

9/16/2008

Minutes of a Town of Riverhead Board meeting held by the town board of the Town of Riverhead at the Wading River Congregational Church, North Country Road, Wading River, New York on Tuesday, September 16, 2008 at 7:00 p.m.

PRESENT:

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

ALSO PRESENT:

Diane Wilhelm,	Deputy Town Clerk
Dawn Thomas,	Town Attorney

ABSENT:

James Wooten,	Councilman
Timothy Buckley,	Councilman
Barbara Grattan,	Town Clerk

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

Supervisor Cardinale: "We have two proclamations to present this evening. You guys want to wait until you get on TV or you want to get out of here? You'd rather just have these presented even as you are? Okay. All right.

The— we would like to honor this evening and we'd like to come out and do so— the town board would like to honor Eddie O'Neill and Dylan Gould. Did I get that right? Gould. And I bet you'd like to know why. Come on up, guys, please. Because Dylan and Eddie are extraordinarily good examples of the great scholar athletes that Riverhead has produced over the years.

And they had a busy summer. I'm looking at Dylan's proclamation and I'll tell you about it.

It is fitting and proper for the residents of the town to recognize significant achievements of their fellow residents and Dylan is a resident of Riverhead, a senior at Riverhead high school with 101.357 GPA. And he's also a member of the Riverhead high crew team and the east end rowing institute. I bet you many of you didn't know we have a crew team in Riverhead. We also have Latin and Greek courses which you probably didn't know either.

Whereas, Dylan represented Nassau and Suffolk County in Long Island in the 2008 empire state games and placed first in the men's open doubles. He also placed first in the 2008 New York State

9/16/2008

scholastic rowing championship for men's junior doubles. He has taken second place in the Mercer Lake (phonetic) sprints sculling championships in men's junior doubles. Second place in the (inaudible) Cup Regatta for men's junior doubles. He's a former marathon world record holder for the 13 to 18 year old lightweights in December, 2007, and he has benefitted from the guidance and skill of his coaches Al (inaudible) and Michelle (inaudible), both of whom I know and know why he does so well because they're wonderful coaches.

Wasn't Michelle an Olympic rower?

Dylan has been— as the support and encouragement of his family, including his mom, father, Karen and Steven, and his sister, Amelia, and her husband Michael and their children. (Inaudible)

I, as Supervisor, that's me, Phil Cardinale, and the entire town board which tonight is somewhat depleted, and all— but these are all five, all of us, and all the residents of the town offer you congratulations and best wishes for the future which we know will be a bright one, Dylan.

And there you go, Dylan.

Now, Eddie— Eddie O'Neill is, let's see, Bill Welsh my deputy's nephew, and in fact his dad was honored a while back for saving someone as the captain of the ferry between Port Jeff and here. And he's here, this very night, Eddie, the hero, O'Neill.

This proclamation reads:

It is fitting and proper for the residents to recognize significant achievements— Eddie is— Eddie O'Neill, are you a junior— Eddie O'Neill, Jr. son of a hero, is a resident of Riverhead and a junior at Riverhead high school, a member of the crew team and east end rowing institute. Conspicuously absent is your grade point average. Can we safely assume it's not 101.3? That's good. Oh, they put it in, it's over 100, okay. I'm sorry. He placed first in the 2008 New York State scholastic rowing championship for the men's junior doubles, first in the men's open doubles at the empire state games as the representative of Nassau and Suffolk County; second place in the Mercer Lake sprint; second place in (inaudible) Cup— you two must travel together. That's why they it doubles. I get it. I'm a little slow on the (inaudible), but I get it eventually."

(Inaudible comment)

Supervisor Cardinale: "Yeah, mine was definitely not over a hundred.

9/16/2008

You have also benefitted from the guidance of your coaches who you listen to and follow their advice astutely, Al and Michelle, and you've had the support and encouragement of your mother and your father, Janet and Ed, and your brother Daniel in all your efforts and will continue to.

And on behalf of the town and all of us here and all of us not here and all the residents offer congratulations and best wishes to you both for being examples of what we are proud to produce in Riverhead as scholastic achievers and athletic achievers. So thank you.

Speech."

(Unidentified) "We thank our coaches for everything they've done for us, our parents who are there (inaudible), and thank everyone for helping us."

(Unidentified) "Yeah, I'd like to thank all those same people, all the people that were mentioned."

Supervisor Cardinale: "I want to thank you both. I don't want to be (inaudible), but is there any way we can transfer this grade average of a hundred or better plus the athletic prowess into like a college scholarship? Do they give these for crew? Okay. So you're coming back next year and we'll announce the scholarships. All right? Thank you."

Councilman Dunleavy: "It will only be a few minutes. Phil had to go outside for a few minutes."

Councilwoman Blass: "I wonder if you wanted to mention the fact that Riverhead received official notification of those two structures in town now listed on the national register, one here in Wading River. Why don't you come up and- "

Richard Wines: "While we're waiting for Phil, I'm Richard Wines, Chairman of the Landmarks Preservation Commission in Riverhead. And Barbara reminded me, we should announce that we just received official notice that two structures in Riverhead have been placed on the National Register of Historic Places which is an incredible honor.

And, of course, one of those structures is right here in Wading River and belongs to Gordon- belongs to the Danbys over here, if you want to stick your hand up or something. I think everyone knows you here anyway, the Woodhull House which is just a marvelous structure and one of the oldest here in Wading River and one of the reasons we're talking about a historic district tonight.

9/16/2008

The other happens to be in the other end of town and it's the Jedediah Hawkins House and if any of you haven't seen that restoration it's also a marvelous project. So congratulations Gordon and Jane on being on the national register.

This is a rare honor by the way."

(Some inaudible discussion)

Supervisor Cardinale: "Okay. All right. Despite the fact that we do not have a camera, we're going to get going and the first thing we're going to do is- "

Councilman Dunleavy: "I move we accept the minutes of the Sept. 3rd board meeting."

Supervisor Cardinale: "Yes, thank you, John."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded to accept the minutes of the last board meeting. Vote, please."

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

Supervisor Cardinale: "The next thing I'd like to know about is the Reports, Applications, Special Events and Correspondence received since the last meeting."

REPORTS:

Police Department

Monthly report for August, 2008

Building Department Total fees collected for August, 2008 - \$121,432.25

APPLICATIONS:

Special permit
Glenn A. Haas - special permit application - proposed second floor addition, 860 East Main St., Riverhead

9/16/2008

SPECIAL EVENT:

Hallockville Museum Farm -
Country festival with crafts
Oct. 4th and 5th

George Bartunek - antique
car show at Hallockville
Museum Farm - Oct. 29th

East End Rowing - rowing
race on the Peconic River
Nov. 2nd

CORRESPONDENCE:

Lyn Evans Project director
for accessible Long Island -
re: proposed Chapter 53 -
improvements for disabled
and elderly

Jacalyn R. Fleming of
re: special use permit

Munley, Meade, Nielsen &
Re:Omnipoint Communications
at
Tanger Outlet Center

Robert J. Hall
Re: Riverhead Resorts at
EPCAL

Henry Silverman
re: his property at 267
Peconic Bay Blvd.

Michael Harrigan
re: public hearing proposed
creation of Wading River
Historical District

Diane Wilhelm: "And that is it."

Supervisor Cardinale: "Thank you. Okay. We can now move
onto the hearings that are scheduled for 7:05, 10, 15, 20,25 and 30
and the good news is that the 7:15 has been canceled because they're
going to take down the unsafe building without us making them.

9/16/2008

I'd also like to tell you how absolutely delighted I am to be here in Wading River again with you. Once a year is not enough; we should be coming out here more often and will try to do that."

Public hearing opened: 7:30 p.m.

Supervisor Cardinale: "The first hearing is 7:05 for the proposed creation of a Wading River Historic District. And we have next to me because we had no town board members here, we have next to me two members of the historic district because— Landmark Preservation Committee, right? How many more are there?"

(Unidentified made an inaudible comment)

Supervisor Cardinale: "How come you guys sit up here? Can't we bring them up here, too. This is going to be a joint hearing of the town board and the Landmarks Preservation Commission to consider the issue— the recommendation from the Landmarks Preservation Commission to the town board that a historic district in Wading River's time has come. So that's why they're here. If the other four members would like to grab a chair and join us, we'd be more than happy to have you up here.

But also they know what they're talking about and largely we do not on this subject because they have worked with the community and they have worked with other communities in Jamesport and Riverhead form historic districts and there's history here so I'm going to turn it over to Mr. Wines and Vince (inaudible) and any of the others that he wishes to have speak to tell us some preliminary remarks before we take public comment."

Richard Wines: "Thank you, Phil. Just very quickly. Obviously the primary reason that the Landmark Preservation Commission recommended that we consider a historic district here in Wading River is that Wading River is, in fact, one of the most historic parts of Riverhead town.

I think you actually have the largest collection of 18th century and pre-Revolutionary buildings here in Wading River compared to any place else in all of Riverhead and there are a lot of other historic buildings in Riverhead. And that's quite significant here.

And I could go on and on the reasons why members of the community have come up to us and said they'd like to have a historic district. I'd really rather leave time for questions. I do want to say just one thing.

This has been a long process. We started working on— started considering a historic district in Wading River probably about two

9/16/2008

and a half years ago when members of the community had approached our commission and asked us to do that.

As part of that process, we have made two presentations to the Wading River Civic Association, one two years ago and one this year. It's also been discussed at other of their meetings. There have been frequent discussions at the Wading River Historical Society. We have attempted to contact by private letter left on doorsteps and so forth everyone in the proposed district. There have been articles in the local press. We have appeared at a work session with our friends on the town board here and that of course was televised. Basically we've tried to do as much as we can to make sure that every one is aware of this process.

And, of course, the final step was that we recommended that there be a joint hearing, the town board approved that recommendation and then people who owned property in the district received notices in the mail. And an invitation to come here and share your views.

So the purpose of this hearing is for members of the Landmarks Preservation Commission and the town board to hear thoughts of people who live in the-- or own property in this district or are impacted by it one way or another.

What will happen after this hearing, I presume Phil will leave the record open for some period of time for written comment and then the Commission will consider those comments and make a recommendation one way or the other tot he town board but the final decision on whether or not there will be a historic district in Wading River will rest with our friends in the town board.

So with that, I'd like to open the floor for questions."

Supervisor Cardinale: "Okay. I should point out that on the website there is this little pamphlet that says all the questions that you've never asked and wanted to know, frequently asked questions about historic districts. That's on the town website which will answer some of the questions which you may not hear answered tonight.

So who would like to make a comment upon the concept of an historic district? Come up, please. Yeah, please come up and-- "

Lisa Julian: (Inaudible comment)

Richard Wines: "Okay, that's a perfect question. And the answer is there will probably be very little impact. Things like changing the siding don't require review anyway and what would happen if you were doing anything else, the process is when you apply for your building permit it will be reviewed by the Landmarks

9/16/2008

Preservation Commission. But in the case of a non-historic house in a historic district, we're really-- we're not going to make it look historical, we're not going to do anything like that.

So, basically, you're going to have a free run."

Lisa Julian: (Inaudible comment)

Richard Wines: "It shouldn't be a problem at all. No. I can't imagine it would be."

Diane Wilhelm: "Can I have your name for the record?"

Lisa Julian: "Lisa Julian."

Supervisor Cardinale: "Yes, please state your name and speak up."

Matt McCarrow: "My name is Matt McCarrow and I have the building actually right across the street. I already have a permit in place for a gable roof and would it affect me being that I have it (inaudible)."

Richard Wines: "No."

Matt McCarrow: "Good answer. Thank you."

Richard Wines: "You're welcome."

Brian Sheehee: "I'm Brian Sheehee (phonetic). We own an historic house in the district. Some of our concerns are it's not very well specified the scope of control that the Commission has or the specific things that would fall under its purview. It seems that's very elastic so even if we're happy with the composition of the Commission and their outlook on things now, it's not clear that, you know, the things that will be under their control will be specified in the future."

Richard Wines: "Are there any things you're particularly worried about?"

Brian Sheehee: "Well I mean we have, you know, renovations that we want to do but it sort of goes beyond the specifics of what I might want to do now. It just doesn't seem like there's any-- it's kind of like a blank check it seems in terms of the power that we're ceding to the commissioner (inaudible)."

Richard Wines: "I think you should probably take a look at Chapter 73, you may have already. The-- what the Commission is asked to do by the town is fairly limited and it's limited to trying to

9/16/2008

make sure that the changes to historic homes are compatible with their own history and that new construction in the district is compatible with the rest of the district.

The one thing-- so it's pretty limited."

Brian Sheehee: "The actual-- what the limitation is, is not really from-- , you know, I looked on the website and looked through those things and I did never see-- I mean the example is given that, you know, we won't tell you what color to paint your door but presumably you will tell me something and it's not really clear, you know, where those limits are."

Richard Wines: "Well, first of all, one limit is that if you can do it now without a building permit, you can still do it."

Brian Sheehee: "I understand it comes into play when there's a-- "

Richard Wines: "All those things that are regular maintenance will not be a problem."

The kinds of things we have suggested is to-- people that come before us, we like we have a project now in downtown Riverhead where the most important visual element on the front of a house is an arched window. It's part of the original construction and for some reason their architect showed it disappearing in a renovation and probably it wouldn't make much difference cost-wise if it stays there but it would certainly maintain the historic character of the house if the window stays there.

So it's thank kind of thing that we might suggest.

What we found is basically people that own historic houses and want to do things that are compatible with them have no trouble."

