

Minutes of a Public Hearing held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Wednesday, September 19, 2001, at 3:00 p.m.

**Present:**

Robert Kozakiewicz,	Supervisor
Edward Densieski,	Councilman
Christopher Kent,	Councilman
Philip Cardinale,	Councilman (arrived 3:22 p.m.)

**Also Present:**

Barbara Grattan,	Town Clerk
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Supervisor Kozakiewicz: "We're all ready. Let the record reflect that the time of 3:11 has arrived. We had a public hearing scheduled for 3:00 today. Barbara, if you would- first declare that public hearing and, Barbara, would you read the affidavits of publishing and posting, please."

Public Hearing opened: 3:11 p.m.

Barbara Grattan: "I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall, Riverhead, New York on September 18, 2001 at 2:05 p.m. regarding the consideration of a local law- hey, I think I've got the wrong- "

Supervisor Kozakiewicz: "You've got the wrong one, Barbara. Next page."

Barbara Grattan: "I've got the wrong thing. No, I don't have it. I don't have it."

Supervisor Kozakiewicz: "All right. Well, why don't we just- this is a hearing that's been scheduled under the SEQRA statute. We're addressing the expansion of Glenwood Village, Glenwood Section 2, which is providing for an additional 102 lots."

In April of 2000, the Town Board had passed a resolution which found that there would be environmental significance and pos dec'd the application. A scoping hearing- if I'm having these dates- if I'm wrong on any of these dates, Rick, correct me. On April 19, 2000, we held a scoping hearing in this very same room at which point in time the issues that needed to be addressed in that same document, the EIS,

were identified.

In August of this year, August of 2001, we accepted the draft environmental impact statement, the DEIS, and under the SEQRA statutes, opted to post a date for a hearing, which is today, October-not October, sure, September 19, 2001 in order to allow the public to address the Town Board with respect to the DEIS.

Now, Rick, I understand that you, as staff, representing staff, have some issues that you wanted to put on the record with respect to the DEIS and if you would, please put them on the record for us and then we'll make a copy or ask that you submit those documents as part of the record.

While he's stepped away, I know that some of the addressed that we had asked the applicant to identify in the DEIS were traffic, the fact that the property is located in the Wild & Scenic Rivers Act, that there are regulated wetlands on the parcel, and the issue with respect to noise inasmuch as the property is located adjacent to the Riverhead Raceway.

As I understand it with respect to the noise question, it's the applicant's responsibility to demonstrate that they will be able to mitigate such that the decibel levels the property owners or the homeowners would ultimately face would be within the acceptable guidelines spelled out in our noise ordinance. Is that right, Rick?"

Richard Hanley: "Yes, sir."

Supervisor Kozakiewicz: "Okay. Saying that, I'll let it turn over to Rick Hanley, Planning Director."

Rick Hanley: "Right. We have reviewed EIS as the Supervisor has said, that was submitted to the Town and we compared that to the final scope of issues which the Town Board adopted by resolution and the finding of the Department was that the DEIS was adequate for sending out or transferring to involved agencies, parties of interest.

We did have a couple of comments though on some of the issues that were identified in the draft scope and we don't think that these are that earth shattering that they have to be dealt with again in an EIS. With think that the FEIS would be adequate to review some of these.

We had some questions on topography. We just wanted a little bit

more clarity in terms of some of the steep slopes on the site. The project is to be connected to Riverhead Sewer District and either the applicant or the Planning Department is going to have to prepare the flows that are expected here with those flows that Malcolm Birney (phonetic) had identified for this property.

One of the (inaudible) issues here is that this application is not for the entire parcel, it's for a portion of the property. So what we're going to have to do is look at a worse case scenario for the balance of the property for the Board's edification.

The proposed expansion of Glenwood is the southerly portion of the property. The frontage will remain open space or vacant until such time as is development under the Industrial A District, so we're going to have to just calculate what a worse case scenario could be to get these flows."

Supervisor Kozakiewicz: "Just to be clear. The front portion is a separate lot and- "

Rick Hanley: "No."

Supervisor Kozakiewicz: "Okay."

Rick Hanley: "It is not."

Supervisor Kozakiewicz: "It's part of the same lot- "

Rick Hanley: "Yes."

Supervisor Kozakiewicz: "-- but it's being left open at this point in time."

Rick Hanley: "It's not part of this application. Correct."

Supervisor Kozakiewicz: "All right."

Rick Hanley: "We did raise that issue as well. A subdivision will have to be forthcoming for this to proceed but it has not yet occurred, the other applications were made.

We had some issues with respect to the WSR in terms of how the density proposed would relate to WSR. I think that probably that's answered by the sewer connection. We did note the noise as Bob had said earlier and those were the issues. We expect that we will

transmit these to the applicant so that they can be dealt with in the FEIS as well as all the commentary that will be forthcoming today and in writing later."

Supervisor Kozakiewicz: "Now this is a written report that you are reading from, Rick?"

Rick Hanley: "Yes."

Supervisor Kozakiewicz: "And- "

Rick Hanley: "My staff report."

Supervisor Kozakiewicz: "Okay. Has that already been made part of the record at the Town Clerk's Office?"

Rick Hanley: "It's in the Clerk's file. It's in the Town Clerk's Office."

Supervisor Kozakiewicz: "Okay. All right. Just for purposes of today, it will also be part and parcel of this hearing record. Thank you."

Rick Hanley: "Yes. Thank you."

Supervisor Kozakiewicz: "Mr. Ciarelli?"

John Ciarelli: "Supervisor, Members of the Town Board, my name is John Ciarelli, the firm is Ciarelli and Dempsey and we represent the applicant."

Supervisor Kozakiewicz: "I see you have a plan there. Do you want to set that up on a tripod or easel? And just so that you know, John, we have a copy up here that Rick-- I mean that Chris has brought in with him so that we have it up here as well, so that we can follow along. And I guess maybe it would be best if the public can see it so that they can follow along with Mr. Ciarelli."

