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Minutes of a Town of Riverhead Board meeting held by the town board of the Town of Riverhead at Town hall, 200 Howell Avenue, Riverhead, New York on Tuesday, January 15, 2008 at 7:00 p.m.

PRESENT:

Philip Cardinale,	Supervisor
Barbara Blass,	Councilwoman
James Wooten,	Councilman
Timothy Buckley,	Councilman
John Dunleavy,	Councilman

ALSO PRESENT:

Barbara Grattan,	Town Clerk
Dawn Thomas,	Town Attorney

Supervisor Cardinale: "Ready? Okay. Good evening. This is the January 15th meeting of the town board. I'd like to begin with the Pledge of Allegiance as we always do. I'd like to ask Mitch to lead us."

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

Supervisor Cardinale: "Okay. We don't have any presentations we need to make this evening, so we can start right away. I understand the minutes of the last meeting are not yet available because they're under typing. Is that correct, Barbara?"

Barbara Grattan: "Yes."

Supervisor Cardinale: "So we'll confirm they're content at the next meeting of the board.

Could you tell us what Reports have been made?"

REPORTS:

Receiver of Taxes	Utility collections report for December, 2007 - total collected \$352,365.22
	Total collections to date: \$42,281,554.44
Building Department	Monthly report for December, 2007 - total collected \$110,056.50

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Sewer Department	Influent gallonage for 2007
Town Historian	Annual report for 2007
Police Department	Monthly report for December, 2007
Sewer Department	Discharge monitoring report for December, 2007
Virginia Lammers	Regarding the postings of public hearings

Barbara Grattan: "That concludes Reports."

APPLICATIONS

None

CORRESPONDENCE:

Abe Fisher, Many Katz, Robert Keller, Georgette Keller, Phil Ashley, Roger Troop	Re opposition to the Jamesport Development LLC Project
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John Burke	Re requesting that the CDA qualified and eligible hearing on Vintage Properties, LLC be closed at Town Board meeting of January 15, 2008
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William Danowski	Regarding Weeping Willow Motel
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John Cameron	Re the special permit of Jul-Bet Enterprises LLC
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Barbara Grattan: "That concludes Applications,
Correspondence. That's it."

Supervisor Cardinale: "Thank you, Barbara. We have seven
public hearings this evening, the first to begin at 7:05. It being
7:10, we can begin and there are two public hearings, the first at
7:05, the second also at 7:05 which we can hear together."

Public hearings opened: 7:10 p.m.

Supervisor Cardinale: "They are to consider a special permit
application of Jul-Bet Enterprises LLC to allow the construction of

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professional offices on property they propose to develop on Main Road in Jamesport. And to allow the construction of two bistros within that development.

The attorney for the applicant is Charles Cuddy. You're here. Why don't you introduce this subject and then we can hear from the public what they'd like to say.

I also would like before you start, Charles, the town attorney—we got a lot of correspondence on this. I know it's a matter of interest in the community. But the town board's involvement in this project is very limited.

Many of the concerns that I've heard about have to do with site development and other such matters. Would you describe what the purpose of this hearing is and what the town board's authority in this matter is?"

Dawn Thomas: "Sure. The applicant has applied to the town board for a special permit under the RLC zoning which— "

Supervisor Cardinale: "It's rural corridor. Right?"

Dawn Thomas: "Yes, it's rural corridor— to obtain two additional potential uses in that zoning use district.

Currently RLC allows agricultural production, antique stores and craft stores, retail stores, nurseries, museums, libraries, schools, places of worship— "

Supervisor Cardinale: "Ah yes, thank you. Can you bring it down so we don't have that problem? Good. Go ahead."

Dawn Thomas: "Is that better? Is it on? Am I on?"

Supervisor Cardinale: "Yes."

Dawn Thomas: "Places of worship, parks and playgrounds, single family and two family dwellings. Special permit uses that can be applied for are professional offices, country inns, funeral homes, bistros, and bed and breakfast. And accessory uses are those incidental to any of the permitted or special permit uses and potentially farmstands and wine tasting rooms.

The special permit that they have applied for is the only permit that the town board would give them, I think. They get a site plan from the planning board."

Supervisor Cardinale: "That's correct."

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Dawn Thomas: "And the town board in considering the special permit application has to consider a number of different criteria. I think there's about 18 different items that they consider but they would make their determination based upon four different criteria listed in Section 108-133.7 and I can read them. They're a little bit lengthy."

Supervisor Cardinale: "No. They're on the website, too, aren't they?"

Dawn Thomas: "Yes, they are."

Supervisor Cardinale: "Okay. The point of that was that the two specially permitted uses that they're asking permission for are to intersperse the office use with the retail uses they plan there and to allow within the retail and office use two bistros, 3,000 square feet or less. Is that correct?"

Charles Cuddy: "Four thousand square feet."

Supervisor Cardinale: "Four thousand square feet or less."

Charles Cuddy: "Four thousand."

Supervisor Cardinale: "Okay. That being said, the important thing is that many of the concerns that you want to address, site plan concerns, we cannot respond to because that is the job of the planning board.

As the matter leaves here, when we make a decision on this which will be a while, I think, because the ZBA has to hear this for any zoning variances before we can make a decision, but they're either going to leave here with retail use and the zoning that they have or with retail office use and all with retail office and two bistro use. That's it. That's the only thing that the town board can determine.

All of the other concerns about what it's going look like, where the buildings are going to be placed on the site, how it's going to be landscaped, whether it's going to truly look like an historic village or a hodgepodge, that is all the concern of the planning board and we will be watching just as you will as they do that aspect of their job.

With that said, would you please proceed, Charles?"

Charles Cuddy: "First, I'm just going to hand up the affidavits of posting of notice."

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Supervisor Cardinale: "I want to point out one other thing. The ability to develop 44,000 approximately square foot on that site of some use namely retail use, is guaranteed by law. And the town board and the planning board and the community can't do anything about that because it's in the zoning. So we have a very limited review here and I just want to make sure the public understands that. Go ahead."

