwoman Blass: "Authorizes the Town Clerk to post and publish a notice to bidders to provide and install a fire alarm system in the municipal garage. So moved."

Councilwoman Sanders: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski."

Councilman Densieski: "I just had a quick question on that. Is this a mandate by the insurance company? I'm just curious why."

Supervisor Cardinale: "Yeah. We did ask that question because I was concerned about the same thing and we decided to out to post and publish."

Councilman Densieski: "That's fine. I'm just curious."

Supervisor Cardinale: "Jack, do you know the garage alarm-- fire alarm system. I know we discussed it at work session. Why is it coming up now? Is it a fire insurance issue. Is it an issue that came up in review? Why now? Okay, we can publish and post but we'd like to know that before we go further. Fire?"

(Inaudible comment)

Supervisor Cardinale: "It says fire alarm on mine. What does it say on yours?"

Councilman Densieski: "Mine says fire alarm."

Supervisor Cardinale: "F-E-R-R-Y or F-A-I-R-Y? The latter? Yes, would you."

(Unidentified) "Are you talking about municipal garage?"

Supervisor Cardinale: "Yes."

(Unidentified): "Okay, what happened is it was included in the original construction contract-- "

Supervisor Cardinale: "Yes."

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(Unidentified): "-- for the new garage addition. As an alternate item. And what happened is when the bids came back in, they had a phenomenally big number associated with it, if I recall it was around \$30,000 which seemed way out of range. So we awarded the construction contract without the alarm system thinking we could do it at a later date."

Supervisor Cardinale: "Now you're doing it."

(Unidentified): "Now we're trying to do it."

Councilman Densieski: "It's an all metal building."

Supervisor Cardinale: "So we don't know-- if it comes in like less than 30 we might consider it."

(Unidentified): "I had gotten an informal price of about \$19,000 but, you know, of course, you have to publicly bit it but to establish the budget we had to request-- "

Supervisor Cardinale: "So we're going out to price it to see-- "

(Unidentified): "And get public bids and, hopefully, we'll get a good price."

Supervisor Cardinale: "See how much money you can save."

Councilman Densieski: "Thank you, Phil. I'll vote yes."

Supervisor Cardinale: "Thank you."

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

Resolution #828

Councilwoman Sanders: "I think it's very appropriate that this resolution is being offered here this evening.

Authorizes the Town Clerk to publish and post a notice to bidders to provide and install new wood floor in the George Young Community Center. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

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Resolution #829

Councilman Densieski: "Memorializing resolution requesting Suffolk County Executive to approve Suffolk County legislature Resolution No. 1647 of 2005. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale."

Supervisor Cardinale: "Yes. I'm hopeful that County Executive Levy will (inaudible) legislative action which would incidentally give us a million for an additional income for our police district if it is not vetoed. So I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #830

Councilman Bartunek: "Refers proposed local law to amend Chapter 12 of the Riverhead town code entitled "Coastal Erosion Hazard Areas" to the Riverhead Planning Board, Department of Environmental Conservation and Suffolk County Planning Commission. So moved."

Councilman Densieski: "Second the motion."

Councilwoman Blass: "Discussion."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "This- just one small amendment that I'd like to make sure we address before we refer it and it's in paragraph 1, the second to the last line, non-conforming buildings or structures gross floor area, we need to delete the words which is located."

Supervisor Cardinale: "Which is located you are deleting?"

Councilwoman Blass: "That's correct."

Supervisor Cardinale: "Okay."

Councilwoman Blass: "We're saying the two areas that they can address are increase in gross floor area and increase in maximum height."

Supervisor Cardinale: "Yes."

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Councilwoman Blass: "These are considered increases (inaudible)."

Supervisor Cardinale: "Right. So the words which is located on the penultimate sentence of paragraph one should be deleted and just so I understand this myself, all non-conforming buildings would require alteration, construction or repair (inaudible). A lawfully pre-existing non-conforming building or structure or building which lawfully exists within the coastal erosion hazard area or seaward of any natural protected feature may be altered or reconstructed or repaired provided that the degree of nonconformity is not thereby increased. For the purposes of this subsection, an increase in the degree of nonconformity shall include any increase in the amount of a nonconforming building's or structure's gross floor area or an increase in any portion of a building or structure located above the maximum height permitted.

This is exactly the way it's supposed to work. This is as a result of- it's a legislative change in relation to a challenge interpretation properly made by the zoning board of appeals. And we wanted to clarify what the legislative intent was in the situation so that this same situation does not occur again and- what's the name of the case that we're addressing? (Inaudible). That's a legitimate court resolved dispute but this will make it impossible to have such a resolution in the future which we believe is in the best interests of the town, this legislation.

All right, so with that change, can we have it offered for a vote?"

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #831

Councilman Densieski: "Approves the site plan of Mary Ann Diliberto for a wine tasting house. So moved."

