

10/5/2004 minutes

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Tuesday, October 5, 2004, at 7:00 p.m.

Present:

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

Also Present:

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

Supervisor Cardinale called the meeting to order at 7:00

Supervisor Cardinale: "I'd like to start the meeting of October 5th, it being a moment after seven. We could begin by the Pledge of Allegiance and, Erica, why don't you join us in the Pledge of Allegiance?"

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

Supervisor Cardinale: "We have to approve the minutes of the last meeting of the Town Board which was on September 21st. Could someone offer the minutes for approval, please?"

Councilman Densieski: "I'd like to offer the minutes of the meeting of September 21st. So moved."

Councilman Bartunek: "Seconded."

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

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

Supervisor Cardinale: "And, Barbara, could you indicate to us the Reports during the last two weeks?"

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REPORTS :

Town Clerk	Monthly report for September. Total collected was \$8,275.70
Police Department	Monthly report for June and July, 2004
Building Department	Monthly report for September. Total collected \$178,823.00
Sewer District	Discharge monitoring report for August, 2004
Jamesport Fire District	2005 budget
Open Bid Reports	Bid: Snow removal equipment opened on 9/27, two bids were received Bid: Diesel fuel and paint opened on 9/24, no bids were received

Barbara Grattan: "That concludes Reports."

Supervisor Cardinale: "Okay. The Applications, please?"

APPLICATIONS :

Special Events	Abness Farm October 2 to Oct. 31 st fall festival - fund- raiser for Riley Avenue Elementary School Business Improvement District October 16 - 1 pm to 6 pm Riverfront parking lot Oktoberfest Celebration Harbes Family Farm - weekends Sept. thru Oct. 8 am to 7 pm hayrides, corn maze, U pick Pumpkins
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Parade Permit

Sunshine Acres - Nov. 14 -
Dressage Horse Show 6 am to
6 pm

Barbara Grattan: "And-- "

Supervisor Cardinale: "That concludes the Applications?"

Barbara Grattan: "Yes, it does."

Supervisor Cardinale: "Could you tell us what Correspondence was received?"

CORRESPONDENCE:

Jamesport Civic Assoc.	Regarding comments on the Code of Ethics Trash receptacles for village and hamlet centers Crossing guard for Jamesport
Mark Terry	Proposed business country rural zoning
Charles Cuddy	Regarding RLC zoning Use Tourism/Resort Campus
District	
Peter Danowski	Regarding Business professional service
buildings	and destination retail center use district EMB Enterprises LLC
Councilman Densieski	Regarding comments on the master plan
Sal Mastropolo	Regarding comments on the EPCAL public hearing
Virginia Purcell and Edward Purcell	Regarding property being re-zoned on East Main Street
Martin Sendlewski	regarding table of

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	dimensional regulations Proposed zoning of the Janis Property on Main Road, Jamesport
Victor Prusinowski	regarding Brocard Development rezoning
North East Holdings LLC	regarding Calverton Naval Weapons Reserve Plant
Adchem Corp.	Note of thanks to the Water District
Bernadette Voras	regarding Lobster Roll park- ing and seating violations
Colleen O'Brien	Regarding amendment to local law Chapter 108 Section 108- 230
Riverhead Park Corp.	Regarding rezoning of property
Lester Davis	Regarding the disposition of the Peconic Airport
Cynthia Dieterick	Regarding the runway use
Boom Development	Letter of protest to the proposed map amendment to property
Petition	7 names regarding the signs in the English language
Gene Greaves	Regarding riverfront renovation
Thomas Gallo	Regarding proposed zoning change

Barbara Grattan: "That concludes Correspondence."

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Supervisor Cardinale: "Thank you very much, Barbara, for the recitation of the Correspondence.

We have-- do we have any reports to the public from any Board members? Barbara?"

Councilwoman Blass: "I have a- yeah, I have a comment from the Peconic Estuary Committee. One of the goals of the estuary program is to reduce nutrients that enter the groundwater and surface waters and towards that end, the United States Golf Association- the USGA and Cornell came up with some best practices to work with golf courses within the estuary program to help them reduce their fertilizer application and this would ultimately help reduce nitrogens entering into our water supply.

It's a program that is going to require some monitoring over the course of the next couple of years but the reason I bring it to your attention is that it is a strictly voluntary program and I wanted to take a moment to publicly commend and acknowledge those golf courses in the town of Riverhead that have agreed to participate in this nutrient reduction strategy to help protect our water supply.

So if you happen to play at any of these golf courses, you might want to take a second to tell the management thank you, they're really doing the right thing. They are Calverton Links, Fox Hill, Friar's Head, Great Rock Golf Club, Long Island National and Old Vine.

Thank you, Mr. Supervisor."

Supervisor Cardinale: "Thank you, Barbara. Any other reports from members of the Board? If not, we can get into the first public hearing, but I should note because it just occurred to me to note, as of yesterday, the Channel 22, public station, government and educational station, is being broadcast right here from this room and soon from the space to be vacated by the town attorney.

But we're now doing both the distribution- both the production of the tapes and the distribution onto Channel 22 directly so we will- we will, I hope, see an improvement on the consistency and quality of the town- of the town programs.

Right now, for example, that's the former Supervisor Bob Kozakiewicz speaking with the ZBA which we're beginning to incorporate into the filming. Soon the Planning Board will be

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incorporated, Architectural Review Board, Open Space Committee, Farm Select Committee, all things that are done in this room and throughout the town hall could be immediately, simultaneously if you'd like, or by tape cast on cable cast on Channel 22 which is, I think, a great thing for the openness of our government.

Think about it. We could on Friday afternoon wander around the building with a little camcorder and see who's actually working at about 3:35 or about 4:15. It will be- you can imagine- and all of the town employees are excited about the prospect as am I."

Public Hearing opened: 7:11 p.m.

Supervisor Cardinale: "So without further comment, I will move onto 7:05, the extension to the water district to be known as extension #81. Gary, and I think we have a representative of H2M is here as well. I'll open the hearing, it being 7:11 and it being after the 7:05 p.m. appointed time."

Bob Lucas: "Good evening. My name is Bob Lucas. I'm from H2M group, we're the engineers for the Riverhead Water District. And I'm here to present the proposed extension #81 called 1998 Peconic LLC.

The developer of this property has petitioned the town board to allow the proposed development to be served by the Riverhead Water District. The property is located outside of the district boundaries. A formal extension is required to include them in the district.

The proposed extension 81 is located near the intersection of Middle Country Road, Route- New York State Route 25, with the intersection of Edwards Avenue. It's approximately a 10 acre parcel to be subdivided into a three lot commercial industrial use.

A private cul de sac will be constructed off of Edwards Avenue and that will be the only access to the site. The proposed extension will be required to allow Riverhead Water District to provide potable water to these properties.

On the chart, it's a bit small but you can see outlined in yellow is the proposed extension area, the proposed water main which we'll describe in a short bit is in blue and some of the water district boundary is indicated in red.

In order to provide service to the subdivision, approximately

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1200 feet of eight inch water main is required. There will be two connections, one of Edwards Avenue and Middle Country Road and the pipe will be run through the cul de sac.

Since the road is going to remain private, easements, 15 foot wide water main easements will be required, one easement being on the cul de sac area and another across the easterly line of lot one.

The developer will be responsible for all costs of the installation and we've estimated this cost, excuse me a minute, the total project cost to implement the extension is estimated at \$88,000 which includes construction, engineering, inspection, legal, and contingencies.

The water demand- although the proposed lots- or the buildings on each lot have not been yet established, based on the square footage, there's an estimated total maximum day demand of approximately 13 gallons per day.

At present the Water District does not have excessive well and pumping capacity to meet the demand. However, we are currently constructing additional supply wells and to be more specific, additional supply well #11-2 which will be placed in service in the near future and that will have- that will give them the capacity to serve the parcel.

In addition to the project cost, the key money costs have been established based on a particular estimated water use and the total key money fee for the extension 81 is \$22,500.

Based on this information, we recommend that the town board accept the report and the extension for 1998 Peconic LLC."

Supervisor Cardinale: "Thank you for the presentation. Yes?"

Councilwoman Blass: "I'm sorry, Mr. Lucas. Could you repeat what you said the estimate gallonage- the usage would be?"

Bob Lucas: "Sure. Sure."

Councilwoman Blass: "Thanks."

Bob Lucas: "Without having specific- "

Councilwoman Blass: "Right."

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Bob Lucas: "-- building sizes established, it was estimated. For lot three- I'll break it down for you a little bit. For lot three, there was 850 gallon per day average, with a maximum day demand of 2500 and then the other two lots established a peak demand of 7650. So based on 2500 for the two lots and 7650 for the other, we come up with 13,000 gallons."

Councilwoman Blass: "Thank you."

Bob Lucas: "Thank you. Any other questions?"

Supervisor Cardinale: "You indicated that they don't have enough- without the new well, I believe, to supply this piece. Is there going to be any time differential between the time you're bringing that on and the time you're going to have to service this piece?"

Bob Lucas: "Actually Gary may have a little bit more information on when the well might be brought into service with respect to the development, when that gets established and built. I can't answer that."

Supervisor Cardinale: "Gary, the well will be built before the service is required is my real question."

Gary Pendzick: "Well 11-2 has already been built and the surrounding facilities, in other words the pump station and treatment facilities are under construction as we speak. We should have it on line by mid-winter. And this project I don't believe will probably be begun until this winter."

Supervisor Cardinale: "Okay. Fine. So that works. Okay, anybody else have any questions or observations that they'd like to share? If not, it being 7:17, I'd like to close the hearing and move onto the next hearing."

Public Hearing closed: 7:17 p.m.

Public Hearing opened: 7:18 p.m.

Supervisor Cardinale: "Which is scheduled for 7:10 and

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concerns the proposed local law to amend Chapter 101 of the town code entitled Vehicles and Traffic. And if my recollection serves me, has to do with a stop sign, but I could be wrong. Tell us what it's about."

Barbara Grattan: "This is weight limits."

Supervisor Cardinale: "Oh, it's not stop signs. It's weight limits, on- "

Barbara Grattan: "Do you want me to read it?"

Supervisor Cardinale: "Here you go. The proposed local law to amend Chapter 101 of the town code, Vehicles and Traffic Section 101-8 Weight Limits Street Middle Road Location: in its entirety commencing from the intersection of Manor Lane in an easterly direction to the intersection of Doctor's Path.