John Ciarelli: "It's- it's our intention to respond to Mr. Hanley's staff comments in writing and I guess in the form of the final- FEIS. I have Roy Hayje (phonetic) here who is the environmental consultant that prepared the- along with Tanya Beame (phonetic) who prepared the DEIS and they should be able to respond more specifically to the questions raised. And I'd like to turn the floor over to them, Mr. Supervisor, is that is okay with you."

Supervisor Kozakiewicz: "That's fine."

Roy Hayje: "Good afternoon. My name is Roy Hayje from En Consultants, 1329 North Road in Southampton. And also present is a unfortunately former employee of mine, Tanya Beame who was involved very heavily in the preparation of this DEIS. Tanya now works for the Federal government on Plum Island. I assure you she has showered thoroughly before she arrived.

The project which is now before you involved approximately 34 acres. As has been discussed, it is the larger part of the overall parcel but does not incorporate the approximately 13 acres on the northerly side. What is proposed is a subdivision into 99, not 102. There had been a little bit more dense proposal before which was in the legal, but the current proposal is for 99 lots on which pre-manufactured homes will be constructed.

Also there will be a series of roadways throughout the development. They will connect to existing roadways in the existing Glenwood development immediately to the east.

What has been considered in this development is the proximity to wetlands and the fact that this property does lie within the Peconic River wild and scenic river corridor. To be sensitive to the wetlands which are concentrated primarily along the west side of this property, it is proposed in this plan to leave approximately half of the land, that is 17 plus or minus acres, as vacant land. That would include all of the wetland areas and also a buffer area of approximately 100 feet plus around them. This would have the benefit not only of protecting those wetlands but also leaving a buffer around them and also would provide a benefit to the applicant in that that would remove this project from the freshwater requirements of the New York State DEC which has a jurisdictional zone under Article 24 of the Environmental Conservation Law of 100 feet.

What we have also done is we have shown a biofiltration system to take care of the road drainage that we believe to be an environmentally desirable alternative. It will be run through a natural vegetation system and we expect that most of those excess nutrients which will be let off into this area will be taken up by the vegetation and thus be unavailable to pollute the ground water.

Basically that is it. Everything is contained in the DEIS. We had retained separate contractors to prepare the traffic study which is in there as a separate document, and also an archaeological study.

The archaeologist found no significant remnants or relics on this property and it was his recommendation that no further archaeological review would be necessary.

While I'm not intimately familiar with the traffic study, I know it was one of the recommendations that in order to ameliorate traffic concerns, that there be a restriction on left turns on Route 58 during those rush hours in the morning and evening only. But otherwise it was their conclusion that the project would not significantly impact traffic patterns.

If the Board has any questions?"

Supervisor Kozakiewicz: "I have one question. Are you prepared to comment with respect to the question on the sewer and flows as mentioned by Rick Hanley today or is that something you are going to follow up in writing on?"

Roy Hayje: "Well, we can follow that up. But I can tell you that this type of development, and this will be for senior citizens, that is 55 and over, is calculated- has a calculate flow per dwelling of only 150 gallons per dwelling. That is half the usual flow from a household and that is because simply senior citizens typically use less water. As part of our research into the capabilities of the plant, it is determined that that would be well within the capabilities of the plant to handle this additional flow."

Councilman Kent: "Are you aware that we've identified properties- this is within the Route 58 commercial sewer extension. What we have done is the district has identified estimated flows from each property that fronts along Route 58. And although you have in your report that we only treat 750,000 gallons per day and we have 1.2 million in capacity, that's not really the way we have to analyze this."

Rick Hanley: "Yeah, Chris, along those lines we looked at the Malcolm Birney report and the entire parcel was forecasted for a worse case scenario of 32,896 gallons per day, the entire parcel- "

Supervisor Kozakiewicz: "Could you repeat that, Rick. I'm sorry."

Rick Hanley: "Yeah, the number was 32,896 gallons. That was- "

Supervisor Kozakiewicz: "Per day?"

Rick Hanley: "Per day."

Supervisor Kozakiewicz: "GPD- GPD."

Rick Hanley: "Right. And that was done- "

Supervisor Kozakiewicz: "And that was for the entire parcel?"

Rick Hanley: "-for the entire parcel."

Supervisor Kozakiewicz: "Okay."

Rick Hanley: "And that was done in order to size the mains and to remain within our Spedes (phonetic) permit."

Councilman Kent: "That's the entire 34- just this 34 acre parcel, right?"

Rick Hanley: "No."

Supervisor Kozakiewicz: "No. That would include the parcel to the north as well, correct?"

Rick Hanley: "There's only one parcel."

Supervisor Kozakiewicz: "There's one parcel that needs a subdivision as you said. Okay."

Rick Hanley: "Yes. So what I was concerned about is how do we square the- "

Supervisor Kozakiewicz: "Well, maybe- "

Councilman Kent: "Okay. Hold on a second."

Rick Hanley: "Stop there- for a second. Stop, one second. The entire parcel was forecasted at 32,869."

Supervisor Kozakiewicz: "Right."

Councilman Kent: "Right."

Rick Hanley: "This parcel- this flow is 29,700."

Supervisor Kozakiewicz: "Okay, I think- "

Rick Hanley: "So they're less than the flow for the parcel."

Supervisor Kozakiewicz: "Right."

Rick Hanley: "But my concern as I said before is that in the event that there would be development on the northerly portion of this property some day, it would exceed- could exceed, back up for a second- could exceed what was forecasted for this piece. Now, whether that's immaterial or not, I don't know because this parcel lies within the Sewer District."

Supervisor Kozakiewicz: "That was another question which I'm glad you addressed."

Rick Hanley: "So I don't know that we have in our District bylaws specifically assigned the flow to each parcel and that it cannot exceed that flow. I think that those calculations were done in order to size the mains and to ensure that we met Spedes. I think once the property is in the District, it may be moot. But we can look at that, the Town Attorney's Office."

Councilman Kent: "Is the entire parcel 57 acres and only 34 is proposed? Is that what it is? You're shaking your head no, (inaudible)."

