

6/06/2006 minutes

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Riverhead Town Hall, Howell Avenue, Riverhead, New York on Tuesday, June 6, 2006 at 7:00 p.m.

Present:

Philip Cardinale,	Supervisor
Edward Densieski,	Councilman
George Bartunek,	Councilman
Barbara Blass,	Councilwoman
John Dunleavy,	Councilman

Also Present:

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

Supervisor Cardinale called the meeting to order.

Supervisor Cardinale: "Okay. Good evening. Okay, we've got our town attorney and Cablevision, will you give me a high sign when you're ready? Okay, I'd like to call the June 6th meeting of the town board to order and ask that Charles, you're visiting us tonight, Charles Massoud, would you lead us in the Pledge of Allegiance?"

(At this time, the Pledge of Allegiance was recited, led by Charles Massoud)

Supervisor Cardinale: "Okay, we have no proclamations or presentations so we can get to work. Could we approve the minutes of the town board meeting of May 16th and the special board meeting of May 24th? Somebody offer them, please."

Councilman Densieski: "So moved."

Councilman Bartunek: "And seconded."

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

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

Supervisor Cardinale: "Barbara, could you tell us the Reports, please?"

REPORTS:

Receiver of Taxes
Total collections to date
is
\$88,942,897.04

Utility collections report
for May, 2006, total
collected: \$182,583.08

Town Clerk
Monthly report for May,
total collected \$13,305.84

Barbara Grattan: "That concludes Reports."

Supervisor Cardinale: "Applications, please."

APPLICATIONS:

Chapter 90
Old Steeple Community
Church -
Antique fair on August 26th

Fireworks Permit
Wildlife Rescue center of
the
Hamptons - 7/4/06 at Grangebel
Park

Barbara Grattan: "That concludes Applications."

Supervisor Cardinale: "Correspondence."

CORRESPONDENCE:

Thurston J. Millett
Regarding water district
property at Reeves Park

Stephen Popovich
Regarding dredging and
the
boat ramp issues at 4 Creek
Road

Philip Kenter
Regarding the proposed
local
law to amend Chapter 108,

Article XIII, supplementary
use regulations, to add 108-
64.6 Prohibited Uses

Eric Russo
Regarding Atlantic
Holding
Company LLC/Atlantis Marine
World, Phase II for the
extension of the Riverhead
Parking Improvement District
#1 to include two parcels of
property known as 437 and 467
East Main Street

Barbara Grattan: "That concludes Correspondence."

Supervisor Cardinale: "Okay. Any Committee reports, please,
from the Board?"

Councilman Densieski: "Yes, thank you, Phil. I just want to
report that they're retiring all the F-14 jet fighters that were built
at the Grumman memorial- at the Grumman plant, and they're going to
have a memorial flyover by the F-14's on June 15th at 9:00 a.m.,
approximately 9:00 a.m. They're going to fly over Bethpage and
they're going to fly over Calverton. It's going to be the last time
you'll ever see them flying. So if you want to come down, you're more
than welcome to come down to the park."

Supervisor Cardinale: "Thank you. Any other announcements from
committees or announcements for any purpose from the board members?
If not, we have seven public hearings this evening, the first set to
commence at 7:05, which it is."

Public hearing opened: 7:06 p.m.

Supervisor Cardinale: "To consider a local law to amend Chapter
108-3, regarding definitions and word usage. The town attorney, okay,
the- could you explain to us what the substance of this hearing is in
regards to the definitions? I think what it is is that yard front is
being deleted and a new definition added. Is that correct?"

Dawn Thomas: "Yeah. That's correct. Actually Harold
Steuerwald, the Deputy in the office- "

Supervisor Cardinale: "There he is."

Dawn Thomas: "-- drafted the legislation. So I'm going to let
him- "

6/06/2006 minutes

Supervisor Cardinale: "Okay, Harold Steuerwald is the deputy town attorney, he's spent many years in Brookhaven and is an expert on housing matters and enforcement and would you tell us about this particular hearing."

Harold Steuerwald: "Sure. Well, the definition set forth under 108-3 really ties into the amendment which is under prohibited uses.

The way the proposed legislation reads now has to address commercial vehicles. Right now the way it reads is dealing with motor vehicles 10,000 pounds or more. It's also addressing commercial vehicles. It's also addressing the storage in the front yard of residential houses, in particular trailers and boats, whereby it's going to limit them to not more than one.

It's also addressing storage facilities such as sheds--"

Supervisor Cardinale: "You're talking about the amendment to the second hearing, right, 108-64.4?"

Harold Steuerwald: "Well, they're kind of tied together."

Supervisor Cardinale: "Okay, so that-- well, okay, since they're both noticed for 7:05, apparently on purpose, I should then open both the first and second hearings and what Harold is beginning to tell us is that the definition in the first hearing on yard front is being made to fit with the proposed statute on the second hearing. Right?"

Harold Steuerwald: "Correct."

Supervisor Cardinale: "So go ahead please."

Harold Steuerwald: "That's what I was trying to say. The definitions-- the reason they're being put in place is to address the proposed legislation under prohibited uses, under 108-64.6. And what that's trying to do for residential property is to put a limit on the number of boats and trailers in the front yard and to regulate the storage facilities used by people as far as sheds-- not sheds but sometimes you have truck bodies, trailers, seed containers, things like that that are used for storage in a residential neighborhood for temporary storage. So that addresses those.

It also addresses in the same code section, parking of commercial vehicles. And it has prohibitions on the weight of the vehicles, as I said before is not more than 10,000 pounds. It has exceptions for local delivery for commercial vehicles."

Supervisor Cardinale: "Okay. So the-- is there anything else you would like to say in introduction of the definitional change in

6/06/2006 minutes

the first hearing on yard- front yard, and on the proposed prohibitions and parking exceptions?

Incidentally, I have a question on the second hearing."

Harold Steuerwald: "Sure."

Supervisor Cardinale: "Unless I read it wrong, which is entirely possible. On section B where they talk about parking of commercial vehicles, the- you say the parking of commercial vehicles with a gross vehicle weight rating of 10,000 pounds or more on residential streets or residential property or residentially utilized lots or tracts is prohibited and then you say exceptions. The following shall be exception from the provisions, motor vehicles with a gross vehicle weight rating of not more than 10,000 pounds. Is that necessary in view of the fact that your provision only applies to above 10,000 pounds?"

Harold Steuerwald: "No. The way it's written right now is they're saying that if you have a vehicle more than 10,000 pounds- "

Supervisor Cardinale: "Okay."

Harold Steuerwald: "That's the gross vehicle weight, it's not a lot."

Supervisor Cardinale: "Right."

Harold Steuerwald: "Okay. I know that we've gotten some calls in regards to the new SUV's and vehicles of that type that weight actually more than 10,000 and they weigh as much as 14,000 pounds."

Supervisor Cardinale: "Okay."

Harold Steuerwald: "And that will have to be addressed. We tried to address it when we drafted the legislation. We did a search in regards to motor vehicles and at that time we were looking at Hummers and things of that nature. We didn't find anything over 10,000. We failed to take into regard dual wheel pickups which now I understand weigh about 13 to 14,000 pounds."

Supervisor Cardinale: "So your prohibition of 10,000 is going to be increased because of practical reality."

Harold Steuerwald: "Right. We didn't know- at the time that we drafted the legislation- "

Supervisor Cardinale: "Right."

6/06/2006 minutes

Harold Steuerwald: "-- at the time it was advertised, unbeknownst to us, those types of pickup trucks can weight a gross vehicle rating of 13 to 14,000 pounds."

Supervisor Cardinale: "Okay. So that would be Section 1 under B."

Harold Steuerwald: "Right. But we've discussed internally perhaps adding a line to state that SUV's and pickup trucks, dual wheel pickup trucks, not weighing more than 15,00 pounds. To add a line to it."

Supervisor Cardinale: "That's all substantive and important to let the public know before they comment, but actually I was asking a more specific question which is the first exception, that would be A under 2. Is that a necessary exception in view of the fact that your statute does not reach vehicles of less than 10 and eventually less than 14 when you change it?"

Harold Steuerwald: "I don't know if I understand the question properly."

Supervisor Cardinale: "If I understand the statute, it's saying the parking of a commercial vehicle with a gross vehicle weight of 10,000 or more on residential streets is prohibited. And that's going to be changed to 14,000 probably, right?"

Harold Steuerwald: "I guess what we're trying to do is when you have— in some residential neighborhoods you have businesses being operated from a residential house. And they may be operating whether it be a landscaping business, concrete business, something of that nature, where they have a vehicle— "

Supervisor Cardinale: "Right."

Harold Steuerwald: "-- that weighs in fact more than 10,000 pounds. It may not be a pickup truck, it may not be an SUV. And that's what we're trying to deter."

Supervisor Cardinale: "Yes. What I— if your— my question is then after you state what you state in 1, you say the following shall be excepted from the provisions of the section I just read, and you say the exception is motor vehicles of more than 10,000 pounds. Well by the section I just read, they're excepted automatically. So what do you need the exception for?"

Harold Steuerwald: "No, no, you need that. You could have a motor vehicle where it's not registered commercial and it could weight more than— "

6/06/2006 minutes

Supervisor Cardinale: "So that encompasses the non-commercial vehicles?"

Harold Steuerwald: "Not commercial, yes."

Supervisor Cardinale: "Okay. I get it. Okay. Any- I know the public is interested in this particular subject so let's- we get a lot of calls both ways on this so please step up whoever wants to speak."

Councilman Bartunek: "Phil, if I could just make a comment."

Supervisor Cardinale: "Yes."

Councilman Bartunek: "Before we get into this, I know there's going to be a lot of controversy over this- the proposed amendment- code here. We do have a lot of complaints from people complaining that front yards are starting to look like junkyards, quite literally. There are some instances that code enforcement has got to deal with where you're got four, five, six cars, dump trucks.

There's a residence in the neighborhood where I used to live here in town where the person even has snow plows in the front yard. And we also have a concern as to how not to step on property rights.

So if we can- when you step up to the podium, if you can make any constructive criticism that can help us address this, it would be greatly appreciated, instead of just condemning what we're trying to do here.

Thank you very much."

Supervisor Cardinale: "Phil."

Phil Kenter: "Good evening. My name is Phil Kenter. I'm from Riverhead, lived here my whole life and I was the one who sent that letter. I'd like to read it because I've got three specific highlights in there that I do feel we need to address.

As a lifelong member of this community, I feel compelled to write you regarding the aforementioned referenced proposal. Respectfully I do not believe this matter has been researched or written thoroughly enough to address the needs and concerns of the average law abiding tax paying citizen living in this community.

Decisions such as this should be researched based so that it becomes a fact driven and objective proposal that encompasses both the positive and negative ripple effect with impacts it will have on the entire citizenry.

And I've got a few points listed of concern regarding this. Now the first point I have is Section 3, your boats and trailers. Your

6/06/2006 minutes

proposal states that quote not more than one trailer which must be registered in the State of New York or in any other competent jurisdiction or one boat including the boat trailer on which it rests may be (inaudible) or stored in the driveway of a residential zoning district or residential utilized lot or tract of land. The failure to have a current license plate affixed to said trailer shall be presumptive evidence that the trailer is not registered. Unquote.

Now all trailers have only one affixed license plate and that is at the rear of the unit. If most trailers are backed into one's yard, the only way an enforcement officer will know if a trailer is duly licensed is to trespass onto one's property to ascertain the status. This is in direct conflict with our constitutional fourth amendment, which states the right of the people to be secure in their person's, houses, papers and effects, against unreasonable searches and seizures shall not be violated and no warrants shall issue but upon probable cause supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized.

Your enforcement officers do not have the right to arbitrarily enter anyone's property to ascertain if their trailer is licensed. And further in checking with the New York State Department of Motor Vehicles, all trailers are licensed through December 31st of each respective year.

Now most homeowners like myself that own travel trailers and boat trailers, we wait until the spring. Then we renew our trailer registrations with a pro rated fee coupled with the new registration sticker. Now technically according to DMV, the license plate of those trailers is to be removed during the time the trailer is not registered with New York State.

So additionally many homeowners remove their trailer license plates during the winter to prevent theft or illegal usage.

Town enforcement officers do not have the right to enforce an ordinance which is contrary to New York State because the state law supersedes town law and federal law, like the fourth amendment, supersedes state and town law.

My second point. Riverhead is a working class town of middle class people. Many of us that work and reside in this town still attempt to enjoy a rural way of life. And that lifestyle includes many residents that own both a boat and a boat trailer to enjoy the Peconic Bay and the Sound as well as a camper or travel trailer to enjoy one of the many parks operated by Suffolk County or New York State, two of which are located right here in Riverhead town.

This proposal presupposes that all residents may only own one such trailer and the way in which it is written demonstrates that only

6/06/2006 minutes

more than one and parking both on one's residential property will be in violation of town law which could result in a summons, fine and subsequent removal or seizure by town employees.

There are many residents in this town that also own special transportation trailers to show antique cars, trucks, tractors, and farm equipment. There are many people in this audience tonight that belong to the Antique Power Association, the Antique Truck Club, the American Truck Historical Society. Our Vice-President is here tonight. The (inaudible) Club of America, camping clubs.

We're all here tonight because it affects and I just wanted to point out that each year in Riverhead we host the annual power truck and tractor show which is held up at Hallockville along with many other local events in which this town and this community enjoys seeing all these vehicles of the past.

Those of us that own such antiques have invested huge amounts of time and money to restore them and we take great care in their transportation. This proposal will necessitate us from removing these vehicles and trailers from our premises, paying rent and having to house them elsewhere where they may not be as secure as they would be at our own residences.

And other homeowners have trailers including motorcycles, jet skis, racing cars, and a host of other enjoyable hobbies that make Riverheaders into the community and culture that we are.

This proposal if approved will require all of us that purchase and pursue these hobbies to either pay high rents due to limited space providers, build expensive garages if allowed by the town, or sell our assets that we've come to enjoy.

And then the third part is parking of commercial vehicles. Your proposal says quote the parking of commercial vehicles with a gross weight of 10,000 pounds or more on residential streets, residential property or residentially utilized lots or tracts of land, is hereby prohibited.

Now I heard what the town deputy attorney said but Riverhead I said is a working class community. Many of us who live in Riverhead and work in Riverhead, we have our own small businesses. Our family is included. Many of us who live and work in Riverhead, we provide the goods and services to this town. We employ a lot of our fellow residents as local Riverheaders that are employed who render these goods and services. We have a lot of people in this town, they run oil companies, gas companies, there are plumbers, electricians, carpenters. Many of them cannot afford to rent private space to park their trucks. Many of them are on call and must be able to respond to a customer if called upon.

6/06/2006 minutes

And unfortunately with the lack of police officers in our town recently, particularly downtown, domiciling our commercial vehicles at our residences is the best solution to the issue right now.

Small business owners such as what I have mentioned must rely on customers and sales to pay their bills, taxes and other expenses. This proposal will unfairly hurt many of them if enacted because the town has provided no grandfathering for existing businesses nor any time frame extension to allow business owners to find other solutions, which that really needs to be done.

If a commercial truck is parked on one's property out of the way and off the street, how does that have a negative impact on the town?

So in conclusion, we have so many other important issues facing our town. You can't walk into the Justice Court without feeling like your life is in danger because of those— the alarm things don't work. Downtown the sidewalks are crumbling. We don't have enough police officers downtown. We've got the landfill problem to address. We have all these things, and then this comes up.

So if we're going to go with something like this, you really need to— you cannot accept this proposal as written. It's biased and it's inherently wrong. And even if you come back to us as a community and say we won't actively enforce it, it potentially could be and that would hurt innocent residents for which I doubt this proposal was ever even written for.

Well, thank you for listening. I appreciate it."

Supervisor Cardinale: "Yes."