Anyone have a comment they'd like to share with the Board? I'm opening the hearing, it being 7:18, for any comment from any member of the public about placing wight limits on that road? Anybody want to tell me what the wight limit is that's being proposed?"

Councilwoman Blass: "It's going to eight tons from five."

Supervisor Cardinale: "Eight tons- eight ton trucks."

Councilwoman Blass: "From five to eight."

Supervisor Cardinale: "No more than eight tons, right?"

Councilwoman Blass: "It's being increased from five to eight."

Supervisor Cardinale: "It's being increase from five to eight because- anybody have a comment, if not, moving right along, I'll call at 7:19- did you have a comment? Please come up before I close the hearing. Bernadette, how nice to see you. And I hope that doesn't reflect your comment in your hand there."

Bernadette Voras: "Later."

Supervisor Cardinale: "Later, I was afraid of that."

Bernadette Voras: "The open section. Bernadette Voras, Reeves Park, Riverhead. I just wanted to ask is Sound Avenue ever going to

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be considered as- for weight limits? I know that it was mentioned at one time and I was wondering if there's hope that that might be considered."

Supervisor Cardinale: "Okay. Thank you. I think it's worth considering and that was sneaky how you got it in on the Middle Road weight limit case, but it's a good question and we will consider it.

If anybody wants to follow on that, let's do that at the Thursday work session as to whether it's realistic to consider that.

That being said, I'll close the hearing at 7:19."

Public Hearing closed: 7:19 p.m.

Public Hearing opened: 7:19 p.m.

Supervisor Cardinale: "And move onto the hearing that was to commence not sooner than 7:15 p.m. concerning the purchase of development rights, 30 acres of development rights of agricultural land owned by John and Ray Kujawski located on the westerly side of Herricks Lane in Jamesport. And Sean Walter, our town- deputy town attorney will do the presentation."

Sean Walter: "Good evening, Town Board. I just want to pass up to Barbara Grattan the affidavits of publishing and mailing- of posting and mailing."

Barbara Grattan: "Thanks."

Sean Walter: "The public tonight is being held for the purchase of development rights of property owned by the Kujawskis, Suffolk County Tax Map No. 0600-22-2-part of 13.2. It is- we are purchasing roughly 30 acres, I believe the map shows 29.2 acres of a 110 acre parcel owned by John and Ray Kujawski.

The purchase price is for \$40,700 an acre. The location of the property at this particular- this particular property is outlined in yellow and the hash marks is the property that we're purchasing the development rights to. So it's just part of the property. It is the- now I can't see it, but it is the westernmost edge of the property and it abuts protected land.

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This creates a 300 acre block of protected farmland. It's adjacent to three previously purchased parcels. The property is used, I believe, to grow potatoes at this particular point. It is prime agricultural soils and we hope to get the rest of their farm some day.

The Kujawskis have been farming for quite some time and do farm on the Key Span property as well. The appraisal on this- the appraised value on this is \$37,000. The Farmland Select Committee voted to increase the offer to exactly 10% above the purchase price based on the quality of the soils, the contiguous nature to the other 300 acres of protected farmland, and there's an added bonus in here. We did receive a grant from Ag & Markets to purchase this property. We received a \$1.2 million dollar grant this year and currently we have approximately \$400,000 left of that grant. So there is money available to purchase this through Ag & Markets. And I don't have anything else unless there's other questions."

Supervisor Cardinale: "Thank you, Sean. Yes, please, Sal, you had a comment."

Sal Mastropolo: "Sal Mastropolo, Calverton. My first comment is why are we paying more than the appraisal price? It seems the prices keep going up and now we've crossed over the \$40,000 per acre.

The second comment is there's no road frontage, okay. It's all buried land in the back of the property so it should be worth even less. If there was road frontage, I can see paying the price. Huh?"

Sean Walter: "There is road frontage."

Sal Mastropolo: "Where?"

Supervisor Cardinale: "If you look at that, it's kind of a "T". I was looking at that also, Sal. Show him- there's limited road frontage is a fair statement. Okay. Would you respond?"

Sean Walter: "The reason that we purchased- sought to purchase this parcel is if you look at the configuration and I'll pass it back to the Board to look at it."

Supervisor Cardinale: "Sure."

Sean Walter: "Is the Farmland Select Committee chose to purchase it- or requested to purchase this because it ties into a

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contiguous block of farmland. If we had purchased any of the other corners, it would not make a contiguous block of farmland and then what you would have is property that was- with the agricultural rights removed and potentially if the Kujawskis sold it to a developer or somebody, potentially you would have houses surrounded by farmland. So it was the Farmland Select Committee's desire to make this a contiguous block and there is road frontage.

We could have laid it out in another fashion, but this was the way that made the most sense from a farming perspective and I also believe the way the row crops are farmed, that having it in this direction makes it a better parcel to be farmed rather than moving it in another direction- moving the block in another direction.

And at this particular juncture, this appraisal was done, let me just get you a date. The update on this appraisal was July of 2004, so it is a fairly new appraisal but the farmland prices in the appraisals that we're seeing now range from 35 to los 40's an acre. So it is still within that ballpark. And the Farmland Select Committee, based on the number of- the value of the soil, the agricultural use of the soil, felt this was a good property to purchase.

One of the things that is not in an appraisal is the value of the farm itself, that sort of extrinsic value that doesn't get measured and the Farmland Select Committee is charged with making recommendations to the Board as to the nature of the farm and the viability of the farm and this is one of the best quality farms I understand, or this area is one of the best quality soil areas in the town. So that is one of the major reasons that they voted for this."

Supervisor Cardinale: "Could you tell us the frontage amount?"

Sean Walter: "I've got- it's not on this map. I believe it's in the area of 50 feet. Is that- getting- you want to come up? The Kujawskis will come up and- "

Supervisor Cardinale: "The other question while he's coming up to indicate the frontage. Is that a pond that is on the property?"

Sean Walter: "It's an irrigation pond that is there periodically. I understand- I have spoken to the Kujawskis about that. They do farm that pond in off years and it is used for irrigation."

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Supervisor Cardinale: "Okay. All right."

Ray Kujawski: "My name is Ray Kujawski. The pond is off and on, it's not continuous. It's not considered wetlands. We have farmed through it. It just- with the five inches of rain that we had, it's pretty much a pond today but we, you know, planted that. And we have lost crops through there on and off but now I think it's more than 50 foot. The way they laid it out, I would say it's probably ab out six to seven hundred feet."

Supervisor Cardinale: "Really? That's a lot more than 50."

Sean Walter: "It's not written on the survey. We can come up with that information if the Board so chooses."

Supervisor Cardinale: "Yeah, if you would. And just submit something on it so that it's clear for the record, in writing, maybe and I'll leave it open a day or two for that purpose. Great. Ray, thanks for the clarification."

Any other- any other comment? If not, it being 7:27- "

Sean Walter: "I can provide the information tomorrow."

Supervisor Cardinale: "-- I'll close the verbal- the oral part of the hearing and ask that it be kept open until close of business tomorrow for written comment including comment on the exact frontage specifically. Thank you, Sean."

Public Hearing closed: 7:27 p.m.
Left open for written comment to
October 6, 2004

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Public Hearing opened: 7:28 p.m.

Supervisor Cardinale: "We have a second- a final hearing I should- fourth and final hearing at 7:20 p.m., and it being 7:28, we can open that hearing."

It's for the consideration of a local law to amend Chapter 63 entitled Excavation of the town code. The provisions of that proposed amendment, do you have them?

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The provisions of the proposed amendment are- "

Barbara Grattan: "Well, that's what you're looking for. You're looking for- "

Supervisor Cardinale: "They're referenced in the advertisement and I can tell you that what we are doing is attempting to add a section C to the 62.5, more substantively stating that the Town Board shall require that a monitor be employed during the term of the permit to ensure compliance with the terms of the permit.

The monitor shall be selected by the Town Board at the cost of- and the cost of the monitor shall be paid by the applicant. The monitor shall keep a daily log of all soil export and import from- for the subject site. The daily log shall include the number of vehicles and the yardage of soil imported or exported.

The license plate number of each vehicle carrying the soil or similar materials coming in and out, shall be recorded in the monitor's daily log together with the approximate yardage.

The monitor shall provide a weekly report to the Town Board, the town designated engineer and the building inspector regarding the progress of the work. The report shall include copies of the daily log kept by the monitor. The report shall include an estimate by the monitor as to the percentage of work completed pursuant to the permit.

Should the monitor determine that the work being completed pursuant to the permit will exceeds the limits of the permit or that any other violations of the conditions of the permit are occurring, the monitor shall have an obligation to immediately notify the Town Board, the town engineer and the building inspector.

At the discretion of the Town Board, the requirement that a monitor be employed may be waived.

Okay. But that's not what- what we're trying to do is get better clarity on the excavation that's going on and the fees that are- to which the town is entitled thereby.

Anybody have any comment in regard to that clarification of that statute? If not, it being 7:30, we have completed the assigned task of completing four hearings- public hearings on those matters."

Public Hearing closed: 7:30 p.m.

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Supervisor Cardinale: "And that means that we can take public comment on any one of the 43 or 44 resolutions that are before the Board. And before I forget, let me point out that I had indicated to this Board and the Board had indicated repeatedly to Richard Hanley that we would start passing the commercial and industrial zoning implementing the master plan passed last November by September 30th.

We have received enormous amounts of comment from the public about that and the code committee of Barbara and George and a representative of my office, either myself or my deputy, have been going through that and incorporating it as appropriate into the statutes that we're going to pass and doing the job right is more important in my view than getting it done exactly on September 30th.

So here's how it's going to play out. On 10/5, tonight, we're going to start passing the statutes that are implementing the master plan and we'll be passing the BC, Business Center; SC, Shopping Center; and DRC, Destination Retail Center zoning statutes which essentially go from the terminus of the Long Island Expressway, down Route 58, to approximately Northville Turnpike.

Next week we'll have a special board meeting on 10/12/04 to pass the IA, IR, and CRC zones.

On 10/19, at the next Town Board meeting we expect to pass the HC, VC, RLC and CR zones.

On the 26th of October, we intend to pass the DC 1 to 5 zones, that's all the downtown zones; and on 10/29, we expect to pass TRC, PB, Professional Business; Business F, and the TDR statute so that all will be completed by 10/29.