Councilwoman Sanders: "And seconded."

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

The Vote: "Bartunek."

Councilman Bartunek: "I'm going to abstain on this."

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

Councilwoman Blass: "Yes, I will abstain as well."

The Vote (Cont'd.): "Densieski, yes; Cardinale."

Supervisor Cardinale: "I'm going to vote yes for the indicated reasons that and I think it's-- I believe we must approve the site plan pursuant to the existing law and what he said to ease my concern a little anyway. But if we-- if the law needs to be changed, we ought to change it and I also support that."

The way it works here is that we've got to work with the law that is in effect. For example, in the last case, the zoning board of appeals interpreting the existing law did what they did. We looked and we said, hey, if that's the way the law is going to be interpreted, it ought to be changed and we changed it. We may do that here.

But at this moment, at this time, I'm going to vote yes because Mr. Diliberto has a right to have this particular site plan approved."

Councilwoman Blass: "Mr. Supervisor-- "

Supervisor Cardinale: "Yes."

Councilwoman Blass: "-- if I could just add the reason that I'm abstaining. Is that it was the only site plan that I did not have a chance-- "

Supervisor Cardinale: "Right, you weren't there. So yours is a very limited reason. Okay. Thank you."

Barbara Grattan: "Okay, that resolution is adopted."

Resolution #832

Councilwoman Sanders: "Approves site plan of Micor Enterprises, LLC. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #833

Councilman Densieski: "Approves site plan of Old Castle Retail Inc. d/b/a Bonsal American. So moved."

Councilwoman Blass: "And seconded."

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Supervisor Cardinale: "Yeah, we should add the word modified site plans that we know this is the second go around. Moved and seconded to approve the modified site plan. Vote please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #834

Councilwoman Blass: "Approves the site plan of Riverhead Commerce Park, Lot #6 and #7. So moved."

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

The Vote: "Bartunek, yes; Sanders."

Councilwoman Sanders: "I didn't second it, but yes."

Supervisor Cardinale: "Okay. You're seconding it and now you get to vote."

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

Councilwoman Sanders: "Yes on both counts."

Supervisor Cardinale: "Yes to second and yes to vote."

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

Resolution #835

Councilwoman Sanders: "Approves the site plan of Sprint Spectrum LP at Cherry Creek. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #836

Councilman Densieski: "Authorizes the CSEA President to attend delegates meeting. So moved."

Councilman Bartunek: "And seconded."

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

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The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Resolution #837

Barbara Grattan: "Resolution #837 is to pay bills."

Councilwoman Sanders: "So moved."

Councilman Densieski: "Second."

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

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is adopted."

Supervisor Cardinale: "We have no tabled motions, is that right, to consider? Okay. So that resolves the resolutions. Sunken Ponds we are still- yeah, we should consider that tabled motion. No we should not consider that. I spoke with Sunken Ponds. They asked that they have an opportunity to meet tonight before we reconsider that. They're having- "

(At this time, the CD ended)

Supervisor Cardinale: "Take further comment, but the troops are leaving. The troops are leaving. The kids are going to get some ice cream on the way out, they're out of here. Okay, thank you."

Angela DeVito: "We're all wondering where it is. Where is Bubba Lu's Sugar Shack?"

Supervisor Cardinale: "I know exactly where it is."
(Some inaudible comments)

Angela DeVito: "Just several comments. Recently I attended the town planning board meeting with regard to a subdivision application that was going in for consideration here in the South Jamesport area.

And prior to that, the owner of the land had gone to the zoning board of appeals to on a single parcel of land that had not been subdivided, to get setbacks to build two homes on 16,000 square feet each, basically subdividing the land and part of the ZBA's decision in granting the setbacks was that the 16,000 square feet that was proposed to erect a 2100 square foot home on each of these parcels, new parcels to be created at some time in the future was consistent with the area in South Jamesport.

When I went to the planning board and objected to the application for subdivision based on density and the fact that the 20% relief that

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was being asked seemed to be excessive. Part of what happened was that the planning board— one of the planning board members felt that the ZBA in essence had made their decision for them with their decision on granting the setbacks.

And I previously brought up the issue of having town agencies coordinate. It also seems to be imperative at this point that there be a process as to what agency you seek relief from first. It just seems illogical to me that they would have gone for sideyard and front yard setbacks prior to having— without having a subdivision, when you don't know how large a parcel of land was.

So I'm just sort of asking if perhaps we can bring those agencies together again to discuss how they can communicate better with each other and also I could be wrong, I didn't think that since they're both independent agencies, one was bound by the decision of the other and would utilize that to make the decision."

Supervisor Cardinale: "Okay, Rick is going to make comment. I think you brought up a very interesting issue I'd like to discuss a little further and I want to make— I want to understand this clearly. There's a 16,000 square foot piece of property."