Phil Worthington: "Well, he pretty much said it all. Had I known he had the letter, I wouldn't have stood up. The only thing I can say is also a lot of us have family members— "

Barbara Grattan: "Excuse me, Could you please state your name?"

Phil Worthington: "Oh, I'm sorry, Phil Worthington and I live in Jamesport. I'm a life long resident of Riverhead.

The only thing I can add is I have family members that live out of state and they all drive dual pickups and then come to visit me. Now you're telling me my family's going to get tickets for coming to visit me. That's just no way to run a town.

I know a lot of people have lived here to their lives and some of you around here haven't. The Riverhead I grew up in would let people

6/06/2006 minutes

have the kind of vehicle they want and wouldn't stand for people telling us what kind of car we can buy.

I own a (inaudible) pickup truck. I like it, it's fun to drive. I don't go around beating on it. There's no reason I shouldn't be able to buy the vehicle I want. This is the United States. We do have rights. And that's all I want to say."

Supervisor Cardinale: "Thank you."

Dawn Zebrowski: "My name is Dawn Zebrowski. I am a life long resident of Riverhead. I was educated up until my higher education here in Riverhead. As a matter of fact, Mr. Bartunek, you were my science teacher in seventh grade. So it's nice to see you again."

Councilman Bartunek: "I wish I could say the same."

Dawn Zebrowski: "You don't have any idea what it is I'm about to say. That sounds like very biased- "

Councilman Bartunek: "Well, that's true. That's true."

Dawn Zebrowski: "-- assertion, doesn't it, which may be the problem herein. And as our first speaker so eloquently addressed, I think I'm going to speak extemporaneously in a narrative fashion.

Five generations here on the north fork, my grandfather would be rolling in his grave right now. There's a road named after him in Southold that he cut with a vehicle that I'm quite sure this particular legislation would have been opposed to.

I will tell you this. Let's look at the unintended consequences of this legislation. Outside of the outrageous restriction of property owner's enjoyment of their property, let's think about inhibiting the delivery of goods and services. I can assure you that as with increased fuel, my husband and I haul local nursery stock and local farm produce. I can assure you that as fuel rates increase, we pass that increase along to our shippers and receivers who then pass it along to you.

And you will notice now that the cereal that you pour on your children's cereal and the toilet paper with which you wipe yourself is going to begin costing you much more and I think you are going to find your driveways are going to start costing you more, your tree trimming is going to start costing you more, your lawn mowing is going to start costing you more. A lot of things are going to start costing more.

Further increase in the divide between classes which I've noticed widening here, I'm not going to be able to stay here regardless of the fact that there's a road named after my grandfather in Southold and we

6/06/2006 minutes

are fighting to stay alive here and even as hard as we fight, we're probably going to have to leave and it's due to nickeling little legislations like this that, frankly, we deserve to have better research and we deserve to have more thorough preparation before somebody attempts to slip it by us.

And I'm more than happy to have this community grow and thrive but I would like to be considered in that growing and thriving and I would like to be allowed to be a part of it in a constructive way in which I can enjoy recreational activities as well as earn a living.

So I'm happy to entertain anything that we can do to work together and I assure you that you'll be seeing more of me and you'll probably be as fond of me as you were of Mr. Schmelzer. And I hope we can all think fondly of Mr. Schmelzer at this moment and perhaps have a moment considering that he's no longer with us.

Thank you."

Diane Curillo: "Good evening. My name is Diane Curillo (phonetic) and I am not a life long resident of Riverhead and I will tell you that my husband and I moved out from Huntington, the township of Huntington, because of the fact that the restrictions that year after year were imposed on residents there. My husband was born in Huntington and it is now affecting people that I'm sitting here today of what happened to him probably 10 years ago.

And I just wanted to read a very brief narrative. The social and cultural makeup of the residents of the greater Riverhead area are people who have historically lived recreational, agricultural, equestrian, and baymen life styles. This is the historical background of your residents.

We have state parks, we have racetracks, we have waterways, we have horses. Given that this is the type of community that our residents- that own types of motor vehicles for personal and recreational use. These vehicles come under the category of commercial because of their weight.

Given what you are proposing regarding a limit of 10,000 pounds, a 10,000 vehicle, how would you protect the law abiding citizen in the situation that have to register these types of vehicles as commercial as per state regulations.

And I also just want to say that in regards to all of the recreational activities that we do have here in terms of equestrian, riding, people have boats, horses, trailers for cars. What is the limit of a trailer? I couldn't quite understand. Is it one? Is it one and a boat one? Is it one boat, one trailer and you can have five trailers in your backyard as long as they're not in your driveway? I

6/06/2006 minutes

didn't quite understand the logistics of a trailer. Maybe somebody could define that."

Councilman Bartunek: "The way that it was written, Harold – they could have a trailer and a boat in the front yard?"

Harold Steuerwald: "Correct."

Councilman Bartunek: "As long as it was a proven registration on the– as long as there's a licensed trailer."

Diane Curillo: "So then all other trailers would be acceptable on your property?"

(Some inaudible discussion)

Diane Curillo: "So I can have a boat but I can't have a horse. I'm just a little confused. I just want to understand that."

But I just wanted to also tell you that we are not lifelong residents and we came here because of the lack of restriction, and I mean that in a positive way. I mean that in a positive way. And the people here are very hard working just as they were in Huntington, and it changed. And it got to the point where people didn't want to live there anymore. And if you've ever been there, you can understand why."

Bill Larer: "My name is Bill Larer (phonetic). I've lived in this town my whole life. We went through this thing with commercial vehicles about two or three years ago. And I made a little stab at Eddie at the time because he had a commercial– his truck is louder than my truck."

I've drove for the same company for 20 years, okay. My neighbors don't care. I've asked them. I said does the truck bother you? They said no. If my neighbors– if it bothered them, I'd move that truck. But I'm not moving it because somebody tells me I can't have it there. I just paid \$75,000 for the truck. I'm not moving it because I'm paying \$9,000 a year in taxes and my neighbors don't care. So why should anybody else care? If it was bothering somebody that lived next to me, I mean I can understand you don't want Sanford and Son living next to you. But you have to understand something. These people are here, we work for a living."

I get up at 4:00 in the morning to go to work. I don't do it because I want to do it. I'm not doing it for exercise. I'm doing it because I don't have a choice. Thanks."

Supervisor Cardinale: "Thank you."

6/06/2006 minutes

Garret Moore: "Garret Moore, Jamesport. I have my own business— rental, seasonal rentals and like the first gentleman said, if this was researched, I wouldn't even be here tonight.

It says no part of a front yard or residentially utilized lot can be used for parking, storing of vehicle. I have a rental business in Jamesport and my dad started it, I've taken it over from my dad. He started it in 1958. I have six cottages on one parcel and that parking has always been on vacant land, vacant parcel. One was purchased in '58. I know the second piece we've always leased and we purchased it in '72.

I came to the town board here last August when there was a parking discussion to ask for the town— for help to alleviate my code enforcement— my violations using my own property for parking, my own customer's cars and some of the neighbors also. I met with Miss Thomas and I was told it would be resolved. But after a few follow ups I haven't heard anything so I'm back here tonight.

If this goes through the way it's written, code enforcement will be on me or I'll be out of business. I mean this is— I've asked for help before so I'm asking again for some reason to— I've been doing this since my dad started the business so vacant land can be used for my own parking.

And I also have trailers. I have a boat and trailer and a utility trailer. So I can go right along with the other folks that spoke. This wasn't researched and you just threw it together. I mean I've talked to Miss Thomas and I've gotten nowhere. So now I'm asking the whole board to work together and try to solve it for everybody and specifically myself for my use of vacant land. Thank you."

Councilman Bartunek: "Mr. Moore, I had a— I have a question for you. I know that we have heard from you on occasion about storage of, I guess, boats— "

Garret Moore: "I went in for storage, this is temporary use of my own property. This is not long term storage. This is use of my renters and neighbors for temporary use of my property. I went in for long term storage for my own customers and a few neighbors and that was turned down by the zoning department. I'm not going in for long term storage. This is use for just my renters and occasional use of my neighbors during the summertime or during the rental season."

Councilman Bartunek: "And what kind of storage do you have in the front yard?"

Garret Moore: "It's not storage."

Councilman Bartunek: "Well, what— can you— I'm just kind of curious what kind of conflict the— "

6/06/2006 minutes

Garret Moore: "Well, my cottages are on one parcel and there's no room for any sort of parking next to three of them and the furthest three allow one and then the second and third cars or company parks up in the vacant field to keep the area under control for children and the like. The houses are close together and there's no room period around my places."

Councilman Bartunek: "And all the parking has to be in the front yard?"

Garret Moore: "No. All the parking will be in a vacant field. No front yard. So I would be more than willing for all of you to come down and take a look so we can resolve this thing. I mean I tried with Miss Thomas and I've gotten nowhere, so it's an open invitation. I'm always there working, seven days a week. Thank you."

Supervisor Cardinale: "Thank you."

Jim Farrell: "My time is Jim Farrell and I don't think anybody will clap when I finish. So bear with me."

I come here to speak in favor of this law. I see that I'm in the minority here and I have a compromise that perhaps would be important. I think the law is written poorly. I'm in favor of it but it's written poorly. It has to be rewritten.

There is a number of issues here that haven't been discussed and I think that this- I'll explain them. The safety- the law is easily compromised. It doesn't indicate where on the driveway you can put your boat so there's a lot of problems inherent to this and it's really a quality of life issue.

Let me explain how this issue has become so badly. There's a house near me that has three boats, two cars, rusting away and they've been there for six years. Now you can't tell me that that's good for the town of Riverhead and the people who have been living here for 40 years think that's a good idea. I think that's just unnecessary.

Six years cars and boats are rusting. You know, this sort of reminds of some of the places that we all- not all of us, some of us have moved to get away from. I strongly suggest that you change the law and limit it and change it so commercial vehicles under 10,000 pounds and boats and trailers be restricted to a line equal to the front of the house.

Now saying that, I'm saying why are you restricting to one boat, one trailer? I don't think that's really necessary. Why not do something simple and restrict from the front lawn? That's what looks bad. That's the problem. Restrict it to a line in front of the house and put commercial vehicles, boats and trailers, that they can park

6/06/2006 minutes

them behind the front of the lawn and I think that would be a compromise. It's not acceptable to everybody but in most cases where I drove around the town, I found that people could put their boats and could put their commercial vehicles next to their house or behind their house. If they put four boats behind their house, why are we worried about that? I don't think that's a consideration because you don't see it.

We're talking about line of sight here and I think that safety is a problem. When your law states that you can put the boats on the driveway, okay. Now, where on the driveway? If you take the boats where I've seen them in my neighborhood, they come right up to the road, so the kids in those houses play behind the boats and run out into the road. Now you say, well, you've got speed limits and everything else. Even at 10 miles an hour, when a boat is right next to where a child runs out, that's a dangerous situation. I think that's one reason you restrict it to back by the house. Then you have open space and there's a line of sight.

On the commercial vehicles, why can't they— under 10,000, why can't they be next to the house? If they have two vehicles, why can't they be behind the house or next to the house and behind the house? I don't think they have to be restricted and everything, you know, miles away and be charged money for storage.

So I think the compromise is that I'm suggesting, is put it at the line of the house and you meet the needs of the individuals.

I think— many of you know and we know that most of the villages in Nassau County have far more restrictive laws. You can't put a boat anywhere but the last one-third of your property. You can't put any commercial vehicles whatsoever in many, many of the towns, and what I am suggesting is that we limit it to behind the houses and the side of the houses and not in front of them and let's consider our neighbors.

Thank you."

Councilman Bartunek: "Oh, come on. Let's hear a little bit more."

Ray Kreiger: "Good evening. My name is Ray Kreiger. I come from Manorville, the Riverhead part of Manorville that is. So, first of all, if anything ever cried out for a committee, it's this law right here. All right. It- it- there are too many aspects of it that are— that just don't meet everybody's needs.

One other thing is you have to look at the economic impact. You have 18 through 30 year olds who have grown up in Riverhead, graduated from Riverhead High School who are starting their own businesses. They're still living at home because they can't afford anything else.

6/06/2006 minutes

You've got landscapers, electricians, plumbers, whatever. These guys are all trying to make a start in Riverhead. They don't want to pack up and leave like so many other people have. So the economic impact of this particular part of the law has to be discussed.

The other thing, unfortunately the gentleman before me, he's bringing up the fact that it appears this is the first battle between the people who have lived here all their lives and the newcomers. Because this definitely cries out as complaints from new people. I just paid \$400,000- \$500,000 for my house. I don't want to look at a van next store, you know, in my neighbor's yard. That's the way I feel. I don't know how many other people feel like that. But unfortunately that's what's coming.

I'm asking you to table this motion tonight, not to vote on it. To form a committee. Let's get some people from the trades in here. Let's get some people from the recreation industry in here and, of course, we have to bring in people from the homeowner's associations where I'm sure that some of this has come from. And there has to be sat down and we have to discuss this because what you're talking about is like I said, somebody who doesn't want to look at a van versus somebody who is just trying to make a living in this town. They want to live here, they want to stay here, they grew up here, they want to raise their families here. That's what we have to look at.

There's one little ironic thing. I just happened to be reading the News Review and I'm going to pick this up in mid sentence. It says a concession to accommodate Mr. Wicklund (phonetic) who likes to park his pickup truck on his lawn. I'm sure everybody knows what that relates to, that little thing with the parking signs up on Sound Shore Road I believe it is.

Then I looked at this part of- Part A Residential Storage Restrictions. No part of any front yard in a residential zoning or residentially utilized lot or tract of land whether or not improved by a building or a structure other than a driveway shall be used for parking or storing of motor vehicles. It appears that Mr. Wicklund will be back because he can't park his truck on his front lawn.

So it's- there's a lot of things in both parts, A and B, that really need a lot of discussion before you bring it up for a vote again. Okay?

So, please, table the motion tonight and let's work on it."

Councilman Densieski: "Ray. Ray, this is just a public hearing. There's no vote on this tonight."

Ray Kreiger: "Okay. I misunderstood."

6/06/2006 minutes

Councilman Densieski: "That's all right. It's a public hearing. We want to hear what you have to say."

Ray Kreiger: "Okay. Thanks, Ed. Thank you very much."

Supervisor Cardinale: "Thank you."

Ed Purcell: "Ed Purcell from East Main Street. As many of the people that have spoken, I am also a life long resident of Riverhead as you well know and you've heard me before."

I disagree with some of the people here that I believe this has been researched but it's been researched with other towns that fit other towns and other communities. If you want- you have to set a law out to fit this community, not as the last spokesman just said, well, it's new people versus old people that have been here and, you know, and that's what the problem seems to be. But I'm sure this has been researched. Other towns have similar laws to this.

I disagree with the law. I see no reason to go this far. Most of the complaints that I heard you talking about is cars in the front yard. Well, this wouldn't change it. There are so many places in town where there are defacto rental houses which are like not apartment houses but I'll say rooming houses and they have illegal rooming houses that have all these cars in the front yard and this is not going to address it. This is just going to upset most of the working people that you claim you want to have in this town.

There should be a law somehow to regulate so that we don't have these. Another way to restrict these rooming houses where just down the road I should say down the road this way, there's a front yard that has been beautifully done with paving rocks, only thing is during the daytime it's beautiful. Every afternoon it's wall to wall cars. And that's what looks terrible and that's what people are- most people in town are really complaining about.

Sure you're going to have a few people that will be upset on- somebody has a big SUV and I don't like to look at it, but for the most part the general people in town are moaning and groaning complaining about all these houses and that should be- you're going to have a law restricting vehicles. It should be- attend to that.

Thank you."

Supervisor Cardinale: "Thank you. Okay. Is there any other comment from the public or anyone here tonight? Would you hold that and come forward because we need it on the tape. We'd like to hear that. Yes."