Supervisor Kozakiewicz: "Well, that's what I wanted to make sure. It wasn't- the entire parcel is 34 and we're building on less. It's 47 and the improvement is on 34."

Councilman Kent: "And what's the projection for the future development on the 13 acres that's not being developed at this time?"

Rick Hanley: "That's one of the deficiencies that I had suggested the Board would want to get in the final impact statement."

Councilman Kent: "So are we going to-- we're not going to be considering any future development on this site at this time?"

Rick Hanley: "No. We're just going to ask for a prediction on a worse case scenario build out on that 13 acres given the zoning to see where we're at. But I don't know that that calculus is all that critical because the property lies within the Sewer District. I think you have legal rights for connection."

Councilman Kent: "And there's no subdivision- is there a

subdivision application before us now? No?"

John Ciarelli: "The applicant is not buying that- those 13 acres. He's- it's going to be retained by the present- "

Councilman Kent: "Oh, I wasn't even- you're in contract to buy the 34 acres?"

John Ciarelli: "The 34 acres."

Councilman Cardinale: "If I understand this then, your calculation is based on 47, Rick, that you were talking about?"

Councilman Kent: "The 32,869."

Councilman Cardinale: "Yeah, shouldn't this piece-- under that theory, assuming that to be relevant, I understand your point. It may not be relevant but why would that surprise us that we're discussing something that isn't relevant."

Rick Hanley: "But it's something to discuss."

Councilman Cardinale: "But you have to do 34.47ths then of the whole to attribute the flow to this piece. What is that number?"

Rick Hanley: "The total piece was forecasted by Malcolm Birney for potential flow some day- "

Councilman Cardinale: "Yeah."

Rick Hanley: "-- of 39- 32,896."

Councilman Cardinale: "Right. And this is 70% of that piece."

Rick Hanley: "And this is eating up 29,700."

Councilman Cardinale: "Which is more than 70%."

Rick Hanley: "I think so."

Councilman Cardinale: "Yeah, so, therefore- "

Rick Hanley: "Yes."

Councilman Cardinale: "-- if the figure is relevant, then we're

over."

Rick Hanley: "If it's relevant."

Councilman Cardinale: "But we- but it may not be relevant."

Rick Hanley: "It may not be relevant."

Councilman Cardinale: "Okay. Any other possibly (inaudible)."

Supervisor Kozakiewicz: "After that, anybody else who would like to address the Board at this point in time? Yeah, as far- well, with respect to the question of the DEIS and whether it's- this hearing is not to address the project. This hearing is for the Town Board under SEQRA- we've accepted the draft environmental impact statement. And the reason it was accepted is because the issues that were identified in the scoping document sent to the applicant have been put forth in the draft environmental impact statement."

The purpose of this hearing is to receive comment from interested parties of the public with regard to the draft environmental impact statement. That's what's it's for. Okay."

Sandra Mott: "Sandra Mott, Riverhead. Okay. Um, Phil was kind enough to let me have access to a copy of the draft environmental impact statement in regard to Glenwood Oaks. Let me say that my parents and I are here, my father's not here but I'm representing the questions that my parents and I have specifically since we will be living directly across from this project."

Let me get- may I just tell you what my background is? Since I've been- I think it's important that you know that I'm just not a resident who wants to complain about the property being developed. I have a Bachelor's in History from Northeastern University in Boston; a Master's in Urban Affairs specializing in housing and social services from Boston University; I have a paralegal degree in real estate law from Adelphi University. I began an MBA program at Northeastern and then relocated to New York City. I have over 20 years experience in housing, both management as well as analytical writing reviews and reports for the State of New York. I have a real estate license that's been active for at least 20 years.

But most importantly we are residents of the current Glenwood Village. When I read this environment- this DEIS completely and thoroughly, I want you to recognize the fact that there are probably

not too many other people from Glenwood; I think this gentleman is from Glenwood, not Brian, but the gentleman next to him. Are you- "

Supervisor Kozakiewicz: "Actually, he's from Riverhead Landing. That's Gus LaPorto, right, Gus?"

Sandra Mott: "Okay."

Gus LaPorto: "I speak for myself."

Sandra Mott: "Okay, no, no, I'm just asking."

Gus LaPorto - from the audience: "(Inaudible) where I live."

Supervisor Kozakiewicz: "Oh, I'm sorry."

Sandra Mott: "Thank you."

Supervisor Kozakiewicz: "Gus, I'm sorry. You can beat me up later."

Sandra Mott: "Sorry."

Councilman Kent: "What unit number is that again?"

Sandra Mott: "Right. The long and the short of it is you're not going to have many people reviewing this. One, there was no- any posting as to the fact that this session was being held outside of the notice in the newspaper. And unless you're particularly interested in it, you probably wouldn't be attending.

In addition to the fact that this is a landlord/tenant relationship. The Stark family owns the property upon which our home is placed upon. Many people own not small homes like ours. Which I'm going to- I was going to show you what our house is. We have a small home but there are very large homes.

The long and the short of it is in this introductory statement is that not many people are going to be here. I said that previously and I'll say that to the future. They're not going to be coming. One, they don't know about it. Two, their property is owned by the Stark family. We only own the homes.

I do not disapprove of anyone making any money. But I am here to protect the equity my parents have in their home. Small that it may

be, it is our home.

There are 486 I believe units currently at Glenwood ranging between \$7,000 and \$100,000 roughly. There are children in Glenwood. There's reference in this DEIS that there will be no children affecting the enrollment in the Town of Riverhead. According to the 80/20 rule which I am still requesting the Town's Attorney to get a copy of, that needs to be considered. There are children in Glenwood; they do go to the school system. So 55 and older perhaps, but not necessarily. That's one issue.