And in so doing, we will be able to give proper weight and attention to the public comments that we've received, both at the hearings and in writing. And those first ones are being passed today, starting at #934, 5, 6, 7, 8, and 9. That being said, who wants to comment on those or any other resolutions? Sal."

Sal Mastropolo: "Sal Mastropolo, Calverton. Resolution 907, the last Resolved."

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Supervisor Cardinale: "Yes."

Sal Mastropolo: "Add the town attorney's office. Should they be on every resolution?"

Supervisor Cardinale: "907, you mean they are not on that. Is that your point?"

Sal Mastropolo: "Right."

Supervisor Cardinale: "They certainly should be on that one because that's a- "

Sal Mastropolo: "Yeah. Because the one right after that is traffic as well and they're on that one."

Supervisor Cardinale: "Okay. So we'll add the town attorney should get a copy of any new law, of course."

Sal Mastropolo: "Resolution 908. The notice of adoption."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Osborne Avenue, Osborne Avenue North. Makes no sense to me. I understand the top two. If you're going north on Osborne, you get to Sound."

Supervisor Cardinale: "Right."

Sal Mastropolo: "You can either make a right or a left. You're going to put a stop sign. But what's the third one? What message are you trying to convey?"

Supervisor Cardinale: "Well, that's a good question."

Sal Mastropolo: "There's no crossroad there so- "

Supervisor Cardinale: "George- "

Councilman Bartunek: "We've gone through this before, Sal. Basically what it is is just replacement of the two yield signs at the end of Osborne Avenue."

Sal Mastropolo: "Right."

Councilman Bartunek: "And I think- I got this all sorted out

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about two weeks when we were reviewing this at a work session."

Sal Mastropolo: "That part I understand. I don't understand the third section there, under intersection, it says Osborne Avenue for the intersection, stop sign on Osborne Avenue, entrance from the north. You can't- "

Councilman Bartunek: "Yes. Yes you can. You- "

Sal Mastropolo: "Oh, that little short- "

Councilman Densieski: "Yeah, that little piece of- "

Sal Mastropolo: "Okay. All right. So if you were coming- so the east side of the "V". Okay. Now it makes sense. I was going to say there's no crossroad there so how could you be on Osborne going north, but now I understand."

Councilman Bartunek: "Osborne Avenue (inaudible)."

Sal Mastropolo: "Okay, George. 912, there's no mention of fees and usually there's a statement that says either you received the fees or you're waiving the fees."

Councilman Bartunek: "The fees have been paid for this, believe me."

Sal Mastropolo: "No. I believe you, but there's nothing in the resolution that states- "

Supervisor Cardinale: "That we should- we talked about that in the past. We should either state the fee is received or waived. This was received, right? We'll add that as a Whereas."

Sal Mastropolo: "928."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "The Wading River area, you're missing two streets under the Wading River area. Suffolk Avenue which goes from 1st to 2nd Street, it's one block long and it's paved and there's some drain sewers on it. And you're missing Park Road unless you have Park Road numbered. But Park Road for the last 50 years has been called Park Road, not a numbered street. It's the street that comes out right at the triangle to Wildwood State Park. It's probably one of the main roads over there."

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(Some inaudible discussion among the Board members)

Supervisor Cardinale: "Yeah, you may be right. Unfortunately if that is correct and it was a oversight by the Highway Department Superintendent who enumerated the roads, we'll have to- you know, just take those two separately. Because one of the concerns we all have and that's why it was delayed, was to make sure of two things.

Number one, we had the Highway Superintendent, it goes in an affidavit, that these roads would not- were of a condition which would not require greater attention and care or improvement than any roads were presently assumed into the system- or presently assumed into the system. And, two, we want to make sure that this public hearing, that we're not taking into the system roads that people would prefer to remain private.

So if, in fact, those are roads that he's willing to take into the system because he believes that they have been assumed by his- the activities of the Highway Superintendent over the last 10 years or more, then we'll include them, but not in this particular one because he's not here and I wish he was."

Sal Mastropolo: "Okay. Well, Suffolk is no big deal because like I said, it only runs one block."

Supervisor Cardinale: "But Park we really have to consider."

Sal Mastropolo: "But Park is a main road and it actually goes west past Hulse Avenue."

Supervisor Cardinale: "Yeah. I'll make a note to make sure that we follow that."

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

Supervisor Cardinale: "Thank you so much. Anything else, comment? Yes. I bet this has to do with Park and Sound. Oh, it doesn't?"

Linda Gatz: "Linda Gatz, Zdunko."

Supervisor Cardinale: "Oh, that's right, it has no resolution- there's no resolution on it."

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Linda Gatz: "It does have to do with Resolution 928."

Supervisor Cardinale: "Okay."

Linda Gatz: "Tite Drive (phonetic)."

Supervisor Cardinale: "Where is that? What's the location?"

Linda Gatz: "Aquebogue. Is that what it's says under?"

Supervisor Cardinale: "Okay, Tite Drive. I see it. Yes."

Linda Gatz: "All right. I guess that will remain Tite Drive. It's always been a sore thing with my father because it's supposed to have two different names. It used to have Harrison Lane coming in off of Main Street which is how his deed reads and Tite Lane- Tite Drive going out onto Hubbard. And one time the town map had it going out onto Fairway instead of Main Street and, you know, we've been through a whole big deal here.

Now does this mean that it's going to become paved?"

Supervisor Cardinale: "This means that we're going to have a public hearing only about the prospect of assuming these roads into the system as- incorporating these 84 private roads in the town of Riverhead's highway system.

Now, that's a very- actually, I did ask that question. You're saying to me that these are- some of these roads, notably Tite, is a dirt road?"

Linda Gatz: "Tite Drive goes from East Main out onto Hubbard, behind Riverhead Brake. It used to be Harrison Lane. My father's deed reads Harrison Lane coming from East Main down to where they have- it used to be (inaudible) lawnmower, now it's some kind of monument place."

Supervisor Cardinale: "But it's a dirt road?"

Linda Gatz: "It's a dirt road, with a big- a lot of big potholes."

Supervisor Cardinale: "Then I don't know how I could have gotten this affidavit from the Highway Superintendent telling me that it wouldn't take greater care and maintenance than the roads already

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in the system if it's a dirt road. Because obviously we're going to have to consider paving it."

Linda Gatz: "You're going to have to do something. I mean that road needs a lot of help. It needs almost as much as Zdunko."

Councilman Bartunek: "Has this road been plowed by the Highway Department?"

Linda Gatz: "Not that I know of. I mean I've gone down to my father's and had to go through the snow. Maybe right along by Riverhead Brake but other than that, I've never seen much- "

Supervisor Cardinale: "I have- "

Linda Gatz: "It has been graded a few times."

Supervisor Cardinale: "I have no great difficulty passing this because it's calling only for a public hearing, the largest purpose of which is to get the people out who may be telling us they don't want these roads taken into the public system. But before we actually incorporate them into the system, I've got to- I would like to know more because my understanding of the affidavit I received was that they were not going to be dirt roads here because obviously those would take greater care than presently asphalted roads."

Linda Gatz: "Well, that was dirt yesterday."

Supervisor Cardinale: "Okay."

Linda Gatz: "I wasn't there today."

Supervisor Cardinale: "Thank you. I appreciate your pointing that out and I will take that up with the Highway Superintendent."

Linda Gatz: "Thank you."

Supervisor Cardinale: "Any other comment on any of these resolutions? Yes, ma'am."

Carla Esposito: "Supervisor, I didn't read the main book out there- "

Barbara Grattan: "Would you just state your name, please?"

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Carla Esposito: "Carla Esposito. Would Telephone Street be included in any of these 81 roads? And I'm asking so- yes, I hope so."

Supervisor Cardinale: "Yes. I'm looking and it wouldn't surprise me if it was and it isn't and that's because the ones that are on this street- on this list, the only way they could have made the 84 is for the Superintendent of Highways to certify that they were public roads because he had maintained them for a period in excess of 10 years and had- would acknowledge at best that they should be assumed into the system because of that maintenance."

Carla Esposito: "Well, you know, there was a problem with Telephone Street, right?"

Supervisor Cardinale: "Oh, I know that."

Carla Esposito: "So- "

Supervisor Cardinale: "But I asked the Superintendent on that and he was the one that kept us from coming to your- to the assistance of the residents there by saying that he checked the records and he found that it was not a public road. If it was a public road, we might have been able to take a more aggressive stance to stop the closing of it."

Carla Esposito: "Well, then how did it get a street sign?"

Supervisor Cardinale: "That, I honestly don't know. But I've no doubt that it was there. It may have been put up by- without a proper resolution of the Town Board, by someone who simply put it out. I can't- "

Carla Esposito: "Because that street sign has been up longer than 10 years and I've driven on that road for more than 10 years, pushing 20 years."

Supervisor Cardinale: "You may want to talk to Mark because I tried to reach him before I came out here- "

Carla Esposito: "Well, it's just, you know, the person- the landlocked person they wrote in the newspaper and they asked, please, people come and help and I did come here to speak to you on his behalf because I thought there was just a general understanding that when thoroughfares went through people's property and "x" amount of

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years pass, it's just obligatory that you keep it as is and they can't reclaim it as their personal property any more. And I think that that's where this stands.

Those people should take down their fence and Telephone Street should be a thoroughfare. And we do need it anyway, you know, just the whole bus finagling down there during school days. It's nice to have another road to go through."

Supervisor Cardinale: "I appreciate what you're saying. If you convince Mark Kwasna, you won't get an argument out of me."

Carla Esposito: "Super."

Supervisor Cardinale: "Okay? So you should talk to him. Anyone else have a comment on any of these resolutions? Yes, Gene."

Gene Greeves: "Hi. Resolution #918."

Supervisor Cardinale: "918."

Gene Greeves: "I'm not speaking with firsthand knowledge, but I just wanted to raise a question."

Supervisor Cardinale: "Yes."

Gene Greeves: "I thought towards the end of last year a resident had raised the question as far as a right turn lane being provided as part of the property up over there and I never did get an answer. I did attempt to follow up several times with the former Supervisor, just to verify whether that was indeed true or not true. I don't know it to be either. And that's- I just raise that question since you're- "

Supervisor Cardinale: "Thank you. Leroy, so nice of you to be here. We're talking about 918. Could you come up? Because you should be able to answer this or at least Sharon Klos should and maybe Rick.