6/06/2006 minutes

Suzanne Gallo: "Hi. My name is Suzanne Gallo and I've lived here my whole adult life. I have a camper that my family utilizes and it's parked in my driveway. It is in no way any, you know, doesn't cause any safety problems or anything. My driveway is in front of my house. This is my front yard. I don't feel that there's any reason I shouldn't be allowed to park that there and I feel that this amendment would, you know, cause me not to be able to.

I don't think it's fair to the community of campers that reside in this town and I don't think it should be passed. I think we should— and I also feel that this was kind of slid in. I mean there's a lot of us that didn't know this hearing was going on. It was, I believe, only in Newsday. You know, why wasn't it in— I mean a lot of people I spoke to were shocked, like what are you talking about? So I just wanted to add my two cents."

Councilman Bartunek: "Mrs. Gallo, I think according to this, you would be able to park your trailer in your front yard as long as it's on the driveway."

Suzanne Gallo: "With my (inaudible) even though it's in front of my house. My (inaudible) wouldn't be allowed. So I can park my camper but not the vehicle I use to tow it."

Councilman Bartunek: "Well, what we have considered, we got a lot of calls on this, and like Mr. Steuerwald said, we would probably rewrite this so that pickup trucks or SUV's up to 15,000 pounds I think is what we discussed, would not— would be exempt from this."

Suzanne Gallo: "Okay. And when would this be up for a vote?"

Councilman Bartunek: "Well, this— we're going to have to go back and we're going to have to revisit this. This is not being snuck in or anything like this. This is— as Ed said, this is just a hearing on this. This was probably discussed five years ago, two years ago, so there'll be another public hearing on it."

Suzanne Gallo: "Okay. Well, we'll be back."

Councilman Bartunek: "If it comes up again, you may, that's fine."

Suzanne Gallo: "Thank you."

Councilman Dunleavy: "I just want to say something. I think a lot of people who wrote this and I— it's a surprise to me that it came up, too. I didn't know it was coming up until I had (inaudible) bring up to a public hearing. This is a recreational and a farming community and I think people forget that. You come out here for recreational and farming and I think this law has to be looked at and rewritten."

6/06/2006 minutes

Dawn Zebrowski: "Dawn Zebrowski again. I told you you would be seeing more of me. It just— something I wanted to mention because there's a town in Maine called Milo that has an interesting solution for people who refuse to maintain equipment in their yards, refuse to have licensed, registered and insured vehicles in their yards in an orderly fashion. What they do is they reassess you as a junkyard. If you refuse to clean up your yard, then your taxes go up. And I think that might be an interesting solution. It seems to work in Maine.

However, I'd also like to mention that my husband and I do spend an awful time and money actually making sure that all of our equipment, and we have quite a bit of it, is licensed and insured and registered and most of it we store at a storage facility far away from any residential homes so that we don't disturb people with comings and goings and so that we aren't raising dust and so that we aren't irritating our neighbors and on the rare occasions that my husband does have to come home with a piece of equipment, it's usually because there's a hostility to commercial transport vehicles on the island. There are no truck stops, no facilities and, frankly, when a man's been in the truck for three days, sometimes he needs to stop home and grab a sandwich and a shower. And I'm sorry if there are people who might object to that.

If there are in my neighborhood I don't know about but that's because I go out of my way to make sure that my neighbors are not unhappy with us. If that means throwing them a 50 pound bag of potatoes in season, if that means helping them get wholesale nursery stock, whatever it is that we can do to co-exist peacefully we're interested in doing. And it's been working so far.

If what is required is some sort of coalition, is some sort of meeting of the minds between the recreational aspects of this legislation and the commercial operation aspects of this legislation and the home owning, I think that that could be done and I don't want to indicate that I'm interested in some sort of class warfare of that I'm interested in being confrontational. I'm more than happy to have new people in the community. Just by virtue of having been here for five generations doesn't mean that I am hostile to growth.

However, I think that growth doesn't take into consideration the people who essentially established this community and made it such a great place to be is really kind of insulting and I think that is why people may seem to be a little bit upset.

And so I think that's enough for today although I'm pretty sure you'll be hearing from me again and I apologize in advance, Mr. Bartunek."

6/06/2006 minutes

Phil Worthington: "Yeah, Phil Worthington again. About the weights. In New York State and anyplace in the country, it's legal to own a vehicle privately up to 25,990. Most (inaudible) pickup trucks can legally be registered to 17,500 or more. You might want to look into the weights properly. A lot of travel trailers that you see—campers in people's yards, are well over 14,00 pounds. A lot of travel trailers, some of the bigger ones, the fifth wheels now, you need your truck registered properly to tow it or else you can get arrested if you go down the road and your vehicle is not registered.

I have a pickup truck that's registered at 17,500 that I tow a recreational trailer with. So you're going to have to look at that also and check the weights of the laws. Maybe ask people who know like the Department of Transportation. They have a— they have DOT troopers in the barracks there in Flanders that they would be able to give you a law. There's a green book that you can get with commercial laws. The Department of Motor Vehicles has them so that you can see that a lot of these vehicles, the weights are more than 10,000 pounds. Ten thousand pounds, legally, you need to register your truck at a weight that can cover the weight of the trailer also to be legal going down the road. You have a lot more stuff to research. Thank you."

Supervisor Cardinale: "Thank you."

Evelyn Beedie: "Evelyn Beedie (phonetic), Church Lane, in Aquebogue. I have two issues that I would like to discuss with you. The first issue is the fact that if this gets adopted, you will have to hire an entirely new police department just to police all of the illegal vehicles on Church Lane because it's going to take you forever to enforce this ordinance.

On my street alone, I have oil trucks, I have horse trucks, I have RV vehicles, I have boats. I have, let's see, across the street, Andreesens (phonetic) I don't even know what they have in their backyard anymore. But it's just absurd.

I feel that I would not like to live next to a house that has three snow plows and two old vans that have been in that front yard for six years either. But I think what you're doing is you're attempting to punish everyone who has a recreational, agricultural, big vehicle for one or two people rather than dealing with them individually and punishing them as they should be punished.

Trust me. I pay \$6,000 a year in taxes. I don't want some garbage place next to me either. I also don't want people parking on my front yard. It should be addressed individually, not punishing obviously a very large percentage of us who do have RV vehicles. I have an RV vehicle. I have a 40,000 pound RV sitting in my backyard. Okay. That's a heck of a lot more than 15,000 pounds, Mr. Town Attorney, okay, and it's a heck of a lot more money— and I don't mean

6/06/2006 minutes

it to be nasty. I just think that this as the other gentleman said, has not been researched and I think you're going to be punishing and inflaming an awful lot of people in this town if this is. Punish the people who are doing something wrong, don't punish all of us who are very happy-- well, but we pay our taxes and we don't complain.

I haven't been here in I don't even remember-- the last town board meeting I had was Joe Janoski. Okay. And that was agricultural zoning. We're quiet, hard working people. We don't hassle the town board but when something like this comes up, obviously, and this is only I'm sure very few, you have a lot of people who would be very angry. And I really hope you take a ride down Church Lane and look at all the illegal or unauthorized vehicles. Plenty of trailers, plenty of trucks, plenty of oil trucks, plenty of dump trucks, plenty of everything. It doesn't make sense. It just doesn't make sense. It doesn't sit well. Thank you."

Supervisor Cardinale: "Okay. Thank you for your comments. If there is any other comments, I'd like to take them. If not, I'd like to leave this open for 10 days for written comment in case you think of something. I think certainly-- this is the whole purpose of a public hearing to get response. We heard what you said and I can assure you that this legislation will not pass in its current form. So I want to give you that opportunity. And if there's one other comment, I want to take that."

Warren Schwarz: "Warren Schwarz, West Main Street, Riverhead. When this says any residential zoning district, residentially utilized lot or tract or land, a lot of West Main Street is technically zoned commercial yet a lot of houses. Does that mean like a guy self-employed can't keep his truck even though zoned commercially on his property?"

Councilman Bartunek: "That is correct."

Warren Schwarz: "Because his house happens to be in a commercial zoned lot. So that means he can't keep his truck at his house even though it's not zoned residential."

Councilman Bartunek: "That's the way it's written."

Warren Schwarz: "Okay. I also have a camper, curb weight, it's about 28,000 pounds, gross weight, it's probably about 80,000, what its chassis is weighted for. Could be a problem. It's ridiculous.

Somebody else in this audience, I talked to him the other day, they call them city moving out here, that's what it is. I've been here all my life. I don't want to move."

Supervisor Cardinale: "Thank you."

6/06/2006 minutes

Warren Schwarz: "One more question. You're limited to one trailer as this is written. Like say I have a boat, it's a 15 footer on a trailer. I have a snowmobile and a quad that I take upstate, small little enclosed trailer, 15 foot trailer, as well as my camper. I'm not allowed to, as this is written, have that anymore? I mean it's just-- I worked all my life out here to have what I have."

Supervisor Cardinale: "Thank you. I thank you all for your comments. Certainly they've been enlightening and will be-- will be heard. We will not pass any legislation without a subsequent hearing and after tonight we may not pass any legislation ever after a subsequent hearing. On the theory that a good line was not delivered that might have been, you have 10 days to write in, drop it off at the clerk or send it to the clerk, any other comments you'd like to make. I'll close the hearing for verbal testimony now, leave it open for written for 10 days from today."

Again, I thank you very much for coming out and it's true, we don't see the people who are here tonight very often and we appreciate your coming. It's good to see you."

Councilman Dunleavy: "Thank you."

Public hearing closed: 7:56 p.m.
Left open for written comment
for 10 days

Supervisor Cardinale: "I'll give anyone who'd like to exit a moment so you don't have to remain. We'll probably be here until 10 or 11."

Public hearing opened: 7:59 p.m.

Supervisor Cardinale: "We'd like to reconvene the meeting. It's 7:59. We have a hearing scheduled for 7:15, third hearing, for the consideration of a local law to amend the section regarding signs, another favorite, long time favorite of ours."

This has to do with temporary business signs which we are permitting for periods of not more than 90 days under certain conditions as stated and giving it over, I guess, to the building department to administer so we don't have to see them anymore."

Dawn Thomas: "That's correct."

Supervisor Cardinale: "If there is a comment from anyone in the public in regard to that proposed legislation, we would love to hear it. If there is not, we would not be disappointed. But there is at least one and it's always good to have some comment."

6/06/2006 minutes

Antoinette Carbone: "Hi."

Supervisor Cardinale: "Yes."

Antoinette Carbone: "My name is Antoinette Carbone (phonetic). And I want some clarification."

Barbara Grattan: "Can I have your name again, please."

Antoinette Carbone: "Antoinette Carbone."

Supervisor Cardinale: "How are you? I get so much e-mail from you, it's nice to meet you. And incidentally on your e-mail, you keep saying Peter, it's Phil Cardinale."

Antoinette Carbone: "So then you know I'm a newcomer."

Supervisor Cardinale: "Yeah, well, that's all right. Just I know you know me but it's nice to see you in person. I think."

Antoinette Carbone: "Okay. I just need some clarification. When you say temporary signs, are you also addressing portable signs?"

Councilman Bartunek: "No. That's not the intention of this."

Supervisor Cardinale: "No."

Antoinette Carbone: "Is that being addressed by this or do you address portable signs- "

Councilman Bartunek: "What do you mean by portable signs?"

Antoinette Carbone: "The signs that are on the- they're usually a yellow background and they put in what they want, like sale of something. And they have- and they bring it to the curbside."

Councilman Bartunek: "They are illegal."

Supervisor Cardinale: "But effective."

Councilman Bartunek: "Yeah, they do a good job but they illegal."

Antoinette Carbone: "And in other words, the portable signs are illegal in the town of Riverhead."

Councilman Bartunek: "Yeah, I think that's correct. They're not supposed to be on any carts or trailers, truck, I think that's specifically in the code."

6/06/2006 minutes

Antoinette Carbone: "Well, I think that's great news. I come from the town of Riverhead-- Brookhaven before I came to Riverhead and have battled 34 years the town government so I'm sure you'll see me more often."

The temporary signs that you are talking about, are those the signs that are used by developers?"

Councilman Bartunek: "Yes. If somebody has a subdivision or they're constructing a commercial building on Route 58, they're allowed to put up a temporary sign that explains what the building is going to be, a hotel by the contractor and who's financing it, as a temporary sign."

Antoinette Carbone: "All right. And then after 90 days they have to come in with the permit for a permanent sign or at least a sign that might last a year or two."

Councilman Bartunek: "They have to have-- in their application, they have to include an application for a permanent sign."

Antoinette Carbone: "All right. Okay. You answered my question. Thank you."

Supervisor Cardinale: "Thank you very much. If there is any other comment, we'd like to take it now. If not, I will leave this as well open for 10 days for written comment and close it, it being 8:04."

Public hearing closed: 8:04 p.m.
Left open for written comment for
10 days

Public hearing opened: 8:04 p.m.

Supervisor Cardinale: "And go to the fourth hearing scheduled for 7:25, the consideration of a local law to amend Chapter 46A Architectural Review."

You want to summarize what this amendment is contemplating?"

Dawn Thomas: "Yeah. It's a simple amendment to Chapter 46A which is our Architectural Review Board legislation and it adds to the aspects of review a subparagraph which reads-- and basically is another consideration for the Architectural Review Board when reviewing a site plan and it includes an obligation for them to review site plan applications together with the Landmarks Preservation Commission for alterations or demolitions of a designated structure or structures"

6/06/2006 minutes

within an historic district and to make recommendations to the town board.

Further it adds to the powers and duties of the ARB, an obligation to review together with the Landmarks Preservation Commission any applications made pursuant to Section 73 and 108-29 of the town code— 108-29 being special permits and— special permits for site plan, I have to check. Oh, the Landmarks chapter. Okay. So it basically obligates the ARB to work with the Landmarks Preservation Commission on buildings in historic districts."

Supervisor Cardinale: "Okay. Which I think is the subject of the next hearing. Is there anyone who would like to make a comment on this change or addition to the Architectural Review Board's responsibilities. If not, again, in case something strikes you, I'll leave it open 10 days for written comment and close the verbal portion of the hearing at 8:05."

Public hearing closed: 8:05 p.m.
Left open for written comment for
10 days

Public hearing opened: 8:05 p.m.

Supervisor Cardinale: "And move onto the fifth hearing of the evening, the consideration of a local law to amend Chapter 73 Landmarks Preservation. This is a consideration of the proposed text. Is that correct?"

Dawn Thomas: "Yeah. It's a complete revision of Chapter 73."

Supervisor Cardinale: "Yeah, this is repeal and replace. You may recall some of you who watch or come to these meetings, that we had contemplated passing the preservation— the historic district prior to these proposed amendments and then thought better of it and thought we should do this before that. So we looked at the statute as was suggested at some considerable length by Marty Sendlewski and others and tried to address some of the concerns that we saw expressed by the public. Anyone has a comment about this/ Yes, Mr. Wines who is the Chairperson is it of the historic— Landmarks Preservation Commission of the town of Riverhead. Go right ahead."

Richard Wines: "Thanks, Phil."

Supervisor Cardinale: "And my neighbor."

Councilwoman Blass: "Richard— "

Richard Wines: "Phil's a very good neighbor."

6/06/2006 minutes

Councilwoman Blass: "-- unfortunately some of those typos that we talked about didn't get corrected."

Richard Wines: "Right."

Councilwoman Blass: "You'll see them in the text."

Richard Wines: "Thanks. And-- Barbara-- I want to thank Barbara Blass and George Bartunek for all their help in getting this code in the shape it is tonight."

As Phil mentioned, this-- the reason we revised the code is we want to be able to set up a historic district in downtown Riverhead. The code was quite outdated. It was a little vague. The recommendations to change it were well made and so we have taken the code basically clarified a lot of points, revised it so that there won't be, you know, dual hearings or anything like this in both establishing districts.