The survey that the young money took on in May was verbal. Noontime. Hi! I work for Brian Stark, may I ask you three quick questions? I do not answer anything verbally. I like to look at a piece of paper, like to look at the questions and I guarantee that 32 people that she knocked on the door for were caught off guard, didn't know really what the deal was and 32 out of about 60 to 70, we counted the homes, both the older homes and the newer homes-- that will be for the entry in from Route 58 through the community and at the far end will be negatively impacted. Because those are the only two entry points. In other words, Farwood (phonetic) is going to be the internal constriction Road back and forth, two entries through the current community. Yes, it will negatively impact on the value of everyone's home.

According to this, the traffic study from the people from the Bronx ironically enough thought that there wasn't much of a traffic issue. Of course, they did it in January and they did it after Labor Day in September. And I guess if you come from the Bronx, we don't look like we have a lot of traffic. But we do. And if their recognition of the fact that instead of ameliorating the problem of going out onto Route 58 and making a left, is to don't do it. You've got to be kidding. Don't do it? We don't make lefts? So you go through the rest of the community onto Mill Road.

You need an entire corridor study, both on this community's potential development, Riverhead Center, the other projected developments that they want to do across the street with the hotel and the retail and the 14 movie theater in addition to the fact that they want to have apartments there as well, you need a master plan once again, everyone keeps saying the same thing all over town, and you need a specific corridor study done in this area. Because it will negatively affect the traffic flow. People do go out. Even though it was referred to the fact that most of the people are sedentary. Well, I hate to say anything. According to the literature that we had

initially when we moved into the community- let me just read to you a few excerpts to contradict that.

This is the brochure that was given out- this is a newer brochure. Glenwood Village, an active, adult community in a tranquil Long Island setting. Well, I can guarantee you the people who are living there now will not have any tranquility when they start cutting trees down, bulldozing the property, listening to additional noise pollution from the racetrack. Which the only way they're going to ameliorate that is to close that racetrack.

Now, in addition to that commentary, it also says here in the brochure, it also says here- I would have been a little bit more put together but over the past week I've been, as we all have been, distracted. So bear with me. The smart way to retire, quote, a private single family home in the quiet countryside. Think of it. Fresh air, relax, easy living, awaken to songbirds, not to the clutter of the city or modern suburbia. Well, I don't know about you. But you're putting in 100 homes on property adjacent to homes that are already pre-existing who moved in under this premise, retirement, that will not be any songbirds we are hearing at the crack of dawn and into the night.

It's a dream that many thought was out of reach. It's all here at Glenwood Village thanks to the advanced technology of today's manufactured housing industry. And as to the photographs presented in this DEIS, those are homes of what you might call trailer, what you might call manufactured, what you might call modular. My understanding is that these homes are going to be on foundations. Am I correct? They're not going to be on foundations?"

Supervisor Kozakiewicz: "Rather than do that, why don't we- we'll have someone respond."

Sandra Mott: "Well, if they are on foundation, then they are not at all an extension of Glenwood Village. They are basically Foxwood III. Now, that's what I've been told, by people who have been told by Brian. Okay?"

On to our other tranquility issue. So not only are you going to have the construction and the traffic problems internally, you're going to have construction and traffic problems externally on Route 58, which already does not have any off peak. You won't travel that way. You've all- some of you have relocated to Calverton and Baiting Hollow recently or have lived there for a long time. You know what

Route 58 is. Telling people they can't make a left when most of them have moved from up island is absolutely ridiculous. You're not going to have any additional access for fire, for police, emergency? And as to those infrastructure pieces and those services being provided for by the town's taxpayers, those also will negatively be affected. And don't tell me they won't be because they will be.

I've been here only eight years; it feels like 80. The difference from when we moved in to now has been so dramatically different.

There's another issue in here. You've talked about your noise, you've talked about pollution, but you've never talked about the lead that's in the soil currently that came from the gasoline that went up into the air from the racetrack cars that used lead during the years when lead was permitted. Let me read a little something from the EPA brochure that I picked up. Nothing was addressed as to that and that was initially requested for addressing in the original scoping during Holy Week. Now we're again in another- "

Supervisor Kozakiewicz: "I have the draft scope of issues, traffic generation and access; availability; design and access for public utilities; the affect of the subdivision; the affect of the industrial use zoning classification on the proposed special permit application for expansion; the affect of the proposed expansion of Glenwood Mobile Home community on the Peconic River as same has been designated wild scenic; the affects on the adjoining uses, specifically the Riverhead Raceway; the affects of the proposed expansion on the Riverhead Water and Sewer Districts; the affect of proposed on the on site fresh water wetlands; and investigation of any historical or archaeological significance on the site; economic affects of expansion of Glenwood as a senior citizen community. And that's (inaudible)."

Sandra Mott: "Yeah, I know, because I came up here and I asked you what specifically are they going to do about the lead that's already in the soil because according to the EPA, protect your family from lead in your home, EPA US Environmental Protection Agency Product Safety Commission, where lead paint is found and it gives you a whole list. In homes in the city, country or suburbs, in apartments, single family homes. And it predominantly was focusing on the painting within your home, okay? But then at the bottom it said, inside and outside of the house. In soil around a home. Parenthesis. Soil can pick up lead from exterior paint or other sources such as past use of leaded gas in cars. End parenthesis.

Now, I don't know about you, but I don't really feel that we should be inflicted with the lead that's in the soil. Nobody did any study on that. Nobody inquired as to that. If it's a later stage that you're going to do it, I think it's important that it gets bumped up to the top of the list because once you start doing the distribution of lead, it has not only effect on children and you know why lead is so tasty to children? Because it tastes like liquorice. I worked in housing management for years and nothing could pass in the city of Boston unless it had a lead paint inspection.

Let me tell you what it can do which wasn't addressed in your DEIS. Leads effects. If not detected early, children with high level- children because children probably will be living here and they already live in Glenwood because Tracy Stark told me point blank we can't discriminate. If not detected early, children with high levels of lead in their bodies can suffer from damage in the brain, the nervous system; behavior and learning problems such as hyperactivity, slowed (inaudible), hearing problems or headaches.