Brian Sheehee: "Okay. But is there any mechanism-- none of this really-- I understand, you seem like a reasonable person but, you know-- "

Richard Wines: "Thank you."

Brian Sheehee: "-- but you know five years down the road or you know there's a different commission in place and it's not really clear you know the scope of things that we're doing."

The other thing that I would also like to bring up is actually the first that I heard of this was with the registered letter that was sent out after the approval of the town board and I talked to someone on the commission who expressed surprise at that but then my

9/16/2008

wife and I walked down the street the next weekend and asked you know five or six other neighbors and got you know similar responses, that they-- there wasn't any-- they hadn't felt like they'd participated at all in the last couple years. So I don't know whether it's just in a sub-side of the district. I mean I guess there's about 100 houses in the district. But I don't feel like we really had a lot of notice."

Richard Wines: "I apologize for that. It's very hard to reach out to everybody. As I said we have been working on this for two years and that process, Stephanie Bail, a member of the commission is here, and when she has a chance to take the podium, I'll ask her to describe some of the things that she did locally.

But we have tried to reach out to the community in every way we could think of including multiple appearances at the civic association. It's very hard. It's very hard. And unfortunately the legal process doesn't allow us to send out those legal letters until we're going to have a hearing. Which means you get it before the hearing.

And to go back to your first question, our town fathers thought of that question and that's why anything that happens at this commission is appealable to the town board. Any financial hardship cause, the town board has ultimate (inaudible)."

Brian Sheehee: "Is anyone on the commission actually in the historic district?"

Richard Wines: "Several of us on the commission-- I don't think anyone lives in the Wading River historic district.

I own two structures that are town landmarks and two other members of the commission also own buildings that are town landmarks. And those town landmark buildings come under the same restrictions and review requirements however modest they are in Riverhead (inaudible) historic districts.

We would love to have a member of the-- from-- a representative from the historic district (inaudible)."

Brian Sheehee: "Thank you."

Vince Taldone: "If I could just jump in also and add one more-- just two more quick points.

The landmark status in layman's terms really addresses what's visible from the street. If you were thinking of expanding your kitchen behind the building, zoning is not affected by landmark

9/16/2008

status. So really it does not further restrict your ability to expand your house. Current law- current zoning laws control that.

Again, in terms of what is visible from the street, what historic characters can be retained, restored, that's the sort of issue that we would be involved in, and not really any others pertaining to the interior or not visible sides of the building. The sides of the building that are not visible from the street. I don't know if that's helpful."

Ann Winkopp: "Hi, my name is Ann Winkopp (phonetic) and I (inaudible)."

Richard Wines: "There is no (inaudible) mechanism for an opt out but we would certainly like to know who may be in an historic district or in sections of a historic district and for some reason doesn't think that they want protection for their community. And this is a public hearing. Our goal is to take into consideration your desires basically. So make sure that we have your household location and so forth."

Ann Winkopp: "I did hear you say you own structures but I didn't hear you say your home was an historic home and to me there's a difference. Because my home is my home."

Richard Wines: "My home is an historic home. It is a town landmark. Not only is it a town landmark but we purposely donated a facade easement on it to add protection."

As an owner of a historic home, we feel very strongly that we want to make sure the future owners of that building take good care of it. And that's part of what landmark designation is all about and that's why the owners of 50 structures throughout Riverhead town voluntarily come to the town and asked that their homes or buildings be declared town landmarks."

Ann Winkopp: "Okay. So you're saying if I want to find out more about opting my house out, what is the procedure I follow?"

Richard Wines: "What I'm saying is anyone who has concerns about this- anyone who has concerns about the district, we want to know where your house is and what your concerns are. So if you want to send it to us in writing, we'll take that into consideration and the town board will, too."

Ann Winkopp: "Okay. Because I really feel like this hasn't, the people just found out. I don't feel like it's been explored enough by the people that actually live in the homes."

9/16/2008

You can call it a landmark, but I'm going to tell you it's my home and I don't think it's funny that you know you're laughing up there because what if I don't want that window that you like and you feel keeps the historic character. It's still my home and I might not want that window. And if the guy that owns the 1940 home can change and I can't, then you're taking my rights away to have my home the way I want it but you're not giving me anything for this."

Richard Wines: "Thanks. Certainly we want to take your thoughts into consideration and make sure we get (inaudible). Thanks."

Nicole Finnelly Burke: "Hi. My name is Nicole Fennelly Burke and I do live in the historic district. I live right up on 1432 North Country Road.

Although I was not one of the people who requested this, I have known about it for a long time and you know in my case my husband and I purchased our house nine years ago because it was a historic home. And it was a little bit of a mess and we spent the last nine years renovating it and trying to keep everything just the way it would have been.

So in my opinion I support this wholeheartedly. I like the idea that our community as a whole be protected. On the other hand I might be misunderstanding but I didn't get the impression that it was going to be like an enforcement sort of thing. I thought it was more of a recommendation. So maybe you need to clarify. I thought if there were plans that your commission would make recommendations on the planning, it made sense to me that if you owned a house that was historic, that you would possibly want to take those recommendations (inaudible).

Is that about how it works or is it (inaudible)?"

Richard Wines: "The-- Chapter 73 of the town code does have a review provision and the changes that would impact the exterior historic home would be reviewed and presumably approved by the Landmarks Preservation Commission. As I mentioned before if for some reason there were problems with that, it could be appealed through the town board."

Nicole Finnelly Burke: "So there is-- "

Richard Wines: "There is a review mechanism-- "

Nicole Finnelly Burke: "-- there is an ability to appeal if you felt strongly enough that what you want to do was that (inaudible)."

9/16/2008

Richard Wines: "Absolutely."

Nicole Finnely Burke: "Okay. Well then I stand by saying that I do support this district because I think that the character of Wading River is historic. It's one of the many things that I think we love and appreciate about this community. And if people are going to— you know, a new house could be built any old way, I really think it's going to take away from what we already have. Thank you."

Richard Wines: "Thank you for your comment."

Supervisor Cardinale: "Hi. How are you, Gordon?"

Gordon Danby: (Inaudible) "Can you hear me?"

The people have all sorts of understandably fears but I think it's been well explained that those fears are not really based on much because it's an important committee but it's an advisory committee and this town board and future town boards can decide what happens and you know it's a great thing for the community because this is a very old town, over 300 years. And it's worth preserving. And it helps everybody collectively even if you don't live in the old place, it sort of adds luster to your community.

And it's a practical matter. Not— maybe a majority of the people don't want to live in old places but in fact those that do, love them. And they don't want to change it unreasonably anyway and in fact they bring more money than an ordinary house. And that's a fact. It can be documented. So one isn't giving away their birthright.

So we very strongly urge this to go forward. And I think people should think about it, the good that's involved.

Thank you."

Richard Wines: "Thank you."

Sid Bail: "Hi. My name is Sid Bail and I'm president of the Wading River Civic Association. I can attest to the comments that Richard made about the efforts to reach out to the community. And from my experience like in being involved in civic issues for about 25 years, one of the things that amazes me, it's sometimes very difficult to reach out and touch base with everyone no matter, you know, how hard you try.

We had two excellent presentations on the Wading River Historical District by Richard Wines and Stephanie Bail and I thank them for their efforts. Knowing Stephanie the way I do, I can

9/16/2008

attest that she spent a lot of time, you know, on her own, and even some shoe leather, you know, walking the community and talking to people.

At our June 26, 2008 civic meeting, we passed a resolution to support the creation of the Wading River Historical District.

Look, I think we're more than a zip code, 11792. You know, we're a historic community and it's kind of interesting you mention, you know, to a lot of folks where do you live and you say Wading River and in general you get some pretty favorable responses. And I don't think it's because they know that we're getting a Walgreens. You know, well, that's a big plus, two drugstores, we're a two drugstore town.

And but I think this is something and if we thought it was unreasonable, it would reasonably disadvantage our neighbor, we wouldn't support this. But we feel that this is a really good thing for the community and we would hope that the town board would make us the third historical district in the town of Riverhead.

Thank you very much."

Richard Wines: "Thank you."

Ed Cronan: "Good evening. My name is Ed Cronan and I don't have an old house but I'm getting old all the time so I guess that will add to it.

I always thought of Wading River in a very special way, having gone through the town at one time when I was much younger and for some reason it stuck in my mind at that time and I came back to live here.

I always found that the town and people like the Danbys and many others that I've seen around here at this meeting were very special people with very special interests and accomplishments.

Wading River is a village with a long proud history and I feel it's occupied by people who (inaudible). I think the Wading River Historical District in my own opinion would add to that special quality and ambiance that is Wading River. And I personally strongly would support this move.

I also under people's concerns about having any say with the structures in the town and I would like to make sure that they know of all the steps that they could follow if they had a concern and they wanted to bring it up before they had any other thing they wanted to make, changes or alteration.

9/16/2008

But personally I think this kind of a move would be good for this village in that it would preserve many of the things that make this village very special which I think it will continue to be as we go along."

Richard Wines: "Thank you."

John Crow: "I'm John Crow. I do have a historic house. It was built in 1789. Like others that have spoken up, I bought the house because I love the house. It's my house, it's my home, I've done as much as I could to keep it in character.

There are layers of legislation that we have to go through, permitting, all kinds of things I have to go through in addition. I'm in the wetlands, the DEC and the town they have all kinds of (inaudible).

A lot of us are looking at this as another layer of bureaucracy that we (inaudible). It's something that wasn't there that we have to contend with in the future.

Some of us are wondering what's in it for us. I would like to know what's in it for me other than restrictions. I love my house. I'm going to keep it as historic as I possibly can. It was falling down when I bought it. I restored it for the past seven- six or seven years, and probably will be restoring it until I leave or die or the house falls around me. That's the nature of historic homes and that's why we own them.

I would love to see the neighborhood preserved. I don't want to see any (inaudible) going up across the street from me. But there are other considerations.

I had an assessment done recently for solar energy. A fellow came to my house and looked at my house for the installation of solar panels. Solar panels are going to be on the front of my house on the roof in plain sight of the road. If energy keeps on going up it's almost going to be a necessity that we have options like that, we have access to alternative sources of energy, solar being perfectly viable. Wind power also. These are things that are going to be seen from the road and I can't see this kind of administration permitting that, you know, under the, you know, as a historic, if this is a historic district. So I think this is something that has to be addressed.

If this is an historic district, who is it for? Is it for people going by to admire as a pedestrian. Sound Road is very, very dangerous. It's a very dangerous road. There are no sidewalks. The cars go whizzing by very quickly and there have been accidents. There have been injuries on the road. My house in particular and I

9/16/2008

know of a number of houses where cars almost drove into the living room. My house is very close to the road as is the nature of a lot of historic houses.

We tried to contact the highway department, we tried to contact the police. Nothing's been done there. There's been nothing done as far as the installation of sidewalks.

So what are we going to get for this other than restriction?"

Richard Wines: "Thank you. Just very briefly I do want to emphasize that this commission, we think of an historic district is for the benefit of the people that live there. And that's the main benefit. And we want to make sure it serves their interest and helps them keep the community the way they want it to be."

Kevin Keeler: "Good evening. I'm Kevin Keeler from Wading River obviously."

My question is when you do have the older home, you do want to do renovations, will they be flexible with some of the building codes? One in particular is window sizes. Because a lot of the old homes back in the 1700's have small windows that don't (inaudible) egress. So if you wanted to put an addition on for another bedroom keeping the same architecture, would the town be able to allow the person to put these smaller windows in that don't meet egress which is a state law?"

Richard Wines: "The- there is some flexibility in the building code for historic structures and this commission will certainly advocate for any property owner that needs reasonable flexibility in order to maintain the historic character of their building."

There are some things that are probably not flexibility on that may involve fire (inaudible) so it's not 100%. But we have been able to use either landmark status or historic districts to get some flexibility and to benefit property owners."

Kevin Keeler: "Great. Also we're very much in favor of the historic district (inaudible) many years our family has been here and how many years, all the homes that we've been involved with and hopefully will see it and that's why people have moved to Wading River."

When we first- when I was going to elementary school, like 51 kids, three rooms in a schoolhouse. And Wading River grew not just because of jobs out here, that's for damn sure. It was because people liked the Wading River area and because of the homes there."

9/16/2008

And when you do go down the road, there's some real beautiful old homes that really make the town different from others.

Thank you."

Supervisor Cardinale: "Thank you."

Richard Wines: "Thank you. It is gorgeous here."

Supervisor Cardinale: "Yes."

John Gossman: "My name is John Gossman. I'm restoring a 1799 home right now. I'd like to say that I'm for an historic district. I'm for keeping Wading River historic.

Being a person that's restoring a home, I'm doing it for a while now. It's a lot of work. And as (inaudible) says, first and foremost it's our home. It's the place where we live. There's budgets to be concerned with and it's the average cost of a house plus.

It's just mind boggling things to get into. So on one hand, I feel like this is a double edged sword. On the one hand, I really want to support this because I don't want to see Wading River become commercial. I want to keep Wading River the way it is but then I think I need more clarification on well what does this entail.

And I think just hearing what I'm hearing from different people I'd just like to see more documentation (inaudible) of what it is. I mean can I get shingles from Home Depot or Lowe's? Do I have that flexibility? Or what I'm seeing in some historic districts, (inaudible) going with the 22" or the 25" long shingle that I can't get into kind of a fabrication thing where that's going to cost me a lot of extra money, so I really want to say I'm for this, and I am, but I think I just need to see a little bit more clarification.

Thank you."

Richard Wines: "Okay. Hopefully you can buy those shingles by the way."