Charles Cuddy: "The application is for property that's on the north side of Route 25 in Jamesport across from the Elbow Room, also across from North Fork Liquors. I think most people know the site. It's somewhat elevated.

What the applicant plans to do is to have approximately 40,000 square feet of space and use up to 10% of the site for coverage. It's approximately 10 acres in size.

And so what he would like to do is to have a mix and that's what we're here for. As Mr. Cardinale has just indicated, that we're looking for a mix of retail, of two bistros that is restaurants that are defined as 50 seats or less in the code and also to have professional office use.

We were here previously you recall in November. There was a question as to whether we were having one or two bistros. We indicated we were having two bistros and so we are back here tonight to again review what we're seeking.

I would like to point out that in the RLC district, we're allowed to have bistros and we're allowed to have professional office use because we're within a quarter of a mile of both the hamlet center and the village center. In fact, we're right next to them, right across the street from them. So we qualify initially to make this application.

I think it's important to note that at this site there are offices and buildings and retail stores, both to the left of us, to the right of us, that is to the east and west of us, and across the street from us. So that we're not doing something unusual at this particular locale and I think that this locale is suitable for this type of use. And obviously the town does, too, because the town has zoned it essentially to have this type use.

The site is adequate in size, it's 10 acres. We can only place 10% of that site with coverage, that is with store coverage on it. There will be parking and landscaping.

It's not near any place of public worship. That is, it's a good distance from the church that's there. It's not near a school. It's not near a place of public assembly.

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We think that the traffic facilities would be adequate and we'll probably end us with a turning lane at that sight and we understand that and we expect that we'll be able to take care of that.

They're will be sufficient parking. There's more than adequate parking on our plan. We may even have some additional parking for those stores and uses that are nearby us.

In every respect, I think that it will be appropriate for this site. We intend to have screening where necessary for those residents that are nearby and we do not expect to have any particular noise or irritants that come out of this site.

So I think we meet all of the criteria. The planning board, as you know, hears this before you do. The planning board has recommended that you approve this. I would like to read their recommendation into the record.

It says, and this is on October, 2007. Their resolution said, Resolved, that based upon its findings and they made the findings that we just have gone through, the planning board hereby recommends the Riverhead Town Board grant the special use petition of Jul-Bet Enterprises LLC to allow the construction of professional office and bistro use within the proposed commercial center on real property located at Main Road, Jamesport.

I ask that that be made part of the record. I ask also that the preceding comments that we made at the November meeting be made part of this record.

I would like to say a couple of things. Besides being endorsed by the planning board, the planning department also reviewed this and they suggested to the planning board that they make that recommendation.

We believe that we can respond to some of the prior comments that were made at the hearing last time. One of them concerns the title of the site. It's in the historic village of Jamesport. Without quibbling we understand the historic aspect that may not be correct and we would change it around to say the Village at Historic Jamesport, just to take away the wrong impression. Okay? But we also are open to other names for it.

I want to also point out that the bistros will not exceed 4,000 square feet. That there will be no outside events at the bistros, and there will be no fast food establishments at the site. We are willing to covenant all of those things if the board so wants us to.

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And, again, I wish to point out to people here that this is not a plebiscite on zoning. It's not a hearing on a site plan. It's simply an application to mix uses, perhaps 40% professional office, 40% retail, 20% bistro, which seems to be intelligent use at that site.

And that's what we're here for and we think that we have sufficient evidence to obtain that from this board.

I would also point out that Rob Stromsky, the architect is here just behind me and we certainly are here to answer questions that the board may have."

Supervisor Cardinale: "Thank you. Okay. The architect is here, the attorney is here, and I'd like to hear from the public. So whoever would like to speak first.

Did you have anything you'd like to say, Mr. Stromski, in regard to the architectural issues? Although they're not directly relevant. If you do, please state it."

Robert Stromski: "The only thing that I would just like to make a clarification on is I believe at the last meeting in November, there was a- I guess it was a misstatement that the bistros were to be in the 5,000 square foot buildings.

If you look actually on the site plans that were submitted to the town, it has a total square footage for the bistros of 8,000 square feet. So our original intention was that it would be 4,000 square feet each. So I just wanted to make that clarification, that there's not that misunderstanding here at the hearing. That we're still looking for just the 4,000.

That's it."

Supervisor Cardinale: "Would- do you- I know you would like to disperse the office and the retail as you've indicated intermittently as the market demands. Do you know where the two bistro buildings- do you know where they are- of the ones that you're proposing?"

Robert Stromski: "Basically on the site plan, there is what's called a building table. I believe it's on SP-2. That actually lists all the buildings by letter which are shown on the site plan.

Two of those buildings, I believe, are labeled as one of the 4,000 square foot buildings that's kind of in the middle- "

Supervisor Cardinale: "Okay. And in an effort to shorten this hearing, as to- there was a lot of testimony at the original

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hearing about which building, where on the site, that is not a function of this hearing. That would be determined in the site plan where each of you— you might say this is a bistro.

If we were to approve one bistro or two bistros, you would be able at that time interject testimony as to which would be the more appropriate building for a bistro in your opinion. But it wouldn't be here. So we can cut that aspect of this hearing."

Robert Stromski: "Correct. As far as the planning— "

Supervisor Cardinale: "Because the plan isn't approved yet, the site plan."

Robert Stromski: "Right. The site plan review would take care of that.

Just know that the only reason why there were certain square footages made or something listed was more of an exercise after a comment that was made from planning department review of the site plan application that was submitted where there was a question of they just wanted to have an approximate idea of what the breakdown for square footages of offices, bistro use and retail. So that table was created as just to give a possible example. It's really not set in stone. Obviously that will be reviewed under the site plan application."

Supervisor Cardinale: "And I assume it possible that— a bistro is defined we learned in the work session as a small restaurant. That this 4,000 foot building— there's no law against your making a 2,000 foot bistro and utilizing the other space for some other permitted use."

Robert Stromski: "Correct."