The question I think Gene is raising is we're releasing the performance bond for Fed Ex building."

Rick Hanley: "Right."

Supervisor Cardinale: "On the premise that Sharon went- the

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building permit coordinator for commercial properties, determined construction was complete to the satisfaction of the town and a C of O was issued September 23rd."

Rick Hanley: "Right."

Supervisor Cardinale: "Gene was asking was there an issue as to a right hand turn lane as part of the site plan (inaudible)."

Rick Hanley: "As part of the special permit and site plan, there was an extraction of the irrevocable offer of dedication of a 10 foot strip- "

Supervisor Cardinale: "Okay."

Rick Hanley: "-- along the property line, so at such time as the Highway Superintendent wants to improve- we can get the land and do that."

Supervisor Cardinale: "Was that- "

Rick Hanley: "It was not a part of the site plan approval, however, the improvements."

Supervisor Cardinale: "Was that- okay, was that accomplished?"

Rick Hanley: "No. We just have the offer of dedication. We don't have the actual improvements. There was no requirement for the improvements, just a dedication."

Supervisor Cardinale: "Did- when you make an offer of dedication- when you demand and receive an offer of dedication- it's probably for you, Dawn, when you demand and receive an offer of dedication, is that recorded?"

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "The offer. Yeah, because I've seen them."

Dawn Thomas: "We do a deed of dedication (inaudible)."

Supervisor Cardinale: "That's even better. Did we do that?"

Dawn Thomas: "This is a little bit unusual. It's not a typical dedication of roadways like in a subdivision."

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Supervisor Cardinale: "Right."

Dawn Thomas: "Where we just take the deeds and record them an all."

Supervisor Cardinale: "Right. But this- I think I know what this is because I saw it in my practice over the years. When- you're not sure you want it but you want to have the opportunity to get it if you want it and there's something called an offer of dedication put on the record at the County Clerk's office and I want to make sure that's done."

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Rick Hanley: "We'll check into it tomorrow but I recall as a function of the site plan approval, we required that from the applicant."

Supervisor Cardinale: "In other words, what you're saying to me is that the release of the performance bond, the bond does not cover that performance."

Rick Hanley: "That's correct."

Supervisor Cardinale: "It covers the improvements only."

Rick Hanley: "Right."

Supervisor Cardinale: "So what happens- so what have we got- what leverage do we have if we haven't- "

Rick Hanley: "We have an offer of dedication at such time that we want to make those improvements. It's ours, just take it."

Supervisor Cardinale: "If it wasn't recorded- "

Rick Hanley: "For no- "

Supervisor Cardinale: "If it's not recorded, it's worthless."

Rick Hanley: "I don't know that it's unrecorded."

Supervisor Cardinale: "Could you check?"

Rick Hanley: "Sure."

Supervisor Cardinale: "If it's recorded, I'm a happy man."

Rick Hanley: "Right."

Supervisor Cardinale: "Is that what you're talking about, Gene? If it's recorded- if you could check, then the whole issue is a non-issue."

Rick Hanley: "Okay."

Supervisor Cardinale: "Then- but if this is the last bit of leverage we have, we better get it recorded before we give up the money."

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Leroy Barnes: "Well, I believe the reason why the CO was held up because the DOT did that project. They did the sidewalk and the curb cut there."

Supervisor Cardinale: "You mean it's actually done already?"

Leroy Barnes: "It's done. The sidewalk is done. The actual turning radius, I don't believe was ever a part of our requirement. It was up to New York State Department of Transportation."

Supervisor Cardinale: "And they didn't- they didn't require it?"

Leroy Barnes: "I believe at the time when they were doing Fed Ex, they weren't receptive at the time."

Supervisor Cardinale: "What is this- is this the corner of Edwards and- "

Leroy Barnes: "And 25."

Supervisor Cardinale: "How come the state- isn't that a county road?"

Leroy Barnes: "It's a state road."

Supervisor Cardinale: "Edwards is a state?"

Councilman Densieski: "No, 25 is state."

Leroy Barnes: "25 is a state."

Supervisor Cardinale: "But is that Edwards as well?"

Councilman Densieski: "No. It's a town."

Leroy Barnes: "Edwards is a town road."

Supervisor Cardinale: "And so home come we don't have something to say about it if it's Edwards?"

Rick Hanley: "We did. We took the dedication on Edwards 10 feet from- along the entire property- "

Supervisor Cardinale: "That's the offer of dedication?"

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Rick Hanley: "-- along the entire property line on Edwards. Right."

Supervisor Cardinale: "And we never used it because the Department of Transportation- "

Rick Hanley: "We didn't require the improvements but we require the offer of dedication, right."

Supervisor Cardinale: "So find out if we at least have it."

Rick Hanley: "Okay."

Supervisor Cardinale: "And if we do have it, we'll just pass this. If we don't have it, it might be a good idea to hold it up until we do. Yes, you just hanging out or did you have something you wanted to say? Okay, as soon as we get through the resolutions, we'll let you comment and since you're so diligent, I'll call you first."

Anybody have any other resolution comment? If not, I will call- Rick, I'm going to start passing resolutions here. Could you check and see if you have anything in your file to assure that we've recorded that?

Okay, we're going to start at 900, Barbara."

Resolution #900

Councilwoman Sanders: "201 Howell Avenue town hall annex project budget adjustment. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #901

Councilwoman Sanders: "Middle Road, Osborne and Horton Avenue roundabout budget adoption. So moved."

Councilman Densieski: "Second the motion."

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

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

Supervisor Cardinale: "Yes. I should also add that I talked to Ken Testa on this. This actually might work, this roundabout, and we might actually get grant money for it. So keep your fingers crossed. They like the idea. Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #902

Councilman Densieski: "Accepts a 5% security bond of Cellular Telephone Company as New York Partnership d/b/a AT&T Wireless Services, Inc. on Old Country Road, Riverhead. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #903

Councilman Bartunek: "Accepts 5% security bond of Terry Contracting and Materials, Inc. So moved."

Councilwoman Blass: "And seconded."

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

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

Councilman Densieski: "Quick question here."

Supervisor Cardinale: "Yes."

Councilman Densieski: "We're accepting a security bond from 1995. Am I reading it right?"

Supervisor Cardinale: "Yeah, that's right. It's a site plan dated May 2, 1995 for work on West Main Street."

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Councilman Densieski: "Okay. So they have a current site plan?"

Supervisor Cardinale: "Yeah (inaudible)."

Councilman Densieski: "What was that, Barbara?"

Supervisor Cardinale: "It's an old site plan. Do you have any thought on that, Dawn?"

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "On 903, that the site plan is dated '95. Does that impact in any way on its validity?"

Dawn Thomas: "Does the fact that a 1995 bond--"

Supervisor Cardinale: "No. It says- is posted a security bond in that amount, 19 grand, represent 5% of the site plan security bond as noted in the approved site plan of 1995 for work located at such and such.

So what we're wondering is how it is that we're accepting a security bond for a 1995 site plan. We're not returning it; we're accepting it."

Councilman Densieski: "Right. (Inaudible)."

Supervisor Cardinale: "Yeah."

Councilwoman Blass: "The last time we had a similar situation it was a project that had been phased and was the corner of Tuttle- "

Councilman Densieski: "Yeah, I was curious because of the date."

Supervisor Cardinale: "Can we- I'll ask for verification from- we should be able to check that in our file, if it's been extended, right? All right. So let's table it for a moment if that's- "

Councilman Densieski: "Set it aside because you already started the vote."

Supervisor Cardinale: "Okay, let's think about this. We started a vote, you are bringing up the question here, can we have a motion to-- "

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Councilwoman Blass: "Is it possible Leroy's in the hallway? He might know."

Supervisor Cardinale: "Who? Kenny, would you ask Leroy to step in, please. Yeah, you're right. So we can- we can- we have three votes?"

Barbara Grattan: "We have two votes."

Supervisor Cardinale: "Two votes."

Councilwoman Sanders: "And George."

Barbara Grattan: "That's right, George. Three."

Supervisor Cardinale: "Okay, so we want a clarification before we continue to vote. And we're going to get one if Leroy ever gets here. Do- can we hold it and move onto- "

Barbara Grattan: "Yes, let's do that."

Supervisor Cardinale: "903 we're holding on the fourth vote pending the clarification on information and we need to make sure we have the information we need to vote. 904, can we call that?"

Resolution #904

Councilwoman Blass: "Accepts irrevocable letter of credit of Jaral Riverhead Corp. (TC 58). So moved."

Councilman Densieski: "Second the motion."

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

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

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

Resolution #905

Councilman Bartunek: "Accepts offer of sale of development rights for Reginald Farr and Connie Farr. So moved."

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Councilwoman Blass: "And seconded."

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

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

Resolution #906

Councilwoman Blass: "Accepts resignation of Deputy Town Attorney. So moved."

Councilman Bartunek: "And seconded."

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

The Vote: "Bartunek, yes; Sanders."

Councilwoman Sanders: "Yes, and I would just like to thank Scott. He's very knowledgeable and he's brought a lot of attention to areas that were languishing for a long time and I appreciate his hard work and I'll miss seeing him around. Yes."

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

Councilman Densieski: "I think the town made a mistake letting Scott go but we still will have him as outside counsel which is a good thing but a lot more money. But I will vote yes."

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

Supervisor Cardinale: "Yes. Scott did do good work particularly in the assessment area. We are hoping to continue his services, we are going to do so, and actually I just got a bill from Scott today and you're absolutely right. I liked it better when he was working for us but he is continuing to work in a specialty for us and he says he thinks he can handle it and bring his bills down and, hopefully, he will. Yes."

Barbara Grattan: "The resolution is adopted."

Barbara Grattan: "Leroy's here so we can get- "

Supervisor Cardinale: "Leroy- "

Barbara Grattan: "-- the final three."

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Supervisor Cardinale: "-- would you come up for a second. We want to move back to 903. We have in front of us to accept a very routine resolution accepting a 5% security bond, Terry Contracting and Materials, Inc. But the thing that was brought up in the middle of the vote was that his security bond in regard to a site plan of 1995."

Leroy Barnes: "Right."

Supervisor Cardinale: "And we were concerned about the- "

Leroy Barnes: "Well, in 1995 there was a permit issued with a bond and site work was commenced. However, there were other additional items that were required and he had to get Wild and Scenic Rivers Act and a couple other items straightened out and by the time he got it resolved, it's- "

Councilman Densieski: "Okay."