Angela DeVito: "No. Currently it is a 32,000 square foot parcel of land."

Supervisor Cardinale: "32,000 divided into two— "

Angela DeVito: "They're seeking division."

Supervisor Cardinale: "That's not a 20% density variance."

Angela DeVito: "Under their own— they bought it before the new— before the new zoning went through so they come in under old residence C. So you need in the South Jamesport area, 20,000 square feet to build on so it's 16,000 square feet, they're knocking off 4,000 square feet which is 20%."

Supervisor Cardinale: "I want to discuss that concept, too. Come on up, Rick and before you say what you want to say. Let me see if I understand this.

The zoning in South Jamesport is one acre."

Rick Hanley: "Correct."

Supervisor Cardinale: "Someone who has 16— 32,000 square feet comes in and says I want two lots on 32,000 which is already 10,000 short— "

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Rick Hanley: "Right."

Supervisor Cardinale: "They don't- "

Rick Hanley: "That's the correct fact pattern."

Supervisor Cardinale: "They do not come in under the old zoning as far as I can tell."

Rick Hanley: "No, they do not."

Supervisor Cardinale: "So they're coming in on a 40,000 square foot zoning density which in my build out for this town I am considering 32,000 one small unit and how do they get two 16,000 foot units when they didn't have enough for one unit under the new zoning."

Rick Hanley: "Typically an applicant like that comes to the planning board first and the planning board says we cannot approve a substandard lot, you can go to the zoning board of appeals if you so desire and the ZBA will ask the planning board for a report."

In this case, he went to the ZBA directly and they made their decision based upon the character of the area. They looked at the lots in the vicinity and they granted the relief based upon the average lot size in the area."

Supervisor Cardinale: "Is that- I am attorney. As everyone I think knows I practice real estate law but not specifically in this area. You're saying- if that is the way that we're going to play this out, this is never going to work. Because no upzone- "

Rick Hanley: "Could I make one statement?"

Supervisor Cardinale: "-- no upzone would have any relevance if you played it that way."

Rick Hanley: "I do not believe this relief subdivides the property. I don't believe the planning board believes it does. It's very nice he went to the zoning board of appeals but the planning board divides ground, the ZBA provides relief. So they can accept the relief from the ZBA in terms of the area but it does not mean they have to approve the subdivision."

Supervisor Cardinale: "Okay. Even assuming that to be true, why- how- you told us that they in this instance which is nameless and should be, this instance they allow two 16,000 square foot lots."

Rick Hanley: "The zoning board of appeals provided relief on lot area. They did not divide the property."

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Supervisor Cardinale: "What did the Planning Board do?"

Rick Hanley: "They are still considering it."

Supervisor Cardinale: "Okay, so it isn't resolved yet?"

Rick Hanley: "No, no. It was- it came up at the last meeting."

Supervisor Cardinale: "I'm particularly interested in the planning board decision."

Rick Hanley: "I would think you would be."

Supervisor Cardinale: "Because if they go forward and permit it, they will be undercutting the legislative function of this board and they will be undercutting the build out of this town and they will be adding- they do it here they're going to do it in other instances (inaudible)."

Rick Hanley: "You know, it's an interesting concept because one could argue- I've held this position that a split like that by a zoning board, it goes beyond just yard relief. It's almost a use variance because it's an increase in the density as opposed to just yard relief."

Supervisor Cardinale: "Right. Because they came- as Barbara is saying, it's an extreme because when they went in they had 20% less- "

Rick Hanley: "Yes."

Supervisor Cardinale: "-- than they needed for one lot and if they come out with two lots, it just runs topsy-turvy over the entire zoning concept."

Rick Hanley: "Yeah, I would agree with that. And one could make the point that a single family residence is a different use classification than multi-family or high density."

Supervisor Cardinale: "And it has a great many applications including incidentally the property next to my home- "

Rick Hanley: "Many applications."

Supervisor Cardinale: "-- in this town."

Rick Hanley: "In this town, yes."

Supervisor Cardinale: "I'm not sure what I'm rooting on this one because I know what the good policy is but if they do it here they're going to have to do it on at least 50 or 100 other places in this area. And in other places like Wildwood and Wading River."

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Angela DeVito: "The zoning board of appeals application when (inaudible) was granted in May of 2003 before the master plan was passed in November of 2003, and I guess my concern with the planning board meeting was that I raised the issue of the increased density in the South Jamesport area, I pointed to the master plan that said we are because of the new zoning basically targeted as a medium density area and that even though in the surrounding area when you look, yes, there are single family dwellings that are on 10,000 square feet, 8,000 square feet, 5,000 square feet. Many of these were done in the 1930's, the 1940's- "

Supervisor Cardinale: "Before zoning. Yeah."