We have a very simple mechanism where the Landmarks Preservation Commission and the ARB will simply work together where there's joint jurisdiction namely a possible historic district in a commercial area and you know I think this is quite a good piece of code as it's written.

As Barbara just mentioned, there are a few typos and things like that in here. I won't take the time to go through those. There's one substantive change that these were all intended to be incorporated into the code but weren't. And this is in the hardship criteria 73-7 and where it says an applicant whose application for landmark designation status was denied. And what that should read is an application for demolition, alteration or improvement of a historic structure or a building is denied.

And the reason for that is that we've been advised that it's very important to have a hardship criteria in the code so that people who feel that they have-- that the enforcement of the code imposes unnecessary economic hardship on them have a way of appealing. And if we don't have that hardship provision in the code it could not even be enforceable. So it's important that this be hardship but from decisions in the enforcement of the code not for the designation of buildings in the district.

So with that, Barbara."

Councilwoman Blass: "There was one more that I thought may be worth mentioning as well. You had suggested the penalty for offenses-- "

Richard Wines: "Oh, great."

6/06/2006 minutes

Councilwoman Blass: "-- to being a fine not to exceed \$1,000 and that's significantly increased from the--"

Richard Wines: "The Landmarks Preservation Commission feels very strongly that the fine should not be \$250. And this is just a maximum fine that it could be. We think that it should be at least a thousand dollars. Of course, people on the Commission would like to see it higher, but we think that would be a reasonable number to go for just so that this ordinance is taken seriously."

Once this new code is approved, the Commission is ready to move forward with both the-- I guess the town board is-- move forward on the downtown historic district. We also have four individual landmark designations as well as two districts in the Jamesport area that we've had on hold while we're waiting for this code to be whipped into shape.

So I thank you very much for (inaudible)."

Supervisor Cardinale: "Thank you, Richard, for your work on the Commission and on the statute. Yes, Larry."

Larry Oxman: "Good evening. Larry Oxman with offices downtown and on Route 58. I haven't-- believe it or not, I haven't had a chance to read this. Also the Business Improvement District of which now I am a board member, I don't believe has addressed this either. So I would just ask that the hearing be held open at least until the following board meeting so some groups can have a chance to address this."

Supervisor Cardinale: "Okay. I anticipate holding it open for written comment for 10 days. As a board member on the BID, I would like to hear the BID's comments. So if you could get them to me-- "

Larry Oxman: "I don't know if we're going to be meeting within the next 10 days. I'm not sure when the next meeting is. So and they might want to offer verbal comment also. So-- "

Supervisor Cardinale: "Well, okay. I understand your request and I appreciate it. I will ask the board members who are more knowledgeable as to whether this should be moved forward because the next meeting is the 20th of June. We have a series of hearings-- I'd prefer not unless necessary to adjourn it for verbal testimony because it runs into the next seven hearings we have that evening. But let me ask the-- George and Barbara, do you have a feeling on that? They're on the committee here."

Councilwoman Blass: "I think the board-- the BID members attended the information meeting I believe when we were originally

6/06/2006 minutes

discussing this. But is it possible to e-mail- I'd be happy to e-mail them the text and get responses that way. But it is- it has been around quite some time and there is some reason to want to continue the process."

Larry Oxman: "Oh, I know it's been for a while."

Councilwoman Blass: "So if you have series of e-mail addresses that you'd like to give me, I'd be happy to make sure that everyone gets a copy."

Larry Oxman: "Well, Bill- Bill London is the president and I'm sure he would be able to- and Liz Strebels is the secretary, so she would be able to pass it out amongst the various board members."

Supervisor Cardinale: "Barbara is very efficient and she'll get it out I'm sure tomorrow and then if they'll comment within the time period. And incidentally let's not get too carried away if you don't comment, I'll- we'll read it anyway if it comes in on the 12th day, you know."

Larry Oxman: "Thank you."

Supervisor Cardinale: "I thank you. Any other comment from the public in regard to this? If not, I will leave this hearing open for 10 days for written comment as discussed and get the text through Barbara to the BID. It's 8:12. I'd like to close this hearing for verbal testimony."

Public hearing closed: 8:12 p.m.
Left open for written testimony
for 10 days

Public hearing opened: 8:12 p.m.

Supervisor Cardinale: "And go onto the 7:35 for the consideration of a proposed local law to amend Chapter 108 Article XIII supplementary use regulations, non-conforming buildings and uses. This is a hearing which I will allow the town attorney to comment on but which moves the non-conforming- the consideration of non-conforming substitution I guess of non-conforming uses from the ZBA to the town board. Would you describe the thinking behind that?"

Dawn Thomas: "Yes-- pretty much said it. It would- this proposed legislation would change- the code currently allows the zoning board of appeals to permit one non-conforming use to be substituted for another when the lot's held in single and separate ownership as a special exception."

6/06/2006 minutes

The proposal on for public hearing tonight would change the approving authority from the zoning board to the town board and require them to obtain a special permit instead."

Supervisor Cardinale: "Okay. That's the proposal. Is there any comment on it from any member of the public? Okay. If there is no comment in regard to the transfer of responsibilities from that body to this, then we will keep this open for 10 days as well to be consistent for verbal comment, if any, and declare the closing- I'm sorry, declare the hearing opened at 8:12, closed at 8:14."

Public hearing closed: 8:12 p.m.
Left open for written comment for
10 days

Public hearing opened: 8:14 p.m.

Supervisor Cardinale: "And reach the final hearing of the night which is interestingly enough and for the sake of variety not about local laws but about a potential purchase of land owned by Carl and Karen Carter located at 3162 Sound Avenue as part I believe of the open space program. Correct? Purchase program which we're beginning to generate some purchases through. Who's going to present this? You are going to present it. Okay. Okay, so Peconic Land Trust representative will present this proposed purchase.

Well at least we're getting a little use out of the-- out of all the-- this was an improvement of what we did over the board room last year and we're trying to get it used more frequently so we appreciate your effort. Here we go. Maybe we'll even get some action. Yes, we could all sign together, the board, as we wait. It would be a-- moment of bonding for the board members as we sign together here. Can you picture it? Me neither. How nice. Okay."

Dawn Hughes: "Well, this is about the Carter parcel. It's on 9.38 acres on Sound Avenue in Riverhead. The offer has been made and accepted to the landowner for \$1.3 million and that would for fee title of the property. It's one of the 4-H parcels and in fact those who have been attending may remember that this parcel came to public hearing about a month ago now and with any luck will close any day for protection, the piece just to the south.

This is the 4-H parcel here. So it's one of sort of two outstanding parcels of the 4-H piece. It's really very nice. It's-- most of it is-- well, you know, is cleared. There's some woodland here in the back. It's really just scrub growth (inaudible) I'm not sure how long but there, you know, it's a fantastic parcel because it

6/06/2006 minutes

really provides for the— when we get the 4-H parcel preserved perpetually, then this really completes the little area. The (inaudible) parcel next door is all the development rights were purchased on that by Suffolk County recently so it's really providing a solid area of preservation in this region.

The Open Space Committee recommends it and (inaudible)."

Supervisor Cardinale: "What is the zoning there?"

Dawn Hughes: "The zoning is R-80."

Supervisor Cardinale: "And what was the— what was the appraisal?"

Dawn Hughes: "The appraisal came in a little above 1.3 (inaudible)."

Supervisor Cardinale: "Okay. And it's important because the yellow piece that we are contemplating purchase by this hearing connects to the piece that we are about to purchase subsequent to the hearing of a few— a month or so back."

Dawn Hughes: "Exactly."

Supervisor Cardinale: "And is in the middle of the big piece which— who's purchasing that or who would like to? You would like to, the county would like to and that state would like to."

Dawn Hughes: "It's one of those pieces— Nassau County owns it, the 4-H parcel has been owned for a long time and everybody wants to see it preserved including Nassau County. So it's not really under significant threat of development at this point. Whether or not the town buys it, the county buys it or the state buys it, somebody is going to hopefully get that preserved (inaudible)."

Supervisor Cardinale: "Now we would be buying this in fee title. Did we buy the white piece in fee title?"

Dawn Hughes: "Indeed."

Supervisor Cardinale: "So we would own that piece."

Dawn Hughes: "Yes. Own 20 acres."

Supervisor Cardinale: "Twenty acres."

Dawn Hughes: (Inaudible)

Supervisor Cardinale: "Thank you. Anybody else from the public have a comment or question? I see one."

6/06/2006 minutes

Mark Terry: "Good evening. Mark Terry."

Supervisor Cardinale: "Good evening."

Mark Terry: "First I'd like to thank the town board for making the commitment for the parcel to the north of this parcel and beginning to compile the 4-H camp as a whole which I think is a vital asset to the town as far as from an ecological standpoint and a recreational standpoint. Right now there's a pretty active horse program on the 4-H parcel that I see kids ride by my house every day and participate in. I think it's a very substantial purchase.

It also represents what Sound Avenue is about. It's a New York State designated scenic byway and this parcel, although it's (inaudible) now, it has been farmed in the past. It's also very visible from the scenic byway as you head east because there's a corner and you can actually look up into this parcel. And it's pretty significant for the town. And I strongly encourage the board to approve it. Thanks."

Supervisor Cardinale: "Thank you very much. You are on the Open Space Committee, right?"

Mark Terry: "No."

Supervisor Cardinale: "No. Okay, thank you. Hal, you are on the Open Space Committee."

Hal Lindstrom: "Yes, I am."

Supervisor Cardinale: "I knew someone was."

Hal Lindstrom: "Okay. Thank you. I think it's extremely important to purchase this piece of land being that it will unify that whole area with the 4-H and these parcels. If we don't purchase them, we're going to have a beautiful natural area of 4-H if the state and the county get together on that and we'll have houses in the middle of that so I think it's extremely important.

It's- the 4-H property, I had a chance to walk that piece myself and it's really a diamond in the rough. I mean that's something that, you know, I hope it goes through and this will just add to it. So I'm hoping that the board will approve it. Thank you."

Supervisor Cardinale: "Thank you, Hal."

Dawn Hughes: "Just one more thing. I mean the real key here is that if this parcel got subdivided off then it sort of lends to the future of this part being subdivided off which sort of- I mean it could result in the 4-H parcel being divided, some of it for development and some of it for preservation- a best case scenario."

6/06/2006 minutes

Supervisor Cardinale: "Right."

Dawn Hughes: "Because houses right in the middle then this little bit sort of becomes Islip."

Supervisor Cardinale: "Right."

Dawn Hughes: "Whereas if it's all preserved already, then it becomes a large contiguous tract. I mean these parcels are really key to having that entire area."

Supervisor Cardinale: "The parcel is on the Sound?"

Dawn Hughes: "Well, the Open Space Committee has actually been actively working on— there's only one, two, three, four houses on the Sound and we've actually been working on five of these parcels up here. So we'll have the appraisals done (inaudible)."

Supervisor Cardinale: "Where does the right of way end?"

Dawn Hughes: "The right of way actually runs right up sort of— right up the side (inaudible). There's a beach right of way."

Supervisor Cardinale: "Over which property?"

Dawn Hughes: "Which?"

Supervisor Cardinale: "Is it our property that the right of way runs on or the camp property?"

Dawn Hughes: "It runs on the camp property."

Supervisor Cardinale: "Okay, thanks."

Dawn Hughes: "I guess— I'm not sure if it runs (inaudible)."

Frederick Terry: "Hi. My name is Frederick Terry. And I am the owner of the property on the Sound with various members of my family. This parcel from the road to the Sound is the oldest farm in Baiting Hollow. The deeds go back until about 1828 and we have daily receipts from my grandmother and great grandfather and so on and so on and so forth.

It was a 36 acre working farm for 200 years. The middle was sold to 4-H, that's the yellow section, the yellow orange section you see there. My son, Mark, failed to mention he's the little house in the corner there and that is the oldest residence in the town of— in the hamlet of Baiting Hollow also. That was early 1800's. There was only

6/06/2006 minutes

one other family in Baiting Hollow when my family got there and that was the Hutchinson family which was an adjacent family owner.

So we're very interested in the preservation of this. I do live on one of those parcels. The right of way does follow the westerly line of that piece right up to the other parcels you see. There are only three dwellings, actually there are four dwellings among those parcels you see on the Sound now, myself and three others. And then there's some vacant land up there as well that Dawn and the Trust has been interested in acquiring."

Councilman Densieski: "You guys beat the Talmages here in Baiting Hollow?"

Frederick Terry: "We beat the Talmages, yes."

Councilman Densieski: "That's saying something."

Frederick Terry: "They'll be happy to admit that."

Supervisor Cardinale: "Thank you."

Frederick Terry: "Thank you."

Supervisor Cardinale: "Appreciate it. Any other comment on this proposed purchase? If not, I'll again leave it open for 10 days, the hearing, for written comment, close it for verbal comment now at 8:25. And I thank you for your participation and the public."

Public hearing closed: 8:25 p.m.
Left open for written comment
for 10 days

Supervisor Cardinale: "That ends the hearings for this evening at 8:25. I'd like to move to the resolutions and before I do, I'd like to invite comment from the public on any of the resolutions we're about to consider. I would also like to point out that we're going to consider 506 through 564 and we also should have out there a few late editions. We're hamstrung by the absence of an accountant who has been ill for the town and we're going to consider a couple of budget adjustments that came in late. 565 is Calverton recreational park budget adjustment; 566 is the sewer district budget adjustment; 567 is the sewer district budget adjustment; and 568 is a budget adjustment in anticipation of a purchase tomorrow of the very parcel that we were just discussing which is adjacent to this one which we'll be purchasing and I'm told there's some time constraints. Okay. So does anybody have any comment on any of the resolutions? Yes, sir. How are you doing Phil?"

6/06/2006 minutes

Phil Barbato: "Good. How are you?"

Supervisor Cardinale: "Good."

Phil Barbato: "My name is Phil Barbato. I live in Jamesport. I'm here to comment on the resolution dealing with the application for a special use permit for the Manor Inn. It's #550."

Supervisor Cardinale: "Yes. And our director of planning is here too in case you have a technical question. But go ahead."

Phil Barbato: "Thank you. I believe this resolution should be either voted down or tabled."

Supervisor Cardinale: "What number is it again, Phil?"

Phil Barbato: "550."

Supervisor Cardinale: "Okay, go ahead. This is for a public hearing, but you probably believe that we shouldn't ultimately issue the special use permit, right. We do not have much choice but to have a public hearing unless I'm missing something."

Phil Barbato: "I'd like to make three points while you might not want to."

Supervisor Cardinale: "Okay, go ahead."

Phil Barbato: "The applicant is asking your approval to expand a pre-existing non-conforming use in this special use permit."

Supervisor Cardinale: "Right."

Phil Barbato: "But the claim to continue the non-conforming use is based, I'm alleging, on a ZBA determination from October of 2004 that violated both town and state law.

First point. The restaurant use had lapsed for several years prior to that determination but the town code Article 13 Section 108-51C states quote no non-conforming use may be reestablished where such non-conforming use has been discontinued for a period of one year. And you'll see later on in the record the applicant states it's been vacant for five.

Second point. The use variance also granted by the ZBA for 12 motel cottages varying in size from 700 to 1,000 square feet each had already been extended by the ZBA three times but the town code Section 108-76D states quote no more than three such extensions shall be allowed. In fact in the ZBA determination of the 24th of April, 2003, granting the third extension, the ZBA clearly stated in the

6/06/2006 minutes

determination that granting of the third extension— that there would be no further extensions granted. And went ahead and did it anyway."

Supervisor Cardinale: "Was that the fourth or the third?"

Phil Barbato: "In the third extension approval, the statement the determination had the words in it that this is the final extension that will be granted."