John Gossman: "Yeah. And the same, you know, the comments on the windows. That's a common size. So you kind of- in order to have a place- I feel that all of these homes, or somebody crazy enough to move in and say I'm going to make it a home and let's fix it up. And I think anybody that does move into a home like this, you know, you're not there for the money. You know. It's love in progress."

9/16/2008

Richard Wines: "Right. Congratulations, first of all. And we certainly don't want to make it any harder for you. We'll do everything we can not to."

John Gossman: (Inaudible)-- "I just need to see a little bit more clarification on it."

And does that also do, you know, as far as protecting us from further commercialization, businesses (inaudible)."

Richard Wines: "Right. One thing that is in process here in the town is we now have an informal set of guidelines that anyone can look at. It's on the town's website. We are hiring an outside consultant who will prepare a more formal set of guidelines. These are totally advisory but they will be (inaudible) pamphlets and I think you'll access them on line that will give you guidance on how to do the kinds of things you want to do without breaking your budget."

John Gossman: "Thank you."

Stephanie Bail: "Hi. I'm Stephanie Bail, President of the Wading River Historical Society. I just want to say that I want to thank John for the wonderful job on his restoration (inaudible)."

I'd like to read a letter from one of our members whose house would be within the district, Steve Shapiro.

My house was the former sheriff's office and the Grange Hall of Wading River, is within the proposed historic district.

I would like to go on record as strongly supporting its establishment. I recognize there is concern that establishing an historic district could add another layer of approvals for changes to one's home and may place restrictions on the owner's remodeling efforts.

But, after considering the pros and cons, I am convinced it is a wise move to establish the historic district and will only benefit the property owners involved.

The homes in the proposed district are special because they reflect the historic character of that section of Wading River. They would not appeal to future buyers who would be looking for a "McMansion".

A buyer would most likely have a love of history and will find that a home located in an historic district would have an additional appeal because he/she would not have to fear neighbors eventually changing the historic nature with some mindless new construction or remodeling.

9/16/2008

Also, houses on sites that are particularly appealing, such as mine located on the Mill Pond, are protected from some future buyer who might find it desirable to raze the existing structure and build a modern out of character dwelling. A Wading River historic district is a win-win situation for all involved, except maybe profit seeking developers.

I sincerely hope the Wading River historic district will be approved.

That's from Steve Shapiro.

I also wrote a letter; I'd like to read part of it if you don't mind. I know it's getting late.

Wading River has a rich and varied history. It was first settled in 1671 by eight founding families and thereafter made its presence strongly felt in Riverhead town and Long Island.

The early settlers were a sturdy enterprising folk and lost no time in building a self sufficient community.

Downtown Wading River, the corridor being considered, was the lifeline of commerce and industry. It was once regarded as one of the largest and most industrious of the towns of the county. It supported two mills and two shipyards.

The tannery was among the first businesses to operate here, and later the village could boast a candy factory, a cider mill, wheelright shop, blacksmith shop, many stores and a cutlery shop.

A portion of the first highway known as the King's Highway, laid out from Southold to Wading River in 1710, still remains. Our oldest extant cemetery, Oliver's Hill, predates the revolution.

The house that served as a post office for 61 years prior to 1886 still stands across the road in its original form. This church building, which once served as the center of community life, was erected in 1837.

All of the early industries are gone, but surprisingly, many of the old homes remain, having been lovingly cared for over the years by successive owners, and in some cases are still owned by descendants of original families. They are scattered along this corridor.

In recognition of early Wading River's contribution to the history of the Riverhead town and as a tribute to its generations of

9/16/2008

enterprising inhabitants, I urge you to designate the proposed corridor as a Riverhead town official historic district.

In doing so, you will recognize its special character and retain its historical integrity for us and future generations.

Thank you."

Supervisor Cardinale: "Thank you."

Diane Sheehee: "My husband has already spoken. I'm Diane Sheehee. And I just had an idea that— we are old home owners and like everybody else who spoke, we bought an old home because we think they're beautiful and like to live in an old house and want to see it preserved.

And like other people who have voiced concerns as well, it has come on us fairly quickly and we don't really have a frame of comparison. I think most people (inaudible) that they hate to see a majority decide what a few people who own houses are going to do with their houses. So it makes you as one of those homeowners, a little bit nervous.

And also we don't know what the potential repercussions are if we have to move out of the area and have to sell it. You know, does it limit the buyer that might buy our house in a way that we can't plan?

But what I was thinking was and like most everybody who's spoken, the idea of an old area though is appealing so if we were a little more certain about what it all means, when— so there is two things. One is that there are other historic districts in the town of Riverhead.

It might be helpful if people who had historic homes were able to talk to people who have had this process happen to them because then it might be a way for us to see what it really means, impact. So people who have this historic district, people who (inaudible), what has happened and that might be a way for us to have more information from people who have actually gone through it.

And I forgot the other thing because like someone else mentioned, I'm getting old as well.

But so I just feel it's kind of rushed and we don't know what we're getting into even though maybe many of us are not as opposed as we might sound, it's just we kind of don't like control of our own property taken away from us. If we had a better idea from people who've been through it, that might be helpful."

Supervisor Cardinale: "Thank you."

9/16/2008

Richard Wines: "Thanks for the suggestions."

Supervisor Cardinale: "Yes, please come up if you have any further comment this evening."

Patty Stark: "I don't have a historic home but I live in Wading River and I sympathize with what some of the people are saying, that they wouldn't want their homes to be told what to do, which I can understand.

I think it would be great if they could opt out if they wanted to but I have to say the reason I moved to Wading River was the quaintness of it and, you know, I started to see a change. I feel (inaudible) as soon as I moved in and that made me sad.

I have to tell you I drive through Sag Harbor and what they're doing to the homes there— you want to see what a historic district looks like and museums and it's my favorite town.

They've recently redone some of the homes there on Main Road and it's amazing. Every home is as beautiful as the next. And I don't think it would matter to me if one of the homes didn't conform with the other homes who wanted to, it's still beautiful. And even if I couldn't walk past it, I could drive by it.

I know that some of the roads in Wading River, we can't walk down. It would be nice to walk down North Country Road which I know at our civic association meetings we've been talking about putting in a road.

We have talked about— many times Stephanie has brought up this historic district thing at the meeting, so I can't say she hasn't reached out, she really has.

But for myself, I'd love to see it turn into a historic district. And, again, if you go to Sag Harbor, you can see what it would do. It's absolutely beautiful."

Diane Wilhelm: "Can I have your name, please?"

Patty Stark: "Patty Stark."

Diane Wilhelm: "Thank you."

Rich Gibney: "Hi. My name is Rich Gibney, I live in Wading River. I'm a newcomer; I've been here for 10 years. And I don't live in an historic home but I did come here for the quaintness also. And I'm in support of the district.

9/16/2008

I'm fortunate to be in a business. I'm a design professional and am involved in landscape preservation and I have to say my first home was built in 1932 and it was a lot of work. It was not preserved but I do have to say that people that live in homes that are preserved, I think are in good shape. Unpreserved homes sell cheaply and preserved homes go for a fortune.

And I do know that the district that I get to work in, Roslyn, and places in Shelter Island, Kings Point, parts of five towns where there's historic homes, they sell for quite a bit if you look at the real estate ads.

What I'm concerned about are the— is the signage. I'm looking at the central downtown area in Wading River which is right there by the pond. I have actually two questions. One is would some of this be retroactive? You know we have some 18" letters that are readable from 600 feet. Would those come down? Would there be restrictions on signage in the area? There are neon signs.

There are things that are starting to look a little like Middle Country Road in Wading River right now and we also have a project we're working on to dredge the pond and do some work there that would involve bulkheads that may not be historic but would be current and I'm just wondering if there would be any restrictions on that."

Richard Wines: "For better or for worse, nothing in the landmarks rules are retroactive."

Rich Gibney: "Thank you."

Noreen Fowles: "Hi. I'm Noreen Fowles and I do live in the proposed historic district. I do not own a historic home. About two and a half years ago I bought a handy man special, a beautiful cottage to which I've been doing everything in the 1920's style it was built in.

And I also moved to Wading River, this section of Wading River, because I loved it. And we've all been doing a very nice job of keeping in quaint without having any restrictions put on it. We've managed to keep it quaint this long.

The people that move here are not your typical people. They move here for a reason, they like the way it is.

One major problem is one neighbor brought up, what's in it for us. Are we going to bury phone lines? Is the town going to do something or are we going to do it all? (Inaudible)

9/16/2008

You say that you've been planning this for two and a half years. But just this year down on our beautiful quaint beach, we have (inaudible). And there's plans to be putting in by the recreation department, a metal building and tearing down the wooden gazebo and another building for the bathrooms. That doesn't go along with the (inaudible).

We should have a wooden gazebo with flowers hanging from it. We have a (inaudible) playground.

I guess I just want to know what are you going to do for us?"

Richard Wines: "I don't think the beach part of it is the proposed historic district. But just very briefly. People that live in historic districts, generally the reason they like having them there is it gives them more control over things like that happening in their community. You can use it in a variety of ways to leverage your community against developers if need be or quiz the town fathers if need be. So it's a tool for people that live in an historic district to use to keep it the way they want it."

Noreen Fowles: "But you've been planning this for quite a while. Certainly you knew (inaudible), the recreation department was planning this horrible thing going down to the beach."

Richard Wines: "I don't think that's even in the district."

Noreen Fowles: "Did it occur to anyone that maybe it wouldn't fit in with our historic idea?"

Richard Wines: "I don't think that's part of the proposed district but again it's not retroactive unfortunately."

Sally Macken: "Hi. Good evening. My name is Sally Macken and I am an employee in the Wading River village. I actually live in Baiting Hollow and I previously lived in Shoreham for about 30 years.

One of the things that's most appealing about this corridor is its historic appeal, its quaintness, and as a realtor in this area, I can think of nothing better than to bring a prospective buyer through this very village, show them the historic homes, the pond, and the lovingly cared for properties that exist here.

So from the perspective of a realtor who now works out of the beautifully restored building up next to the McDonalds on 25A, it's a plus-plus. It's a win-win. You bring up the value and the credibility of each of the surrounding areas and property.

9/16/2008

So I supported it wholeheartedly the minute I heard about it. Thank you very much."

Valerie Frost: "My name is Valerie Frost. I live in the historic district. I just wanted to thank the commission for all the hard work that they've done (inaudible). It was quite an endeavor. (Inaudible) and I remember when I had come here and I had read through (inaudible) telling about the historic village and (inaudible).

I do feel that (inaudible)."

Nick DiPierro: "Good evening. My name is Nick DiPierro. My sister and I have both lived in Wading River when Wading River was considered the sticks and we both support this historic district designation.

One thing that I have to ask. A lot of people asking what does it mean for them if they live in an historic district. I have to ask a question. Is there going to be any tax incentives? I know a lot of people, I give them lots and lots of credit for living in these homes that are historical, okay. But some of them may need some work to be done and if they have to have work done, will they be encouraged by the town in the form of some kind of a tax abatement to help them along?"

Richard Wines: "I wish I could tell you yes but you have to talk to our friend at the other end of the table about that. For homeowners, unfortunately, there's no reduction in property taxes. For anyone that owns commercial property or income producing property, there could be federal tax benefits."

Nick DiPierro: "Okay. This church and there's two homes right across the street, are they going to part of the historic district as well? Because they've been here a long time. One of the buildings I'm talking about was the original post office in this town."

Richard Wines: "I believe both are in the proposed historic district. The church of course was a designated town landmark 26 years ago."

Nick DiPierro: "Okay. Very good. Thank you."

Supervisor Cardinale: "Thank you."

Peter: "Hello, my name is Peter (inaudible) and I own a home up on 179 Sound Road and I'm living proof that the only thing that works on an old home is the owner. I guess my question to you is secondary structures, barns, carriage houses, anything like that. (Inaudible)."

9/16/2008

Richard Wines: "Well, first of all, depending whether on whether or not they're in the district. Technically anything that requires a building permit in the historic district if it's visible from the street will come to us for review. But secondary structures we're not going to (inaudible), especially if they're back from the street and not very visible."

Peter: "What happens about— in the event of fire or a national disaster, replacement of a structure. Is it a mandate that I have to put it back to its original (inaudible)?"

Richard Wines: "No. We can't mandate miracles like that."

Peter: (Inaudible)

Richard Wines: "No, no. That would definitely be a hardship and there's very clear language in the code about not causing hardships."

Peter: "All right. I guess the town— maybe you guys could make it a little easier (inaudible) building permits. And I understand what you're talking about with rebuilding things (inaudible)."

Richard Wines: "Thank you."

Jeri Kasnoff: "Hello. My name is Jeri Kasnoff and I live on Sound Road and I just wanted to comment. Someone had— let me preface this by saying I am in support (inaudible)."

Someone had mentioned that we can count on the people to maintain the area as it exists because they love the area. Well, right next door to where I live— I don't have an old home but I do have a home and next to it is a very, very large piece of land and it was empty. And one day I came home, I had left in the morning and came home in the evening and the entire property, every tree had been felled. Every single tree on that piece of property had been cut down because the new owner who bought that property destroyed every piece of tree. It's about six or seven years and it's still painful to watch—to look at.

I don't know if this would cover that kind of what I call catastrophe but hopefully it would set some guidelines that people couldn't just do that. So I would like people to consider that. Yes, we hope that people moving in will want to keep the land as it is but we can't count on that. Thank you."

Richard Wines: "Thank you."

9/16/2008

Christine Gironda: "My name is Christine Gironda and I live in the proposed district but not in an old home. My question is pertaining to the (inaudible) that had been funded and approved and will be visible from the street because they will be on the street. Will this in any way jeopardize the sidewalks that (inaudible)?"