Leroy Barnes: "-- what he was doing, he was renewing the permit but he wasn't able to commence it without the other jurisdictional approvals."

Supervisor Cardinale: "We have a provision for site plan renewal?"

Leroy Barnes: "We have a site plan that was (inaudible) by a building permit."

Councilman Densieski: "Okay."

Leroy Barnes: "Which has continued."

Supervisor Cardinale: "And you continued- "

Leroy Barnes: "Because the work commenced. There was a memo that I asked Sharon to do."

Supervisor Cardinale: "It didn't come through here, that's why- "

Councilman Densieski: "Yeah, I understand."

Leroy Barnes: "But this was like three months ago."

Supervisor Cardinale: "What kind of project was it?"

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Leroy Barnes: "It's to put- "

Councilman Densieski: "He's got a construction company basically there. He's been operating it for years."

Supervisor Cardinale: "Okay. So basically it's on West Main Street."

Leroy Barnes: "It's to put up a metal storage building and an office. And he put a berm up on the west side of the property and on the front of Main Street and he was- he tore down which was the Danowski's fish market at the time. So we took the position that the site plan is still valid with the vesting of the building permits."

Supervisor Cardinale: "How did he get the extension of the building permit for that period?"

Leroy Barnes: "Well, once he commenced construction, he did some part of the site plan work. Because he had other jurisdictional problems other than ours we felt he was vested in the site plan."

Supervisor Cardinale: "Did you get- "

Leroy Barnes: "We asked- we talked to Dawn about it probably three or four months ago. I asked Sharon to put in a memo to specify the dates as to how we got to the point where we are now so if you feel uncomfortable- "

Councilman Densieski: "No."

Leroy Barnes: "But I think the guy's been really patient and he really wants to get- he ordered a building two years ago and then he had to get Suffolk County Health Department so he's really been patient and he wants to do the right thing."

Supervisor Cardinale: "I'll say, a site plan from 1995."

Leroy Barnes: "I mean you could always grant it tonight and then if there's another issue that comes up, we can always hold the CO if that's an issue."

Supervisor Cardinale: "Yeah, we're just accepting the security bond."

Councilman Densieski: "Just wanted the question answered."

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Supervisor Cardinale: "Okay. Thank you. Does anybody else have any comment? Otherwise, we'll- "

Barbara Grattan: "I need Eddie's vote."

Supervisor Cardinale: "You want to continue the vote?"

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

Supervisor Cardinale: "Yeah. In view of the fact that we're accepting money which I enjoy doing anyway and the vagaries and intricacies we can further discuss before the CO, I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #907

Barbara Grattan: "Now we're back to 907, Councilman Densieski. This is with the addition of town attorney to the resolution."

Councilman Densieski: "Adopts a local law to amend Chapter 101 entitled Vehicles and Traffic of the Riverhead town code. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #908

Councilwoman Sanders: "Adopts a local law to amend Chapter 101 entitled Vehicles and Traffic of the Riverhead town code. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #909

Councilwoman Blass: "Adopts a local law to amend Chapter 108 entitled Zoning of the Riverhead Town Code specifically Article Xiii

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Supplementary Use Regulations. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #910

Councilman Bartunek: "Appoints a part time recreation aide to the Riverhead Recreation Department. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #911

Councilman Densieski: "Approves 2-ME Plumbing and Heating as a drainlayer for the Riverhead Sewer District. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #912

Councilman Densieski: "Approves a Chapter 90 application of Peconic Bay Region of the Antique Automobile Club of America. So moved."

Councilwoman Blass: "And seconded, with an amendment."

Supervisor Cardinale: "You want, yes, could we ask that that be added at- "

Councilman Bartunek: "Put a Whereas, Chapter 90 fee of \$200 paid to the town of Riverhead."

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Supervisor Cardinale: "Adding a fifth Whereas. Whereas, a Chapter 90 fee of \$200.00 has been paid. And with that alteration or modification, can we have a vote?"

The Vote: "Bartunek."

Councilman Bartunek: "I have to abstain from this one but I'll tell you it's going to be a great show for anyone who wants to come out and (inaudible) Sound Avenue on October 17th."

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

Supervisor Cardinale: "Are you a member of the club?"

Councilman Bartunek: "I'm afraid so."

Supervisor Cardinale: "Okay."

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

Councilwoman Sanders: "As an antique or car?"

Councilman Bartunek: "Both. It's a very fun (inaudible)."

Councilwoman Sanders: "Thank you. Yes."

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

Resolution #913

Councilman Densieski: "Approves a Chapter 90 application of the Riverhead Business Improvement District for an Octoberfest celebration. So moved."

Councilwoman Sanders: "And seconded."

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

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

Supervisor Cardinale: "Yes. October 16th on the riverfront, 1 to 6 p.m."

Barbara Grattan: "The resolution is adopted."

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Resolution #914

Councilwoman Blass: "Authorizes a Sewer District employee to attend a course. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #915

Councilman Densieski: "Authorizes the attendance of two police officers to the New York Highway Safety Conference. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #916

Councilwoman Blass: "Authorizes the designation of certain structures as landmarks pursuant to Chapter 73 entitled Landmarks Preservation of the Riverhead Town Code. So moved."

Councilwoman Sanders: "And seconded."

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

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

Supervisor Cardinale: "Yes. I note this includes the Suffolk Theater, so it is now a landmark. Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #917

Councilwoman Sanders: "Authorizes the release of a cash

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security for Winkal Holding LLC. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #918

Barbara Grattan: "Resolution #918, Councilman Bartunek."

Supervisor Cardinale: "We had a clarification, Rick, on this one. This is on the Fed Ex building, release of performance bond, discussion we were just having."

Rick Hanley: "Yeah. I couldn't lay my hand on the file, it could be a dead file downstairs. What I would suggest that you do is possibly amend the resolution to release the performance bond upon the filing of that dedication that was made part of the site plan review."

Supervisor Cardinale: "Okay. That would be the first Resolve, Now, Therefore, Be It Resolved, the Town Board of the town of Riverhead authorize the release of the performance bond in the sum of \$90,000 upon satisfactory evidence of recordation."

Rick Hanley: "Right. Of the offer of dedication along Edwards Avenue, 10 feet I believe it was."

Supervisor Cardinale: "The recordation at the County Clerk's office of the offer of dedication- "

Rick Hanley: "Right. Along Edwards Avenue."

Supervisor Cardinale: "Along Edwards Avenue. Okay, we'll make sure that's done before we turn over the money."

Rick Hanley: "Right."

Supervisor Cardinale: "You got that, Barbara? Upon satisfactory evidence of the recordation of the offer of dedication along Edwards Avenue."

Barbara Grattan: "Got you."

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Supervisor Cardinale: "With that amendment, can we have a vote?"

The Vote: "Bartunek."

Councilman Bartunek: "Yes. Did we present this and we second it?"

Barbara Grattan: "No, we didn't- "

Councilwoman Sanders: "No."

Supervisor Cardinale: "Okay, that's correct. You want to do that?"

Resolution #918

Councilman Bartunek: "Authorizes the release of a performance bond for Cargex Properties (Federal Express building). So moved. As amended."

Councilwoman Sanders: "And seconded."

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

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

Resolution #919

Councilwoman Sanders: "Authorizes the release of security for R&K Precision Autoworks, Inc. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #920

Councilwoman Blass: "Authorizes the Town Clerk to publish and post a help wanted ad for a legal stenographer in the town attorney's office. So moved."

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Councilman Bartunek: "And seconded."

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

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

Resolution #921

Councilwoman Sanders: "Authorizes Town Clerk to publish and post a notice for public hearing regarding Community Development Block Grant (CDBG) Funds. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded. That will be on November the 3rd meeting of our- at 2:05. Vote, please."

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

Resolution #922

Councilwoman Blass: "Refers the special permit petition of Jet Repair and Towing and refers Petition to the Riverhead Planning Board. So moved."

Councilman Densieski: "Second the motion."

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

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

Councilman Densieski: "I don't think I have to abstain but I think I do have to probably disclose, I'm a former owner of Jet Towing. I sold out in 1992 so I don't think I have any problem voting but I just wanted to disclose it. Yes."

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

Resolution #923

Councilman Bartunek: "Ratifies appointment of guard to Sanitation Department. So moved."

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Councilwoman Sanders: "And seconded."

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

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

Resolution #924

Councilwoman Blass: "This ratifies a correction to Resolution #897 of 2004. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #925

Councilman Densieski: "Resolution and consent approving the dedication of highways known as Cliff Road, Cedar Road, Locust Road, Ravine Road, Oak Road and Dogwood Road. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Can we have a discussion on that? Since this unlike the other that we're about to pass, doesn't simply call for a public hearing but actually incorporates these into our system, these roads, and these roads were actually roads in a filed map of 1936, yeah, and 1950, and because we have- we're taking the roads in that are that old, there's a reference at the final Whereas to a deed of dedication and release affecting the roads, drainage, sumps and other improvements."

It looks like we're taking in roads from a very old subdivision which preceded our planning department and I don't know anything about these roads. And I called the highway Superintendent previous to the meeting about three, four o'clock and I didn't reach him and he didn't get back to me. Does anybody- can anybody help me out here about what these roads are because I don't know."

Councilman Densieski: "Yeah, Rolf's neighborhood."

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Supervisor Cardinale: "Who can? Is it your neighborhood? Come on up, somebody help me out because I don't know enough to vote yea or nay on this yet."

Rolf Koesling: "Rolf Koesling."

Supervisor Cardinale: "I was hoping Kwasna would be here- "

Rolf Koesling: "Wading River."

Supervisor Cardinale: "Go ahead."

Rolf Koesling: "What do you want- what is the question?"

Supervisor Cardinale: "The question is how come these particular roads are being dedicated now when they've been around since 1936."

Rolf Koesling: "Well, there have been a lot of times we've asked- I used to be a member of the community. No longer."

Supervisor Cardinale: "Yeah."

Rolf Koesling: "There were times when we asked the have the town take them over. The town's been working on them, I mean they plow the roads, they fix the potholes and all that, but it's becoming- we used to oil the roads and take care of them that way but it's become so expensive, I think the last time we did it was about 10 years ago. Up to then we've been paying for the oiling and the grit- it used to be grit roads, sand and grit. That's all I can say."