Supervisor Cardinale: "Which is consistent with what you say is the statute, right?"

Phil Barbato: "Yes."

Supervisor Cardinale: "Okay. And did they grant a fourth extension?"

Phil Barbato: "Yes, they did. The fourth extension was granted in October of 2004 which itself expires according to that determination on October 7, 2005. So how can you expand something that doesn't exist anymore?"

The third point that I wanted to make was that the state law governing the granting of use variances of which this is one, it's in town law Section 267-B, it requires a showing of unnecessary hardship for each and every permitted use. This was not done. It just was not done in the hearing. The same state law also requires a demonstration that the quote alleged hardship has not been self-created end quote. In granting the variance, the ZBA ignored fact that the applicant stated under oath at the hearing and I'm quoting now from the hearing record, page 15, and this is the applicant speaking, quote and you know as for hardship, there's no hardship. We bought the building knowing, you know, what the deal was. That's why it sat for five years and nobody did anything. This is in the hearing record of the zoning board of appeal's determination granting this use variance.

The applicant's own attorney confirmed the self-created hardship when he stated at the same hearing, quote, the only way it works is for it to be into a restaurant catering business, otherwise you wouldn't buy it and spend this kind of money. That's on page 17. So you have the applicant and the attorney admitting that this was a self-created hardship and that the use had lapsed for five years.

Now you're going to be considering expanding something that should not have been granted in the first place. That's why I'm suggesting that you vote this down or at least table it until you can look at these facts.

The last point I wanted to make was town law 108-133.15 which covers the granting of special use applications. Lists among the

6/06/2006 minutes

items that must be considered by the board item R, quote that the intensity of the proposed specially permit use is justified in light of similar uses within the zoning district. This is an agricultural protection zone. It would be impossible for that to be true.

So I ask you to take these into consideration and you know either table it or vote against it."

Supervisor Cardinale: "I want to make sure I understand you. You said you had three points you wanted to make?"

Phil Barbato: "Yes."

Supervisor Cardinale: "I think am I summarizing them correctly by saying you're arguing that the abandoned use-- that the non-conforming use was abandoned."

Phil Barbato: "Yes."

Supervisor Cardinale: "That the use variance was improperly extended and that the final point was that the no special use could be justified because of it being in the middle of the APZ zone?"

Phil Barbato: "No, the third point I was trying to make was the complete lack of showing that there was an unnecessary hardship."

Supervisor Cardinale: "Lack of showing hardship in the use variance or in the--"

Phil Barbato: "In the use variance."

Supervisor Cardinale: "Well, there is one interesting issue here-- because-- what I've not understood clearly here, Dawn, and this may be an issue we should look into. If we're being asked to-- 550 says that we're having a special permit-- special use permit hearing to consider extending a non-conforming use. Correct? Expanding a non-conforming use.

I'm not clear and I think Mr. Tohill at one point when I was in private practice making this point regarding this piece as a matter of fact, that if you have a use variance, you no longer have a non-conforming use. So if that's true, are we the proper body to hear this because we can't-- we are the proper body to hear a non-conforming use expansion despite what I think Phil has said that there may have been errors in the granting on the non-conforming use to begin with because that should have been rectified by appeals from the zoning board's actions.

But if in fact the property is being utilized pursuant to a use variance, I don't think that it can be considered for-- unless there's

6/06/2006 minutes

an existing non-conforming use, you can't consider expanding it. That's my point."

Phil Barbato: "That's my point, too."

Supervisor Cardinale: "I think that is a point that we really should understand clearly. Pete did not— Pete Danowski is the attorney for the applicant and asked that we consider it for a hearing, you know, put it on at least for a hearing regardless of which way the hearing might go. But I just want to make sure that we are appropriately hearing this and the only way we can appropriately hear it is if they're operating pursuant to a non-conforming use, not a use variance."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Yeah. Maybe we should— maybe we should table it at least for you to read that unless you think there's some time constraint that would— it wouldn't make much difference if we go to a hearing— if we say we're going to a hearing and then you advise us that we can't go to a hearing because they're operating under a use variance not a non-conforming use, we would just simply cancel the hearing. But I think that point is worth considering because it has been made before and never really properly answered. Okay. So you'll check that. Good."

Phil Barbato: "Thank you."

Supervisor Cardinale: "Any other comments on the matters we're about to hear. Andy and then Joan."

Andrew Mitchell: "I just wanted to take the opportunity, Phil, and the town board members on behalf of Peconic Bay Medical Center on a night when town government may have been criticized, I think it's important for the hospital to recognize the support that the town government has given the hospital on this important expansion plan."

And I would like to specifically recognize our planning department and our building department with their very, very strong support and their assistance in helping us get this project underway. So we're here tonight to say thank you. And with me is Jill Van de Wetering, the board chair, and Charles Massoud, Treasurer of the Board."

Supervisor Cardinale: "Well, we appreciate those kind words and I'm sure our planning and building department do because they so seldom hear them. Even from the board I might add. Yes, Joan."

6/06/2006 minutes

Joan Griffin: "Good evening, Joan Griffin, Baiting Hollow. A couple of questions on the resolutions. No. 520, it says rescind Resolution 550-2006."

Councilwoman Blass: "That must be incorrect. I had the same question. We haven't gotten there yet; 550 is this evening."

Joan Griffin: "550 the gentleman just talked about."

Supervisor Cardinale: "Yes, thank you. Peggy, are you here? Could you check that one resolution that was where we're- it was the last meeting, I believe, maybe 505. But you'll let us know. Thank you."

Joan Griffin: "Okay. Resolution 532, terminates provisional assistant civil engineer. Is he getting a new title or is he being really terminated?"

Supervisor Cardinale: "Effective- we have- as will be discussed I'm sure at the time of the vote, we are under direction to terminate this- in this instance by civil service. There is no plan to change titles."

Joan Griffin: "Okay, thank you. And 534 authorizes attendance of an assessor to a seminar. Which person?"

Supervisor Cardinale: "That would be Laverne. We asked that question because we were concerned to know it ourselves."

Joan Griffin: "Thank you. And 563, about the round about on Horton Avenue and Osborne."

Supervisor Cardinale: "Yes."

Joan Griffin: "And Middle Road. There's a blinking traffic light there already on Osborne and Middle Road. Why not make that into a full traffic light instead of doing all this construction."

Supervisor Cardinale: "You'll probably remember this when I mention it. That was- that's a problem intersection and we probably would not be doing this except that nearly 90% of the expense associated with it is through grant money and the county, in fact, cooperated by granting us the land that is involved in the round about. And this round about is supposed to be traffic calming and much more effective than yet another stop light would be. So that's why we did it."

When 90% of the money, I guess about \$600,000, 88%, is a grant and in addition thereto, the land was donated by the county. We didn't think we would do this but everything fell together as occasionally it does. Very occasionally."

6/06/2006 minutes

Joan Griffin: "Okay. Thank you very much."

Supervisor Cardinale: "Thank you. Yes, Larry, please come up."

Larry Oxman: "Larry Oxman. Resolution 548."

Supervisor Cardinale: "548. Yes."

Larry Oxman: "Amendment to the DC4 zoning and the DC5 zoning, where the definition I guess, townhouses is being deleted. Why?"

Supervisor Cardinale: "Permitted uses is being deleted. And you, I don't know, these people must be sleeping. You come to all our work sessions. That was discussed at great length at the work session with Mr. Hanley because if we left the townhouses permittable in 3 and 4- I'm sorry 4 and 5, we would have a density problem that would- that would exceed- would be direct contravention of our entire objective of reducing density in the town. So we felt we're going to take them out on 4 and 5, leave them in in 3- I don't know if that's in tonight, is it, under a- yeah, we're noticing for a hearing to leave them in 3 under revised conditions."

Larry Oxman: "Right. But townhouse- townhouse is an architectural design. It has nothing to do with density."

Supervisor Cardinale: "Well, that's a good point. But I don't know if it's particularly valid. Do you want to address that? The townhouses have different-- so I guess your point is you need to delete them in 4 and 5?"

Larry Oxman: "If your goal is for density then you should be addressing the number of units that are allowed. I mean the townhouse is a design of a unit. A single family home is a design, you know- "

Supervisor Cardinale: "Except that I think under our zoning townhouse, the number is not based upon acreage, it's based upon floor area ration. So that they have a unique density because of that. I'm sorry, go ahead."

Councilwoman Blass: "I was just going to say we asked Rick for a worse case scenario if all of the properties were to be built out according to the FAR that allows for- or the townhouses with the FAR allowed and the number was staggering."

Supervisor Cardinale: "Disturbing."

Councilwoman Blass: "It was very disturbing."

Larry Oxman: "I have no issue with density at all."

6/06/2006 minutes

Councilwoman Blass: "So well, you may not have an issue with the density but it is an issue for us overall."

Supervisor Cardinale: "Is Rick here?"

Larry Oxman: "But, but, so in DC5, you're allowed for two family dwelling units. Why can't someone build two units next to each other. I could call it a townhouse, an attached townhouse."

Councilwoman Blass: "Because it's three- a townhouse has to be a minimum of three. That's in the definition also. It's right at the top and it's got to be a minimum of 1500 square feet."

Larry Oxman: "I just see it as an architectural term, not a density issue."

Supervisor Cardinale: "Well, that's an interesting point. I want to ask. The question, come up for a moment, Rick. This is just for notice for public hearing, we're not doing anything but passing a public hearing date. But I want to just make sure your point is not utterly valid and we can avoid a public hearing."

The only point of this public hearing that we're contemplating on townhouses- "

Rick Hanley: "Which one? There are a couple there."

Supervisor Cardinale: "-- is the one to delete townhouses- "

Rick Hanley: "Out of two districts."

Supervisor Cardinale: "-- out of 4 and 5. Okay? His question is, is that whatever else we're doing which we know what we're doing, reducing the density- "

Rick Hanley: "Right."

Supervisor Cardinale: "-- is it necessary to delete townhouses per se under our current code in order to accomplish our objective in controlling the density which we hadn't looked at before?"

Rick Hanley: "Yes."

Supervisor Cardinale: "And his point is why couldn't you just do it in-- townhouse is simply an architectural form. How does that- "

Rick Hanley: "We define townhouse, it's a term of art. It's a particular type of building."

6/06/2006 minutes

Supervisor Cardinale: "Okay. So this is the way that it must be done in order to accomplish our density objective?"

Rick Hanley: "Yes. That's what we have talked about. Because of the extent of those two districts and the floor area (inaudible) that we've talked about."

Supervisor Cardinale: "Good. So- "

Rick Hanley: "Well, we're just going to hearing on this."

Supervisor Cardinale: "I know that but it's a necessary hearing."

Rick Hanley: "Yes."

Supervisor Cardinale: "Okay, we'll pick it up again at the hearing, Larry."

Larry Oxman: (Inaudible)

Supervisor Cardinale: "Thank you. Okay is there any other comment on any of the resolutions? Hal."

Hal Lindstrom: "Resolution #549."

Supervisor Cardinale: "Yes."

Hal Lindstrom: "Is that postponing the hearing on that?"

Supervisor Cardinale: "549. Let me find it first. 548, 549. No, it's an order calling for a public hearing on the Riverhead water district Calverton Industrial Park. When you say postponing it, how do you mean?"

Hal Lindstrom: "Well it said hearing extension."

Supervisor Cardinale: "Oh, yes. Now, Peggy, why did we do that? You told me and I forgot."

Councilman Bartunek: "Extension #86. It's a water extension."

Hal Lindstrom: "Oh, water extension."

Councilman Dunleavy: "It's extension #86 of the water district."

Supervisor Cardinale: "The hearing is for a water extension."

Hal Lindstrom: "Okay. All right. Sorry."

6/06/2006 minutes

Supervisor Cardinale: "Okay. Thank you. Any other comments?
If- yes, sir. Yes, John."

John Griffin: "More of a question than a comment, I guess. On 563, you said that 88% of this round about is being financed by a grant from the state- whoever it is."

Supervisor Cardinale: "State grant. Yes."

John Griffin: "Okay. So what is the authorization of \$551,000 in bonds to be paid?"

Supervisor Cardinale: "Yeah, I asked that. That's the total project cost because we got the land for nothing from the county. You have to borrow- on these grants, I asked that same question. You have to borrow the money and then get reimbursed for it by the grants. You actually borrow it, spend it, and then they give it back to you."

John Griffin: "So we know we're getting it before we borrow it to pay it back, right?"

Supervisor Cardinale: "That's correct."

John Griffin: "Thank you."

Supervisor Cardinale: "Thank you. Any other comment? Bob?"

Bob: "Good evening. Just one question on 546 which is the PB overlay- not PB overlay, business PB district."

Supervisor Cardinale: "Yes."

Bob: "I read the proposed legislation and I know that back on May 18th, Mr. Cuddy appeared before the board at work session and I had also inquired about the PB and eliminating that old provision. Is it possible to do that at this eleventh house to add it on and have a hearing on both aspects? I know it's late, but- "

Councilman Bartunek: "We already had the hearing."

Bob: "It's already scheduled? Oh, so it was done last meeting? Okay. Good. All right. I missed it. Thank you, Peggy."

Supervisor Cardinale: "We wanted to add this one but we did the other one already. Okay. Any other comment? If not, we're going to consider the resolutions beginning with 508."

Barbara Grattan: (Inaudible)

6/06/2006 minutes

Supervisor Cardinale: "Oh, good. And we want to note that Sal Mastropolo unable to make it here tonight talked to the Clerk and made all of his proofreading (inaudible), so we appreciate that. Peggy, do you have the correction? 505, thank you. Okay, fire away, Barbara."

Resolution #506

Councilman Bartunek: "In the matter of the joint increase and improvement of the facilities of the Riverhead sewer district and Riverhead scavenger waste district in the town of Riverhead, Suffolk County. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #507

Councilwoman Blass: "Budget adjustment in the sewer district. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #508

Councilman Bartunek: "Police department budget adjustment. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #509

Councilman Dunleavy: "I'm pleased to present this because this is a big improvement for our town. Approves site plan of Peconic Bay Medical Center Central Suffolk Hospital. So moved."

Councilman Densieski: "Second the motion."

6/06/2006 minutes

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

The Vote: "Dunleavy, yes; Bartunek."

Councilman Bartunek: "Barbara, should we have the check number? Is that necessary on the line that's left blank."

Barbara Grattan: "We should have a check number. I'll get it tomorrow."

(Unidentified) "I have it."

Barbara Grattan: "You do."

Supervisor Cardinale: "Okay. Glad you have the check, too."

Councilman Bartunek: "Yes."

Supervisor Cardinale: "Forget about the number."

The Vote Cont'd: "Bartunek; Blass, yes; Densieski."

Councilman Densieski: "Yeah, I agree with John. The hospital is the cornerstone of the community and I'm proud to vote yes today."

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

Supervisor Cardinale: "Yeah. Good luck on the building project. Better yet, good luck on the bonds."

Barbara Grattan: "The resolution is adopted."

Supervisor Cardinale: "To a good rate. Go ahead. What's the number on the check? The Clerk can read it, she's got her glasses."

Resolution #510

Dawn Thomas: "I have a quick amendment to 510."

Supervisor Cardinale: "Okay."

Dawn Thomas: "In the second to last Resolve--"

Supervisor Cardinale: "Yes."

Dawn Thomas: "-- the word caring in the second to last line should say reviewing. And should say draft environmental impact statement."

6/06/2006 minutes

Supervisor Cardinale: "Okay. Whoever is offering, I think it's Eddie, on- you're going to offer 510."

Councilman Densieski: "Yes. I've made the changes."

Supervisor Cardinale: "Okay. With the amendments."

Councilman Densieski: "Determines significance on the special permit application of 1998 Peconic LLC. So moved."

Councilman Bartunek: "And seconded."