Richard Wines: "I can't imagine how an historic district could do that."

Christine Gironda: "I didn't know if the restrictions from this historic district would be in any way impacting."

Richard Wines: "I can't imagine how it would."

Supervisor Cardinale: "If there's anyone else that would like to make a comment, please come up. We're going to leave this open for written comment for 10 days to a week from Friday which is the 26th at 4:30 and if you have a comment just send it in to the town clerk or drop it off."

I also refer everybody back to the town website where the frequently asked questions are, some of which were asked tonight but not all. They have questions like what are the main reasons for an historic district, what are the principal economic advantages, what are the disadvantages, will it make it more difficult to sell my property. I refer you back there on the town website.

Also Article 73 which is on the website is the mechanism by which the historic district will be regulated. It was passed some time ago after public hearing. You will want to look at that and how it works and how the town board is the appellate body in case these guys get crazy.

And, finally, again I'm going to leave this open for any written comment for 10 days until the 26th at 4:30. Send it to the clerk.

That concludes at 8:23 the first hearing."

Public hearing closed: 8:23 p.m.
Left open for written comment for
10 days to September 26, 2008 at
4:30 p.m.

Public hearing opened: 8:25 p.m.

9/16/2008

Supervisor Cardinale: "And the second hearing which is simpler. It was scheduled for 7:10 and I'll let people leave who would like to leave now and thank you for coming. Thank you.

Okay. Thank you. Any day now. Okay, I'd like to resume the meeting now that we've lost much of our historic audience.

The second public hearing is scheduled for 7:10, it's 8:25, we're going to start the second hearing. It's a lot simpler. Okay. Can I get your attention on the second hearing?

This is about a proposed local law to amend 108 zoning regarding the definition of building trade shop which nobody ever used the term a lot and nobody knew what it was. So it's now defined as a building housing construction operations including carpentry, electrical, plumbing, HVAC, roofing, painting, landscaping and similar trades.

So with building, housing, those operations, construction, carpentry, electrical, plumbing, heating, ventilation and air conditioning, roofing, landscaping and similar trades and any accessory storage must be completely screened in this area for this use.

This is a technical change to our statute to define a term we felt needed definition.

Is there anyone that wishes to comment on the definition or the inclusion of it in the code?

If there is not- "

Councilwoman Blass: "A further point of clarification. It's only going to be a use in the industrial A zoning use district."

Supervisor Cardinale: "Okay. This will appear in the industrial A zoning use district. For the purposes of that district, that's what a building trade shop is.

If there's no comment, again I will leave it open for 10 days until the 26th at 4:30 p.m. If you have a comment, send it to the clerk or drop it off at the clerk's office."

Public hearing closed: 8:27 p.m.
Left open for 10 days to September 26,
2008 at 4:30 p.m. for written comment

9/16/2008

Supervisor Cardinale: "The 7:15 hearing has been canceled because of compliance with the request of the town which leaves us with two hearings, 7:25 and 7:30."

Public hearing opened: 8:29 p.m.

Supervisor Cardinale: "The 7:25 hearing is to consider a proposed local law to amend Chapter 108 entitled zoning code pine barren overlay district, Section 108-175 and we'd like to take public comment on that and I think I know, Dick, you had some comments you wanted to make. You're welcome to and anyone else who wants to make comment on that."

If you'd like to introduce it, Dawn, because I know you prepared it."

Dawn Thomas: "The purpose behind this local law was to further the goals and objectives of the town's pine barrens zoning so the pine barrens legislation which is Article 57 of the Environmental Conservation Law and the objectives set forth there which is to preserve as much- contiguous and uninterrupted areas of native pine barrens vegetation as possible."

The way that the statute was written previously didn't anticipate for the division of property and this particular public hearing relates to EPCAL.

The division of properties into lots for sale created a piecemeal preservation of pine barrens vegetation.

The proposal that we have here tonight would correct that problem and make the- there's a 65% clearing limit that we have on all pine barrens property- placed on all pine barrens areas in the town. This would consider the EPCAL property to be one parcel for the purpose of preservation so we would have a 65% clearing limit of (inaudible) preservation goals and this basically clarifies the whole objection of (inaudible)."

Supervisor Cardinale: "I have a question or two. I received a letter and I think you did to from Mr. Amper who is going to comment late today just before we left for the day."

There's one section of this which indicates that references a map. The map is not part of the hearing. There was a determination to have two public hearings, one on the text and one on the map, is that correct?"

Dawn Thomas: "Yes."

9/16/2008

Supervisor Cardinale: "Could you explain why you recommended that?"

Dawn Thomas: "That's correct. The reason— we intend to create a map that the town board would adopt as part of the local law. The map would identify all the areas that the town board wishes to preserve and make very clear to anyone who observes it, what is preserved and what is not.

The reason the map was not included in the public hearing is because it's currently a staff document. We've been circulating it amongst staff. The town board hasn't had the opportunity to review it collectively and understand it. So if it was released to the public at this particular moment, the town board may be asked questions and not be prepared to answer the questions.

The map will be the subject of a separate public hearing where after the town board and all the other involved town agencies gets to review it, it will be published in the local newspaper and a public hearing will be held and if the town board approved it, it will be adopted."

Supervisor Cardinale: "Mr. Amper is about to make a valid point about if you're talking about a text and basically the text says a lot of things. But basically it says we're going to try to keep this 35% unclear contiguous and we're going to do this pursuant to a map, would it not be logical to hear both the text change and the map before passing either?"

Dawn Thomas: "Not necessarily because the comments that you receive at the public hearing tonight may bear on the configuration of the map ultimately. So it would be premature to present the map without having (a) the town board having reviewed it; and (b) you know, having public input also included on it."

Supervisor Cardinale: "Would you anticipate holding the passage of the text change here until we are ready to pass both the text and the map?"

Dawn Thomas: "I think you could do it that way, sure."

Supervisor Cardinale: "I think that might alleviate some of the concern that we're about to hear, that we should have a hearing on both simultaneously.

The second thing I want to ask is on the paragraph of the letter we received speaks to the issue that you have this map changeable by resolution. You would agree would you not, that that would have to be changed to by local law?"

9/16/2008

Dawn Thomas: "Yes."

Supervisor Cardinale: "So that would have to be by local law."

Dawn Thomas: "Any change— any subsequent changes to the map after adoption would be again after public hearing, receipt of public input, and town board consideration."

Supervisor Cardinale: "So since we're going to have to change it from— change from resolution to change by local law, if that's deemed a substantial change, we're going to have to re-hear this text at some point."

Dawn Thomas: "It would be substantial if it was less restrictive, having— "

Supervisor Cardinale: "It might be more restrictive."

Dawn Thomas: "Right."

Supervisor Cardinale: "And there's another question I'd like to ask about is the definition of clearing and the definition of non-disturbed areas is not defined in this text. Was there— why was that?"

Dawn Thomas: "Well, the original pine barrens legislation doesn't define those terms and the comprehensive land use plan prepared by the pine barrens commission doesn't define those terms and our prior legislation doesn't define those terms, so the subsequent amendments we made didn't include definitions for those terms. We would use the usual customary definitions but certainly you could add that if you want to do that."

Supervisor Cardinale: "We may want to do that on the final text."

And the last question I have is this. The position of the town, the pine barrens commission on which I sit as do the supervisors of Brookhaven, Southampton, representative of the governor, a representative of the county exec, does that commission have to receive, review and approve this text change and the accompanying map? What is your view on that?"

Dawn Thomas: "That's a good question. I'd have to look into that (inaudible)."

Supervisor Cardinale: "All right. Because I know I'd asked that and you were going to research it but I wanted to anticipate some of the things I know will come up. I think that's it."

9/16/2008

If anybody else has anything for the town attorney to clarify, feel free. Otherwise, Mr. Amper or anybody else, we'd like to take comment to get this right when we finally pass it.

Yes, this letter I got I would pass on, Barbara. It was addressed to me but I'd like to get copies to the board."

Dick Amper: "And I have extra copies of that letter if anybody needs it.

I do sort of want the town board to understand the nature of the concern of literally dozens of organizations about the process by which we are moving toward decision-making concerning the EPCAL site.

The pine barrens zoning had to conform to the pine barrens act, the standards and guidelines by state statute and that's been in place for close to 15 years. So when the town came forward and decided maybe the zoning needed to be changed at exactly the same time it was reviewing the mega project for EPCAL, that did raise concern. It seemed to me for one and to others I am sure, that the zoning that had worked well and protected the pine barrens for a good deal of time was being changed not to increase the protection but perhaps to reduce it.

The supervisor has said isn't it the objective of the pine barrens act to get larger tracts of land and preserve them. Yes, that's true. But the pine barrens overlay district has conformed to the pine barrens act up to this point and it is essential that it continue to do so.

The observation that the town attorney made that it would be disadvantageous to the town board to proceed with a discussion of a map that they haven't seen, is really quite on the point. I think it is disadvantageous not merely to the town board but to the citizens of Riverhead.

Those of us who are trying to assess, we're all very supportive of economic development, we're also very supportive of preservation of drinking water and habitat. We thought these things could both be done and we enacted the pine barrens act and we think that worked rather well over the years.

We've never turned down a project, the commission has never turned down a project that conforms to the standards and guidelines of the zoning and we never approved one that didn't.

So that's where we find ourselves and so it was a little bit troubling for us who do want to participate in the process. And I

9/16/2008

think you've heard me express concern about the extent to which the town appears to be trying to control the review of development at EPCAL fairly singlehandedly. They've gone to court and sued the pine barrens commission and they've been fighting with the Department of Environmental Conservation.

They did agree to hold public hearings, a scoping session tomorrow and, of course, this zoning change tonight, which public hearings are good. That's what you people are there to hear the public. But when we only get the material on the scoping six days before that hearing, that makes it difficult for us to play the role that the public is supposed to play in the process and make the public hearing seem disingenuous.

During the debate about the lead agency matter, the supervisor has repeatedly said that it doesn't matter. You have to get the permits anyway so it doesn't matter who is the lead agency. Well if those who are conducting the public hearings are doing it in the manner they are doing it, both tomorrow and especially tonight, when we came to a hearing never having laid eyes on what- zoning is defined by a map. It's what you are going to do on the landscaping. It isn't 35% of these 300 acres and 65% of some other. You look on a map and you look down at the (inaudible) as the town board wants to do and the town board should have had the opportunity to see this too before (inaudible).

You want to look at what at the end of the day you get. Are you getting more development, are you getting more protection and when you don't have that opportunity, then the problem is with those who are conducting what is supposed to be a public process. It isn't benefitting the town board, it isn't benefitting the community, it isn't benefitting the region if we don't get maximum participation.

Earlier it was suggested that we were going to get two hearings, one on the language and one on the map. But they're inseparable. The value of what we can give you tonight on the basis of the language is extremely limited by our incapacity to understand how that plays out on the landscape. So it's not benefitting the town, it's not benefitting the community. It's not benefitting the region.

So it isn't working. It would be better to do them both, as long as you've got to come back and do it, do them both so that you get the maximum input on the language that is the product of our capacity to review the map. That was the thing that we were concerned about.

Whether you support the development that's proposed at Calverton or whether you oppose it at this point, everybody wants

9/16/2008

the process to work well. We don't want to see drinking water compromised, we don't want to see the habitat destroyed. We absolutely want the investment of a billion dollars that the public has made in preserving the pine barrens not to be undermined. And we want to see sound economic development.

I was involved in drawing the maps to determine where development should occur and where it shouldn't and we set aside areas in the core preservation (inaudible) were set aside to protect drinking water and habitat and we identified the EPCAL site (inaudible) as being suitable for (inaudible).

So now we're here after all these years of trying to figure out how EPCAL is going to get developed. All of the experience that we've had with the pine barrens. We're actually here at the point where we have to see if we can make it work, whether that balance is going to be struck and whether we're going to be happy with the decision for years to come.

What it does for Riverhead. What it does for the region. And we need to get that right. It's more critical now than when the law was written because now we're going to make an irreversible decision. You're either going to help the town economically or hurt it environmentally or (inaudible).

So as we begin this process, if you- if the process for getting public input is flawed from the get go, then the result is likely to be flawed and those that support development at EPCAL are going to be harmed every bit as badly as those who are concerned about potential environmental (inaudible). We all (inaudible), no matter (inaudible), we all benefit by the legitimate process that maximizes the way state government intended to deal with this region.

So I am asking you again as a person who has been critical about the process, about the role of the town relative to regional agencies with concerns, I'm asking again if the town is to play the role (inaudible) of these public hearings, (inaudible).

Thank you."

Supervisor Cardinale: "Thank you. The- I think we will consider that very carefully. I would expect we're probably going to wind up with a second hearing on the text as we traditionally do. We have a hearing, we revise, we have a second hearing before we adopt. So maybe, Dawn, (inaudible) with our second version of the text because what I am hearing here is that two hearings may not be as good as one combined hearing. And one combined hearing may even be more efficient. So we'll consider that carefully.

Yes, sir."

9/16/2008

Matthew Atkinson: "Hello. Good evening. My name is Matthew Atkinson. I'm general counsel for Peconic Baykeeper."

Supervisor Cardinale: "Yes."

Matthew Atkinson: "And a member of the coalition that Dick referred to and a signatory to the letter you received today. We endorse that."

I want to thank you for a couple things you already decided today which is that amendments to the map will be by local law, that's very important. Also I like the concentration of preserved areas. That's very good. And having a joint hearing is also good as to the map and the text. That cannot be de-coupled.

One of the problems is they still remain de-coupled vis a vis the site plans that are presently either pending or proposed for Riverhead Resorts and Rechler and perhaps others.