Supervisor Cardinale: "The reason I bring it up is before we assume these roads in, I need to make sure that he's certifying these roads in the same manner as he apparently certified the other 84.

Also, why are we doing these roads and not having a public hearing to make sure as that as with the other roads- "

Rolf Koesling: "Well you have sort- you sort of have a public hearing at that Wading River Congregational Church on those roads. I didn't attend that one but there was a meeting on it."

Supervisor Cardinale: "Did we have a public hearing on these roads? I don't think- I don't recall. See, what I'm concerned about is how do I know that these people- first of all, how do I know that

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these people want these roads to be public?"

Councilman Densieski: "Mr. Supervisor- "

Supervisor Cardinale: "Yeah."

Councilman Densieski: "-- it sounds to me like all of us don't have enough knowledge. If you don't mind, I'd like to make a motion to table 925 for more information."

Supervisor Cardinale: "Okay. I'd like that and discuss it at the work session Thursday."

Councilman Densieski: "That's fine."

Supervisor Cardinale: "So there's a motion to table. Is there a second?"

Councilman Bartunek: "I'll second that."

Supervisor Cardinale: "All right, it's seconded to table for further discussion Thursday at the work session. Do we have a vote, please? Yeah, he may just refresh our recollection but I don't have one right now."

The Vote: "Bartunek, yes, to table."

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

Rolf Koesling: "One more thing though. Last May I asked about some street signs there. They haven't shown up yet."

Supervisor Cardinale: "I'll talk to him on that, too, Rolf. Thank you. Because I'll be talking to him tomorrow. Street signs on those roads, yeah. Are they identification signs, you're talking? Identifying the roads. Okay. Yes, thank you."

Resolution #926

Councilwoman Sanders: "Authorizes a match for the Empire Zone Administration. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #927

Councilman Densieski: "Declares lead agency and determines the environmental significance of improvement to the Railroad Avenue parking area. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #928

Councilwoman Blass: "Authorizes the Town Clerk to publish and post a public notice to consider the incorporation of certain private roads into the town of Riverhead's highway system pursuant to New York State Highway Law Section 189-Highways by use. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #929

Councilwoman Sanders: "Authorizes the Town Clerk to publish and post a public notice of public meetings schedule for the Open Space Committee. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #930

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Councilman Densieski: "Approves a Chapter 90 application of Abbess Farm, Marie Tooker. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #931

Councilman Densieski: "Hold on one second, I'm sorry. Okay, so they're having more than just a- okay, I'm sorry, Mr. Supervisor."

Supervisor Cardinale: "Okay, 931."

Councilman Bartunek: "2004 Recreation Capital Project improvement project budget adjustment. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #932

Councilwoman Blass: "Awards a bid for 18 foot diameter steel gazebo for Lombardi Park. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #933

Councilman Densieski: "Memorializing resolution in opposition to Suffolk County's proposed protocol for Emergency Medical Services (EMS) and public safety answer point (PSAP). So moved."

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Councilwoman Sanders: "And seconded."

Supervisor Cardinale: "Wasn't the last one 931?"

Councilwoman Blass: "932."

Councilman Densieski: "No. The gazebo was 932."

Supervisor Cardinale: "Did we pass that?"

Councilwoman Blass: "Yes."

Supervisor Cardinale: "Okay, thank you. So 933. I'm sorry."

Councilwoman Sanders: "Did I second it? And seconded."

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

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

Councilwoman Blass: "Yes. We just need to change the date at the top."

Supervisor Cardinale: "October 5th instead of October 7th. Amend that please."

Councilwoman Blass: "Yes."

Barbara Grattan: "Where is that?"

Councilwoman Blass: "At the top of the resolution."

Supervisor Cardinale: "Very top."

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

Resolution #934

Councilman Bartunek: "Amends Town of Riverhead Zoning Use District schedule Business Center, Shopping Center and Destination Retail Center Zoning Use Districts. So moved."

Councilwoman Blass: "And seconded."

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

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The Vote: "Bartunek, yes; Sanders."

Supervisor Cardinale: "One clarification here. If you look at the first- before we finish the vote. Be it resolved, Now, therefore, be it resolved, the zoning use district schedule shall be amended to reflect the commercial zoning use district changes adopted on September 30th. Does that mean October 5th?"

Councilwoman Blass: "Oh. It means today."

Supervisor Cardinale: "Yeah, so let's change that to October 5th because that was anticipated to be passed on that day. Okay, so with that change, can we have a vote, please?"

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

Supervisor Cardinale: "Yes. And this is the first of the districts I mentioned earlier that are going to be passed."

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

Resolution #935

Councilwoman Blass: "Amends the zoning map of the town of Riverhead, Suffolk County, New York. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #936

Councilman Bartunek: "Adopts a local law to amend Chapter 108 entitled Zoning of the Riverhead Town Code (Destination Retail Center Zoning Use District). So moved."

Councilwoman Blass: "And seconded."

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

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

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Resolution #937

Councilwoman Blass: "Authorizes the Town Clerk to publish and post a public notice for public hearing to consider the repeal of certain sections of Chapter 108 entitled Zoning of the Riverhead Town Code (Business A, Business B, Business C, Business D, Office/Service, Business G, Industrial A, Industrial B, Defense Institutional. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #938

Councilman Bartunek: "Adopts a local law to amend Chapter 108 entitled Zoning of the Riverhead Town Code (Shopping Center Zoning Use District). So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #939

Councilwoman Blass: "Adopts a local law to amend Chapter 108 entitled Zoning of the Riverhead Town Code (Business Center Zoning Use District). So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #940

Councilman Densieski: "Accepts cash security of Alexander

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Tuthill Funeral Home, Inc. for parking lot expansion. So moved."

Councilwoman Sanders: "And seconded."

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

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

Resolution #941

Councilwoman Sanders: "Extends the bid for diesel fuel. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #942

Barbara Grattan: "Resolution #942 is to pay bills."

Councilwoman Sanders: "So moved."

Supervisor Cardinale: "Yeah, we have- we're going to do that one and then the next one is an add on."

Councilman Densieski: "I move to pay bills, Mr. Supervisor."

Supervisor Cardinale: "Yes."

Barbara Grattan: "Second it? Rose did."

Councilwoman Sanders: "Yeah, I already moved it but I'll second it."

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

Councilwoman Sanders: "That's okay."

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

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

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yes; Cardinale, yes. The resolution is adopted."

Resolution #943

Barbara Grattan: "Resolution #943."

Supervisor Cardinale: "We have an add on, 943."

Councilman Densieski: "Yeah, I'd like to move Resolution 943 which approves amended site plan of the Wading River professional buildings on James Tsunis. So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "This was placed on late because- and had to have a number assigned so I would- it's been moved and second. I'd like a vote."

The Vote: "Bartunek, yes; Sanders."

Councilwoman Sanders: "I wasn't-- I didn't realize-- we did not have an opportunity to discuss this particular resolution at Thursday's work session. However, I am familiar with the resolution. It had come up for discussion several times before and unfortunately we never resolved those particular issues that were of concern to me.

There was an approved site plan, yes, but there were changes made to the site plan. There were buffered areas that were clearly identified in the site plan and by the modifications that are outlined in this particular resolution, they were clearly in violation of what the approved site plan called for.

Had-- possibly had the applicant come to the Town Board prior to making the modification to the site plan, there could have been an approval, there could have been an agreement made prior to the work being done. I would like to avoid the precedent of approving site plans after the work is done and the amendments to those site plans after the work is done.

So because of that and for no other particular reason, I vote no."

The Vote (Cont'd.): "Blass, no; Densieski."

Councilman Densieski: "Yeah. Nobody wants to do this but what we're talking about here is a child's playground. Maybe it's going

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to set a precedent that you know we allow a children's playground to go with an-- allowed to go in a site plan. That might be a bad thing. But what we're talking about is a nice playground for children. I'm sorry that it's coming through this way and I'm sorry that the applicant didn't do it ahead of time. But we gave him a \$7,500 fine and I think he'll remember next time.

But the fact of the matter is it's a children's playground. It's not a big deal. We're not setting a precedent. I'm going to vote yes."

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

Supervisor Cardinale: "Yes. I'm going to vote yes. I'm convinced that the \$7,500 fine and the \$500 amended site plan fee is (inaudible) in this particular instance although I acknowledge the point that Rose made, that you don't want to do this too often because you don't want to send the wrong message. So I vote yes."

Barbara Grattan: "The resolution is adopted."

Supervisor Cardinale: "Okay. That ends the resolutions that are on the agenda for today and we are now open for any general comment on any matter that is before the Board as it functions as a Town Board.

If you'd like to make a comment, come on up and if you'd try to limit your comments to five minutes or less, we'd appreciate it."

John Rosenbaum: "Okay. My name is John Rosenbaum, I live in Jamesport."

Supervisor Cardinale: "Yes."

John Rosenbaum: "And I'm here because I'm concerned about a speeding problem on my road. I wasn't sure if this was the right venue."

Supervisor Cardinale: "This is the right place and the right time."

John Rosenbaum: "Okay, I live on Herricks Lane."

Supervisor Cardinale: "Yes."

John Rosenbaum: "And the speed limit is 40 and most of the people do between 50 and 70. And I just wasn't sure what the

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solution could be but I thought I'd come here and bring it up to you."

Supervisor Cardinale: "What is the speed limit, 45?"

John Rosenbaum: "Forty."

Supervisor Cardinale: "Forty, on Herricks Lane throughout?"

John Rosenbaum: "Yeah. And it's a nice straight road going from the Main Road to the North Road so people just take it as a short cut. They do like- a lot of people do like 70 or more on it."

Supervisor Cardinale: "Yeah. There are at least three things we could do. One is- and will. One, George and who else is on the Traffic Safety Committee- "

Councilman Bartunek: "Mark Kwasna, the chief of police and Ken Testa."

Supervisor Cardinale: "The Highway Superintendent and Chief of Police are committee members and the town engineer are all on that. They can look at it, see if the increase in speed limit is- decrease, I guess. The speed limit is appropriate. The problem is they're speeding. They could put one of those signs up to remind people they're going 65 which is easy to do on Herricks Lane because I live in that area.

They could also patrol it more heavily with police officers so they get the idea. And they could put up signage or- and that pretty much- I'm out. Anybody other ideas?"