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

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

Supervisor Cardinale: "Yes. And George and Dawn, I know that you've got pretty much all the work done on this draft scope of issues so we should get that out as quick as possible so we can-- to keep this moving and get it determined one way or the other. So I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #511

Councilman Dunleavy: "Amends Resolution Numbers 737-2002 and 832-2003; site plan approval of Riverhead Charter School. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #512

Councilman Bartunek: "Classifies the action on special permit of Ottoman Enterprises. So moved."

Councilwoman Blass: "And seconded."

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

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

6/06/2006 minutes

Resolution #513

Councilwoman Blass: "Accepts irrevocable letter of credit Edward Carrera for the subdivision entitled Edward Carrera at Old Field Court. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #514

Councilman Densieski: "Authorizes the release of a bond for Sound Housing LLC for #23. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #515

Councilman Dunleavy: "Authorizes the release of a letter of credit for Doherty Breads LLC Riverhead Commerce Park. So moved."

Councilman Bartunek: "So moved."

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

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

Resolution #516

Councilman Bartunek: "Authorizes the release of security posted for American Legion Post 273. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "I abstain because I'm the finance officer here."

6/06/2006 minutes

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

Resolution #517

Councilwoman Blass: "Authorizes the release of a bond for Robert R. Heller. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #518

Councilman Densieski: "Releases security of Eastern Crest Corporation in connection with the subdivision entitled Meadowcrest Section 3, one year maintenance bond. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #519

Councilman Dunleavy: "Establishes supplemental policy requiring pre-employment drug and alcohol testing. And this is something that the town really needs. So moved."

Councilman Bartunek: "And seconded."

Councilwoman Blass: "Discussion."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "I know we talked about establishing a supplemental policy but we hadn't actually seen this resolution and I think it needs a little- "

Supervisor Cardinale: "Have you seen the policy? It's attached."

Councilwoman Blass: "Yes."

Supervisor Cardinale: "Okay."

6/06/2006 minutes

Councilwoman Blass: "But the resolution itself- "

Supervisor Cardinale: "Okay."

Councilwoman Blass: "-- needs I think a little attention. We don't have anyone that it gets sent to. The town currently requires, not required, second paragraph it's currently required. Testing is appropriate. There are all sorts of typo type things."

Supervisor Cardinale: "You want to make the amendments proposed? Whereas the town currently requires- "

Councilman Densieski: "I think we could do the typos tomorrow."

Councilwoman Blass: "Okay. I just wanted to- I'm sorry. Well, I think it would be important to say that labor counsel has reviewed the policy and it's acceptable. Things like that that were not- "

Supervisor Cardinale: "I think that's more substantive, you're right. If you look at the supplement to the town policy for drug and alcohol testing that we are passing, we're alluding to it and we're saying Resolved, we adopt the attached supplement. The Whereas we can- the typos are requires for required and there was one other you mentioned. But the point of the resolution is to adopt the attached supplement. Has counsel for- and we have to pass this tonight incidentally, but has counsel seen this do you know? And they approved it?"

Dawn Thomas: "Not the resolution, the policy."

Supervisor Cardinale: "Oh good. Then that's really what we care about. Great."

Councilwoman Blass: "Do we want to send it to the accounting department who would be administering this and the union presidents and the town? I mean we should do all of that stuff."

Supervisor Cardinale: "Barbara, I would like to add that copies go to accounting, CSEA, PBA, and SOA, labor counsel- Dawn and labor counsel which will be Mr. Zuckerman. Okay, so if you can make sure of that. Correct the typo in the first paragraph and was there one other? And the second paragraph and third as indicated."

Okay, with those amendments, as long as the policy has been pre-approved, let's pass it."

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

Resolution #520

6/06/2006 minutes

Councilman Bartunek: "Rescinds Resolution 505. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #521

Councilwoman Blass: "Yes. If we could just amend the first paragraph to say Whereas a vacancy exists in the nutrition department. With that I move the appointment of a part time homemaker in the nutrition department. Actually it's ratifying, I guess, the part time."

Supervisor Cardinale: "Ratifies appointment? Okay."

Councilwoman Blass: "I think so. They started May 31st. So ratifies- "

Supervisor Cardinale: "Ratifies appointment of part time homemaker. We're going to put exists in the first line after vacancy and any other changes?"

Councilwoman Blass: "No."

Supervisor Cardinale: "That's it. With those amendments."

Councilwoman Blass: "So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #522

Councilman Densieski: "Appoints summer program leader to the recreation department. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek."

6/06/2006 minutes

Councilman Bartunek: "I think this should read in the first Resolve that the town board appoints Ashley McCafferty as a program leader to the recreation department. You should cross out the attached list."

Supervisor Cardinale: "Thank you. Okay, yeah, they must have used-- "

Councilman Bartunek: "It's on the next resolution."

Supervisor Cardinale: "Okay. Ashley McCafferty. Okay, thank you. Okay, with that amendment-- "

Councilman Bartunek: "Yes. I vote yes."

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

Resolution #523

Councilman Dunleavy: "Appoints summer recreational aides to the recreation department. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #524

Councilman Bartunek: "Appoints a lifeguard Level I to the Riverhead recreation department. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #525, #526, #527, #528, #529, #530

Councilwoman Blass: "Would anyone object if I move 525 through 530? They're all appointments in the recreation department."

Supervisor Cardinale: "We'd be delighted."

Councilman Bartunek: "Way too efficient."

6/06/2006 minutes

Supervisor Cardinale: "Yeah."

Councilwoman Blass: "Appoints various individuals to recreation department positions. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolutions are adopted."

Resolution #531

Councilman Dunleavy: "Appoints- appointment of part time guard to Sanitation Department. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass."

Councilwoman Blass: "Yes, with a correction that it ratifies. He started already."

Supervisor Cardinale: "Okay. Ratifies the appointment."

Councilwoman Blass: "Yes."

Supervisor Cardinale: "Okay."

Councilwoman Blass: "Yes."

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

Resolution #532

Councilman Bartunek: "Terminates provisional assistant civil engineer. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy."

6/06/2006 minutes

Councilman Dunleavy: "I just want to say its sad that I have to vote yes for this. This gentleman was-- I met him in December after I got elected and we was (inaudible) man to show me everything around town and what was going on. Civil service is making us do this and I just feel sad for him and I want to wish him the best of luck. Yes."

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

Councilman Bartunek: "Yes and I would like to say that Dave has been a real asset to helping me and the town out with some of the special projects that we've had to deal with. But I vote yes."

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

Councilman Densieski: "Dave has been-- has worked for the town for two and a half years, two and a half years of dedicated service to the town taxpayers. In those two and a half years, not one sick day, not one personal day, not even one vacation day in two and a half years.

On the average, he works about 10 hours extra above and beyond, plenty of nights and plenty of weekends. He was hand picked by the supervisor and he was a great pick. Now that he's allegedly caught up in a civil service snafu, I have three questions. One, is this valued employee going to find a landing spot or will he get caught up in the department of red tape? Does the administration want him back and if the supervisor does want to retain Dave, what steps will he take to retain him?

So let's not let another good employee get caught up in a snafu, red tape, or God forbid, politics.

I'm going to vote no."

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

Supervisor Cardinale: "Yeah. As was indicated by John, we are as indicated in the resolution, under direction of the Civil Service Department to take this action before June 7th. I want to thank Dave for his service to the town and wish him well in his future.

I vote yes as required by law."

Barbara Grattan: "The resolution is adopted."

Resolution #533

Councilwoman Blass: "Appoints a member to the Industrial Development Agency, that person being Jack Orben. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #534

Councilman Densieski: "Authorizes the attendance of assessor at seminar. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #535

Councilman Dunleavy: "Amends Resolution 452-2006, approves application of Wading River Assembly of God Church classic car show. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #536

Councilman Bartunek: "Adopts local law to amend Chapter 108 entitled Zoning of the Riverhead town code. There is one change, probably, Barbara, on the third page, C-8, you can cross out central. It's a minor thing but the word central hearing. Just cross out central (inaudible)."

Councilwoman Blass: "I have a question."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "Question. We're adopting the text but we're not adopting a zoning map that will correspond with this text. Are we doing that separately or not?"

Rick Hanley: (Inaudible)

6/06/2006 minutes

Councilwoman Blass: "Okay. What I'm saying is that we're not- it doesn't reference that we're adopting it- "

Rick Hanley: (Inaudible)

Councilwoman Blass: "Okay. I just- "

Supervisor Cardinale: "Yeah, but how do we know that by looking at the- "

Councilwoman Blass: "Should we say direct that the map be updated to reflect this zoning use district or something with reference to it?"

Supervisor Cardinale: "Yeah, I think, Rick, come on up."

Rick Hanley: "We talked about this with the law department today."

Councilwoman Blass: "Oh, I'm sorry."

Supervisor Cardinale: "Where is the law department? They were here."

Rick Hanley: "Because we heard- the public hearing notice was on the map and the text as well as the zoning schedule. So what we're adopting here is what was heard and I think it references that hearing."

Councilwoman Blass: "It- okay- "

Rick Hanley: "In the Whereases."

Councilwoman Blass: "Okay, so we don't have to specifically say that we're- "

Rick Hanley: "It also requires the clerk to publish the text and the map. It's directing the clerk to publish those before it's adopted. It's not adopted until it's been published and it's been sent to the state as a local law."

Supervisor Cardinale: "Well, actually what it says is that the town clerk is authorized to publish the attached notice of adoption in the News Review newspaper and post same on the sign board of town hall and forward a certified copy to the planning department. All of which is great, except I get the text, I want to adopt the text but I still would like to know when we pass the zoning, as you well know for all of the changes to the zoning, we adopted maps."

6/06/2006 minutes

Rick Hanley: "We had separate hearings at that point."

Supervisor Cardinale: "What happened to our town attorney? Is she still here? I do not want to make the mistake of getting legal advice from my planner and planning advice from my lawyer because what happens is the town winds up looking like it does if I do that. Is she coming?"

Councilwoman Blass: "Is it a problem to just add a resolve?"

Supervisor Cardinale: "Oh, let's get some legal advice from the police chief who is now here. Dawn, I need some— there was a question that Barbara had raised and I just want to verify. The— this very important piece of, #536 adopts the local law we've been working on for a long time, for the light industrial zoning use district at the Calverton site covering approximately 450 acres.

It says, Whereas, Whereas, which we all know doesn't mean much. Be It Resolved a local law to consider an amendment to this town code is hereby adopted as specified in the attached notice of adoption which adopts— which is the text from what I see here, okay. And then it says— "

Dawn Thomas: "Well the notice of adoption (inaudible)."

Supervisor Cardinale: "Right. Please take notice the town of— okay, be it enacted, okay, then you adopt the text. Here's the question. There's no reference to a map."

Rick Hanley: "Dawn, while you were out of the room, the hearing that was held on this was a hearing upon the text, the map and the zoning use schedule."

Supervisor Cardinale: "So let's adopt the text then."

Rick Hanley: "When dealing with this this morning with your paralegal, the decision was made that because we heard all of those at once that this adoption is for all of it and, secondly, we have a requirement under the town law to publish the changes of zone, the map and the zoning use schedule in the official paper and send it to the Secretary of State. There's no reference to the map specifically."

Councilwoman Blass: "I just— I didn't see (inaudible) to change the map to reflect this new zoning use district. So that was my only question. Right. I just thought— "

Supervisor Cardinale: "How about we add at the end of— Dawn, at the end of adoption, Now Therefore Be It Resolved, the first Resolve that a local law to consider an amendment to Chapter 108 of the town code is hereby adopted as specified in the attached notice of adoption

6/06/2006 minutes

including the text, map and zoning use schedule. Okay. So that's what we're going to do. That makes me feel more comfortable and whether it's necessary or not it's just surplusage or necessary. Either way, it's nice to have. So with that addition, can we consider it?"

Councilwoman Blass: "Seconded."

Supervisor Cardinale: "Moved and— it was moved by Bartunek; seconded by Blass. Can we have a vote please?"

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

Councilman Densieski: "Yeah. I'd like to commend the supervisor and the town board. This is a major, major accomplishment for the town of Riverhead and for the taxpayers. This is going to help create jobs and tax base. It's important regionally for economic development. I don't think the legislation is absolutely perfect but it's a fantastic start and it's really, really going to be important in the future of the development of EPCAL and Riverhead. So I'm going to support it. Yes."

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

Supervisor Cardinale: "Okay. I appreciate Ed's kind words and I concur with him. This is an important piece. Again, with the Burman subdivision and this and the soon to follow office park district, we will have a 1300 acre industrial and office park area on the east side of the property and we'll be developing it for the next 20 or 30 years and it will be the future really of Riverhead. So I pray we do it right. And I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #537

Councilwoman Blass: "This is an order establishing a lateral water main for the Riverhead water district to the Carrera property in Wading River. So moved."

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

Councilman: "Seconded."

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

Resolution #538

6/06/2006 minutes

Councilman Densieski: "Authorizes supervisor to issue purchase order regarding Peconic Avenue water main repair for the Riverhead water district. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #539

Councilman Bartunek: "Authorizes the Supervisor to execute change order Cranberry Street pump station contract E electrical construction change order No. 1 Riverhead Sewer District. So moved."

Councilman Densieski: "Second the motion."

Councilwoman Blass: "And seconded."

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

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

Resolution #540

Councilwoman Blass: "Authorizes the Supervisor to execute an agreement with Suffolk County for grant funds awarded through downtown beautification and renewal capital program. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #541

Councilman Dunleavy: "Authorize Supervisor to execute Troy & Banks agreement. So moved."

Supervisor Cardinale: "Moved and seconded. Vote please. Oh, do we have a second? May we have a second?"

Councilman Densieski: "Discussion."

Supervisor Cardinale: "Yes."

Councilman Densieski: "I- did we discuss this in work session?"

Supervisor Cardinale: "Troy & Banks agreement."

Councilman Densieski: "I'm just trying to figure out what exactly it is."

Councilman Bartunek: "They're trying to recoup money (inaudible)."

Supervisor Cardinale: "Oh, yes. Yeah, we did. This is one we've been waiting for- we've been waiting for so long we can't understand where we got it. This has to do with a utility audit on the- on the utility usage of the town."

Councilman Densieski: "Okay. I'd be happy to second."

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

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

Supervisor Cardinale: "Yes. This would-- they're going to go backwards, whatever they can get back from overpayments we will get 65% of it, 35. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #542

Councilman Densieski: "Awards bid for quick lube maintenance at the Riverhead Water District. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #543

Councilman Bartunek: "I'm reading something that I shouldn't be reading. It's award bid for Altec Model AT37-G bucket truck. So moved."

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

Councilwoman Blass: "And second."

6/06/2006 minutes

Supervisor Cardinale: "I'm sorry. I am moving this along. I'm hungry."

Councilwoman Blass: "Yes, you are."

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

Resolution #544

Councilwoman Blass: "Ratifies the execution of an engagement letter for the landfill reclamation project with Markowitz, Fenelon & Bank, LLP. So moved."

Councilman Dunleavy: "And seconded."

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

Councilman Densieski: "Discussion."

Supervisor Cardinale: "Yes."

Councilman Densieski: "I have no attachment or anything. I don't know if you can just bring me up to speed on what this is?"

Supervisor Cardinale: "Yeah. In fact we- did you put it in the boxes? Okay."

Councilman Densieski: "I know. But I still don't know what it is."

Supervisor Cardinale: "Yeah. This is the audit that we've discussed of the landfill- "

Councilman Densieski: "Okay."

Supervisor Cardinale: "-- by Markowitz and Fenelon. They're doing it on an hourly basis. The- and they expect to have it concluded by June 27th. And their anticipated- they're using a couple of auditors and they indicate a cost of 135 an hour. The purchase order was for \$15,000."

Councilman Densieski: "Okay. Thank you."