Lead is also harmful to adults. Adults can suffer from difficulties from pregnancy; other reproductive problems in both men and women; high blood pressure; digestive problems; nerve disorders; memory and concentration problems; muscle and joint pain. Now, lead affects the body in many ways. I just gave you the list. You better verify whether there is or there isn't before you start kicking up the dirt if you decide to go along with this project. Because you're going to have a major issue. Because you have to have lead disclosure clauses when you go and sell these homes and lease the land because you know that as attorneys in real estate that if you go out, you have to sign a disclosure. When you're buying a home, you have to waive your right that you are going to say, okay, I want it. Are you going to do that?

Sedentary. Workers versus retirees versus year round people. Thirty-two people. Where did they live? When- you know, who are these people in the sense of I don't really want to know, that's not my business, that's your business, that's his business, that's his organization's business. But 32 people out of 55 to 60- what's that, 50% off the cuff, verbal conversation? What kind of statistical analysis is that? The first thing I learned in statistics is that it can be used for any purpose you want it to. I hear the noise. It doesn't bother me. Hey, they did the studies in May. You're not out in your backyard or on your porch having a barbeque. Your grandchildren are not out there playing.

Not to mention the traffic studies after September and in the middle of January and archaeological studies when you can't bury a dead squirrel in the ground in January or February when these studies were taken. I know what these things are to do. They're to accommodate the man and the company who are paying them. But let's be real. I can read the dates. I know how hard the ground is. And this is not adequate.

Remember, I did this for a living. I used to get paid."

Supervisor Kozakiewicz: "We've been told that."

Sandra Mott: "Well, I'm going to reinforce the fact that this is not just my opinion."

Supervisor Kozakiewicz: "Well, this is to address the inadequacies as you see them in the EIS."

Sandra Mott: "Well, I am, okay, okay. I'm going to continue now to the inadequacies. They refer to various animals and bird life as being minimal. Now to my count, I can read you off about 20 or 30 different types of bird life in my backyard which is across the street from this facility that they want- or this property. Not to mention numerous types of animals from deer to opossum to racoon to all kinds of smaller creatures. Hey, I wouldn't want to be out in the dead of winter looking for these things either in the snow.

My other concern beyond the fact that this is a rental situation more than anything else is that the Town code from my understanding prohibits any new mobile home community. Now if this community didn't have the opportunity to go through Glenwood, you would probably rip it right off the list and say I'm sorry, it's a new community. But because you're forcing it down the throats of the current residents through the community, through no additional access, I don't see anybody saying well, we'll ameliorate the problem by having them come through (inaudible). Have them buy a piece of property at the southern tip here and go west and buy an easement through.

I still don't want you to rip the trees down and destroy the habitat or make a lot of noise. But let me tell you it would certainly minimize the aggravation for the current tenant. And that's what we are.

So how are we getting a new community if it's going to be on a foundation which is what's been discussed. And it's also been

discussed that everything's passed and everything is okay and everything is going to happen and people are sort of semi-panicking, the people who are afraid to come.

Let's see. I really think a more realistic analysis should be applied to the process. Pick the proper time of year for the noise for one thing. You don't do it in May and June. Ed knows that the main track is really up and running more like June, July and August. Right, Ed? It isn't May. It's, you know, your starting time. People have- this is a hobby for many people."

Councilman Densieski: "April through September."

Sandra Mott: "Okay. But not to the degree and the intensity--"

Councilman Densieski: "Every Saturday night, April through September."

Sandra Mott: "Well, I'll tell you one thing. From April to May it's less intense and now you're going to take down the trees- "

Councilman Densieski: "That's because you have your windows closed."

Sandra Mott: "Pardon me?"

Councilman Densieski: "It's the same schedule, April through September."

Sandra Mott: "No, no, no, no."

Councilman Densieski: "Okay."

Sandra Mott: "What I'm telling you is when you take down those tress, that's the buffer."

Supervisor Kozakiewicz: "Sandra, you- you're saying what he's saying as a person who's been- how many years at Riverhead Raceway?"

Councilman Densieski: "Only 24."

Supervisor Kozakiewicz: "That you know more than he does as far as the race schedule and the events that they're running?"

Sandra Mott: "I'm saying- I didn't say that. I'm saying about

the noise intensity in my home that are all metal. Do you realize? Insulation isn't going to cut it."

Supervisor Kozakiewicz: "Okay."

Sandra Mott: "Which is another recommendation that they had, insulate the homes. I don't think so. You need to do a corridor study, as I said, for traffic. Taking into account, as I said, Riverhead Center, this other combined plan that they want to have across the street with the 14 theaters, etc. In addition to the Foxwood extension that was just approved and is moving along. In addition to the 126 condos that you're planning to or that you just allowed to take place or proceed with on Middle Road. All that's traffic."

Let's see, what else did I want to tell you in a nutshell? I think that probably summarizes basically what I wanted to say except for the fact that, you know, I've read a lot of stuff in my days as an analyst and this leaves a lot to be desired. And I know it's a draft and I know this is the time for you to review and add and so on and so forth, thank goodness. But I really want to understand this map in here. North is still north, right, and south is still south and east is still east and west is still west? What part are you planning on beginning with? Can somebody point that out on the map?"

Supervisor Kozakiewicz: "You're asking us we're- we're not the ones doing the building. It would be Glenwood Village, if allowed."

Sandra Mott: "The first 20 to 30 development is going to be what? Where are you starting? Yes, exactly. Are you starting with 1 or are you starting at the end?"

Unidentified - from the audience: "To the south. To the south. So it would be on this side- "

Sandra Mott: "Right. And how are you going to get there? You are going to have to- you put in your infrastructure, correct, all through there, all your little loop roads- "

Supervisor Kozakiewicz: "Ask your questions and then I'll have Mr. Ciarelli or the applicant come up and respond."

Sandra Mott: "He answered my question as to the- "

Supervisor Kozakiewicz: "Yeah, but I don't think we caught him

on mike so we're going to have to come back up and address that. No, ask your questions. If there's more than one, ask the questions and then- "

Sandra Mott: "Okay. That's 20 to 30 homes at that far end."