Supervisor Cardinale: "And, frankly, 4,000 feet is a pretty big restaurant."

Robert Stromski: "Again, a lot of that was just put together quickly to come up with a breakdown. I haven't laid a bistro out because that actually goes with the site plan. Once we know that we can obtain the use, then we would go ahead and investigate really the amount of square footage that would be required.

Like I said, it was just an exercise to facilitate how much parking we would need, how much sanitary we would need, and it was done really merely as an exercise to break down square footages for uses in order to actually make this application so we knew how much parking would be required depending on the type of uses that were proposed."

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Supervisor Cardinale: "And thank you for the clarification. I'd like to hear from the public as to the proposal to intersperse office and retail use and to include two bistros. Yes, please come up."

June Basimer: "Hi. My name is June Basimer and my maiden name is Tuthill. If you don't mind, I'd like to read this."

Supervisor Cardinale: "Please."

June Basimer: "I would like to speak about the special permit that Mr. Klein and Mr. Radone (phonetic) are asking the board to consider for building nine business buildings and houses on the Froelich (phonetic) property in Jamesport."

I am against it for several reasons. First of all, for the record, I am a direct descendent of James Tuthill who was my great-great-great-grandfather who founded the town and named it Jamesport. What else?

That however does not entitle me to anything extra but it does give you an idea of my interest. I know that you cannot hold time back from producing changes and that over time changes do occur. But this change that is being set forth will be the absolute ruin of Jamesport as we know it today.

Instead of a small rural town, it will become a big bottleneck, not only ruinous to the area but because of the traffic it will generate. The very businesses the two men hope to build will not survive due to the two small roads that lead into it.

So my main objection is the traffic. I have seen the plan with the two roads, one on Route 25 our Main Street, somewhat opposite the Elbow Room and the Liquor Store, and one coming in from Manor Lane at the back.

The Main Road running through Jamesport is a two lane road. You cannot widen it due to the cemetery on one side and the stores on the other. To add a turning lane is equally impossible without a backup of traffic from the west blocking Washington Avenue, the post office entrance, and approaching the light at Jamesport Avenue.

And this is a reminder to the town board that residents of Jamesport do not have mail delivery which necessitates us going to the post office daily for our mail.

There is no back road to the post office. In other words, more traffic turning into this proposed developed area will present an additional problem of traffic to get our mail or to use the other facilities there.

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Jamesport is a rural town where the visitor can relax after coming through the town of Riverhead which is fast becoming a city. And that is what people do when they reach our town. They can take a breath. People are attracted to us because they can relax. Is that so bad?

Do we need more-- two more restaurants over 5,000 square feet and six more buildings over 4,000 square feet? To compare size, I understand that the Jedediah Hawkins Inn is 5,000 square feet and the Elbow Room is only 1,200 square feet.

Remember that there are two main roads running the length of Long Island to get to Orient Point, Route 25 our Main Road, and Route 48. These roads are heavily used including delivery trucks, construction vehicles, the Hampton Jitney bus, oil delivery tank trucks, farm vehicles, UPS trucks, Fed Ex trucks and cars.

With all this traffic especially in the summer when vacationers are here, to consider this development is to my mind irresponsible. There are so many downtown Riverhead stores empty right now with lots of parking, sidewalk, banks, streetlights. Why not ask Mr. Klein and Mr. Radone to invest their money there?

Thank you."

Supervisor Cardinale: "Please."

Thomas Kowalsick: "Hi. My name is Tom Kowalsick. My wife and I live on 1520 Main Road, Jamesport, which is directly attached to the-- you know, our border is directly attached to the proposed project.

I came across an article on line in the New York Times today, the real estate section that was titled Weekender, Jamesport, New York. It was dated August 19, 2005 and it was written by Beth Greenfield. I included a copy of the article if you'd like to read it later on but I thought the section of the article I should say on the pros are good points of Jamesport are appropriate for this meeting tonight.

It said along with easy driving access from the city and gorgeous beaches, the perks that most often cited is Jamesport's rural feel, something that won't be wiped out by development under a new master plan that Riverhead implemented a year ago.

We looked at the residential town, had a population of 31,000. Now I realize it could go to 60 or 70,000 if we let it build out said Phil Cardinale, the town of Riverhead supervisor. He and two of his four members of his town council live in Jamesport.

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A Brooklyn native who spent his childhood summers on the north fork, Mr. Cardinale moved to Jamesport with his family from Dix Hills, New York in 1978.

The master plan seeks to control development through zoning, development rights, transfer, and the creation of a rural corridor.

We came for the rural attractiveness, Mr. Cardinale said, and I think it will be preserved. I agree with your vision.

We would like to go on record, my wife and I, as opposing the special permit petition of Jul-Bet Enterprises LLC to allow the construction of two bistros, two professional offices on the property described above on the Main Road in Jamesport.

Our property with our home borders the west side of the proposed project and we would be directly impacted by the project. We feel that such uses would adversely affect our life, would lessen the value of our property and that such uses do not fit the character of the historic hamlet of Jamesport.

In addition to our knowledge, this project is the first one to be proposed in Jamesport on property zoned rural corridor that has been designated in a recently adopted town master plan. This master plan costs thousands of taxpayer dollars and took hundreds of hours of time to develop. In that plan, it was important enough to leave out bistro and professional office from the permitted uses allowed in the rural corridor zoning.

It is our opinion that the reason such uses were left out is because they do not fit the town's vision for property that leads into hamlets such as Jamesport.

Now some of these articles or chapters or whatever I'm referring to here, I got off the website so I'm assuming this is all good because some of the things you just discussed and everything seems to differ a little bit but I'll read what I found on your website.

The town of Riverhead website under Article LII (52) rural corridor (RLC) zoning use district Chapter 108-281. Purpose and intent. Says the following:

The intent of the rural corridor RLC zoning use district is to allow a very limited range of roadside shops and services that are compatible with the agricultural and rural setting along major arterial roads, such as New York State Route 25, leading into downtown Riverhead and areas zoned hamlet center (HC) or village center (VC).