Councilman Bartunek: "What about speed bumps?"

Supervisor Cardinale: "Yeah, we can further discuss speed bumps and speed humps. And if you want more on that, watch our work session of last week. I think I will not say anymore because I was- "

(At this time the CD ran out)

Barbara Grattan: "Ready."

Supervisor Cardinale: "Okay, you're on."

Bernadette Voras: "Good evening. Bernadette Voras."

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Riverhead. I'm here this evening to ask the Board to consider two things. First the code in regard to parking stalls.

The present code says for every three seats in a restaurant there should be one stall. I would like you to consider that after I show you the evidence that I have, that that is proving to be insufficient for certain restaurants, not the ones that are in the very large shopping areas, for instance, the one in the Home Depot. There are two restaurants there. I don't think they have that parking problem.

But I have noted in several meetings and of course in my own area that for instance in South Jamesport they seem to be having a problem with parking and of course we are. I have been before you before with photographs of the parking, the illegal parking in the field opposite and across the street from the Lobster Roll, and I want to revisit that with a lot of facts this evening.

The second thing- I would like to propose to you to consider a two persons for one stall and I think that that might solve some of the problems.

I'm dealing here particularly with the Lobster Roll this evening. That's where I got the major proof. But I've noticed this past week it is a very big time for the Cooperidge Inn. On the weekends they have lovely outside sitting and everything, a lot of people enjoying themselves and a great thing. But I've noticed that the staff which usually does not park on the road, in the field, at least this field is adjacent to the restaurant. They are- I counted 10 cars on Sunday and I'm sure they were not customers because they were before time.

And I presume that the same thing may be happening at the Lobster Roll I will try to prove.

South Jamesport, I get an inkling that this might involve the same thing.

The second thing I ask you to consider is to beef up enforcement of code in this regard. I sent a letter and- to Barbara and I know that you received copies. I gave you a photograph of the parking, the illegal parking across the street from the Lobster Roll, and I also sent you all of the history of the Lobster Roll and its seating.

I believe that the seating problem which I feel has not been enforced in the code by the town and Suffolk County, is leading to

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the parking problem. There are 43 parking spaces and two handicap for the Lobster Roll and there are eight parking spaces and one handicap for the eight stores.

I'd like to just read verbatim this- and then just make a couple comments and then I shall be finished. It would seem that the present code is inadequate as far as parking is concerned in my opinion because these problems are arising.

The Lobster Roll in particular I have- I deal with them. The permit given by the Suffolk County Health Department for the seating in the Lobster Roll is 90 seats and I am told that they get that because of their sanitary systems. That's all it can hold. Yet on the wall, I see a sign for 56. Well, perhaps that might be the winter. But anyway it's an interesting thing to see occupancy sign of 56 but I presented to you in the letter that I'm sure you received and if you- I'm sure Barbara gave it. So- "

Supervisor Cardinale: "Yes."

Bernadette Voras: "-- the permit says 90 seats. I went in on the 23rd at 1:00 after a morning meeting here and I counted 129 seats. So that was interesting. At that point I decided that I would ask for the history through a freedom of information for this restaurant because I'm looking at 90 on the permit and I'm seeing 129.

They have been cited twice before, in June of 2003. One of the things- I'm not going to go into food violations all right, but I'm dealing strictly with seating. In June of 2003, they had 137 seats. They received a warning that they were to correct this by September of 2003. They were visited again in September, 2003, and they were down to 127 seats. Not 90.

So I said to myself, well, now they're back to 129 and this is September of 2004, a year later. I wonder why they're still defying the law. And so I have issued a request for an investigation from the Health Department. They assured me that they would be visiting very shortly if they haven't already visited and I said that I will follow this up and I want to know why they have not been forced to comply. I have asked them to even make it a court case if you have to close them down. How many times do you have to be cited?

Now, in doing that I said to myself, okay, if you're- you've got 129 seats, your original plan that you submitted when you made this restaurant happen were for at least the 90 seats, certainly not for any more. Now, I have come to realize that staff parking has never

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been considered in the code. It can't be. I mean not as far as these smaller restaurants are concerned. It's impossible.

So there's 10 individual parking spaces for one person apiece, at least, because that's how many staff members they could have. So right away, there is an inadequacy and I cannot understand why it wasn't see.

You know, I know nothing about planning and codes. But all I had to do was look at the permit and say, and count the seats, and I see an obvious problem. Now, surely if we haven't visited them and if we haven't enforced and checked this out, our good code officers, I know that we are short and I've said this before. But this is the essence of code and the idea of enforcement in our town and what we're trying to reach to.

So, I really request besides Suffolk County getting in on this which they already are going to do, the Health Services Department, I would like our town to please follow up on our end and get this thing solved because I'm sick and tired of seeing people cross the road and endanger their lives and I'm not kidding, I'm not being dramatic. I've showed you a film. I made a video for you. And I'm not joking and I'm quite serious about this. Something has to be done and it has to be done now.

The other thing that I realized was I went to each store for the first time and I looked in and there are the eight little stores. One is not so little and one is a business office for the Terry family. There is only eight parking spaces and one handicap. That, folks, is very interesting because if that was in the siting plans in the beginning there are eight people in the shops running the shops. That's their parking spaces. There are no parking spaces then for people to come to the shops.

And then I started to think, the folks may come to the restaurant and then after they finish their meal, they would go and visit the shops. Okay, that's great. The only thing is they are remaining in their parking space after they're out of the restaurant, yet there are new customers coming in. Where do they go? In the fields.

Now I understand that we have a major problem and I'm hoping that I can convince you finally that we have a major problem here. I think it is- I believe it has to do with the seating and making sure that that seating is observed and I also think that it has to do with the site planning.

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If there are variances given, I can't understand that. How can you give a variance for parking without having this thing occur across the street in this case, people crossing the street in order to get to the restaurant.

And I'm not talking about a little street. I'm talking about Sound Avenue. Loaded. Overloaded these days. So, without any more adieu and I do want to make this little aside, too. There's a Zoning Board of Appeals, I've been going to those meetings. There are many, many appeals that are very worthy, life changes, families grow and so forth.

But I can't see asking for a variance for parking. I really can't. And I think that we should start- if this hasn't been done in the past and - "

Councilman Densieski: "Excuse me, Bernadette."

Bernadette Voras: "-- obviously it hasn't, I think we should start now."

Councilman Densieski: "Bernadette."

Bernadette Voras: "Yes?"

Councilman Densieski: "I don't think there's a variance for a lack of parking. I think if they cannot provide enough parking, they have to pay the town it's either two or three thousand dollars per stall. I don't think they have the authority to waive that."

Bernadette Voras: "Do you mean that- what would they get if they paid you \$3,000?"

Councilman Densieski: "They would get the ability to have less than what the town code requires them to have."

Bernadette Voras: "Okay. That's what I thought. And I saw that in the master plan in reading and it's almost like if you can't have- if you can't follow this, then give us a bribe- I'm just telling you this, okay. This is what it looks like. I'll give you \$3,000 and we can forget about it.

It just can't happen. And I saw this in the code and I couldn't believe it. Not the code, the master plan. There were things about if you can't, you know, fit into this situation, well, here's a donation and this is this.

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Now, I'm asking, please. This is a situation. Can you do something about it? Can you start discussions on it and see if something can be done?"

Supervisor Cardinale: "Yeah, we can do that and I'll put it on the work session."

Bernadette Voras: "That's what I'm after this evening."

Supervisor Cardinale: "I will put this on the work session for Thursday to discuss. I want to point out two things. One, Barbara, I wanted you to address that question of the 3,000- "

Councilwoman Blass: "I think the recommendation was in those certain instances where someone would want to do this, the recommendation was to increase the fee or to revisit whether the fee was adequate. I'm not saying that it's a good, bad or ugly idea- "

Supervisor Cardinale: "Right."

Councilwoman Blass: "-- I'm also suggesting that I think that when you take the fee, you're supposed to be using it in order to provide parking in perhaps a parking district area and not necessarily for situations like this where the fee would not be able to produce additional parking or go towards additional parking."

Councilman Densieski: "I'm going to give you a perfect example because I really didn't like your comment about the bribe, I didn't think that was appropriate."

Bernadette Voras: "Oh, that wasn't for you."

Councilman Densieski: "I know it wasn't for me."

Bernadette Voras: "It's just the rule."

Councilman Densieski: "Well, as a rule, I didn't appreciate it."

Bernadette Voras: "Okay, all right. Fair enough."

Councilman Densieski: "There was a restaurant in Wading River who was next to a municipal lot who could not make it and the building was already there. He wanted to renovate it and have a restaurant. So he had to pay the town and he got to open a business

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and get rid of a blight in the area. So I disagree with you."

Supervisor Cardinale: "Bernadette, there's an interesting- the presentation was interesting and but I want to suggest you do something. Jill, my deputy, has spent innumerable hours on this problem and she's very well versed in it. And if you haven't spoken to her, you should speak to her.

Because one of the problems I think involved here is that we don't enforce the seating. The Health Department enforces their seating laws."

Bernadette Voras: "Yes, they told me."

Supervisor Cardinale: "And so we may have limited jurisdiction but Jill is here, she just walked in. Would you talk to Bernadette about all the work you've done on this and where you are because you usually make sense and you'd probably make sense to her. But we will talk about it at the work session as well. And thank you for bringing it to our attention."

Bernadette Voras: "Okay, thank you very much."

Supervisor Cardinale: "If there is- is there any other comment. Nick, Bill, I renamed you Nick. I knew a guy named Nick Barbato at (inaudible)."

Phil Barbato: "Thank you, Mr. Supervisor. Phil Barbato from Jamesport. I just wondered if there has been any action taken by the Town Board on the site plan called Hamlet at Jamesport."

Supervisor Cardinale: "Say that again, I'm sorry."

Phil Barbato: "There was a site plan called Hamlet at Jamesport."

Supervisor Cardinale: "Yes, I remember it."

Phil Barbato: "That was submitted a couple weeks ago. I was just wondering if there has been any action taken by the Town Board on that."

Supervisor Cardinale: "There has been no action on that that I am aware of. Does anyone else- we have not seen that or had it presented to us by the staff."

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Phil Barbato: "Just wanted to add one bit of information to that. It is within 500 feet of an agricultural district which would trigger I think the referral to the Suffolk County Planning Commission."