Supervisor Cardinale: "Moved and seconded. And I'll get you a copy."

Councilman Densieski: "I appreciate that."

6/06/2006 minutes

Supervisor Cardinale: "Peggy, would you get it before he leaves tonight?"

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

Resolution #545

Councilman Dunleavy: "Authorizes compromise and settlement of tax certiorari proceedings against the town of Riverhead. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Dunleavy, yes; Bartunek."

Councilman Bartunek: "Yeah, this is painful."

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

Supervisor Cardinale: "Yeah. These are settlements of long standing tax matters for condos and for Tanger which will be well rid of but will impact our taxes. I vote yes. The litigation we'll be well rid of."

Barbara Grattan: "The resolution is adopted."

Resolution #546

Councilman Dunleavy: "Authorizes town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code Business PB District. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #547

Councilwoman Blass: "Authorizes the town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code Chapter 108-130 site plan review. So moved."

Councilman Bartunek: "And seconded."

6/06/2006 minutes

The Vote: "Dunleavy, yes; Bartunek,"

Councilman Bartunek: "Yes. Phil, a little discussion on this. I would like to discuss one item in this. At the work session before this is published in the newspaper and I guess we have time to do that."

Supervisor Cardinale: "Put this-- is Peg here? I'll make sure she puts it on tomorrow's session."

Councilman Bartunek: "Okay."

Supervisor Cardinale: "So we can discuss that before we publish it."

Councilman Bartunek: "Yes. Yes. I vote yes."

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

Resolution #548

Councilman Bartunek: "Authorizes the town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code, Sections 108-3, 108-310 and 108-314. So moved."

Councilman Densieski: "Second the motion."

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

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

Councilman Densieski: "Quick question."

Supervisor Cardinale: "Yes."

Councilman Densieski: "Is this going to apply to people that are already in the pipe line?"

Supervisor Cardinale: "Yeah, the Fedun situation particularly. It would be-- no, remember because he got hung up in the ZBA."

Councilwoman Blass: "I thought he-- "

Councilman Dunleavy: "He's waiting for resolution."

Supervisor Cardinale: "Well, first of all-- "

Councilwoman Blass: "You're a DC-3. Are you a DC-4?"

Supervisor Cardinale: "Well, this will-- this is to publish and post only. And so we'll have the hearing but the intention is not to capture those for which site plan approval has been approved. So the point is at the hearing to make that point, the whole issue of grandfathering. If we remove townhouses from this district, I believe you are ready for site plan approval and then you've got to go get your permit. It would not be at least my intention to capture that application in this and believe me, the way we go, we're not going to have a hearing until 8:00 on the 5th of July. It will probably be October by the time we consider the legislation. But it's not my intention-- it's not anybody's attention to capture that application. Okay?"

Councilman Densieski: "I think we are at discussion."

Supervisor Cardinale: "Okay. We're at discussion of what it was capturing and we may want to-- when we pass it, make a specific reference to what we're grandfathering. You want to consider-- we have it moved, seconded. Can we have a vote for a public hearing."

Barbara Grattan: "We already-- "

Supervisor Cardinale: "I guess you-- did you-- "

Barbara Grattan: "We went all the way, and Eddie-- "

Councilman Densieski: "I'm sorry. I vote yes."

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

Councilman Dunleavy: "Can I ask Rick a question first? Rick, when are we-- we're waiting for resolution out of your department on this, aren't we?"

Rick Hanley: "We were waiting for a determination by the Zoning Board of Appeals. We finally got (inaudible). There was a question on the interpretation of front yard setbacks. We can talk about it tomorrow, the actual site plan."

Supervisor Cardinale: "Okay. So we can talk about it and if there's no other issues it could be approved on the 20th and so by the time we consider this piece of legislation, you'll probably have your building permit."

Councilman Densieski: "Okay."

Resolution #549

6/06/2006 minutes

Councilman Densieski: "Order calling for a public hearing for extension No. 86 Riverhead Water District for the Calverton Industrial Park. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #550

Councilman Dunleavy: "550, because of the comments, I move to table this so we have more discussion on it."

Supervisor Cardinale: "Okay. Okay, the question really is the best plan. We can table, we could also pass subject to satisfactory conclusion of the issue which is whether we can hear this special permit. What would you suggest?"

Dawn Thomas: "You know, you have to wait another two weeks. I can do the research, you can leave it the way it is (inaudible) and you want to leave it the way it is, you can. (Inaudible)."

Councilman Bartunek: "Let's resolve it."

Supervisor Cardinale: "Okay. I would like— I would have no objection to passing it subject to confirmation of the fact that this property is eligible for expansion of a non-conforming use and my concern again, if everybody understands it, is that I'm told it's black letter law that if you operate under a use variance, you're not operating under a non-conforming use and, therefore, you can't expand what doesn't exist. You'd have to I guess go back to the ZBA who has given us this and you'd have to ask them for a expansion of their use variance. But in any event, that's what I'd like you to research. And let's consider this this evening unless there's a motion to table which we've had consideration of tabling but I think the better view is to proceed to pass it, subject to."

Councilman Dunleavy: "I remove my motion to table. And authorize town clerk to post and publish a public notice of public hearing special use permit petition of Kar-McVeigh LLC under the provisions so noted by the Supervisor. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Moved and seconded. Let's put— let's make official what I just said. At the end of Resolve, we're going to authorize to publish and post subject to prior opinion of town

6/06/2006 minutes

attorney confirming- confirming the existence of a non-conforming use to expand. Okay? It really depends upon how they're operating there. Are they operating under a use variance or something else? Okay, with that addition."

Councilman Dunleavy: "I so move with the addition of the amendment."

Supervisor Cardinale: "Okay, thank you."

Dawn Thomas: (Inaudible)

Councilman Densieski: "Now you're giving yourself legal advice, Phil."

Supervisor Cardinale: "Yeah, I know. Well, at least I'm a lawyer which is better than most times because I'm usually taking it from my planner or my police chief. Okay. All right. In any event, shall we consider this? As amended."

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. That resolution is adopted."
Resolution #551

Councilman Densieski: "Authorizes the town clerk to post and publish public notice for a public hearing regarding a local law to amend Chapter 52 of the Riverhead town code entitled Building Construction. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #552

Councilman Bartunek: "Authorizes the town clerk to post and publish public notice for a public hearing regarding a local law to amend Chapter 92 Streets and Sidewalks of the Riverhead town code. So moved."

Councilman Densieski: "Second the motion."

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

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

6/06/2006 minutes

Resolution #553

Councilman Densieski: "Authorizes the town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled zoning of the Riverhead town code Section 108-42 Calverton office Zoning Use District. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #554

Councilman Dunleavy: "Authorize the town clerk to publish and post notice of public hearing special use permit of Wulforst Farms, the Baiting Hollow Club. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #555

Councilwoman Blass: "Authorizes the town clerk to publish and post a public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code Commercial Districts schedule of dimensional regulations. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #556

Councilman Densieski: "Authorizes the town clerk to publish and post a public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code Residence Districts schedule of dimensional regulations. So moved."

Councilman Bartunek: "And seconded."

6/06/2006 minutes

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

The Vote: "Dunleavy, yes; Bartunek."

Councilman Bartunek: "Yes. Discussion. Phil, this is another one that I would like to- I'll vote yes on this but there's some discussion, maybe we could have at the work session tomorrow before this is published in the paper."

Supervisor Cardinale: "Okay. Peggy, are you out there? Number 547 and 556 need to be on the work session tomorrow for- to verify what we're going to actually publish and make sure that it conforms to what we anticipate wanting to hear."

(Some inaudible discussion)

Supervisor Cardinale: "And 555 as well. Okay? Then we're at 557, Barbara?"

Barbara Grattan: "Yes."

Supervisor Cardinale: "Okay."

Barbara Grattan: "556."

Councilman Bartunek: "57, 57."

Barbara Grattan: "556."

Supervisor Cardinale: "Okay."

Councilman Bartunek: "Oh, I'm sorry."

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

Resolution #557

Councilman Bartunek: "Authorizes town clerk to publish and post a help wanted ad for seasonal traffic control officers. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #558

6/06/2006 minutes

Councilman Dunleavy: "Authorizes the town clerk to post and publish the attached notice to bidders for a concrete foundation and prefabricated canvas building system and interior asphalt paving for Highway Department salt storage building. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #559

Councilman Bartunek: "Authorization to publish and post advertisement for 2006 or 2007 dump truck with power lift gate and snow plow for use by the town of Riverhead. This can't be stored in the front yard if they do this. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #560

Councilman Densieski: "Authorizes the town clerk to advertise for bids for transmission improvements contracts G&E General and Electrical Riverhead water district. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #561

Councilwoman Blass: "This is an authorization to junk fixed assets. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #562

Councilman Densieski: "Accepts a donation of a 1946 classic baymen's clam boat for a Baymen's Heritage Project Peconic Bay Riverfront display. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek."

Councilman Bartunek: "Could I- I'm sorry, I keep interrupting here guys."

Supervisor Cardinale: "Yes."

Councilman Bartunek: "The last Whereas, Ed, would you object if we revised this just a little bit? Say volunteers will be responsible for placement, safe installation and removal if necessary of the vessel."

Councilman Densieski: "I don't think so, George. I'm not going to be here in 15, 20 years when that thing- nice try though."

Councilman Bartunek: "I vote yes."

The Vote Con't.d: "Blass, yes; Densieski, yes; Cardinale."

Supervisor Cardinale: "Yeah, one clarification. Ed, practically speaking, they're going to place it, right?"

Councilman Densieski: "I'm sorry?"

Supervisor Cardinale: "They're going to place it?"

Councilman Densieski: "Yeah."

Supervisor Cardinale: "But his concern is if it lasts 15 years, we'll all be in Florida or worse. Okay. So I vote yes."

Barbara Grattan: "The resolution is adopted."

Supervisor Cardinale: "Thank you for bringing that to our attention, Ed."

Resolution #563

6/06/2006 minutes

Councilwoman Blass: "This is a resolution authorizing the construction of road improvements including a round about at Horton Avenue, Osborne Avenue and Middle Road in and for said town of Riverhead, Suffolk County, New York at a maximum estimated cost of \$551,000 and authorizing subject to permissive referendum, the issuance of \$551,000 bonds of said town to pay the cost thereof. So moved."

Councilman Dunleavy: "And seconded."

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

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

Supervisor Cardinale: "Yes. As I said, this fell together nicely. I remember when it was first suggested by I think Ed, I didn't think we'd get it done because it would be too expensive but everything came together so I'm glad. Thank you. I vote yes."

Barbara Grattan: "That resolution is adopted."

Resolution #564

Barbara Grattan: "Resolution 564 is bills. Councilman Densieski."

Councilman Densieski: "So moved."

Councilman Bartunek: "Seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The bills are paid."

Barbara Grattan: "Now we go onto the floor resolutions."

Resolution #565

Councilwoman Blass: "Calverton recreation park budget adjustment. So moved."

Councilman Bartunek: "And seconded."

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

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

6/06/2006 minutes

Resolution #566

Councilman Dunleavy: "Sewer district budget adjustment. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #567

Councilman Desieski: "Town of Riverhead sewer district budget adjustment. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #568

Councilwoman Blass: "Town of Riverhead Allison Adams Larsen open space acquisition budget adoption. So moved."

Councilman Dunleavy: "And seconded."

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

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

(Some inaudible discussion)

Supervisor Cardinale: "Why don't we just- do we have the resolution? Yeah--"

Dawn Thomas: "It authorizes you to authorize the attached agreement (inaudible)."

Supervisor Cardinale: "Yeah, pursuant to- okay. Yeah, I think there's some time constraints. I spoke with him today and we'll be talking about this tomorrow as well at the work session."

Councilman Bartunek: "Authorizes the Supervisor to execute a retainer agreement with Lamb Bernowski, Esq. (phonetic) so moved."

6/06/2006 minutes

Councilwoman Blass: "And seconded."

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

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

Supervisor Cardinale: "Yes. This is substituting labor counsel for previous labor counsel who has switched firms. I vote yes."

That concludes the resolutions before us. I'm prepared to take any comment from the public on any matter within our purview. Hal, would you come forward and anybody else who'd like to come forward follow him. Yes."

Hal Lindstrom: "I just want to say on behalf of the Calverton Civic Association we're looking forward on- to your visit to the Calverton Civic Association on Wednesday the 14th of June--"

Supervisor Cardinale: "Yes."

Hal Lindstrom: "-- and the invitation extends to the rest of the board. I'm sure there will be plenty of questions. Maybe some of the topics you may not be familiar with and maybe some of the other board members-- "

Supervisor Cardinale: "Sure."

Hal Lindstrom: "-- are."

Supervisor Cardinale: "Yeah. I was invited to the Calverton Civic for Wednesday of next week at- what, 7:00 is it?"

Hal Lindstrom: "Seven o'clock."

Supervisor Cardinale: "And the board members who would like to attend, I'd be glad to have them. I know a number of you do attend as regular basis. And I think- I was joking with Hal today, that I think the advertisement which the Calverton Civic has taken out on RIV, actually says the meeting is Tuesday, June 14th, which, of course, is impossible because Tuesday is June the 13th. But we will be there on the 14th, Wednesday. Right?"

Hal Lindstrom: "Yes."

Supervisor Cardinale: "Okay, great."

Hal Lindstrom: "And you can blame that on Rex. Tuesday."

Supervisor Cardinale: "That and everything else."

6/06/2006 minutes

Councilman Bartunek: "Hal, the invitation cards said only Phil was going to be the presenter-- "

Supervisor Cardinale: "Yeah, right."

Councilman Bartunek: "That night. So I mean that kind of explains--"

Hal Lindstrom: "Well, I was told that we could extend it to the rest of the board."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Ed appreciates your presence. Any other comment from any member of the public? Yes, sir."

Bob Miller: "Bob Miller, Calverton. Always a pleasure to stay up late."

Supervisor Cardinale: "Yes."

Bob Miller: "But I'm here on the-- there's a proposed project on 94 Southfield Road (phonetic)-- "

Supervisor Cardinale: "Yes."

Bob Miller: "I've seen a plan for it. It looks like a boarding house and the parking lot to go with it looks like between the two, it take up more than half the property size. And all I really want-- I've been down this road before and again to preempt what I'm saying. I'm not against people with disabilities living in a group home. However, there appears to be anywhere from 11 to 12 people in this. There's eight people with disabilities and two to three people to watch them and overnight and various professionals that come in and do other things.

So my question generally is, where is this in the system and is it just going to go as proposed where there would be probably 12 to 13 people, a house that looks like a boarding house. I mean it's a residential area. This really-- what I've seen is multiple up and down windows, build outs, substantial build outs and a driveway that even goes to the side of the building to the lot next to it."

Supervisor Cardinale: "Let me explain where I understand-- we are on this. We have a great-- John and Joan who are neighbors, Griffin, who are here tonight, others from the community have talked to us but the last I heard on this is that the application was in for the building to the building department, that the community had requested and we had obtained for them plans of the property, you may

6/06/2006 minutes

have seen them. But most significantly I asked this question, are there going to be any accommodations requested from the usual rules pertaining to building within the community for this unit. For example, accessory apartment for help or outside staircases.

And I was told, and that is still the operating standard, that there were going to be no accommodations requested or granted that were not consistent with what anybody else could build in that community. So if that— and I don't have my building department head here, I don't think— I did, but if you— you— it's Leroy who's familiar with this. And we should— if you want to visit him or come to my office, I'll get you over to see him. Because we— I was pleased to hear that but I want to make sure it's the truth. That there will be no accommodations or variances requested from the same things that are permitted for every other person in the community. If that's not the case, I want to know about it because that's what I was told."