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Now I'm assuming that's correct."

Now on the very first project proposed in the rural corridor which borders the western portion of the historic hamlet of Jamesport, the developer wants the town to approve a special permit for bistros and professional offices. We are trying to figure out what bistros and professional offices have to do with the purpose and intent that was defined as very limited range of roadside shops and services that are compatible with the agricultural and rural setting leading into areas zoned hamlet center or village center.

By approving these special permits you will not give Riverhead town's master plan a chance to start to work. By approving these special permits you will open the floodgates for other developers with property zoned rural corridor in Jamesport who will want the same special permits approved for their property. We ask you please do not set a precedent and allow these special uses. Give the town's master plan a chance to work.

Now again I'm quoting some chapter numbers here and everything off the website so- Chapter 108 of the town zoning code, bistro/cafe- or on that that I just referred to has bistro/cafe defined as an eating establishment of 50 seats or less, whether indoor or outdoor, without drive through or drive in service.

Now we understand this to mean that eating establishments such as McDonalds, Applebees, or whatever for instance, could fall under these headings of bistro as long as they do not have a drive through or drive in service and are 50 seats or less.

We believe the McDonalds in Mattituck, a few miles to the east of this project, does not have a drive through window so we cannot assume such an establishment would not end up in Jamesport. We only need to look at Route 58 and see how quickly the competition will follow once of these establishments is approved for construction in an area.

Now, I don't know if you had a chance to read my next section, but you had mentioned you can only go on the special permit. The way I understand it is these sections in Chapter 108-103.5 from a to q, you have, all of those are things that you would need to consider."

Supervisor Cardinale: "That's correct."

Thomas Kowalsick: "Because I don't want to waste a lot of time."

Supervisor Cardinale: "That's correct. Yes."

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Thomas Kowalsick: "Okay. So I have some comments about some of the sections just because it's right next door to our property.

Letter A asks whether the site is particularly suitable for the location of such use in the community. The hamlet of Jamesport has recently been designated as historic. Allowing the construction of bistros that could include fast food restaurants such as McDonalds and professional buildings such as medical offices in a historic area just makes no sense to us. This is poor planning.

There are plenty of vacant buildings in the town of Riverhead that are zoned for such uses and that could accommodate these types of businesses. So let's start filling up these vacant buildings.

H refers to adequate buffer yards, landscaping, walls, fences and screening are provided where necessary to protect adjacent properties and land uses. We estimate that our home is built on land that is at least 10 feet higher than Route 25. We are very concerned about the amount of soil that will be removed to grade the property and bring it to the level of Route 25.

This will require a very tall retaining wall to be installed along the north and east portions of our property. We are also concerned whether the removal of such large amounts of soil will in any way impact our property or home. In addition, will sand mining be allowed on this site?

K - Adequate provisions will be made for the collection and disposal of stormwater runoff from the site and of sanitary sewage, refuse or other waste, whether liquid, solid, gaseous or of other character.

We are obviously concerned about the type of waste that will be generated by a bistro or medical office and the location of the disposal areas (dumpsters) to our home. We have no drainage problems on our property, the foundation of our home is sound. We are concerned whether stormwater runoff from this site would in any way impact our property or home and that's really due to the extensive amount of soil that's going to be removed to do this project which includes bistros.

M - Asks whether the use will tend to create any type of noise, light, odors, smoke, etc. on adjacent properties.

Again, since we're very close, right next door, we are very concerned about particularly the amount of smoke and odors that would be generated by a bistro. Again, our home sits 10 feet higher, I don't know where this bistro is located, but we're concerned that exhaust and smoke could be at the same level as the

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windows in our home. And that's very possible. Forcing us to keep our windows closed.

And we're also concerned about the noise it would generate since it is defined as an establishment of 50 seats or less and it could be outdoors.

And I just have two others.

N - addresses the construction, installation or operation of the proposed use and the need for regulating hours. Again, our home is very close to the site. We're concerned about noise from the outdoor seating especially, how late into the night it would be able to operate, and also all the noise associated with the regrading. But, again, they are allowed to develop something there.

And, finally, letter Q addresses adequate provisions for the collection and disposal of solid wastes, including but not limited to the screening of all containers.

Bistros generate food wastes that create odors and potential vermin and we are concerned about this since our home is located so close to the proposed project.

So in closing we're asking that you do not allow the special uses being requested for this project. We encourage you to give the town's master plan a chance to work and encourage the type of small shops that will be an asset to the hamlet of Jamesport.

Please do not set a precedent by approving these special uses that would change the historic character of Jamesport because once you allow that character to be changed, you will never be able to get it back.

Thank you."

Supervisor Cardinale: "Thank you. Thank you. Next comment, please."

Linda Seaton: "Can you hear me?"

Supervisor Cardinale: "Yes."

Linda Seaton: "Okay. Hi. My name is Linda Seaton. I'm a business owner in the historic hamlet of Jamesport.

We, your constituents, trust in you, our Riverhead town board, our voice and watchdog. The final decision to deny Jul-Bet Enterprises or by any other name, Jamesport Development Company, application for special permit because we deem it in the interest of

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one and see it as a betrayal to our master plan for this rural corridor to which our historic hamlet of Jamesport relies in both agriculture and size.

We ask that without the DOT, that's the Department of Transportation, and traffic engineers thorough analysis, that this board represent the interests of its people by adhering to the master plan as set forth to be enforced.

We wish not to deny a developer his right to construct a suitable promenade of shopping sensibly and sensitively respecting the tiny tourist enclave we so endearingly cherish and wish to develop ourselves.

We, therefore, ask that this developer come to the community roundtable where Jamesport Civic is awaiting invitation to mutually design an aesthetic which honors our historic status and agriculture and encourages our appreciation for the project he wishes to complete.

We invite the use of organic substances such as natural cedar shake, clapboard or the like, cements that look like those, not commercial or identical structures which only illustrate to us not only a disregard but a disrespect for this special community which contributes much and votes for those we wish to represent us.