Supervisor Cardinale: "Yes."

Phil Barbato: "The parcel that it's within 500 feet of is 600-68-1-3.1. It's a 19.6 acre parcel within the Ag District."

Supervisor Cardinale: "Okay. So it's- we- Rick Hanley who also was here, will- I'll note that for him so he'll know to refer to it appropriately."

Phil Barbato: "Thank you."

Supervisor Cardinale: "Thank you, Phil. Yes, sir, you had another comment."

Robert Serrio: "Robert Serrio, Vineyard Way, Aquebogue."

Supervisor Cardinale: "Yes."

Robert Serrio: "I'd like to call the Board's attention to a flooding condition in the development built by Zoomas Homes in Wading River. And I'd like to submit some photographs and some surveys."

Supervisor Cardinale: "Sure. Can you tell us the subdivision it's in."

Robert Serrio: "It's the Meadows off Church Lane on Vineyard opposite North Fork Woods, I believe."

Supervisor Cardinale: "Oh, the subdivision opposite- I know it well because my daughter lives in North Fork Woods."

Robert Serrio: "Yes."

Supervisor Cardinale: "Okay. Please, would you give that to the Clerk. In regard to that subdivision, you're protesting the flooding conditions, objecting to them at least. Do we- Leroy, do we still have a bond on that (inaudible). Okay. Unfortunately that's the first question if we still had a bond we'd be in much better condition."

Dawn Thomas: (Inaudible)

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Supervisor Cardinale: "Okay. The Town Attorney was telling me that she thought perhaps some of the residents were in litigation with the developer about the poor drainage."

Robert Serrio: "I thought that was resolved. Do you know which resident?"

Dawn Thomas: "I don't recall the names of the residents but over the past several years, we've dealt with a few of them who, I believe, litigated against the developer for drainage problems that were created during the construction of the subdivision."

Robert Serrio: "During the construction."

Dawn Thomas: "I'm not- we were not involved in those lawsuits."

Robert Serrio: "Right."

Dawn Thomas: "But- and I'm not sure how they were resolved ultimately."

Robert Serrio: "Well, nothing has been resolved as far as the poor drainage goes which the photographs would show and also on- there is a covenant on the agricultural buffer which has not been adhered to which during construction was disturbed which contributes to the flooding conditions."

The photographs were taken on September 29th. The drainage comes across my backyard down into the street. This produces a safety hazard. It's an ongoing problem which was created by the builder when he did the subdivision.

Some of the town codes were not adhered to. There are copies that I've made which involved storm water runoff and so forth and I would like to bring it to the Board's attention so they can look at the matter and do what's appropriate. Because you can see the photographs, this condition cannot stay the way it is right now.

I mean there is a sump, there is a low area on the sod field. When the subdivision was designed, common sense would have been to not put the subdivision between the low elevation of the sod farm. Put the sump between the sod field and the subdivision and that would have taken- a simple way to have taken care of the problem.

Now you create a problem where you bring down property values on

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other people's property just because of the storm water runoff from the sod field. And that sod field is under Suffolk County development rights. So it will stay agricultural. So it will not be developed. So at some future date if there was a development in there, then the problem possibly could go away but right now it's not. And it creates a problem every winter, every summer, every time it rains."

Supervisor Cardinale: "This picture here looks like you're on waterfront."

Robert Serrio: "That's exactly what- is that picture #1?"

Supervisor Cardinale: "Yeah."

Robert Serrio: "That's out my back sliding door window. That's out my back sliding door."

Supervisor Cardinale: "If you could get waterview, you might get- "

Robert Serrio: "Yeah. But right now, it's probably worth less than what I paid for it. You know."

Supervisor Cardinale: "Yeah."

Robert Serrio: "But it's something, you know, it's something that really has to be addressed."

Supervisor Cardinale: "Yeah. We have- as I sat on the Town Board and I know Eddie's been on the Board for five years and I sat on it for four before I was on it again and we have- we have too many of these."

Robert Serrio: "Yeah, I understand that."

Supervisor Cardinale: "On old subdivisions but what really bothers me is that's not an old subdivision."

Robert Serrio: "Right."

Supervisor Cardinale: "This is a new subdivision so it's relatively recent problem."

Robert Serrio: "It's two and a half years old. I've been in town for 27 years. I moved from Calverton to Aquebogue."

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Supervisor Cardinale: "You would hope that we would have gotten better at this with all the engineering fees that are involved. What's the name of that subdivision again?"

Robert Serrio: "The Meadows."

Supervisor Cardinale: "Meadows at Aquebogue."

Robert Serrio: "It's on the survey."

Councilwoman Blass: "Were there as built done at the end of the subdivision to ensure that the grading during construction was what was required."

Supervisor Cardinale: "The Meadows."

Robert Serrio: "What was what built?"

Councilwoman Blass: "Were there as built surveys done at the end to make sure that the final grades were- "

Robert Serrio: "That I do not know. All- the copy of the survey- "

Councilwoman Blass: "-- where they were supposed to be."

Robert Serrio: "The only survey I received when I bought the home is the copy of the survey that the Board has. I have nothing on elevations or drainage or anything. That would be in your engineering department."

Dawn Thomas: "When did you close on the property?"

Robert Serrio: "February 14, 2002."

Dawn Thomas: "Have you spoken to your private counsel about this matter, your private attorney?"

Robert Serrio: "Not yet."

Dawn Thomas: "I think- I would advise you in addition to anything this Board may decide to do, that it would be important for you to speak to your own attorney as soon as possible regarding any rights you may have in connection with the issue privately against the builder of anybody else. But I wouldn't hesitate to do that. I would make that phone call tomorrow."

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Supervisor Cardinale: "And we will- I the town attorney is familiar with this and wanted to brief the Board and she will at the work session on Thursday and then I will make it a point to have- to get back to you with a substantive response.

My only response now is that I am disappointed that we're still having drainage problems on subdivisions that were done after 2000. We have enough of them that were done in the 30's, 40's, 50's, 60's, 70's that we have problems with. We shouldn't have problems with the new ones. We should have gotten beyond that and gotten better at the job. We we'll- I'll respond to this from my office Friday."

Robert Serrio: "Okay."

Supervisor Cardinale: "All right. And I should get, let's see, I know your name. Would you give me the- "

Robert Serrio: "The mailing address?"

Supervisor Cardinale: "The mailing address."

Robert Serrio: "Post Office Box 2614, Aquebogue."

Supervisor Cardinale: "2614 in Aquebogue. Okay. Thank you very much. I will get back to you. Robert, right?"

Robert Serrio: "Right."

Supervisor Cardinale: "Okay. If there- is there any other comment? If there is not, hope springs eternal but there is one more. We'll all go back and watch the Yankees and the debate."

Linda Gatz: "Yeah, I want to go home and watch the Yankees. Ed brought up something and maybe I shouldn't bring this up, but you brought up that the fine or whatever that you collected for parking places per se had to do with someone who bought a pre-existing building and wanted to turn it into a restaurant. Did that by any chance happen to be the Lobster Roll?"

Councilman Densieski: "No. It was in Wading River."

Linda Gatz: "It was in Wading River. Because you and I think Phil were both on the Town Board when I came to the work session and said that there was not ample parking to open the Lobster Roll and that day a couple people, I think Rick Hanley was one that did agree

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with me, but I was also told the CO has already been issued and it will open.

This has been an ongoing problem. Councilwoman Sanders brought up one of her big problems is the site plans. Then they go and they change a whole bunch of things and then they come in and file an amended site plan. Mr. Terry did this habitually. I mean it's- no matter what, this is a dangerous situation with the parking and everything there.

I- if we come up Roanoke to go into Zdunko, they want to push us in because they either decide we're going to R&K or we're going to Lobster Roll. Nobody's turning into Zdunko. If we come headed east, they are definitely going to push us in. They want to go around us on the right, they want to go around us on the left. They're absolutely positive we're going to the Lobster Roll. Where else could we possibly be going?

And Bernadette talked about the traffic and the people walking across the road. It's horrifying on Sunday afternoons. I mean one afternoon there was a couple that got out of the car and a little child just started right across the road. They didn't hold the hand or anything and thank God cars in both directions stopped. I don't understand what's going to happen there.

And even if they get- back to Zdunko Lane- even if he does do a parking lot there, that's not going to solve his problem. He does not have enough parking for everything that's going on there. And at this time of year, it's 10, 20 times worse because you've got the pumpkin fields and I mean Zilnicki's pumpkin field has all kinds of parking off the road, none of them are parked on Sound, you know. And it's just unfair all the way around. Thank you."

Supervisor Cardinale: "Thank you. If there is any other comment, please, let's take it."

Carla Esposito: "Just two or three things. The water district land up in Reeves Bay Park. Does the water district still own it or did they sell it?"

Supervisor Cardinale: "Do we still own it, Gary, do you know?"

Gary Pendzick: "They still own it."

Carla Esposito: "They still own it?"

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Supervisor Cardinale: "Yes."

Carla Esposito: "They won't sell it independently from this Board, would they?"

Supervisor Cardinale: "No. This Board serves as the commissioners of the water district."

Carla Esposito: "All right. Because I would request that if that land be sold, that you have it be affordable housing. That neighborhood is made up of small houses and small houses- you could put four small houses there and you can write up the deed that runs it in a 50 year cycle, 20 year cycle- "

Supervisor Cardinale: "Right."

Carla Esposito: "-- of adding money for selling."

Supervisor Cardinale: "Keeping it affordable."

Carla Esposito: "Right. Keep it affordable. And I would ask, too, that you would have the community development open up a list so that you could take names of residents and school district residents, people outside the township here but are in the school district who want to move into the town but can't because they can't find affordable housing like myself, make up a list, find out who wants to move here and find out what they're capable of paying and those are the kind of houses you should be building because I'd like to stay here.

The second thing, with the open space committee, would they consider the land on Osborne north of Middle Road up to where Mill Road merges to Osborne, it's a wooded area, to purchase development rights to that land, not just farmland, but wooded land. It's a real pleasure to drive down that piece of road with woods on each side, good depth of woods. I don't want to see it developed. I love going down that road. Thank you."

Supervisor Cardinale: "Thank you so much. If there's no further comment, it being almost nine, we will adjourn the meeting and we're going to be in session again on Thursday for a work session at 10:00 a.m."

Meeting adjourned: 8:55 p.m.

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