It seems to me that this should be approached in a more holistic fashion. You have all these site plans going on. You have preservation plan going on together and they're all de-coupled. Putting them together would be a great advantage to I believe the town and to (inaudible) public process so that members of the public can see actually what's going on.

By the way, I'm a homeowner in Riverhead as well so I have a personal stake in this.

The other thing is that there's a consequence of this rezoning plan that perhaps you did not intend which is it will de facto allow the development of an additional 150 acres. The way the property is now being subdivided with Riverhead Resorts, Rechler and others, the core zone is being left in Riverhead town, it may very well be left in the (inaudible).

In that case, since it's not part of any other development, 35% of that zone which right now would be combined into the total of EPCAL for calculating the 35% non-disturbance area, by omitting it, you're allowing 35% of that 423 acres to be developed elsewhere.

So it seems to me that if you wanted to do this and do this as a protective way such as you've intended, that you should make it development neutral. You should recover that other 150 acres especially in a site like this which has so many threatened and endangered species of various different kinds, some grassland protection as well as additional wild scenic and recreation-

Supervisor Cardinale: "Are you talking about core area?"

9/16/2008

Matthew Atkinson: "Yes, core area."

Supervisor Cardinale: "Okay. That's the thing I'd like to clarify. All my maps of core area are the far west of the property and are 300 to 320 acres. Are you aware of any more core area on that piece? Okay. So I've heard that point before. Maybe you can clarify it for me later on."

I believe— I've always believed, not just because people told me, I never checked it, that's 300 to 320 acres of core which cannot be developed on the far west piece. I've heard references in the coalition to 450 or so and I just don't find it in anything I've seen. So if there is something I'm missing, please let me know."

Matthew Atkinson: "I've never measured it but the town of Riverhead Calverton Enterprise Development Renewal Plan uses the number 423."

Supervisor Cardinale: "So that's where you got it from?"

Matthew Atkinson: "That's my source."

Supervisor Cardinale: "What document is it?"

Matthew Atkinson: "The town of Riverhead Calverton Enterprise Park Urban Renewal Plan, final draft September 29, 1988."

Supervisor Cardinale: "Okay. I'll take a look at that and see— because I know it came from somewhere that figure. I just want to make sure what they're alluding to. Thank you."

Matthew Atkinson: "Okay, and that's pretty much, you know, my comments. I endorse what Dick said. It's important to have this transparent public process. And really all of the site plan should really be on the table because we're also identifying how we're going to protect the various portions— "

Supervisor Cardinale: "Okay. Now I get your point. I wasn't clear on that."

Matthew Atkinson: "And then also there's another aspect that should probably go into this mix which is since we know there are endangered species on the property, we're almost certainly— we are, we're certainly going to insist if we can that habitat conservation plans are designed and implemented which will protect certain parts of the property. Again, that should go into the mix. (Inaudible)."

Supervisor Cardinale: "I should point out that the two— there are only two major contracts pending as everyone knows. REPCAL 300 acres; 750 for Riverhead Resorts. REPCAL site plan is in."

9/16/2008

Riverhead Resorts is not yet in but is anticipated for the beginning of October. So obviously there's an inter-relationship of those plans and the contiguous area that would be uncleared and certainly looking at everything in some context is helpful.

I also want to— want to assert my complete agreement with what Dick Amper and you said that no matter what's in your heart about these projects, whether you want them or not, we have to get this process right or we're going to be talking to each other 10 years from now in court, Appellate Court.

So there's no advantage to the town in not doing everything exactly correctly and fully participating with the public to get a clear, complete and reliable and of substance at the end of this. And there's no purpose for us to do otherwise so I concur that the process has to be protected. So I appreciate your suggestion."

Matthew Atkinson: "Thank you."

George Fernandez: "George Fernandez. I'm with the Ridge Civic Association and I just want to let it be known to the board that our civic which is your neighbor in eastern Brookhaven, has been on the record ever since 1997 in reference to traffic, community character and community service issues as they relate to Ridge and eastern Brookhaven which I think has really not been adequately addressed throughout this entire concept process. But now we're getting pretty serious here.

My comments right now— we are also members of the coalition so you may hear an echo in the room, but I have to refer to what we're dealing with here in terms of the amendments that are being presented this evening, they say that a map is available. So my comments are in that context.

As a representative of the Ridge Civic Association, we find it impossible to discuss overlay district amendments you're proposing to Chapter 108 zoning Article 35 without the map referenced in that article amendment if for no other reason than to clarify (inaudible) of amendment specific to language. (Inaudible)

In addition, we take issue with these amendments and how they address the entire EPCAL site while at the same time we choose to segment review of specific development such as Rechler and Riverhead Resorts.

That's pretty much all I want to bring up to the table (inaudible)."

Supervisor Cardinale: "Good, thank you. I want to invite everyone to a scoping public hearing tomorrow at 3:30 at town hall

9/16/2008

and the purpose of the hearing is simple. To get to the public any suggestions for areas to be studied in the what will be a million dollar and (inaudible) event for REPCAL, I'm sure, an environmental impact statement which has to go through draft to comments and public hearing to final findings and we find out if there's a project left.

I'd also like- that SEQRA process will vet all these environmental issues and we will leave- after tomorrow I will leave the scoping hearing open for public comment in writing as well, which I do always.

Is there any other comment on the overlay district which apparently is going to be re-heard anyway. Yes?"

Jennifer Skelbred: "My name is Jennifer Skelbred and I'm an environmental advocate (inaudible).

We're concerned about (inaudible), natural resources and (inaudible) development within EPCAL.

(Speaker's comments were inaudible)

We certainly agree with the premise of protecting large contiguous blocks of open space. (Inaudible)

We're concerned about the calculations of the 35% (inaudible).

So again we request that (inaudible) until the public are given the opportunity to review and comment (inaudible)."

Supervisor Cardinale: "Thank you. Larry."

Larry Oxman: "Good evening, Larry Oxman. When the Navy gifted the property to Riverhead, I don't know- how much was the total acreage the Navy had including this side of the fence?"

Supervisor Cardinale: "Do you know?"

Dawn Thomas: "It was nearly 6,000 or somewhat- "

Larry Oxman: "My recollection it was about 6,000 acres."

Supervisor Cardinale: "Three outside, three inside, more or less."

Larry Oxman: "Some of that was south in the core area of the pine barrens, quite a bit of it was north which would have been developable had it been in private ownership."

9/16/2008

Supervisor Cardinale: "The (inaudible) preserve."

Larry Oxman: "In that area. I understand conservation, environmental concerns, do not lose sight that the property inside the fence was given for a specific purpose and that was for the economic development and (inaudible)."

Site plan can be addressed (inaudible) this is a small portion out of a very large piece. Most of it (inaudible)."

Supervisor Cardinale: "Thank you. Any other comment on this? Why not? You want to say something, come on up and say it. You want to say something. Come up, why don't we let that gentleman speak and then please follow him if you have a comment."

Joe Montalbano: "How are you doing? My name is Joe Montalbano. I'm a resident of Wading River. I didn't come here to speak on this particular subject but I just have to say (inaudible) and there's more concrete and asphalt and building than there are plants out there. I understand preservation; I'm all for it."

The few people that spoke before me make it sound like it's a fresh wilderness with a beautiful pond. (Inaudible)."

Supervisor Cardinale: "Right. You know that was the point that county executive Levy made in commenting upon the dispute of development versus protection. That is true about the 500 acres in the core."

On the other hand, there is truth to the fact that as you go out, it's pretty unspoiled and that's the kind of balance that we're going to have to--. I think the point that was just made by Mr. Oxman is a very valid one though.

If you look at this in a full context, you have to remember that the federal government gave 3,000 acres to preservation and protection outside the fence. And they said, and since we're doing that, we would like the interior to be a site of development. So that has to be seen in this context, that 3,000 acres already protected within the fence, another 2,000 are surely going to be protected. Is that sufficient or is it necessary to argue for more?"

Joe Montalbano: "I think what the town is doing and I think it's (inaudible)."

Supervisor Cardinale: "Thank you. Come on up, please, if you wanted to make a remark."

9/16/2008

George Fernandez: (Inaudible) "-- with the responsibility of, you know, developing the property. That being said, I also want to remind you (inaudible) the EPA, the Environmental Protection Agency, recommended that the property be transferred be conditioned to require mitigation for protection of threatened and endangered species. You cannot (inaudible). That is (inaudible). So just keep that in mind (inaudible)."

Supervisor Cardinale: "Thank you."

Dick Amper: "I do want to make it absolutely clear that those of us who designed the pine barrens plan contemplated redevelopment at EPCAL. We saw the runways, we saw the buildings. It was never our intention to preserve what was already developed and it was not our intention to preclude other development.

That's why we put it in (inaudible). So the only issue here is, is it compatible. And I don't think it has to be either/or. I think you've heard me speak to (inaudible) and all kinds of other things to this point. I don't think it's either/or as long as we're following New York State law and it may be entirely possible to take care of these natural resources without (inaudible), worthwhile economic development.

But it is not just the Environmental Protection Agency that commented when the property was transferred. Subsequently there was a joint aircraft-- aviation use study by the Long Island (inaudible).

And it goes on for page after page warning about the constraints on development that will have to be overcome. They did not say that this area you pave over without regard to the consequences to the river and endangered species. They went for page after page saying this is going to be a tough challenge.

It's an area that should be redeveloped. There are areas of it that have never been developed and can be but there's going to be problems. It's going to be tough because of the particularly environmentally sensitive nature of the overall area. Outside, inside, it was once all natural pine barrens.

And so if we are to do development on 2,000 to 3,000 acres, it's going to be a challenge. But why don't we look at it, why don't we look and find out what we can safely do, what we can do consistent with state environmental law. Before we decide that development is all bad and preservation is all good, why don't we figure out-- I think that's what this process is supposed to be about. What you can do responsibly that will benefit the economy of Riverhead and what it is that we have to protect for our sake and for the sake of (inaudible).

9/16/2008

I don't think it's either/or. It is this process that is going to determine that and I advocate again (inaudible)."

Supervisor Cardinale: "Certainly we can agree with that. Thank you, Dick. Anybody else want to make a comment? Yes, Marty, come up, please."

Martin Sendlewski: "I'm Martin Sendlewski, Calverton. Just following up on some of the comments that were mentioned by Larry."

There was 6,000 acres approximately originally. Only from what I understand 1,500 including Burman and these other sites that's being developed, and some of these sites about half of them are going to remain non (inaudible), really the development of all of this acreage in realty amounts to about twelve and a half to maybe twenty percent (inaudible). Would that be accurate?"

Supervisor Cardinale: "Yes. It's ultimately- that's a good point. It's ultimately- if you have 3,000 acres there, at the end of these two developments you might have- of this 300- that's 1,050 acres that we're talking about. You might have less than- a good deal less than half that would be built on."

So it's always going to be about where this development is going to take place and what you're disturbing is what they were talking about."

Martin Sendlewski: "If you look at the overall tract though, the original 6,000 it's only twelve to maybe twenty percent (inaudible)."

Supervisor Cardinale: "We'll have- yeah, we'll meet the 65% or more."

Anything else?

I appreciate the comments. We are going to I'm sure have another hearing and we'll try to make this- we will make this a joint hearing so we can get the revised text and the map together in one place.

I'd like to leave this one open for 10 days for verbal comment- oh, I'm sorry, written comment, to the clerk's office by the 26th at 4:30. We'll then work on the text and come back with a what I hope will be a joint hearing with the map and the text.

Dawn, I'd like two things. One is on that pine barrens commission review issue, if you could research that for me. And also on the top of the letter that we got from the coalition, they speak of the SEQRA process and the coordination of the review.

9/16/2008

Could you translate that for me, see if there's any validity in what they're saying? Okay, thank you."

Public hearing closed: 9:00 p.m.
Left open for written comment for
10 days to September 26, 2008 at
4:30 p.m.

Public hearing opened: 9:00 p.m.

Supervisor Cardinale: "Now we have the next hearing. Yes."

Councilwoman Blass: "I'm just going to suggest to the extent—and I have some and I think I mentioned it to you earlier, I have some specific issues that relate to (inaudible) with respect to this next hearing.

It also references the map however and it references the map in more than one instance. And to the extent that it may be important to have the map for the pine barrens overlay amendment, I think it's equally important to have it available as it relates to the (inaudible)."

Supervisor Cardinale: "Okay. We're going to open the hearing but I get your point and this next hearing is the final one of the evening. It's scheduled for 7:30. It's 9:00, we're starting it. The proposed local law is in the zoning section planned Riverhead park district making some changes in that taking out subdistricts because of the present site there.

There is a reference to this map. I do think the same logic holds, that we should be looking at both. I think it's even more critical for the pine barrens overlay than it is here. This is a really text concentrated amendment but I (inaudible) the text. Some of it is not ready for prime time. It doesn't have straight sentences here and there.

Also there's some policy judgments that were made there as to uses that the town board hasn't had an opportunity to work out at work session through. This was suggested from legal.

But in any event, we're here, we're having a hearing and if anybody took the time to look at this text which is what— six or eight pages or more— 15 pages, the other one was six pages— so this is 17 pages and I don't know if anybody read it and if they did they'd find the same problems that we did when we looked at it.

But if anybody wants to comment, I'd like to hear it. Please come up."

9/16/2008

Martin Sendlewski: "Good evening. Martin Sendlewski, Calverton. I actually had the opportunity to work with the previous rendition of the code-- "

Supervisor Cardinale: "Okay."