We expect the town board not to abstain but to elect to take a stand on issues set before it to decide upon. We remind the board that it is a duty to do just that, represent what its people express by democratic majority and which it, the community, wishes to be passed.

We are not at all at war with development. We are at war with today's popular means of suiting special interest.

The principle we have maintains the character of the community. It celebrates our history. It encourages tourism. It cannot be bought by any higher bidder without a huge price to pay, a village lost forever for which no town board in the future will ever be able to recover or undo.

We, your residents and business owners, have spoken.

I sent a letter to Mr. Cardinale back in October. I don't want to reiterate what the last testifier said going over each on of the stipulations, but I'm in full agreement and have something to say about them.

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So in accordance with the last testifiers, I am again reiterating what they've said and opposing passing this special permit for this company.

A proposal to manufacture a historic village campus style seemed irregular. I'm taking this out of my letter to Mr. Cardinale back in October.

This simple country downtown would benefit by continuing its already historic pedestrian walkway and elongating Main Road also referred to as Main Street, so that its charm and character remain for all of our frequent visitors to experience.

Architecturally this would embrace Jamesport and the north fork's integrity while accommodating the immediate needs of the developer in his urgency to develop.

Think about the villages we love to promenade. They resemble an older style, Greenport, Sag Harbor, Love Lane, Southold, Shelter Island, East Hampton, Southampton, Westhampton Beach, East Quogue, Bellport, Bayport, Old Westbury, Cold Spring Harbor, Rhinebeck, Northport, Huntington, Oyster Bay, Port Jefferson. You get my point.

I opened my business Thanksgiving appropriately, 2002. Two friends who have businesses, one is an antique dealer, one is a boutique owner, came to this hamlet because I opened my business and took the risk. And they asked my advice and I told them they're going to love it here.

They subsequently became part of our hamlet because they loved the charm, they loved the old cemetery, they loved the small buildings all in a row.

The reason these select merchants chose Jamesport was because their businesses were fulfilling a dream that they have in a specific place of character. One of them lives all the way in Bridgehampton. She came to Jamesport.

Allowing a campus style new development to change our very efforts would frighten us off quite frankly. It would abandon the old historic village and you would have all of those spaces to refill.

And another thing is the old buildings where we are residents do not meet the codes today for wheelchair access and other requirements. So those buildings would be very hard to fill once we leave.

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We wish not to be placed alongside a newer mall-like setting no matter how pretty it may initially appear on paper. I met with Mr. Dunleavy the other day in his office and we discussed how a plan on paper, a footprint, Mr. Dunleavy said he was surprised when he saw the hotel at the end of the Long Island Expressway in its fruition. He said on paper it didn't look that way. Well, it makes a big impact when you don't see- if you don't have the vision, if you don't have the design in your insights to see what it's going to look like, it's very important to have people who have those insights to be at the roundtable with the developer.

A country town is a country town so long as it holds fast to its original roots. Certainly we do support development so long as the locals want it and approve its design, so long as it suits a community, a community that has been long-standing and loves this gateway to the north fork.

Now I have another to read but I'm going to give other testifies a chance. I have a letter from somebody else who couldn't be here tonight. Thank you."

Supervisor Cardinale: "Thank you. Yes, next comment, please."

Gary Rosenbaum: "Hi. Gary Rosenbaum. I'm a physician in Riverhead, live in Jamesport on Manor Lane and also have a house on Herricks Lane. I've been practicing in Riverhead for 17 years. Like Mr. Cardinale, I also came from Dix Hills where I lived up until the later 70's and I saw the effects of rampant development in Dix Hills, of the total destruction of a quaint area that was very rural with original hills with Indian trails that were obliterated by development.

I came here thinking I would escape that kind of over-development. It seems like it's following wherever we try to go. I don't believe that this kind of development fits the rural character of Jamesport. I think it's going to ruin the area for good and that's my feeling about it."

Supervisor Cardinale: "Thank you."

Georgette Keller: "Good evening, members of the board. I'm not going to read the entire packet that you have sitting in front of you. I'm going to highlight certain areas so that we're not all here all night.

Some of the previous testimony you've heard this evening is quite pertinent and some of this is going to briefly reiterate some of that. I was glad to hear tonight that from Mr. Cuddy, that the developer is willing to make certain covenants to run with the land,

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I hope, not just with the ownership, and I take that as a sign of an interest to work with the community through the site planning process.

That being said, we're just going to take a look at some of the items that you're going to be reviewing which is under 108-133.5, those items a through l that Ms. Thomas alluded to earlier, the 18 items.

And the first of which is suitability. You've heard a lot about suitability tonight and there's an awful lot that they're planning on putting on this property now. Okay, it's 9.7 acres, 42,000 square feet may indeed be 10% but it racks up to two bistros, 10 retail shops, 7 professional offices, 7 medical offices according to their site plan. That's 24 separate business entities and if you count from about Colony Realty on down Main Road to (inaudible) Baker, it's in the neighborhood of 28, 29, maybe 30. So that's almost doubling the amount of space for rent in Jamesport— in the Main Road corridor and it is rural corridor so it's supposed to be leading into the development.

And driving back and forth for the past couple months since the first special permit hearing, I've really been taking special notice to what's built along the way. And those things that are highly successful are, of course, a lot of the individual owners, you have VanderBer's building their new garden center and it looks like it will be fabulous. It's an individual operation where you have problems where you have centers.

Finland Commons (phonetic) where Arlene's was, has now gone— is more than 50% vacant. Cardinale— Jamesport Plaza has two vacancies. We have two vacancies in the historic district. There are vacancies in the offices that were built at the corner of Union Avenue in Aquebogue and that's the gateway out to us in Jamesport.

Dr. Seodat built the whole new big medical office building on Main Road next to Dairyland and cleared that huge property to build and provide Riverhead with a lot of medical office space. It's half filled.

So as far as suitability and need, I don't think we need medical offices, more professional office space. There seems to be plenty of it around that's not being utilized at the present time.