Supervisor Kozakiewicz: "The first question was where will construction being. Is that- "

Sandra Mott: "Right. I want to make certain I knew- "

Supervisor Kozakiewicz: "Okay. What's the second question? Although understanding this is, again, these are specific to the issue of the impacts of construction, I assume. That's why you're asking these questions?"

Sandra Mott: "The impact of construction and degradation of habitat."

Supervisor Kozakiewicz: "Okay, so where does construction commence if the project is permitted? Second question."

Sandra Mott: "How are they going to get to that point?"

Supervisor Kozakiewicz: "Okay. Is that the- are there others?"

Sandra Mott: "And, yes, by what roadway?"

Supervisor Kozakiewicz: "Okay. So access to that point of construction. Okay."

Sandra Mott: "Access, right. And what kind of- now, I understand from the conversations and from what I've read here, that that's only 20 to 30 homes initially. And then you were talking about there was some confusion as to what part of the property you're not buying or you didn't buy because of the sewage and flow and so on. What- is this not the entire project or is there more to come?"

Supervisor Kozakiewicz: "The point that was raised was the question with respect to the sewage flows that had been calculated by Malcolm Birney when the extension was done and the entire property which was 47 acres which includes land north of the proposed expansion was an additional, I guess, 12 acres approximately, and this project is the entire 34 that's shaded- "

Sandra Mott: "Okay. You are going to have to help me with this."

John Ciarelli: "This is the 34 acres that the Supervisor is referring to."

Sandra Mott: "All right."

John Ciarelli: "This is the approximately 13 acres that is not being purchased right here."

Sandra Mott: "Okay. Which was where the 96 Mom and Pop was supposed to be and that was slammed down. Um, so, then by not purchasing that, my concern is how come they're not coming up into the property in a separate entry rather than Glenwood or is that to come under the extension definition of a currently- what is it- non-conforming pre-existing?"

Supervisor Kozakiewicz: "That is more of a question that's a zoning question which was addressed. The question was identified in the scoping document as the affect of the industrial use zoning classification and a proposed special permit application for the expansion. So, that gets back to that same question as opposed to where they start and where they finish."

Sandra Mott: "Right."

Supervisor Kozakiewicz: "That's a issue that is more limited as I see it to impacts during the construction phase which you're asking the applicant to address today. So that other question is not, I think the appropriate thing is what you said. Where are they starting, how are they going to gain access, and what are the impacts. So, if you- and understand that if we close the public hearing today, this hearing under SEQRA there is a minimum of a 10 day comment period in order to put down any other items that you feel are relevant for the Board to take up when dealing with the FEIS."

Sandra Mott: "Well, I'll be honest with you. I tried to contact some of the environmental groups when I first found the pink streamers in the woods from my house. Because of the High Holy Days and because of the personal injury that one of the leaders suffered, there's nobody here. The environmental groups aren't represented. And this is on one of their lists."

Supervisor Kozakiewicz: "They likewise have 10 days to comment,

too, when it's closed."

Sandra Mott: "Well, how do they gain access to what was discussed today. Will there be a record?"

Supervisor Kozakiewicz: "They can come in and review the record. This is all on CD."

Sandra Mott: "Okay. Because as we can see, there's nobody here. But from the environmental groups I'm thinking specifically. And this was on their list of concerned properties for purchasing."

Supervisor Kozakiewicz: "They had 5,000 acres, I think, on their concerned list- "

Sandra Mott: "Yeah, I know. But I want- I'm interested in this particular acreage since it's out my front window. Okay, let me quickly glance through but I think that's it in a nutshell."

As to relevance. It is relevant, the questions I've asked. And I think it's a question of concern, probably of other people who won't- who never voice their opinion for various reasons. Whether or not they do, it's sort of a moot point at this stage of the game because I was listening to the ceremonies for the victims and the Cardinal said you have to confess your sins for what actions you've taken and for what actions you have not taken. And the fact that I'm here and not happy to have to be here without any support of any environmental groups- maybe they're so frustrated that they don't feel that they can come and have any effect.

Just remember, the actions that you took and the actions that you didn't take, you should confess. I don't have to confess anything on this. I don't want to deny anyone making money but I don't think you should be denying those of us who are already occupying homes that we believed in good faith were going to be stable and quiet.

With a report like this- let me say with a report like this, it's no wonder the town has issues."

Supervisor Kozakiewicz: "With respect to those two issues, do you wish to comment, Mr. Ciarelli?"

John Ciarelli: "I would just like (inaudible)."

Councilman Densieski: "You have to use the microphone, sir."

John Ciarelli: "Yeah, I'm sorry. The construction is going to be- I understand, commenced on the southerly end of the property and I don't think there's any plan on using anything other than minimally necessary clearing and construction techniques to commence the construction. I don't know what else to say about that. I know that the applicant is working closely with the Building- is and will be working closely with the Building Department and will be in compliance with all- with the Riverhead town code with respect to the clearing and with development of those lots. I don't know if there's anything else that can be said in response to that."

Councilman Cardinale: "John, as long as we have you here. Could you elaborate a bit on the legal- from a legal perspective, on the expansion of a pre-existing non-conforming use aspect of this special permit?"

John Ciarelli: "I think I can. I mean I wasn't really ready to do that today because this is an environmental hearing- "

Councilman Cardinale: "Understood. Yeah, I understand that."

John Ciarelli: "I did read the code and the code seems pretty clear that this is- and certainly the permissible uses in Industrial A and the special permit sections make it pretty clear to me that this fits within that provision, I believe it's 108-51 that says a non-conforming use can be expanded provided it's by special permit of the Town Board. And certainly this is a non-conforming use and I think that notwithstanding the comments made by Ms. Mott, it is consistent with the Glenwood development that presently exists. It is the same type of development, the configurations, the manufactured homes are essentially the same.

The comment about a foundation was something that, I think, generated from a request that was made by Mr. Barnes and the Building Department- or suggestion that was made that possibly slabs could be considered instead of pilings, that, you know, that the previous homes exist on. So I think there's a consistency of use and, you know, it is my opinion and certainly we wouldn't be proceeding in this direction if we didn't think that it qualified as an expansion of a non-conforming use."