Angela DeVito: "-- the 1950's, 1960's and I essentially raised the issue that even if we did that in the past, what we have done with the master plan which is before them now, is to basically say that we cannot continue to do this and we have to begin looking at a greater picture. And I was just very, very disconcerted with the comment that basically the zoning board of appeals has negated the objection I had to utilizing past experiences in making this sort of decision. And the sense that I came away with was that, zoning board of appeals decision would be used for this.

And also on the plans, the site plans that were provided for- to the planning department. Because the land was purchased in 2002, they got their variance in 2003 and they subsequently have gotten two extensions from the ZBA, they go back to the zoning that was there with the land when they purchased it and they claim that they carry forward. And on the plan itself, it says that the zoning code is Residence C, is what they refer to. And it's just- and that's what it says on the plans."

Supervisor Cardinale: "Okay. Dick Ehlers is counsel to the planning board?"

Angela DeVito: "I believe so."

Supervisor Cardinale: "Since this board is required by law to vote funding for litigation, I will discuss with him this matter tomorrow because I think that's incorrect and I can't imagine who would be advising the board to that effect. So I'll check into it and it does have precedential value as Ed pointed out.

We have meetings with the four boards, the zoning board of appeals, the planning board, the town board and the architectural review board, the most recent of which was early summer, May or June. We'll have another one in September or October and we'll also discuss this generically with the boards, that we can't do this. You know, we- if we have a master plan, we have zoning. Pursuant to it, we have to defend the zoning or else we're all just kind of wasting our time."

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Angela DeVito: "Another item was that here on South Jamesport Avenue, on the corner of South Jamesport and South Railroad Avenue, there's been redevelopment of a property that formerly was an industrial site and it appears that, well, first, in looking at the property, unable to determine if a building permit has been posted, not that one has not been issued, but that it has been posted.

But that the original site where the building was, they have now moved the building closer to South Jamesport Avenue and closer to Railroad Avenue and have begun to build out what looks like a driveway entrance that actually is— I would imagine is on part of the right of way that's technically town property. I have filed for information to get more information on this but it just seems that the entire site and what is being done there should have been caught sooner. My understanding is that code enforcement has been down there. They're— I'm not sure what action they have instituted with regard to this site but it's well along. I mean they have been doing work all along and it's well along to— I mean at this point, you know, all of the cinderblock foundation is up, the old building which I can't imagine anyone by the way wanting to renovate that— "

Supervisor Cardinale: "Into a house, yeah."

Angela DeVito: "- but— "

(Some inaudible discussion)

Supervisor Cardinale: "This is a relatively straightforward question if my building department fellow is here. Leroy, I appreciate your being here. We're talking about the Kessler (phonetic) property. Yeah. Would you come up for a second? The property— Angela is indicating that— I— we've discussed the fact that he wants to utilize that structure as part of a house for residential use, right?"

Leroy Barnes: "Yes."

Supervisor Cardinale: "If you— which you may wish to do in your judgment in her judgment whether it makes sense or not is not relevant. What is relevant is you can't move things from one point to another without a permit. Do they have one?"

Leroy Barnes: "They have a building permit."

Supervisor Cardinale: "Okay. And does that permit permit movement or does it show where they're going to build?"

Leroy Barnes: "Yes. He was showing utilizing the existing barn that was there as part of the new residence."

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Supervisor Cardinale: "Okay. Does this structure that's there, that he lifted up, is that going to be moved forward under your building permit?"

Leroy Barnes: "I don't know."

Supervisor Cardinale: "Because that's what she's saying. She's— and she's saying further that it's moved forward into a— possibly into a right of way area?"

Angela DeVito: "Not the actual structure (inaudible)."

Leroy Barnes: "So he's installing his foundations now."

Angela DeVito: (Inaudible)

Leroy Barnes: "Okay."

Supervisor Cardinale: "Okay, that's what she's asking."

Angela DeVito: (Inaudible)

Leroy Barnes: "So are you saying that he's building or constructing something different than what is on file in our office?"

Angela DeVito: "I believe so."

Leroy Barnes: "Have you looked at the file?"

Angela DeVito: "Freedom of information (inaudible)."

Supervisor Cardinale: "So I guess what she's saying, to save her the trouble— "

Dawn Thomas: "Terri Fenton called me earlier this week, we had a nice conversation about this. I spoke to Joanne. One of the inspectors is going to be out there to verify that this building is in conformity."

Supervisor Cardinale: "Okay, so that's the whole question. Is the building as presently going on in conformity with the plans. If it isn't, you'll do something. If it is (inaudible)."

Leroy Barnes: "When we're asked to do an inspection, the first inspection is the foundation inspection, so that's when we will go out and discover whether or not he's conformed."

Supervisor Cardinale: "Okay."