I can understand the applicants want to have some mixed use because if you were to put in 24 retail shops, what's the likelihood of renting 24 when the two on Main Road are empty and they could be retail shops, Jamesport Plaza, Finland Commons, and so on and so forth.

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And you presently have the construction next to Jamesport Country Store which is supposed to be retail space as well. So you have more retail space coming in. So they need special permits to make this project viable but our job as existing— as residents and the lifeblood of our community because we live there. Even Jamesport LLC has a Calverton address.

So, you know, if you look at the state website for the Department of State, they're registered as 1 Old Country Road in Carle Place and their letters for Jamesport Development come from Dollar Budget Storage on River Road in Calverton.

So, that's why you're seeing the community out here tonight. The Jamesport Civic Association and South Jamesport Civic Association undertook a public awareness meeting this weekend. We held it at the community center so that the public would understand the difference between the special permit hearing and the site planning process.

We don't believe that it's suitable because of the scale and the size and the site plan itself which we understand is not your domain but there are other things that lend to suitability, too, including the significant information that has been uncovered by our research concerning the archeological significance of this site.

There is a gentleman, Mr. Mackey (phonetic), who is on People's Island up in Troy who was able to give us a little bit more on the history of the ancient and transitional people of Long Island and evidently the Jamesport site was extremely significant to them and they are still interested.

I know that there has been some talk of archeological review but this is the time for it to happen. That if we have a significant site there, this information needs to be found out now and we certainly expect that you as our representatives will be looking out to safeguard that history as well as the historic district next door. And that information is in the packet.

Item B also addresses the appropriateness to the use and we have some concerns over the amount of land mass that is proposed to be removed. To level that site to Main Road, you know, level zero, removing every tree, shrub and grassland area to say nothing of all the soil, does not constitute non-metal mining and the expected earth removal from what we understand is expected to be more than 400,000 cubic feet.

That's a lot of Jamesport to haul away because I don't see how that much can be used everywhere else on the property. And are they allowed to sell it and if they're allowed to sell it, isn't that mining?

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I'm not sure what the town's requirements are in proximity. I know Mr. Cuddy said that it's far enough away from the church but that church that he's talking about is the cornerstone of the historic district and I was not able to find anywhere in town code that gave any considerations for so many feet, yards, whatever. But as far as the church, public assembly, playgrounds.

You have playgrounds at George Young and that is also an area of assembly that's used heavily and that's also town property. So I don't know if that matters either but it should be raised now because if that makes a difference with special permit and the amount of traffic, you know, kids are there. In the summertime, it's the summer camp as well.

Item D with the adequacy of access facilities for traffic. Traffic is a major consideration for us. It is a small two lane main road. There's no way to widen it. You've heard this from previous testimony.

Our fear is that if they want to put in a turning lane, turning lanes usually come at the expense of on street parking and we do not feel that that is something that our historic businesses could survive. And that must be considered.

Further, the Suffolk County Planning Board submitted a letter to the file that's in the town clerk's office concerning the straightness of the road and that they made recommendation for alteration to that and we weren't sure how the town felt with that.

Now the special use, does that affect special use? I don't know and you guys can decide. But I don't know if that matters or if that makes a difference for what they're proposing to do.

So we'd like to see a New York State traffic study take place, DOT traffic study take place before you make your determination. Because if they get the approval for the special permits and because of the special permits they need this increase in the road but it's at the detriment of our historic storefront, then is it worth it.

Item F kind of struck a chord with us, too, because as you know, Mr. Cardinale, from our previous roundtables with the civics, we've repeatedly brought to your attention our concern over ambulance response time in the eastern portions of the town.

And if we have any more traffic congestion in the hamlet there, it's only going to make that response time increase. And it's still an issue.

And it appears that the buffer, yards, landscaping, walls, fences, etc. to protect adjacent properties and land use are

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provided for. However, it is quite obvious that the Kowalsicks next door would have to have a significantly high retaining wall in order to adequately address the situation. And this is a single family residence and flatenning all that land to grade level, leaves this residence in a most unnatural setting.

A house up on a floating hill basically. And I don't think that the appearance when driving from the east- I don't how it could possible be screens that it wasn't there. It's just too big, I think and it really needs to be looked at a little closer. Or maybe the possibility of not grading the land to street level is part of the answer.

Again, would they be looking to be grading the road down to that zero level and not planning to build 24 retail shops or that many spaces if they did not have special use permits?

Additionally we have some issues with the evaluation of municipal services with what the planning board and department have made as recommendations and their letters notwithstanding.

Based on our calculations of what's on the site plan, we're looking at approximately 1.3 million gallons of water usage per year for the site not including landscaping and seeing as we're all facing conditions where we may have to consider alternate day usage, etc., what is that going to mean as further impact for those of us in the eastern end of town and already stressed delivery systems.

Continuing on, item N seeks the potential impact of construction installation and operation of these 10 buildings and the need to regulate hours, days or similar aspects of its activity. Construction and preparing this site for surveying, etc. will all take place during the warm months of March to November and these are most routinely the months of heavy traffic on Main Road.

Summertime is when everybody likes to come out east and enjoy the beaches and in the fall, you know, agra-tourism is huge. I don't know if you've ever tried to go down Main Road when harvest is in full swing with pumpkin picking.

So do we have, you know, even farther reaches to consider the impacts of all this not to mention if this is supposed to go on over a couple summers worth of time, what about its impact on our historic firemen's parade and the firemen's carnival being in very close proximity to this site and well make a difference.

Coming to the end though, the last one though is that to the best of our knowledge we've not been able to identify shopping campuses with or without special permits of this size having yet

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been approved in an RLC. So, therefore, this is the precedent setting case on top of it all.

And for a frame of reference in terms of the proposed footprints of each of the bistros, whether they're 4,000 square feet or 5,000 square feet, it's still fairly large. Because last night I went and I measured the footprint of the George Young Community Center and that's 4,500 square feet.