Martin Sendlewski: "-- when some of the earlier projects were being considered for the property. And I think this is a vast improvement. I'm sure there are some things that need to be worked on. Getting rid of the subdistricts. They were very confusing when we were trying to lay out the property with a few projects earlier.

I do think you're missing one thing and maybe it's one of the text changes that you're talking about. With the selection of the Riverhead Resorts project, I noticed that in the height restrictions you didn't include the 350 foot height for the buildings which I mean if that's the project that the board is utilizing for that kind of development, it would make sense to eliminate that hurdle and allow the 350 feet."

Supervisor Cardinale: "You know we did-- I'm not sure and we will all know because I read the article Mister-- the attorney is here for Riverhead Resorts. And you read the article in the News Review not too long-- two weeks ago. I don't know what they're going to come up with but that's one of the things I'm looking for on the site plan. Because I'd like to know if this is going to be an ice castle, or a ski mountain or if it's going to be 300 feet or 200 feet or 75."

Martin Sendlewski: "That's a major code issue that (inaudible) eliminated while you're doing this. You select a project that has this height and then not to allow it by legislation seems to be-- "

Supervisor Cardinale: "That's a good point. No guts, no (inaudible). Yeah. The-- any other comment (inaudible) about this change? I believe this is going to be heard again, but go ahead, Barbara."

Councilwoman Blass: "I just wanted to know in terms of the town board and our ability to work on this if we're going to have an actual work session with individuals who have proposed this to be available to clarify (inaudible)."

Supervisor Cardinale: "It should come as no surprise to anybody that this came through legal. There were certain suggestions made by (inaudible). We need to have an hour or two to sit down and go over the text and I think that could be done at a work session or it could be done at a special session (inaudible)."

9/16/2008

Councilwoman Blass: "And I would respectfully request that we do it as a board because again we've got policy issues about uses that were never contemplated for the district that are now in there that weren't in there in the original and real clarification I think is always helpful that everyone hears the same information at the same time so that there's nothing lost in the translation."

Supervisor Cardinale: "Why don't we consider it for when we have a complete board? I'm not sure about Thursday because we have these two away. How about (inaudible) our town attorney, the town board at a work session on 10/2 and counsel (inaudible). Because I know you made some suggestions through legal. I want to really go over carefully and then get the text cleaned up and re-hear it."

Do you have any idea how close we are to— part of this map issue, if you're talking— a lot of people, the DEC and everybody else it seems factored in to try to do the right job. Do you have any idea when you'll have a map— "

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "All right. So maybe on 10/2 we'll do that. Does anybody have any other comment? If not, I'm going to leave it open for written comment if you want to make it 'til Friday, the 26th at 4:30."

Public hearing closed: 9:07 p.m.
Left open for 10 days for written
comment to September 26, 2007 at
4:30 p.m.

Supervisor Cardinale: "That concludes the schedule that therefore we will take comment on Resolution 782 through 825 from anybody that would like to make such comment. Sal."

Sal Mastropolo: "Sal Mastropolo, Calverton."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Resolution 783. (Inaudible) don't match. Some of the numbers were reversed. You've got 767 on the front and 676 on the— "

Supervisor Cardinale: "Thank you. Okay, 33767 we will amend it. Hopefully it will be right. Thank you."

Sal Mastropolo: "793."

9/16/2008

Supervisor Cardinale: "Yes."

Sal Mastropolo: "In the Now Therefore, (inaudible)?"

Supervisor Cardinale: "Litigation. It should be l-i-t-i-g. Litigation action."

Sal Mastropolo: (Inaudible)

Supervisor Cardinale: "Yeah. 793, should be litigation."

Sal Mastropolo: "Okay. Well, that's the same comment I have for the next five or six, all the way through 797."

Supervisor Cardinale: "Okay, so 793 to 797. Diane, would you make those changes?"

Diane Wilhelm: "Yes."

Supervisor Cardinale: "Thank you."

Sal Mastropolo: "807, the first Whereas."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "It says consisting of 16 dwelling units arranged in seven duplex building and related improvements. Should it be 14 dwelling units or eight duplex? Or are there two dwelling units someplace else?"

Supervisor Cardinale: "Good question. Anybody— Rick, are you here? No. Anybody? Is he here? He just left. Okay. How about Leroy? He left earlier. Okay. Well, that's great because I could use them.

It can't be seven duplex buildings, 16 and 7. It's got to be 16 and 8 or 14 and 7. I happen to know that there's 16 on that."

Councilwoman Blass: "There's a single family dwelling (inaudible) and I think that's one of them already (inaudible)."

Supervisor Cardinale: "That would be 15 then. All right. So let's leave it. Maybe they mean it. If they don't, they'll have to come back and tell us. Thanks."

Sal Mastropolo: "821."

Supervisor Cardinale: "Right."

9/16/2008

Sal Mastropolo: "The fifth line down in the Whereas. I take it that's 4200 square feet?"

Supervisor Cardinale: "Fifth line down. Forty-two-- "

Sal Mastropolo: "It says forty two hundred fenced area."

Supervisor Cardinale: "Yeah, 4200 square feet should be added-- fenced area of a 98 acre lot."

Sal Mastropolo: "Okay. And that's in two places. It's also on the public notice."

Supervisor Cardinale: "Okay, would you correct that, Diane?"

Sal Mastropolo: "822."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "The notice of public hearing calls for a Wading River Congregational Church on the 7th day of October. We're here tonight, I doubt we're going to be here, probably in Riverhead town hall."

Supervisor Cardinale: "Yeah. Diane, check that. I believe we're in Riverhead. Let's make sure. I think it's at 2:00 on the 7th."

Okay, thank you. Any other comments about the resolutions we are about to consider? If so, please come up. Yes. Yeah, this is just on the resolutions. We're going to get rid of them and then we'll take public comment on anything you want to talk about.

Anything else on the resolutions? Yes."

Janice Gilmore: (Inaudible)

Supervisor Cardinale: "Yes, that's for a public hearing."

(Inaudible comment by Janice Gilmore regarding Resolution #821.)

Supervisor Cardinale: "Yeah. They made the application. They then are asked to come in to discuss it with the town board at a work session. Then legal gets it ready for the hearing. That's where we are. We're at a hearing. This hearing, let me just look at this-- this is a hearing which-- because we have a public utility involved and a school district, this is a hearing actually to take public comment as to whether-- we have to balance a series of factors to determine whether the town can apply its zoning in this

9/16/2008

situation or whether it is pre-empted by the fact that the company is itself a public utility. It's like- excuse me- "

Councilwoman Blass: "That's what the intent of this resolution (inaudible)."

Supervisor Cardinale: "All right. That's the intent. So my question to legal is does this- does that reflect the intent or is this an incorrect notice?"

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "That's what we're doing. What I was describing to you is what this hearing is intended to do. My question- so we can authorize the public hearing. We better get the notice right when it's in the paper.

And what it amounts to, under a case in 1988 there are a dozen factors you have to balance to determine whether the entity, in this instance this public utility and/or the school district, in this instance we're looking at the public utility, must comply with zoning or zoning need not be complied with.

The same issue occurred for example when they built the firehouse in Riverhead. The question was did they or did they not have to comply with the zoning laws because they themselves are a fire district. And that's the hearing. You should be there if you're interested in this particular application.

What's the date we're using? October 21st at 7:10 at the town hall."

(Inaudible comment by Janice Gilmore)

Supervisor Cardinale: "To determine whether we can assert our- we should under the law or can or are permitted under the law to assert our jurisdiction as a zoning entity over the utility."

(Inaudible comment by Janice Gilmore)

Supervisor Cardinale: "That's correct. Now-- to have public input as to what consents or conditions are necessary before this thing can be approved. We want to know from the public, number one we want to know from the public do you think that we should assert jurisdiction and if so why; and two, what is important to you about consideration of this application, aesthetics.

Some of the things you can't consider. For example, you might say I've got- I believe that they're dangerous, these antennas, they're going to give me- you can't consider that (inaudible)."

9/16/2008

(Inaudible comment by Janice Gilmore)

Supervisor Cardinale: "The map— I would expect the utility to be there, right, on that day. The applicant will be there. They usually submit a whole book of information about their application and one of the things they have to verify is that they have looked to see if they could co-locate on another tower or if they could go to a public parcel somewhere in the vicinity. They're supposed to show us that."

(Inaudible comment)

Councilwoman Blass: "I think there was a GIS— "

(Inaudible comment)

Supervisor Cardinale: "Oh, you mean our town does? We have a town map which is just recently developed."

(Inaudible comment)

Supervisor Cardinale: "Rob, yeah. It is existing. It just was created in the last few months and Rob in the information technology department-- you call Trina in my office and we'll see if we can get you access to it. Okay? Trina at 727-3200 extension 251. It exists. Just recently it was created."

(Inaudible comment)

Supervisor Cardinale: "Yeah, that is an interesting (inaudible). Yeah. Okay. Any other comment on resolutions?"

(Inaudible comment)

Supervisor Cardinale: "Remember that was the change and I asked her to verify— Anne Marie Prudenti has researched and (inaudible). I said you better make sure you're right on that before we proceed. She hasn't given me that (inaudible)."

(Inaudible comment)

Supervisor Cardinale: "There's two issues here. No, I asked her to research that because that would mean our whole procedure will change but here as she just points out there's two and even if they are not, the applicant may not be entitled to Monroe review but the school district may play in there because although they're not the applicant, they could be the applicant. (Inaudible) so it's complicated."

9/16/2008

(Inaudible comment)

Supervisor Cardinale: "And we don't have complete discretion either."

(Inaudible comment)

Supervisor Cardinale: (Inaudible comment)

(Inaudible comment by Dawn Thomas)

Supervisor Cardinale: "Yeah, which is also— apparently I'm told by my legal staff that (inaudible).

Well, we have them precluded. You're right, they're precluded in certain residential zones. The question is (inaudible). Incidentally the good news is that (inaudible). Now they're talking about not only gaps, as you know, but coverage gaps. Even if you have a cell tower, you need another one because too many signals are bouncing off of that one. In Europe they use satellites. And then you don't have to have any cell towers at all. So that's the ultimate solution but we're not there yet.

Okay, we're going to consider these and then we'll take comment on anything your heart desires.

Would you call them, Diane?"

Resolution #782

Councilwoman Blass: "This is a general fund budget adjustment. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #783

Councilman Dunleavy: "CDBG Home Improvement Program budget adjustment. So moved."

Councilwoman Blass: "Ands seconded."

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

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

9/16/2008

Resolution #784

Councilwoman Blass: "This is a public parking fund budget adjustment. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #785

Councilman Dunleavy: "Recreation program budget adjustment. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #786

Councilwoman Blass: "A resolution subject to permissive referendum authorizing the acquisition of land and building thereon and reconstruction thereof in and for the town of Riverhead, Suffolk County, New York at a maximum estimated cost of \$2,620,000 and authorizing the issuance of \$2,620,000 bonds of said town to pay for cost of same. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #787

Councilman Dunleavy: "Appoints volleyball attendants and officials to the recreation department. So moved."

Councilwoman Blass: "And seconded."

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

9/16/2008

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

Resolution #788

Councilwoman Blass: "Accepts the retirement of the Justice Court Director, Irene Alexander. So moved."

Councilman Dunleavy: "Seconded."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes. And she's worked for the town for 30 years and I wish her luck and good will in her retirement. Yes."

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

Councilwoman Blass: "Yes. She's been an incredibly professional and dedicated (inaudible). Yes."

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

Supervisor Cardinale: "Yes. And thank you for your service."

Diane Wilhelm: "The resolution is adopted."

Resolution #789

Councilman Dunleavy: "Authorize attendance at 2008 Association of New York State Youth Bureaus Annual Conference. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #790

Councilwoman Blass: "Approves the attendance at International Economic Development Training. So moved."

Councilman Dunleavy: "And seconded."

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

9/16/2008

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

Resolution #791

Councilman Dunleavy: "Accepts resignation of member to Suffolk County Town of Riverhead Empire Zone Administrative Board, Bruce Tria. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes. And I also want to thank him for all the time he spent on this board."

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

Resolution #792

Councilwoman Blass: "Authorizes the attendance of town justice to attend NYS Magistrates Association Annual Conference in Buffalo. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #793

Councilman Dunleavy: "Authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 26 Northside Road, Wading River, New York. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #794, #795, #796, #797

Supervisor Cardinale: "We have- "

9/16/2008

Councilwoman Blass: "Could we do them together?"

Supervisor Cardinale: "Indicate the addresses. These are authorizing- 794 through 797 authorize litigation (inaudible). Would you call that, please?"

Diane Wilhelm: "Okay, Dunleavy."

Councilwoman Blass: "Well, we should list the addresses at least. We're authorizing legal action against 86- at 86 Fairway Avenue in Riverhead; at 39 Fairway Avenue in Riverhead; at 350 Hamilton Avenue in Riverhead."

Councilman Dunleavy: "And one more; 115 Cedar Road, Wading River."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "Authorizing legal action. Vote, please."

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

Resolution #798

Councilwoman Blass: "Authorizes the town clerk to advertise for bids on traffic signs and related items. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #799

Councilman Dunleavy: "Authorizes town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled zoning of the Riverhead town code, Section 108-278 uses industrial C (IC) zoning use district. So moved."

Councilwoman Blass: "And seconded."

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

9/16/2008

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

Resolution #800

Councilwoman Blass: "Authorizes the town clerk to publish and post a public notice for a local law to consider amendments to Chapter 108 of the code of the town of Riverhead entitled Zoning, Article XXVI Section 108-130 review and approval required. So moved. With discussion."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Yes, please."