Bob Miller: "Well, yeah, I'd just like simple answers, simple questions. I understand the (inaudible) law. I understand that 14 or less constitutes a (inaudible) and that's all right. But my argument from the beginning is maybe someone could be reasonable and put let's say five people in this home as opposed to eight which would also lower the number of people that watch the people that have the disabilities. And I don't think that's an unreasonable request in a residential community.

Now I know that unless it appears by law, it doesn't really matter what I think. But still I just want to make it clear what it looks like. It definitely doesn't— if you want to start conforming uses, does it look like other buildings near it? No, it doesn't. It just doesn't. The build out is a million dollars, you know. It's a sprinkler system."

Supervisor Cardinale: "Is the size of the building considerably greater than other buildings in the area?"

Bob Miller: "Well, what they're doing is building out the garage and then dormering on top of it so what you're really going to see is a bank of windows like so and another bank of windows like so, which to me resembles more of a boarding house. And, again, I'm not against the disability or any of it but does it have to be so many people in one home?"

And, again, if you look at the blueprint you'll see that the driveway is in front and it comes around the front— the whole front of the building, and then it goes off to the side which is the whole side of the building going to another lot. And, you know, you look at the back and you have a patio but after the day is done, this is the smallest lot in the community and, substantially now I understand that pavement is different than gravel. The people that designed this know

6/06/2006 minutes

that too. So I don't know where that (inaudible) comes from or if it makes a difference. So all this is going to bluestone."

Supervisor Cardinale: "Under— as you alluded to earlier, under State law the definition under Padavan is that up to 14 individuals constitute a family. I believe they did state that there was going to be eight individuals in that home. You are right, they could— by your request or that of the community, reduce that number. My understanding is that they are not going— they're going to house eight people there.

We certainly could request— you have contact numbers, do you now for the— what's the name of the group? East End Disabilities."

Bob Miller: "I called them and they're unreasonable."

Supervisor Cardinale: "They're not going to do it."

Bob Miller: "Well, basically, their answer was, why should I?"

Supervisor Cardinale: "His answer to you."

Bob Miller: "To put things into perspective, not for profit is for profit. That's how it works. You can say anything you want about it. That's how it works."

Councilman Dunleavy: "Can I ask you a question? I know I walked around that building. I just can't remember. Is that a two or three car garage?"

Bob Miller: "Three."

Councilman Dunleavy: "Three car garage. So if a private person bought that house they could extend the dormer above those garages if they wanted to add additional bedrooms for a large family. Is that true?"

Bob Miller: "Right."

Councilman Dunleavy: "Okay. So what they're doing, they're only doing what a private person or resident could do on that property and that's what the Supervisor asks, is that they only be allowed to do what a private person could do on that property. And seeing that it is a three car garage, you could put a big dormer on top of that garage.

And I think that's the only thing we can hold them to, is that or try to hold them to is be reasonable and only do what could be done by a private resident there."

6/06/2006 minutes

Bob Miller: "Well, I'm going to go with that. You know, I don't want to waste my breath. Really, you know, it is a waste of time, I have to tell you, I feel down here for a lot of issues. You know."

Councilman Dunleavy: "But that is a large house."

Bob Miller: "It's a pretty large house. I mean it's definitely going to be an obvious difference in a development like ours. It's going to be obvious. There won't be one like it and I don't know that that makes a difference. I don't really know that any of it makes a difference and I'm probably just wasting my breath down here. But, you know, maybe I'll vent and sleep better."

Councilwoman Blass: "Mr. Miller, I haven't seen the plans but do you think it's-- the coverage on that lot is 50% or more?"

Bob Miller: "Yeah."

Councilwoman Blass: "You think it might be?"

Bob Miller: "I think-- and I don't know all the ways around things but Dawn probably does."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "What Barbara is getting to is the town attorney is saying that the building department says it complies with everything but what Barbara is really getting to is maybe we-- you or anybody else in particular interested, Barbara, myself, take a look and make sure that the lot coverage is no more than required-- than permitted in that zoning use district. Because if it is, then they are improper because they would have to go get a variance like anybody else and they might well not get it, particularly if you went and talked to the ZBA."

Bob Miller: "Right."

Supervisor Cardinale: "So I will ask that question tomorrow. At least that will give you some purpose in having come down tonight, that since this is such a large house on a relatively modest lot, is the lot coverage in compliance with the standard within the neighborhood. Because that could be--"

Bob Miller: "And that's all I really want, is an answer to that. And, frankly, if it comes out legal and it's the way it is, I still don't have anything against people with disabilities having a home. That's the long and the short of it."

Supervisor Cardinale: "Well, thank you for your statements."

6/06/2006 minutes

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "I appreciate your position. Yes, John."

John Griffin: "94 Southfield is one of the issues I wanted to just follow up on. You had mentioned something about outdoor staircases."

Supervisor Cardinale: "Yes."

John Griffin: "Are they or are they not permitted?"

Supervisor Cardinale: "They are not permitted and they should not be part of that application. I asked that because in the beginning I think someone had mentioned the possibility that that would occur. It should not be occurring there."

John Griffin: "Okay. So if they extended a deck off the second floor rear of the building with a staircase coming down to the ground level, is that considered an outside staircase?"

Supervisor Cardinale: "I wish my town building department head was still here. Is Rick here? I can't— maybe he can answer it, although I doubt it. Dawn, nothing technically prohibits an outdoor staircase."

Dawn Thomas: "I think that a concern that was expressed by the community was a separate entrance and separate living quarters."

Supervisor Cardinale: "Okay, I misspoke a moment ago according to the town attorney, that as far as she knows, there is not a preclusion of outdoor staircases except for the fact that they're ugly as sin, but that there is a preclusion of an accessory apartment reached by an outdoor— by a separate staircase and they were not going to request that. Had they requested that as some of these entities do, they would have to get— then that would be a special accommodation that they were seeking and that would be inconsistent with what we were told."

So you're asking can they have an outdoor staircase as part of their plans from the deck down. Apparently they can. I don't know that it's part of the plan. You've seen the plan, I haven't."

John Griffin: "I have and it is there that's why I was surprised to hear that they couldn't have it."

Supervisor Cardinale: "Yeah, well apparently I was wrong."

John Griffin: "Because that's the only way out of the second floor God forbid there's a fire."

6/06/2006 minutes

Supervisor Cardinale: "Apparently they can have the staircase but they can't have the apartment- "

John Griffin: "Okay. The first six feet off the curb to the property line, that six or 10 feet there seems to be some discrepancy on that number. But that is really the town's property. Is that correct? So if they're putting their trees along the property line within six feet of the curb and six feet in from the curb they're starting their parking lot and the town needs to take down those trees, there is no buffer between the road and this huge parking lot. I think that's a concern that you're going to see next week, Mr. Supervisor, at the meeting, you're going to see the actual plans. I invite you all to look at them, to physically see instead of what you envision."

Supervisor Cardinale: "Right."

John Griffin: "Because we have these things so that you could see them."

Residential zoning, there is an issue or a question that I'm not sure about. Can I have a dumpster in my backyard for commercial pickup?"

Supervisor Cardinale: "Dawn, do you know if- I would assume- can you have a dumpster- can you have a construction dumpster?"

John Griffin: "No. A garbage dumpster."

Supervisor Cardinale: "Not for construction debris."

John Griffin: "Not for construction."

Supervisor Cardinale: "Just for garbage."

John Griffin: "A garbage dumpster."

Supervisor Cardinale: "Can you?"

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "I do not- I don't know. But as far as they know, my town attorney says a dumpster is not precluded instead of garbage cans if you're rich enough to pay for it."

Councilwoman Blass: "They are treated as a residence, a single family residence for garbage pickup?"

Supervisor Cardinale: "Yeah, yes, I think so. Yeah, they are, aren't they?"

6/06/2006 minutes

Dawn Thomas: "They would be considered single family use for assessment purposes and that would generate the garbage."

Supervisor Cardinale: "Well, the thing that's interesting, John, is what they're saying is that even though they have eight people and in some places 14, right, they get garbage pickup as a single family under state law. So why they would have a dumpster escapes me because they have pickup like you and I do."

John Griffin: "But they don't pay taxes for sanitation pickup."

Supervisor Cardinale: "Yeah, they do."

Dawn Thomas: "They pay special district taxes."

John Griffin: "Okay. Well, they told us they don't pay those taxes so that's why they're having the dumpster. I'm just telling you what they told me."

Supervisor Cardinale: "That's interesting. They should be paying special district taxes but not--"

Dawn Thomas: "Yes. They have to pay all special district taxes."

Supervisor Cardinale: "Nothing else though, right. They do not pay town and school but they do pay special district, fire, school-- I'm sorry, fire, ambulance, water--"

Dawn Thomas: "Water, library."

Supervisor Cardinale: "--library, sanitation. But they don't pay--"

John Griffin: "I wasn't really going to ask about 94 because I figured you guys are, you know--"

You had mentioned before that the screen and the computer hookup that the town paid for, and I think it's really good. I'm glad to see you guys getting some use out of it. Is that available for the public to use at a presentation for you guys?"

Supervisor Cardinale: "Absolutely."

Councilman Dunleavy: "Yes."

John Griffin: "And what is-- could you-- is there a procedure that we-- obviously we can't just come down and say, hey, we want to use this. Do we need a procedure for that?"

6/06/2006 minutes

Supervisor Cardinale: "You're talking about the public, at a public- by, first off, the public would be having a meeting in the room. Is that the idea?"

John Griffin: "No. We wanted to address the town board and then present something to you."

Supervisor Cardinale: "Yes. That would be available and how do we- Peggy is familiar with our operates and could tell you. If you said we'd like to make a presentation during our five minute comment period, just arrange with Peggy and she would set it up so you could make it with use of this machine."

John Griffin: "Okay. Thank you."

Supervisor Cardinale: "And Peggy's days are numbered so you better teach somebody here, Peggy, because she's going to law school in August. I'm looking for a replacement for Peggy. I know that's an impossible task, but someone almost as good out there in TV land, if you- I'm looking for applications. The chief is volunteering. You'd take a severe pay cut, chief."

Councilman Dunleavy: "In his spare time."

Supervisor Cardinale: "Richly deserved, but I don't think he'd want it. Yes, go ahead."

Joan Griffin: "Good evening, Joan Griffin again. On 94 Southfield, some of the things they're also doing concern that parking lot is a circular driveway that would be gravel or bluestone that goes to a parking lot on the side of the house. And this comes to 4,200 square feet. That's- the property is only 26,365 square feet, it's .39 acres. The arborvitaes they're proposing to put in, they're proposing to put on the curb to help block the gravel driveway and whatnot. At the back end of the parking lot, they're putting a concrete platform for the dumpster so now we have the sanitation truck that has to go up on the gravel driveway, get in there, pick up the dumpster, lift it up over the truck I assume to dump the sanitation in there, back out, and then come back out on the street. How many times a week, I don't know, but you keep doing this to gravel plus all the daily traffic that they're going to have there with their own cars with professionals coming in, with visitors to the people that are there. They're going to wear out that gravel real fast and the gravel is going to go out on the street, it's going to become a mud bowl unless they plan on replacing this gravel weekly.

They're cutting for that circular drive, another 40 feet of curb out because there's only one curb cut now for the driveway that exists for the three car garage that's being converted. And actually they're

6/06/2006 minutes

removing all the garage doors and putting a bay of windows in. So there's another 40 feet missing from the curb and it's on a curve. So now we have six foot arborvitaes or five foot that they're proposing on a curve and you can't see what's coming around the corner at you when you are driving there. There's no street lights."

Supervisor Cardinale: "Well, that's one of the— a lot of the issues you mention would be handled in a commercial property by site plan. This is not a commercial property, it's residential, and of course the people earlier here tonight would not countenance and I wouldn't either site plan for residential. So they come in under residential under state law so even though those things might be ill considered, they are not necessarily illegal.

I am concerned about the dumpster and the curb cut and here's the penalty that my building department head is going to endure for leaving early tonight and having dinner before I'm having dinner. I'm going to bring him with me to Calverton next week, Leroy. Because a lot of the questions you're asking tonight will probably be asked then and I will be equally inept at answering them because it's really— they're really— he has the plans, he's administering the building permit, so he should be able to answer all these questions. Did they get permission for a curb cut? Did they need permission for a curb cut? Do they have a dumpster in the back? Why do they have a dumpster in the back if they're getting free pickup anyway?

The concept of these homes is that they're supposed to fit into the community. I remember the people from East End. They came and said we want to fit into the community as a single family residence. The only difference between us and the guys next door is we have a few— several disabled people, apparently more than eight in this instance, but we want to fit in. If they're not fitting in, they're not doing what they should be doing."

Joan Griffin: "Because everything they're doing makes the house stand out as something different about it. They're not blending into the neighborhood."

Supervisor Cardinale: "Again— "

Joan Griffin: "And a dumpster is going to be extremely close to the property line of another existing house that has three or four children— "

Supervisor Cardinale: "Frankly, I don't know why you'd have a dumpster if you get free pickup for— "

Joan Griffin: "And we live in the middle of a farm area so— rodents."

6/06/2006 minutes

Supervisor Cardinale: "Yeah. I would like you to bring these issues up when we meet next Wednesday."

Joan Griffin: "Okay."

Supervisor Cardinale: "And I will ask Leroy to attend so that you can actually get an answer instead of I don't know, which is what you're largely getting from me. And the board members, too. They're just not familiar with the plans. That's what the administrator of the building department is supposed to be doing."

Joan Griffin: "So we'll see you at Riley Avenue."

Supervisor Cardinale: "Yes, on Wednesday."

Councilman Dunleavy: "Next week."

Supervisor Cardinale: "Okay, yes, Hal. Any other comment, come on up after Hal and then maybe I can go home and eat dinner. Yes."

Hal Lindstrom: "One other issue on the disabled residence there."

Supervisor Cardinale: "Yes."

Hal Lindstrom: "The apartment or whatever you want to call it. The dumpster. It is visually a problem. If anybody wants to get an idea of what these actually look like, there's one on I think it's Mill Road. It's about three houses from Edwards Avenue. You go down that road, or four houses. There's a disabled- "

Councilman Dunleavy: "I visited there."

Hal Lindstrom: "-- facility there. And the first thing you notice when you go by, I go by on my bicycle every week, so, and the first thing you notice is that big dumpster sitting in the front of the house and- "

Supervisor Cardinale: "In the front yard?"

Councilman Dunleavy: "But I would think they would have to abide by our code and enclose it."

Unidentified: "Wait a minute, John, you can't have it both ways, John."

Councilman Dunleavy: "No. Enclose the dumpster. So you don't see it."

6/06/2006 minutes

Hal Lindstrom: "They should have some kind of a screening for that. I know it's hard to do because you have to get the truck come in there but it would be nice if they had some kind of screening so that it wouldn't be such an eyesore when people, you know, drive by in the neighborhood. I mean when they see this big dumpster sitting there."

Councilman Dunleavy: "But I think they would have to enclose it with— our code says that the dumpsters have to be— oh, that's on commercial property. Well, maybe we could ask them to enclose it."

Hal Lindstrom: "But that's not commercial. That's— "

Councilman Dunleavy: "Maybe we could ask them to put— enclose it."

Supervisor Cardinale: "That's right."

Hal Lindstrom: "Well, that would be nice because, you know, unless you enclose it, it really is an eyesore."

Supervisor Cardinale: "You know, since we're not— well, it's interesting the commercial property must be enclosed but residential nobody has them so we don't have the provision. But since we're obviously not ready for prime time in regard to front yard restrictions on vehicles, campers and the like, perhaps we can start with a statute that prohibits in the front yard dumpsters. I think that we might be able to get universal agreement on that from the old people and the new people and all the people. Well, we will resolve the dumpster issue I'm sure."

Hal Lindstrom: "Thank you."

Councilman Dunleavy: "Thank you, Hal."

Meeting adjourned: 9:55 p.m.