So you're talking about buildings that are slightly smaller and slightly larger and you're talking about 10 of them, 10 of them. How is that going to dwarf our historic district in its scale and scope? And that most of all has to be considered. It's the historic district and the businesses there who worked so hard to give us, you know, so much. Those businesses have stayed through thick and thin and I think it's time to work towards helping them.

And I think this development of this property can help them. That being said we're going to go on to the end here and in conclusion that during your deliberations you're going to consider all of these things.

If there is anything else that you decide to consider, we respectfully request that you find a way to make those items public, either through the website or through the work sessions. Although the work sessions need some help with the audio because sometimes it's difficult to hear. Just so you know. And there are those of us who do watch.

And that we have to ensure that we do not repeat the mistakes of other Suffolk County towns, most notably Brookhaven to our west. Instead we should proceed in a manner that balances the economic development, the vision of the master plan, including its inherent protection and respect for the historic district and the voices of our community.

In the even that you find favorably for this application, we ask that it be tempered by a significant number of restrictions that we've enumerated in our packet. So you can review them more fully at your leisure but most notably at the end we have requested that the town convene a special task force to examine all facets of this project and to be the leader in promoting harmonious discourse on this matter whether the special permits are granted or not.

We suggest that representatives be included from the civic association, community businesses, immediate and adjacent residents who live in residential homes, the historic landmarks and preservation commission, the conservation advisory council, the planning board, the architectural review board, the DOT, if necessary, for dealing with Main Road, the water district, the fire

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district and any other agencies this board would deem appropriate for the purpose of responsible development that everyone can live with.

Thank you."

Supervisor Cardinale: "Thank you."

(Inaudible) Keller: "I'm (inaudible) Keller, a resident of South Jamesport and I would say please make decisions about this keeping in mind that I would like a nice quiet little town like it is now for my children when I grow up."

Supervisor Cardinale: "Thank you."

Jeannette Pennacchia: "Good evening, Supervisor Cardinale, Members of the Town Board. My name is Jeannette Pennacchia. And I am from 9 Scallop Lane, South Jamesport.

I am, of course, speaking about the same topic and I would respectfully like to voice my reasons tonight as to why this application before you should not be arbitrarily passed and supported.

While I'm sure you may feel there is evidence to show that a thorough investigation of the site plan and the surrounding area has been done, I hope to show you tonight that this is truly not the case.

I hope to show you instead and to raise some doubts that there is some erroneous feelings and that you're being told some pipe dreams instead.

There are many inherent problems with this application that need to be investigated, improved, redesigned, reevaluated and enhanced before it should even be considered for approval. Let me begin.

Section 133.5 Part A speaks to whether the site is suitable for use in the community. Preserving the character of the community and maintaining the rural character of the Jamesport area is tantamount to preserving our economy. It is what keeps us alive in the summer. This plan is essentially transplanting a shopping center from the shopping corridor of Route 58 in Riverhead into Jamesport. Suitable to our unique nature and economic structure? Not at all. That's my way of thinking.

Section 133.5 Part D addresses and makes the assumption that the facilities in the application have set up already adequate

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arrangements for traffic control and the movement of that traffic within the area of the site.

Are they even aware of the number of traffic accidents that occur at that particular curve over a period of a few weeks? Is this illustrious board aware of those numbers? Have the increased traffic figures due to the influx of more traffic after that construction is completed even been projected to determine if the facilities of the community are capable of managing this influx?

I sincerely think that a traffic study needs to be done before this application could go any farther than it already has.

Section 133.5 Part F of the town code calls for all applications to show that adequate provisions have been made for emergency conditions. Now, I for one, think that that is very good for all applications to show.

We all know that emergency situations happen all the time. Can anyone here show me where on this particular application there was a provision for any emergency condition? Fire? Medical? Police? Poison?

Before this application can honestly go anywhere, it needs to add this section, enhance it before it can go anywhere. Otherwise as far as I'm concerned, it's defunct.

You can't approve it as a special anything until it provides emergency procedures. Otherwise this community is in danger and I cannot see it anywhere in the provisions. This is a dangerous situation.

Section 133.5 Part G discussed parking lot spaces and off street parking and truck loading spaces in the parking lot area. It also discusses employee parking, all of which the town code says should be provided by any application which makes commonsense. None of which is specifically called for in this plan. None of it addresses it.

So as a community, what are we to think? So as an individual, I say the employees- I'm thinking now, employees, trucks unloading, medical clients coming in, bistros visitors, we're all going to be fighting for a spot and I say good luck in the parking spaces available.

Okay. And we have medical spaces there. So people coming in in the ambulettes with wheelchairs and canes and crutches, good luck looking for a spot.

Section 133.5 Park K calls for provisions to collect all forms of waste yet with seven proposed medical businesses- buildings, I

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saw no proposals for removal of medical waste. Why was that? Why couldn't I find that? And yet the application is up for approval.

I would also like to see an investigation into storm water runoff. They're going to put in buffers, bushes. Bushes and trees meaning pesticides. Pesticides when it rains are going to be washed off. Into my Peconic River? I hope not. However, I didn't see any form of control to get that storm water and rain water removed safely.

My time is probably up so I'm going to conclude with this thought. I'm stopping talking because my time has ended. My list- and I didn't hit every single item up to K, my list ends with- my thinking ends with Part R. That's how many concerns I have. If I have that many misgivings, shouldn't that give you enough doubts in your minds now to reconsider?

This application is really not ready for a positive vote.

Thank you for this opportunity to speak."

Supervisor Cardinale: "Thank you."

Patricia Carey: "Good evening. My name is Patricia Carey. I live on 58 Sea Cove Lane in Jamesport. And I would like to address the board tonight.

Dear Town Supervisor and Board Members:

I have reviewed Section 108-133.5 of the Riverhead town code which contains 18 points that should be taken into consideration before any granting of a special permit.

The idea of extensive grading, clearing and destruction of trees will not only erase the environment of existing wildlife, but this will cause extensive flooding into surrounding areas as well as Route 25.