Councilwoman Blass: "We did have a comment at a work session that we were going to include the definition of (inaudible), alteration of any building or lot."

Supervisor Cardinale: "They put that, external appearance of the building or site, i.e."

(Inaudible comment)

Supervisor Cardinale: "The one that's attached to the code, does that include the last line first page (inaudible)?"

Diane Wilhelm: "Building or site."

Supervisor Cardinale: "Okay."

Diane Wilhelm: "-- i.e. replacement of doors, windows-- "

Supervisor Cardinale: "Okay."

Councilwoman Blass: "So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #801

Councilman Dunleavy: "Authorize the town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code, Industrial A (1A) zoning use district Section 108-274 uses. So moved."

9/16/2008

Councilwoman Blass: "And seconded."

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

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

Resolution #802

Councilwoman Blass: "Authorizes the town clerk to publish and post a public notice for a local law to consider amendments to Chapter 101 of the code of the town of Riverhead entitled Vehicles and Traffic. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #803

Councilman Dunleavy: "Authorizing the town of Riverhead to order and appraisal for property located at 540 East Main Street, Riverhead, known as the East Lawn Building. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #804

Councilwoman Blass: "Authorizing the town of Riverhead to order an appraisal for property located at 209 East Avenue, Riverhead. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #805

9/16/2008

Councilman Dunleavy: "Authorize the supervisor to execute an inter-municipal agreement relating to the administration of the county of Suffolk/Town of Riverhead Empire zone. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #806

Councilwoman Blass: "Authorization to publish bid for signage services for the town of Riverhead. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #807

Councilman Dunleavy: "Authorizes the town clerk to publish and post notice of public hearing special use permit of Gerard Simone (Gendot Associates). So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy, yes; Blass."

Councilwoman Blass: "We're just going to clarify this with the planning department to make sure that the numbers are correct."

Supervisor Cardinale: "Yes. Would you please note that, Diane. I want to make sure the text is 16 and 7. Before you advertise verify it with the planning director."

Diane Wilhelm: "Okay."

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

Resolution #808

9/16/2008

Councilwoman Blass: "Authorizes the supervisor to execute change order No. 1 utility conflicts, landscaping and paving Route 58 Hotel Plaza contract No. RDSO 07-04 Riverhead Sewer District. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #809

Councilman Dunleavy: "Authorizes Chris Channing P.E. to proceed with HVAC design services for the town of Riverhead senior center. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #810

Councilwoman Blass: "This resolution increases municipal fuel reimbursement rate. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #811

Councilman Dunleavy: "Increases municipal garage labor rate. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #812

9/16/2008

Councilwoman Blass: "Adopts a local law to amend Chapter 108 entitled Zoning of the Riverhead town code, Article XXVI - site plan review Section 108-133 conditions for approval. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #813

Councilman Dunleavy: "Adopts local law amending Chapter 108 entitled Zoning of the Riverhead town code, Section 108-58.1 yard sales. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #814

Councilwoman Blass: "Adopts a local law amending Chapter 108 entitled Zoning of the Riverhead town code, Section 108-60 Off Street Parking. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #815

Councilman Dunleavy: "Approves Chapter 90 application of Hallockville Inc. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy, yes; Blass."

9/16/2008

Councilwoman Blass: "Yes. I just wanted to publicly disclose that my husband is a director of Hallockville who is in charge of this festival. The town attorney has advised me that disclosure of that fact is sufficient and that I'm still able to vote on the resolution.

And I vote yes."

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

Resolution #816

Councilwoman Blass: "Oh, I'm sorry.

Approves Chapter 90 application of Garden of Eve LLC. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #817

Councilman Dunleavy: "Approves Chapter 90 application of Riverhead Foundation for Marine Research and Preservation, 5K run for the Ridley. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #818

Councilwoman Blass: "This resolution amends Resolution #768 of 2008 which approves Chapter 90 application of Fink's Country Farm, Inc. So moved."

Councilman Dunleavy: "And seconded."

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

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

9/16/2008

Resolution #819

Councilman Dunleavy: "Authorizes the supervisor to execute an agreement with BFJ Planning. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #820

Councilwoman Blass: "This resolution sets the registration fees for the Riverhead recreation department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #821

(Some inaudible discussion)

Supervisor Cardinale: "Let's see if it makes a difference. We want to get it on for the 21st. We would have to— I suggest, what do you think, Dawn? I want to get it on for the 21st. We have to ratify it on the 7th I think in order to have a 10 day notice."

Dawn Thomas: (Inaudible comment)

Supervisor Cardinale: "All right. Table it and make it a ratification and (inaudible)."

Let's table this and get it in the paper 10 days before the 21st."

Councilman Dunleavy: "I would like to table Resolution 821. So moved."

Councilwoman Blass: "Second to table."

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

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

9/16/2008

Supervisor Cardinale: "Yes. And we're going to have a special I think on the 25th (inaudible)."

Diane Wilhelm: "The resolution is tabled."

Resolution #822

Councilwoman Blass: "Authorizes town clerk to publish and post notice of public hearing, Sid Harvey Industries, Inc. So moved."

Councilman Dunleavy: "And seconded."

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

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

Supervisor Cardinale: "Yes. And remember that's a change to Riverhead, on the notice."

Diane Wilhelm: "Yes. Resolution is adopted."

Resolution #823

Councilman Dunleavy: "Approves termination of stipulation of settlement. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded."

(Some inaudible discussion)

Supervisor Cardinale: "On this one- did we discuss this? I guess we did because- I forget. Vote."

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

Resolution #824

Councilwoman Blass: "This ratifies the temporary appointment of a Justice Court director. So moved."

Councilman Dunleavy: "And seconded."

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

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

9/16/2008

Resolution #825

Councilman Dunleavy: "Resolution to pay bills. So moved."

Councilwoman Blass: "And seconded."

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

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

Supervisor Cardinale: "That completes all the resolutions before us. So we are now ready to take comment from the public in any issue they would like to address. Please come up."

Don't you like that with the three-- wasn't that quick with only three people. Did you know that the town board could have a three people board? And Barbara was just pointing not only do we have just three people this evening and therefore we can move quickly through resolutions, but we have three political parties represented, Democrat, Republican and Independent. This is the kind of board we need.

Go ahead, please, comment."

Dominique Mendez: (Inaudible) "-- a resident of Wading River. And I'd like to address the issue of (inaudible) catering events. As you know, the residents of the subdivisions that surround the golf course have been fighting for the quality of life (inaudible).

(Inaudible), the town board assured us there would be a special permit process where the public could express concerns (inaudible). Unfortunately nearly five months later, Great Rock's lawyer argued that this permit was not required because of some recreational overlay zoning (inaudible). Even though had assumed this overlay was automatically removed during the town-wide rezoning change (inaudible).

Because of that loophole and much to our dissatisfaction, the town did not make Great Rock undergo the special permit process but instead decided to attempt to address any issues we might have in an amended site plan approved by the planning board.

I was personally assured that the recommended site plan would not happen without either a public hearing or (inaudible). That did not happen.

9/16/2008

The amended site plan was put through without any of our input although it did include two lines or three lines (inaudible) attempt to address our issues. (Inaudible)

But the real (inaudible) is this. It turns out that the situation might have been avoided from the start (inaudible). I'm not going to read from Resolution 236 from 1994."

(Inaudible)

Supervisor Cardinale: "Thank you. We have spent a lot of time on this as you know, the town attorney and I and members of the board. We-- first of all, I want to apologize, this board did promise there would be a public hearing before anything was approved. We transferred that request to the planning board but (inaudible) apparently because it didn't happen.

However, on the covenants and restrictions that you picked up on their original site plan, there is a language issue. Whether they meant it or not, they said principal uses when the whole context addresses accessory uses.

However, I've asked the town attorney to review and I'd like her to comment on the original-- I had thought that when the town in '06 passed new zoning, or '05 whenever it was, that said this mapped area is now no longer what it was but is now-- what is the zoning there, Barbara, RB-80, you know, it was two acre residential. When we passed that zoning it was to the preclusion of everything else.

If that were the case, then before this could be considered for site plan or amended site plan, they would have to get an amended special use permit from the town board. I've asked the town attorney to take a look at that because I think that's the most likely-- that's the best way to get back into the heart of this which is should we permit that expansion in view of the noise complaints we've gotten?

Have you done any research on that and could you tell us what you concluded?"

Dawn Thomas: "On which issue?"

Supervisor Cardinale: "On the question of whether a special permit will be required for an expansion of a non-conforming use in regard to that site. Because that's what we promised when you spoke earlier in the year. At that time the attorney was in agreement that a special use permit was required to expand this non-conforming use, when he goes in and asks for I guess it was a (inaudible) or something."

9/16/2008

Dawn Thomas: "If it was a non-conforming use but the recreational overlay left it a conforming use."

Supervisor Cardinale: "But the recreation overlay was-- the question I think you and Ms. Prudenti discussed today, at least she told me you did, was whether when you mapped over the new zoning-- we mapped over the new zoning, they maintain the recreational overlay persists. That would not be the case. They would have a pre-existing non-conforming use to the then existing uses. Right? That's what they have if my understanding is correct. So when they ask for additional uses, an expansion, they have to get a permit first, a special use permit first and then go onto site plan. That's not what happened. Right?"

Dawn Thomas: "If the recreational overlay had been removed, then you would-- "

Supervisor Cardinale: "No. I'm saying forget about it being removed. The argument Anne Marie Prudenti and I discussed, that she said you were in agreement, maybe you're not yet, was this, that even if it's on the books, we all understand it was not in error, it was left on the books, it's now off.

But whether it's on the books or not, when you zone a piece of property as we did and we say this property is not longer whatever it was, whatever zoning is-- RB-80, that I believe legally rezones over any mapped district or any overlay district. And the simple existence of the mapped district is not relevant to that rezone; it's relevant to the opportunity.

In the last two years, we could have considered a rec overlay someplace because we had a district. But property that was rezoned has got to be what it was rezoned, not rec overlay. Now I know he argued with us that (inaudible) but I'm not convinced we were and if we were too quick to agree with him, we could bring it back, could we not. That your site plan may be fine, but your special permit you still need to get."

Dawn Thomas: "I'm following your logic. And we have not discussed that."

Supervisor Cardinale: "Okay. They're going to discuss that. I don't believe the covenants and restrictions are going to get us too far because not only the word is principal but the whole discussion at the time suggests that they understood the problem and didn't know how to handle it. In other words, they were saying you could have a golf course but you cannot have these uses with the golf course and one of the big issues is this.

9/16/2008

First of all, there's enforcement issues. Let's say you can only have golf related catering. Exactly who is going to go over and ask them did you golf today, so put down that drink, put down that food. It's just not practical to enforce it.

So I think the better way to go is with the special use permit. So she's going to look at that."

Dominique Mendez: "But you don't think the intent- "

Supervisor Cardinale: "I know the- I believe the intent was logically it had to say accessory because it couldn't possibly mean principal but I wasn't there. It was '92."

Dawn Thomas: "That I agree that the intent wasn't- "

Supervisor Cardinale: "Yeah. Oh, here's the problem. Although that was the intent probably, these covenants were put on record in '92, whenever it- '95, and then new people bought it and you know they have a right to rely upon the word principal. They didn't know that- "

Councilwoman Blass: "Actually I think one of the owner-original owners is still there."

Dominique Mendez: "Yes. One of the original owners- "

Supervisor Cardinale: "So that's tricky. Okay."

Dominique Mendez: "It's hard to believe that the original owners weren't aware of the (inaudible)."

Supervisor Cardinale: "Who would get to enforce those- even if you wanted to enforce those covenants, would it be a planning board action?"

Dawn Thomas: "The town board- "

Supervisor Cardinale: "Would enforce the covenants?"

Dawn Thomas: "Because the covenants were a condition of a change of zone originally and so it could be the town board. It could be the planning board because the planning board- "

Supervisor Cardinale: "Right. Either one. Alternatively- "

Dawn Thomas: "-- required it also as a condition of the site plan."

9/16/2008

Supervisor Cardinale: "(inaudible) modification to the accessory and then enforcement. Right? I think that would be a hard case but you could try it."

Dawn Thomas: "And I think you could make a very good argument that they weren't intending it to be an accessory use. I don't think that's a difficult stretch but the enforcement problem is more complicated."

Supervisor Cardinale: "Yeah, how do you- ultimately even if we prevail there, you'd have to enforce that. You couldn't have a catering event that was unrelated to golfing which means what? That you have to golf that day? That you have to, you know, sometime that week?"

Dominique Mendez: "Well, you know, wine festivals and weddings."

Supervisor Cardinale: "Yeah, some of them will be pretty obvious. Yes."

Dominique Mendez: "Yes, those are clearly obvious (inaudible). It just seems that the original restriction and I think (inaudible)."

Supervisor Cardinale: "Are these largely noise complaints that you are concerned about?"

Dominique Mendez: "No. It goes (inaudible). Yes, noise is the issue but there's issue of traffic (inaudible)."

Supervisor Cardinale: "For an event? Not just golf."

Councilman Dunleavy: "But I thought we weren't going to allow them to put the tent up for an event. That's the last thing I heard. We weren't going to allow them- "

Supervisor Cardinale: "That was the other interpretation. In addition to the- on the rec overlay, in addition to a covenant restriction issue, the other issue was that when they approved the site plan permitting a tent, there was an argument that you had to get the site plan approved every year as opposed to just a building permit every year. And I think that the conclusion was that the approval did not require a (inaudible).

But that's- John and I- see we didn't- the planning board (inaudible).