Councilman Cardinale: "Oh, I would assume that the same argument could be made, therefore, if next year they want to buy the land next door and I would assume we could do this all the way to at least the Brookhaven line."

John Ciarelli: "Well, you know, I don't know. I don't think that, you know, special permits need not be granted if, you know, if they don't conform to the special permit criteria. And one of those criteria, very important criteria, is whether or not this expansion would have an adverse impact on adjacent properties. And in this particular case and why I think this will not happen here is that this property is pretty well insulated from adjacent properties. You have the railroad to the south, you have the raceway to the west, and the existing development to the east.

With respect to this particular project, I don't know where else it's going to go, Phil. I don't- you know, it's hyperbole, I think what you're saying is yeah, you know, we can track a little piece of land and extend this to the boundaries. You may be pointing out a problem with the statute, I think."

Councilman Cardinale: "The reason I ask that is because I had always understood that the expansion of a pre-existing, non-conforming use was relating to the expansion on the existing piece of property, not on adjacent pieces of property all the way to the Town line. Take in- once you start that step which, of course, we have started with Foxwood, your zoning code has no relevance to anyone who has an existing, non-conforming use."

John Ciarelli: "Except to the extent that- "

Councilman Cardinale: "But it certainly should make the adjacent landowners happy because it will enhance the value of that land remarkably."

John Ciarelli: "Well, you know, I think so. But except for the extent that the Town Board has the obligation to look at it from a special permit point of view and I think that, you know, we will be prepared to make the argument that this is certainly a suitable way to develop this piece of property."

Councilman Cardinale: "Thank you."

Supervisor Kozakiewicz: "Anybody else who would like to address us?"

Councilman Kent: "I have one question also."

Supervisor Kozakiewicz: "For?"

Councilman Kent: "For the applicant. I don't know who would be the best one to answer it. It's something in the DEIS regarding use of Town facilities. Do residents at Glenwood utilize the senior nutrition center, do you know, generally, the answer to that? Anyone? Under the Community Service portion of the DEIS there is a representation that there will be little to no additional usage of basically Town facilities as a result of the proposal."

Brian Stark: "Brian Stark, applicant."

Councilman Kent: "Yeah, no mention of the nutrition program. Is there any plans to maybe develop a nutrition program within the Glenwood community?"

Brian Stark: "Presently within the 486 sites that we own and operate we have a recreation center which is a meeting area, kitchen, laundry facilities, work out area, library, pool tables, ping pong tables, and in addition to that we have an outdoor facility which encompasses bocce courts, shuffleboard courts, putting green, picnic area. I believe and Rick Hanley probably knows better than me that we meet the criteria for retirement recreation services that we need to provide with the law.

The new area would include a new recreation site which I envision to be a pool and a pool house which is on the northwest side of the property.

Chris, to answer your question about how many of our residents burden the nutrition center or use the senior center, I can't speak to any specific numbers other than, you know, off the cuff that I would say it's a very small percentage of our entire community which is probably six to 700 residents so I don't know. I've never done a poll of that but I think we adequately- the residents themselves maintain a recreation club that they do quite a bit of on site activities. So I don't really- I can't speak specifically how many people use Town services."

Councilman Cardinale: "Could you send a few over if this gets built because with this \$3 million dollar facility we're building, we really need a few people to use it."

Brian Stark: "Well, we'll put the flyers up for you."

Councilman Cardinale: "Okay."

Supervisor Kozakiewicz: "Believe me, they will use it."

Councilman Kent: "Well, that's what I'm expecting. That they will use it and perhaps we should have- "

Supervisor Kozakiewicz: "All right. Sandra, you have- "

Sandra Mott: "Mr. Stark just said that the recreation facility will be in the northwest corner?"

Supervisor Kozakiewicz: "I think he said northwest. Right."

Sandra Mott: "I see it right here."

Councilman Kent: "Yeah, it shows it."

Sandra Mott: "But your development- being the first 20 to 30 at the far end, the southern end. So, how do you promote that? Future location of as a selling point. Because we were sold on the tranquility end of it and the peace and quiet."

Supervisor Kozakiewicz: "That's- I think we're getting a little far afield. That's something that- that's not a DEIS issue."

Sandra Mott: "No, because that's going to be construction out my front window. Yes, that's going to be construction if you are going to do it at the far end. That's why it's crucial to know. This is the end and what you're going to cut down in the interim to get there which means you're going to have to do all of your road work."

Supervisor Kozakiewicz: "Okay, so we'll- "

Sandra Mott: "The construction and the noise and the confusion and the aggravation is not what people moved there for."

Supervisor Kozakiewicz: "We'll ask the applicant to address that issue in writing. Thank you. Anybody else who would like to address the Board?"

Councilman Densieski: "Yeah, I've got a question, Bob. Is this a phase project or is it going to happen at one time? Because I'm hearing, you know, you're going to start somewhere, but I'm assuming that you are going to start a project and complete the project."

Brian Stark: "What I think- another thing that I think is

within the scope of this hearing is the demand feature for this type of product within the Town. We presently have a lengthy waiting list for people who would like to purchase homes here in Riverhead, manufactured homes in Glenwood specifically. I would envision that, you know, being prudent as a developer or an applicant, that we would probably cut the roads in like any subdivision would do and then sell that south end portion first. You know, how fast we can go depends upon the demand that we're seeing for the product. So, I would say that within the ballpark estimates of 15 to 20 homes a year. It could be more."

Supervisor Kozakiewicz: "I think the question though is would you be doing all the infrastructure improvements at one time as opposed to doing it in phases?"

Councilman Densieski: "Correct. Like the roads. Are you going to put the roads in- "

Brian Stark: "If the Town tells us to do that, I'm sure we'd have to do it. I think what we'll do is like we've proceeded all along and follow the letter of the law. If we're required to do road cuts and curbing and drainage we'll do that up front and then develop the sites individually as we go forward based upon demand. So, you know, I look to guidance from whatever the Town is telling me to do to make it a reality.