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Dawn Thomas: "It's already been brought to— code enforcement I know has been out there and code enforcement what was reported back to me, said that they were within the setbacks and there was no violation of any sort."

Leroy Barnes: "Oh, okay."

Supervisor Cardinale: "This verifies (inaudible). Okay. That will take care of that one and I'll talk about the planning board one at length with Ehlers. Anything else, Angela? Thank you, Leroy. Anything else Angela? Oh, Terri, you have something? Terri Fenton."

Terri Fenton: "Terri Fenton, Jamesport. What is the proper setback on a corner lot?"

Supervisor Cardinale: "On a corner lot?"

Terri Fenton: "Yes."

Supervisor Cardinale: "That— I don't know that Leroy could answer the question without the code in front of him because this is a unique situation because it's a corner, right and has two front yards."

Terri Fenton: "Yes. It actually has three if you're going to consider (inaudible)."

Supervisor Cardinale: "Leroy, when you check it, you are aware of that, right?"

Leroy Barnes: "Yes."

Terri Fenton: "Because I believe it was 50. Where the concrete blocks are that Angela was speaking of, they're a foot off the macadam. That is not a 50 foot setback."

Supervisor Cardinale: "Well, yeah, I'm sure— Leroy is going to take a look at it and make sure that it is. If it isn't, then— it was approved I presume consistent with the zoning. So the question is whether he's building within the approved area."

Terri Fenton: "Correct. Because over the weekend, the street light was knocked down, whatever, I'm not sure. It was hanging from the pole, the street light. The street sign was actually removed from the pole that it was installed on and was moved to the telephone pole where it is now."

Supervisor Cardinale: "The street sign?"

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Terri Fenton: "Yes. Why's it's there, I don't know. The pole is still there and the light is hanging. Also what disappeared is the no right on red sign."

Supervisor Cardinale: "You think it's part of the construction project or just some kids?"

Terri Fenton: "I don't think it's kids. That's never happened before. (Inaudible)."

Supervisor Cardinale: "It's getting to be a little more difficult because if we ask- we'll ask him if he has any signs that he'd like to tell us about."

Terri Fenton: "Thank you very much."

Supervisor Cardinale: "Yeah. The amnesty program, bring us back our signs. Thank you Terri. Yes."

Maryann Divesta: "This is in reference to the group home."

Supervisor Cardinale: "Yes."

Maryann Divesta: "In Mesta Vista. I have a couple questions. First of all, why does Riverhead have more group homes than the surrounding east towns and also anytime an organization applies to the town of Riverhead, what do you do? Do you just automatically approve it? Do you ever object? Do you offer another site? Do you also notify the community? The people that live in Mesta Vista were never notified. And- "

Supervisor Cardinale: "All good questions, yeah."

Maryann Divesta: "I know a letter went out. Apparently it got lost in the mail very conveniently and everything. I mean, this is a residential area. How does this change so a group home can be put into such an area?"

Supervisor Cardinale: "I will let Dawn answer. This issue has reached the board over the years numerous times and there is a policy and would you indicate it, please?"

Maryann Divesta: "Just one second before you continue. I know what you're saying and you tell me about the state and everything else. But I want to know what you are going to be doing to stop the number of homes. Why does Riverhead have as many as it has? They're tax exempt, they're not paying taxes. The area we live in, there are no lights, there are no streets, there's a one-way entrance into the community."

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I'll tell you right now, my life is going to be disrupted. Yes. And who am I going to complaint to?"

Supervisor Cardinale: "Yeah. We've had a lot of concerns about group homes over the last 10 years and we have devised a policy and we've also had some litigation. So that's why I've asked Dawn to- would you address the questions that were asked?"

Dawn Thomas: "Yes. I just want to make sure that Mrs. (Inaudible) had gotten the package- "

Maryann Divesta: "Yes, I got everything. Thank you very much."

Dawn Thomas: "We did have a nice conversation on the phone last week regarding this. I didn't write down all of your questions just now but we did discuss some of them.

Just as a starting point, I think, it's important to recognize that the state requires that the town and any other local government treat a group home or individualized residential alternative, an IRA they call it, be treated as any other single family home that could be built in the town. So whatever zoning applies is all we have governance or jurisdiction over.

The balance of that home whatever is to be built there in terms of the residence and staffing is all governed by the Office of Mental Health which is the state agency. So with respect to the construction of that house, if the agency- if they were to obtain a building permit and they build in accordance with the town code, they can build there. The only requirement is under the Mental Hygiene Law that they notify the town 40 days in advance, I think we can probably (inaudible)."

(Inaudible comment)

Dawn Thomas: "Yes. (Inaudible)

Maryann Divesta: Okay. Well this time just expired now."

Dawn Thomas: "No. It expired actually- "

Maryann Divesta: "There was another letter that I received of August 5th that they were going ahead with it."