What we understood was the- we used to approve a site plan, I hoped I was doing it for a year and then I'd look at it the next

9/16/2008

year, the site plan. But that wasn't the way this way done. It was site plan approved, get a building permit every year. That's why it goes (inaudible) without site plan approval.

The only approval they used-- needed on this was for the amendment for the fire pit. And they used that as leverage to get these conditions.

If this was enclosed instead of a tent, if this area was enclosed, would that address any issues?"

Dominique Mendez: "It might address some but (inaudible)."

Supervisor Cardinale: "Yes."

Dawn Thomas: "They may have done that and they may have concluded that it didn't require a special permit. And the expansion of the restaurant for non-golf related catering, you know, I'm not sure how it went. I wasn't involved at that time. They could have done that and reached a different conclusion."

Councilwoman Blass: "They did not-- they seemed unaware in the discussions that I've had (inaudible)."

Councilman Dunleavy: "I thought catering was an accessory use to a restaurant."

Supervisor Cardinale: "It is except that they have that specific covenant that said-- meant to say non-golf related--golf related only and didn't quite get there. So I have three things that we can do. Anybody have anything else, please speak up now."

One is to explore the special permit, whether that was required. Second is to enforce the covenant to conform it read accessory and then enforce it. And the third is to argue that site plan is required annually. I can't think of any other theories under which we can leverage ourselves to an intelligent discussion with the owners. But obviously there's a problem here."

(Unidentified speaker): (Inaudible) "The reason I left Queens (inaudible) a nice quiet neighborhood. We were told 10 years ago they were not allowed to (inaudible). They got away with the restaurant, from a snack shop to a restaurant and now we've got catering. At what point do my rights get respected. (Inaudible) maybe you need to (inaudible). So don't tell me that the planning committee goes down there and has no clue. A blind person could see, hello, there's the noise."

Dawn Thomas: "I don't represent the planning board. I just want to make that clear to you and I wasn't involved in this 10 years ago. I'm not accountable to the planning board. I have no

9/16/2008

rights to involve myself in their matters. They have a different lawyer."

(Unidentified speaker): "Maybe you can all work together (inaudible)."

Supervisor Cardinale: "When did the snack bar become a restaurant."

(Unidentified speaker): "Ten years ago."

Supervisor Cardinale: "How did that happen? Does anyone know?"

(Unidentified speaker): "(Inaudible) All the way in the back and it was in the morning coffee and rolls."

Councilman Dunleavy: "For lunch. Isn't it for lunch, too? It was just in the morning."

(Unidentified speaker): "That was it. (Inaudible)"

Councilman Dunleavy: "I don't know how they can do those hot dogs outside— the health department really frowns on cooking outside on barbeques in commercial establishments."

Supervisor Cardinale: "The relevance— could we check to see when that restaurant was expanded, whether they got a special permit?"

They got a special permit nine years ago (inaudible)."

Dawn Thomas: "I have to look because the '95 change of zone allowed a restaurant."

(Inaudible comments)

Councilman Dunleavy: "They could have a thing on the ninth hole or the tenth hole. There's no cooking facility inside, they just cook outside, barbeques."

Supervisor Cardinale: "I'll look— "

(Inaudible comments)

Councilwoman Blass: "We shouldn't lose sight of the fact that this recreational use was part of their residential subdivision. It's a use— the recreational district went on the open space parcel that was created in a cluster subdivision and because of that, because of the potential for incompatibility between those uses,

9/16/2008

that's why they took the extra step at the time to put conditions on what should and shouldn't be allowed on that golf course. (Inaudible)."

Supervisor Cardinale: "I understand. That was subsequently precluded utilizing open space for golf course and the idea was that actually the golf course was pretty much almost a private course for the residents, then it works. But if you start doing a public course, this is definitely not working. And then if you do a restaurant and if you do catering, it works less.

Yes, sir."

Don Trego: "Good evening. Donald Trego, Wading River. I live on the opposite side, the other development and I'm about a thousand feet away from it. (Inaudible)

I was here and talked to the board and basically heard the same basic context. And I was with my infant daughter at the time explaining to her what a garter dance is because I could hear it in my house.

So then just even this Saturday, I was in my kitchen having dinner and I could hear them introduce the bride and groom. Here they come, into the big tent. So this is in my house.

I'm not going to get into overlays and all that, I'm not a lawyer, regardless they still have to meet sound guidelines. I agree they should be held to the original restrictions on the property, no restaurant, no catering or outdoor catering and the other things.

They are not primary uses, they're auxiliary uses or primary uses now because they're hosting weddings. They're not coming in there to get married after golf tournaments. I can't see how it relates to golf.

Regardless I have a copy of what the planning board approved, August 8th, the amended version. It said there should be no amplifiers, music or voice outside the clubhouse building. How can I hear every word inside my kitchen when I'm a thousand feet away? (Inaudible)

And then several hours later you go and you can hear the thump, thump, thump of the music. How could that possibly not be amplified music?

Honestly this language issue apparently has the board, and the planning board, (inaudible). I've been to weddings where there's a jazz band and those are not quiet either. So rather than saying

9/16/2008

that they have to meet certain noise guidelines (inaudible) amplified music, they're still not abiding by that.

The second one is it says non-amplified music will be limited to 10:00 am and 10:00 pm. Well, isn't town code for noise to 8:00 pm where they have to go down to less lower decibels? Now they're allowed to go to 10:00 pm. My daughter goes to bed a lot earlier than that. And I don't need her waking up and myself waking up because they're allowed to make noise, unamplified but apparently is still is amplified, until 10:00 at night.

They're also required in here to erect an outdoor noise mitigation curtain (inaudible) to the satisfaction of the planning board. Well, that's just fantastic. Where is (inaudible)? There is no sound curtain now yet they're still operating under this site plan. There's no sound curtain because if there was a sound curtain I wouldn't hear every single word in my kitchen a thousand feet away.

And it's ridiculous. Who do we call to enforce that? You call the code enforcers and they don't know what to do. They don't even know what they can enforce. Now I get to the site plan (inaudible), and there's no amplified music. And people were at a golf outing weeks ago and these speakers wired outside. It's obviously amplified. You can hear them giving away their stuff at the golf outing. And this is almost every night. It's no amplified music. I just don't quite get it.

But who do I call? Who should I call? Should I call the police department? I mean they've got a lot better things to do than respond to a noise complaint that apparently no one can even (inaudible)."

Councilman Dunleavy: "Code enforcement should be responding to it. But maybe we could talk about this and it has to go to litigation, that's what I think. Maybe the Supreme Court so we can litigate this and put something on record on what is correct."

(Inaudible comment)

Councilman Dunleavy: "Well, the problem I see is nobody knows when they're going to have a wedding there until it starts. So code enforcement goes down, all code enforcement is going to do is issue a summons. They'll issue a summons."

(Inaudible comment)

Councilman Dunleavy: "See, that's what I'm saying. So somebody has to stop it and the authority to stop that is the Supreme Court."

9/16/2008

Supervisor Cardinale: "Yes. What John is alluding to is that you brought up that they are not abiding by even the most recent site plan, okay. So to send the code enforcement guy down that gives him a ticket, you're right, it's the cost of doing business.

You'd have to enjoin them from acting in contravention of that condition.

But the first thing we've got to do is figure out the theory-- that's why it's a legal issue, that you are going to sue on that has some chance of winning. This has been so screwed up over the years including (inaudible) dramatically that principal-- the covenant is screwed up.

There's an issue of site plan, whether or not-- I'm sorry, there's an issue on special permit whether or not they require a special permit, and then there's also an issue on the-- whether they needed site plan annually to replace their tent every year.

What we need to do is to get a-- Dawn, maybe you can speak with Anne Marie and figure this out, a Supreme Court action for Harold to bring because we do need to get these people to understand that this isn't working.

Didn't this have a lot of litigation over the golf course (inaudible)?"

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "For utilization of the golf course-- the open space which was supposed to be actually yours, it should have been the homeowners, was given to the golf course. That should have been your open space actually. But there was a lot of litigation over that and I don't remember-- I know that the group that was bringing it on behalf of the environmental concern, (inaudible), but I don't remember the details.

There's been a lot of litigation around that golf course over the years.

So we have to figure out what cause of action and get these people to respond."

Councilwoman Blass: "Something I just wanted-- I was going to add-- when you talk about the conditions of the site plan being violated or the noise ordinance being violated-- he's measuring the noise at the property line, but there's also something in the noise ordinance that speaks to what's considered unreasonable noise and it's any excessive or unusually loud noise or any sound which either

9/16/2008

annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivity.

I mean, this is unreasonable noise and it's beyond- this is in the code now."

(Inaudible comments)

Councilwoman Blass: "Maybe the annual review should take into consideration the list of violations that have taken place the previous year and maybe that would be cause not to renew the permit to allow it to happen. Right?"

(Inaudible comments)

Dawn Thomas: "(Inaudible) will go out and write a summons. But- I understand the board has to make a decision to- yeah, they'll come out any time, they'll come 24/7 and if they can't come for some reason- "

(Inaudible comment)

Councilwoman Blass: "But that's my point. It doesn't have to be the decibel level. There's a whole section in here on beyond the decibel level, that's considered unreasonable noise."

(Inaudible comment)

Councilman Dunleavy: "That's why we say we have to go to Supreme Court because they're the only people that can make it stop."

Supervisor Cardinale: "And they would have to do so on the basis of (inaudible) special permit."

(Inaudible comment)

Councilman Dunleavy: "We can't tell you not to, we can't tell you to do it. I mean we can't tell you. That's your- okay."

Supervisor Cardinale: "I know the first speaker was Mrs. Mendez. There's a large portion or a substantial portion of the community that's upset about this I assume. Why don't we let you be our contact. I will talk with the two town attorneys, Dawn and Anne Marie, we will come to a course of action and advise you what we're going to do so you know exactly what we're going to do. We're not going to let it sit. So we'll take a course of action."

The worse that could happen is you bring a Supreme Court action and you lose. We do that with some frequency. But we should at

9/16/2008

least bring the cause of action because that will regenerate a discussion.

And the things I'd like to research are the ones we've discussed, covenant enforcement, special permit, the annual site plan and just the violation of the existing- of the amended site plan. That's all happening apparently.

For example, what about this wall? They think that a sound wall will help but then they didn't put it up. How would you know? They shouldn't be operating without the sound. Right now, that's got to be a violation."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "There's no sound wall so therefore anything they do is in violation."

(Inaudible comment)

Supervisor Cardinale: "Thursday. So- "

(Inaudible comments)

Unidentified: "The event is on- what day did you say, Saturday? Thursday?"

Councilman Dunleavy: "We're talking about the golf outing. It's during the day."

Supervisor Cardinale: "And the Mather event is Saturday? You're not sure what day."

Al right. Let's see if we can fashion a course of action so we have some shot at a possible victory.

If you would tell us what you want to tell us."

Sal Mastropolo: "I just have a couple of quick questions about the same issue."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Don't you have to get a tent permit each time you want to use it? Or do you give a tent permit for the whole year? And what happens to the inspection during the course of the year?"

Shouldn't it be you put a tent up, you take it down. You put it up, you take it down."

9/16/2008

Councilman Dunleavy: "They can put it up once for a six month period. And they get it inspection from the fire marshal and the building department."

Sal Mastropolo: "The first time or subsequent time?"

Councilman Dunleavy: "No, the first time and then it stays up."

Supervisor Cardinale: "They have a six month site plan."

Councilman Dunleavy: "They have a six month site plan. They can keep it up for six months."

Supervisor Cardinale: "The question that I raised earlier was related. Yes, I know they have a six month site plan and it gets checked out before they go up. But do they have to get another site plan the next year? And they say (inaudible). I have my doubts.

Yes?"

Sid Bail: (Inaudible comments)

Supervisor Cardinale: "Thank you. Yes."

Patty Slack: "Patty Slack, Wading River. And I can hear the music on my block. But I was at one of the functions that they had for Mather Hospital. It was 400 people. We had in the tent heaters blowing on us. They also were cooking though in the dining area.

They had different restaurants there and different wineries and they were— they, you know, some of the restaurant chefs were cooking little things. Some things were prepared already. I don't know if that's allowed but they were doing that.

The music, they had that evening I think it was a guitar player but I did wonder as I sat there with these hot heaters blowing on us and so many people, you know, how did the fire marshal— how can he approve of this?"

Councilman Dunleavy: "There must be an occupancy for those tents, you know, a maximum. And I think if they— "

Patty Slack: "Well, most of the people were cramped into— "

Councilman Dunleavy: "The fire marshal should be called and let him come down and, again, all he can do is issue summonses but, you know— "

9/16/2008

Patty Slack: "But in the building itself is where we were shoulder to shoulder."

Councilman Dunleavy: "I think the fire marshal can for safety reasons order people out because to get the maximum that that tent is supposed to have. He can't close it down I don't think, but he can order half of those people to leave so it gets down to the maximum amount of people that are supposed to be there."

Patty Slack: "And I'm five houses down from Don and I can hear it by me so I can imagine how they must be hearing it over there."

Supervisor Cardinale: "We were aware when we walked in. We're more aware now of the problems and we will speak with a representative and will chart a course of action and proceed."

Councilman Dunleavy: "I thought it was all taken care of because I didn't hear and we were supposed to have a public hearing and- "

Supervisor Cardinale: "Wishful thinking."

Councilman Dunleavy: "Wishful. I was."

Dominique Mendez: "I just want to say that I think once we (inaudible). The point is that the town (inaudible)."

Supervisor Cardinale: "I think that's well stated. I thank you and if there's no other comment I will go home and eat dinner."

Meeting adjourned: 10:15 p.m.