Sure, there's going to be construction over there, but I feel we've mitigated it by putting the buffers in and, you know, making it an attractive project that's in demand."

Supervisor Kozakiewicz: "Yes, Sandra. Sandra Mott."

Councilman Densieski: "You have to go to the microphone, Sandra."

Sandra Mott: "If you are going to be going to do this end, this southern end- "

Supervisor Kozakiewicz: "Is this also the EIS or is this maybe something that the applicant- "

Sandra Mott: "I'm talking noise and so on."

Supervisor Kozakiewicz: "I understand but I think- we're going to look at it- let me go back. I think our analysis, our EIS, is

looking at the disturbance of the entire site. Would that be correct, Mr. Hanley? So we're going to look at it from the standpoint of disturbance of the entire site, what's being taken down, how much trees, how much foliage is coming out, what the infrastructure is. So whether it's starting on the south end or going to the north end, we're sort of maybe missing the point. It's going to be the- we're looking at it from the entire standpoint of what's going to be disturbed. Right, Rick?"

Sandra Mott: "Right. So they're going to use Farwood as the main construction road to get to the far end. Correct? Farwood is the only way that you can get to that far end, to that initial starting phase one."

Rick Hanley: "I'm a little confused, Bob."

Supervisor Kozakiewicz: "Yeah, I think this is getting somewhat confused. Because this was supposed to be a comment period for the public to address our resolution accepting the EIS, the draft environmental EIS as complete."

Rick Hanley: "If the question is whether the entire site will be disturbed, I think the answer is no because there are open space areas shown on the plan. However- "

Supervisor Kozakiewicz: "That wasn't the question. The question was- "

Rick Hanley: "-- okay, the issue is- that will be a site plan-- "

Supervisor Kozakiewicz: "When we look at it, when we analyze it, do we look at what's been disturbed? Are we looking at the total area that's being disturbed. Not that this is, in fact, disturbing the entire area, but- "

Rick Hanley: "Yes."

Supervisor Kozakiewicz: "-- we look at the site as a whole."

Rick Hanley: "We look at the site as a whole."

Supervisor Kozakiewicz: "Okay."

Rick Hanley: "And I think what we should do is to try to

communicate to the applicant in the FEIS some indication he can give us as to what his plans are for how he's going to phase this and how he's going to construct it. And I think that's the best way to do it. But, yes, eventually there will be a large portion of the property where there will be clearing for the pads for the houses and the roads. But there are open space areas that will be non-disturbed."

Supervisor Kozakiewicz: "Right."

Rick Hanley: "Right."

Supervisor Kozakiewicz: "As shown on that plan."

Rick Hanley: "Yes."

Supervisor Kozakiewicz: "Okay. And then I think, Sandra, your question is how do they gain access during construction? And I think the point made by Mr. Ciarelli as attorney for the applicant is they will need to cut the roads, they will look to reduce the disturbance to the woods to the extent possible. But they're going to obviously have to come in by one or both routes. Is that fair to say, Mr. Ciarelli? So, that- it will be one of the two, yes."

Sandra Mott: "Not one of the two, we're right- we're at--"

Supervisor Kozakiewicz: "Well, let me just- Farwood is both points of access?"

Sandra Mott: "Yes."

Supervisor Kozakiewicz: "Just to look at- "

Rick Hanley: "Is the issue that there's a concern that heavy construction equipment will be running through the existing park? Is that it? Okay. Okay."

Supervisor Kozakiewicz: "Okay, thank you. Anybody else? If not, any objection to closing this hearing?"

Councilman Kent: "I think we should leave it open for written comment."

Supervisor Kozakiewicz: "Well, it automatically- if we close it today, it's not less than 10 days for written comment. Is that correct, Rick? So we can close it today and pick a day for written

comment to be received."

Councilman Kent: "I guess October 2<sup>nd</sup>."

Supervisor Kozakiewicz: "And so we're- is that 10 days?"

Councilman Kent: "Well, 10 days would be- "

Supervisor Kozakiewicz: "It's got to be not less than 10."

Councilman Kent: "Yeah, 10 days would be a Saturday. So, I think- "

Supervisor Kozakiewicz: "Let's pick a day so it's on the record."

Councilman Kent: "October 2<sup>nd</sup> or 3<sup>rd</sup> would probably be the appropriate day."

Rick Hanley: "Ten days is a Saturday."

Supervisor Kozakiewicz: "Okay."

Rick Hanley: "You must have (inaudible) in Catholic School, Chris."

Councilman Kent: "I'm sorry. I usually (inaudible)."

Rick Hanley: "So probably the Monday after the Saturday."

Supervisor Kozakiewicz: "Which would be October- "

Councilman Kent: "2<sup>nd</sup>."

Supervisor Kozakiewicz: "2<sup>nd</sup>."

Rick Hanley: "1<sup>st</sup> or 2<sup>nd</sup>."

Councilman Kent: "October 2<sup>nd</sup>. If September 29<sup>th</sup> is a Saturday, October- "

Supervisor Kozakiewicz: "October 2."

Councilman Kent: "Oh, no, no. I take that back September 30<sup>th</sup>-"

Supervisor Kozakiewicz: "I think October 2<sup>nd</sup> is a Tuesday."

Councilman Kent: "October 2<sup>nd</sup> is a Tuesday. I'm sorry. October 1<sup>st</sup>."

Supervisor Kozakiewicz: "Well, we're going to double check on that before we close the hearing."

Councilman Kent: "Yeah, September has got 30 days."

Supervisor Kozakiewicz: "10/1, right?"

Rick Hanley: "We're taking your gold star away, Chris."

Supervisor Kozakiewicz: "10/1."

Councilman Kent: "10/1."

Rick Hanley: "10/1."

Supervisor Kozakiewicz: "Okay, thank you. Hearing closed."

Public hearing closed: 4:12 p.m.

*Barbara Stanton*  
Town Clerk