Dawn Thomas: "But that's not the initial notification. The initial notification in this case was sent in June and the board when they receive a notification has three options. They can approve the site, they can disapprove the site and recommend alternatives, or they can object to the site. The only- "

Maryann Divesta: "And what did we do?"

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Dawn Thomas: "In this particular case, they referred- the town board referred the matter to the local civic association. The only basis for objection under the Padavan law which is the name for the section of the Hygiene law that applies, is if there are so many homes such that the concentration of homes within the community, meaning the neighborhood, is such that it would create a change in the essential character of the community and in this particular instance there's only- this is the only home, this would be the first IRA proposed in the Mesta Vista neighborhood.

If you look at the case law, they talk about boundaries of communities and when you look at the area, it's based on geographic- not that border line boundary like town boundaries but rather physical boundaries so that- and I have the case law and we can discuss this at another time if you want to- "

Maryann Divesta: "The one in South Jamesport, isn't that close enough?"

Dawn Thomas: "No. It's not. In fact- no, it's not. In fact, we can talk about it at length if you'd like to make an appointment or we can- "

Maryann Divesta: "I just want to know what the board is going to be doing about this because apparently the state is telling us as taxpayers I have no right at all. They want to put this home in, they can put it in. So my question is when will they consider Riverhead to be over-saturated? Right now we're sitting, I think, with 32 homes and there's supposed to be another one going in on Church. I mean it just seems to me like it's an open door. Come to Riverhead. We say yes and go in and everything's approved."

Dawn Thomas: "And I can understand how that appears. Two things that are important to know. We did challenge a group home. We've done everything that we could do in terms of what the law allows us to do. We suggested alternative sites for homes, we objected to the establishment of homes in certain areas and we've actually taken it as far as a challenge through the Office of Mental Health and I've spoken to many other towns about how they address these issues and it's a very complicated issue and the basic policy from the state level is that they were eliminating the institutionalization of people with disabilities.

So in order- rather than put disabled people in an institution, they wanted them to be able to live in a home. In order for the state to be able to implement that policy locally, they have to take away our power, our local power to say no. So that's what they did. It's a state law. We really have very limited ability to object.

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So when we— we tried to object. I've done a lot of research, I've spent a lot of time on this, I've conducted hearings and spoken to many, many people because it is a really serious concern for local residents.

But we did a challenge in Riverhead and I think we identified 14 residences within a certain geographical area of less than one mile and that was not considered saturation by the Office of Mental Health. So in order for the town board to conduct a public hearing and send the notices, it is a taxpayer expense and they did a cost benefit analysis as to whether it would be worth the time and effort of the town offices to conduct a full formal challenge to the establishment of a residence when our power to object at all is very limited."

Maryann Divesta: "Let me ask you this. When an organization comes in, they can do a group home. Why do we have to say yes. Why can't we just say no, notify the community. The people that are in the community have some sort of a meeting. I mean are we just automatically going to be saying yes all the time? So every time they find another half a mile because the property value of land is cheaper here than it is in Southampton, Westhampton and everything else, so we're going to getting all these group homes. I just don't think it's fair and something has to be done and there has to be some sort of a policy and the board has to keep fighting. I'm not very happy with this."

Councilman Densieski: "Dawn. I think you summed it up pretty good. But does the state have a criteria— what do they— is there a criteria for saturation or— "

Dawn Thomas: "Well, it's a little nebulous because the state creates the rules and the state actually— in the hearing process, the state appoints a hearing officer. So the Office of Mental Health is actually conducting the hearing. So it felt very lopsided to me when we did it but the criteria of saturation— "

Councilman Densieski: "Is there a written criteria? I mean, can you go to a manual somewhere?"

Dawn Thomas: "No. It's— the standard is in here and I can read it to you if you want."

Maryann Divesta: "But would I be able to get a copy of that, the criteria?"

Dawn Thomas: "I can give you a copy of the law. Do you want me to read— "

Supervisor Cardinale: "Sure."

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Dawn Thomas: "It says: in the event the municipality objects to the establishment of a facility in the municipality because to do so would result in such a concentration of community residential facilities for the mentally disabled or a combination of such facilities— I'm going to cut to the chase a little— you know, we can request a hearing.

So we have to prove by a preponderance of the evidence and that's a legal term of art, but it's a pretty high burden of proof that the concentration of community residential facilities or IRA's in a particular neighborhood and the criteria of neighborhood is really just boundaries.

So I think they would even consider Mesta Vista one neighborhood for the purposes of this law. And that being that there's no other homes in the neighborhood, to object would be a real fruitless effort. But I can offer this and I think it might be helpful."

Councilman Densieski: "Dawn, one more quick question. Can we use the neighboring towns as a guideline for saturation? I mean if Southold has five and Southampton has seven and we have 30, is that saturation or— "

Dawn Thomas: "You could certainly make an argument to that effect. But I think what you would have to show is that it changes the character of the community and that's a very difficult thing to show."

Judy Motter: "May I just interrupt for a second because I happen to be a nurse who is helping a medically frail child from an IGHL home to and from school. I know a lot of what they're all about.

Mesta Vista is a very small community. There's one way in, one way out. It's almost like a large cul de sac. You don't come in there unless you live there or you're visiting. The home that I go to every day to take this little boy to school, there are supply trucks in and out. There's 24 hour staffing, cars galore. There is OT visiting, PT visiting. The amount of people going in and out of these homes is enormous.

Mesta Vista is very quiet. Nobody parks on the street, they're all in the driveways or in our garages. We pay our taxes to have that peace and quiet in our neighborhood. Just to have the amount of traffic going in and out is going to disrupt a lot of— in our community. I mean I don't feel Mesta vista is a community in and of itself. I feel I belong to the community of Riverhead. And I'm just wondering if that's our only recourse is to do the saturation question, it doesn't seem like there's any other way to go with the state. But we're having a meeting tomorrow at the (inaudible) on GHL and I'm just wondering who is going of the Board, who's going to

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attend that, maybe to speak to them, for them to know that the neighborhood is really inappropriate for a home like this. It really is.

Most of IGHL's group homes are on major thoroughfares. Montauk Highway. There's one on Route 48 in Southold. They have one-- several in Center Moriches, they're all on Montauk Highway. It just seems a very inappropriate area.

I know there's other areas that they could probably choose. This is a residential-- you know, nothing else but a residential area."

Dawn Thomas: "Right. And I certainly understand and recognize those are valid complaints. What I'm trying to explain is that the law doesn't consider the town of Riverhead as the community. The case law is very clear and it's all over the place. But I did-- one thing that I was mentioning earlier dealt with the number of these since I've been in the position I'm in now and IGHL in particular tries very hard to be a good neighbor and they do a nice job building the houses, they landscape them professionally, they are professionally maintained and I think they would be willing and I'm glad you're going forward to meet with them because that is what I was going to suggest, that maybe we set up a meeting, an informational meeting where you can ask your questions and they can provide whatever answers to address your concerns."

(Unidentified): "Yes, well that is going to be tomorrow evening.

Dawn Thomas: "And I-- I'm certainly willing to attend."

Supervisor Cardinale: "Where is that and what time?"

Unidentified: "I think it's here at 7:00 p.m.

Supervisor Cardinale: "Good. Okay. We were going to suggest just such meeting so I certainly would like to have Dawn-- if you're available and I don't know, tomorrow-- I would like to have a member of the board so we can-- we've dealt with IGHL in the past and she's dealt with us a great many times, and they could make a decision on pure logic that this is not the best neighborhood for-- and I think the one egress, one ingress is a very good point. I'm very familiar with Mesta Vista and I realize what you're saying.

Assuming the saturation argument is not going to be successful maybe the force of logical argument will convince them that this is not the location to build a new site. It's certainly worth a discussion. So 7:00 here tomorrow night. Dawn, can you make it? And I'll make sure that one member of the board or myself is present."

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John (inaudible): "John (inaudible), I live on Timothy Lane in Mesta Vista. One thing, I think that the expense the town would have to go through legally is worth it. It sounds like (inaudible) and we go along.

I think as far as a saturation point, as far as a community goes, you can't say that one development is a community when we live in the town of Riverhead. And people going down further to South Jamesport, the community is Riverhead, not three blocks off of Peconic Bay Blvd. And to me it is worth the money to go forward."

Supervisor Cardinale: "Thank you. We appreciate your remarks. We are concerned. We've been working with Mrs. (Inaudible), Mr. Smith and others and we'll have representatives here tomorrow.

Any other comment from anyone on- yes, sir."

Ed Purcell: "My name is Ed Purcell from East Main Street in Riverhead."

Supervisor Cardinale: "Yes."

Ed Purcell: "This is a complete another subject and something that's been partially taken care of but I don't like the way you did it. The- and two weeks ago in the New Review we saw some potential scenes of future downtown Riverhead."

Supervisor Cardinale: "Yes."

Ed Purcell: "And unfortunately I have to agree with Denise Civiletti. She's a Democrat and I'm definitely not, is that you'll be changing the direction of the character of downtown Riverhead drastically. Anything over what is presently there which is under the old regulations were 35 feet, three story, is really going to make a drastic difference especially with the fact that you want to make it a downtown historic district and by putting five story buildings in place of some of the buildings that are there, that's ridiculous, especially with the fact that isn't there a building going up sometime in the near future on Peconic Avenue?"

Councilman Densieski: "Yes."

Ed Purcell: "Yeah- "

Councilman Densieski: "It's ridiculous."

Ed Purcell: "Yeah- "

Supervisor Cardinale: "That's a two story building."

Ed Purcell: "That's a two story building."

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Supervisor Cardinale: "That's the one that you're talking (inaudible)."

Ed Purcell: "Yeah. And anything over that is really going to make the town look very foolish and that's just the look of the town. You proposed and what you want is to have four stories of apartments over the top of one story of commercial development. Well, in that case you said you figured 500 apartments. Where is the parking going to come for 500 apartments? Anybody who knows or lived in an apartment the last, oh, 20 years, instead of like in the city where you can consider for 500 apartments, maybe you need 250 spaces, out here for 500 apartments, you're going to need a thousand spaces.

And if you put it where it's proposed and where it's already been according to the rules able to put it, it would have to be a parking garage you'd have to put up, would tower over some of the buildings. And that really is not going to, you know, that's not going to entice anybody to come to downtown Riverhead. You know, if you had proposed to put it on the other side, on the west side of say Main Street over past Griffing Hardware, where you do have the Perkins Inn which is a four story building, you have room for parking, maybe you could utilize the court parking, and that would work all in. And that would be— that would make commonsense. But the buildings downtown, that really is nuts."

Supervisor Cardinale: "Ed, I understand what you're saying, your two points. On the more than three story buildings, before I came— in November of 2003 with the unanimous board, not this board but the previous board, when they passed the master plan, the die was pretty much cast.

Because of the mixed use planning principles for downtown that they elected in the master plan, they were going to permit five story buildings downtown. That was when that decision was really made."

Ed Purcell: "But you could change that— "

Supervisor Cardinale: "Oh yeah, we can change— "

Ed Purcell: "-- back to the three story, 35 feet."

Supervisor Cardinale: "We could. And some people would have us do so. But we just passed the implementing zoning to make the master plan function."

Ed Purcell: "Yeah, but to make it function also one of the problems with apartment dwellers today is well, I live down on East Main Street which is kind of the poor side of Main Street. Well, houses down there, most people could afford and still can, such as

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down by the Greens, you know, those affordable houses. Now the people that are going to go into those quote apartments over top of stores, they'll be people who cannot afford homes and many of them will probably be, not migrant workers, what used to be migrant workers, will be aliens that come in and it will create a problem of they're not going to shop in the upscale shops that we would like to have downtown and that are coming in.

What will happen is demand will be for oh, \$.99 stores and it just seems as though you're trying to make Riverhead into Hempstead or Jamaica and by allowing- even though they said, oh, that's what we want, five story buildings. Another thing that it's going to demand is much more police protection, much more- the fire department will have to, I don't know if their fire truck goes to that, but if it does, you're going to need more training. You're going to need a lot more where we may have to have a paid fire department to deal with that type of a building.

And I know you said that it was set in stone, but nothing is set in stone because it's up to you on the board to make what's best for the town of Riverhead not what's best for the people that own those pieces of property. And the only way that you can continue-- in my opinion to continue to development in the way that it's going presently, is to go back to that 35 feet, three story. Even if you want to have two stories of apartments, that still would fit in. You probably wouldn't max out to the 500 apartments that you want but you could maybe add- stretch it west.

Now I don't know how many people here have been in Riverhead as far back as when they used to have the Colonial Arms, the apartment building that used to be on East Main Street. And- "

(Unidentified speaker) "You mean the Raspberry Hilton?"

Ed Purcell: "Yeah, the Raspberry Hilton. Well, I delivered papers there and I wouldn't go over to the third story because I was afraid of what was up above there. And really most people in apartments, they'd rather live in garden apartments. They really- that's people who have no other choice are going to live on the fourth and fifth floors. Really. Garden apartments, I lived in one for oh maybe 10 years. I lived in Freehold and I lived in Red Bank, New Jersey.

And in Red Bank they have a large apartment house there and Red Bank is a community that is deemed one of the hippest towns in New Jersey. Well, the apartment complex they have which is over five stories, I think is 10, is an elderly center and that works very well for a graduated system where you have some people that can get out and some people can't, so you don't need all those (inaudible), and that goes back to parking. You know.

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As of right now, we have a problem with parking because of the aquarium. I have had people that I know complain about the— ever since the fence was taken down that papers are blowing in their yards around where the parking lot is where it used to be Riverhead Building Supply. That there's papers blowing into their yards. You know, I had a lot of complaints to me. Oh, yeah, I said well go to the town board and complain, but they won't. I'm the one with the big mouth.

But, hopefully, you'll take into consideration the fact that you really are going to change the character if you continue on the vein of five story buildings downtown Riverhead."

Supervisor Cardinale: "Thank you, Ed. Do we have any further comment? If not, I want to thank everyone for coming. We will be in work session on Thursday, Town Hall, at 10:00. See you then. Thank you very much."

Meeting adjourned: 9:15 p.m.