This vacant land is not conducive to bistros and retail shops due to the high volume of traffic that would be generated on a daily basis. At times, Route 25 is backed up from the light at the intersection to the Elbow Room. Vehicular ingress and egress will not only cause traffic congestion, but increase the number of accidents of fatalities.

Another major concern is the environmental pollution which will be generated by noise, lights, odors, and garbage.

This forest area contains many species of birds that are vulnerable to a change in their environment. The Town of

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Southampton has targeted forested land for protection under the 2002 Open Space Conservation Plan. I would strongly suggest Riverhead follow the same path that Southampton is now taking for the preservation of their forested site. The attached information on this issue is beneficial. And if you look, I've included something from the Audubon Society.

Also the Jamesport Native American Burial Site which is located on this site plan is of sufficient importance. This burial site is well documented in a book published by W.A. Richie, The Stony Brook Site and Its Relations to Archaic and Transitional Cultures on Long Island. And the town board may purchase that book on line by going to the New York State Museum website.

Building on this piece of land will have negative ramifications for the residents and the environment. Therefore, I am opposed to any development on this site.

Thank you."

Jennifer Skillbred: "Good evening. My name is Jennifer Skillbred, and I'm an environmental advocate with Group for the East End.

Group for the East End is a professionally staffed non-profit environmental advocacy and educational organization. And while we are new to Riverhead town, we've been working on east end conservation and community planning issues for over 35 years.

After reviewing the file for this development project, it seems that there are still many unanswered questions on this application, questions that should be answered before any decisions are made.

The planning department staff report on the environmental assessment form states that there remains uncertainty about traffic impacts as well as uncertainty on the number of parking spaces proposed and the amount of impervious surface proposed. I'm going to also refer to the town code a bit.

The special permit section under Chapter 108-133.5 items to be considered by the reviewing board, see at least four separate items that are related to traffic. However, the Department of Transportation has not yet weighed in on the traffic impacts of this development, and the planning department staff report points out discrepancies in the current traffic analysis.

Another item to consider listed in the town code states at 108-133.5 E - all proposed curb cuts and street intersections have to be approved which would have to be under the Department of

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Transportation jurisdiction and they have not weighed in as far as I know.

And another of these items to consider states that adequate provisions will be made for the collection and the storage of stormwater runoff from the site and the sanitary sewage, etc. And, again, it seems that this information was missing from the application.

So based on this missing information, we respectfully request that consistent with the provisions in the town code under Chapter 108-133.4 C, you adjourn the public hearing for the purpose of requiring further information.

We would request that after this information is provided and the public has had a time to review it, that another public hearing will be held.

We also feel that because the state environmental quality review act directs agencies to look at projects comprehensively, the cumulative impacts of both the commercial and residential pieces of this development proposal should be looked at together to fully understand the probable effects this development could have on the rural hamlet of Jamesport.

So thank you for your time."

Supervisor Cardinale: "Thank you."

Laura Courtney: "Hi, my name is Laura Courtney and I live at 12 Herricks Lane in Jamesport. I also have a business, Imagine Farms and Gardens.

I'm very familiar with the intent of the rural corridor because my property was supposed to be included in that when the zoning- the master plan was going through. In fact, Mr. Cuddy was my attorney at the time, helping me.

It got scaled back a few blocks because Suffolk County was concerned with- that so much of that rural corridor being included was actually going to bring too much development and this proposal seems like it's just this kind of development that Suffolk County was concerned about.

And I studied what rural corridor was allowed because I very much wanted my zoning to be changed to that and it didn't include the things that I heard- I more reiterate what the first person who spoke as to what he saw on the website.

I also want to support the person who brought up about the situation with the Aquebogue shopping center. It doesn't look like

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a successful place and I'd hate to see another situation like that, more vacant buildings.

And, lastly, what I want to address is this conflict of seeing economic growth- I'm just going to read what I have.

I do believe people are seeing that it is time to stop seeing- protecting our environment as being in conflict with economic growth. We can have economic growth with while also preserving what is.

Someone was quoted in the News Review, and I don't remember the name, it was I think- it was in one of the articles, who was a proponent of the development stating nothing is happening in Jamesport. When I read that, I thought, my God. Sometimes nothing happening is the best thing that can happen especially if that means protecting our environment.

As we are all seeing our primaries unfold, we are seeing within both parties people want change. Probably we're all sick of hearing that word, but- and I see that the change wanted is a shift from letting self interest groups benefit to the detriment of the people who build and preserve the land.

I think people are going to sacrifice to protect that which they cherish. What would have happened had our leaders asked us to sacrifice rather than go shopping on that horrible day in September when our world changed?

I know in my heart that we Americans when we have been asked to sacrifice, we sacrifice, more than even expected. And I believe that we would still do that especially with so much at risk.

Thank you."

Bob Keller: "Okay, I'm going to try and be quick. My name is Bob Keller. I live on 6th Street in South Jamesport and I'd just like to read this to you because I'm not very good at public speaking, not like my wife is.

Okay, in reference to the criteria for granting special permits that are delineated in the town code Chapter 108-133.5, as they apply to this application:

Section A deals with suitability. How anyone can think that the doubling of the current retail space available in my tiny little town is suitable is beyond me.

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No matter what the Planning Board may have told you, the proposed bistros and professional offices are not suitable, nor is there any need for them in our area.

As you may know, Jamesport is home to some of the best restaurants on the east end with gourmet establishments like the Jedediah Hawkins House, The Jamesport Manor Inn, and the Bayview Inn joining established classics like The Elbow Room, The Jamesport Country Kitchen, and, of course, Lenny's.

With the current Planning Board— wait a minute, I've got the pages mixed up. Hold on. Sorry about that folks. Okay. Those of you viewing at home, I'll be right with you.

All of these are bistros, as defined in the town code. Is it suitable to give the go ahead to these people to erect two more competing establishments of the same type, establishments that by their very size (more than three times that of any one of those previously mentioned) would dwarf these great restaurants we already have, and very possibly drive them out of business?

You know it most certainly is not.

Professional and medical offices abound in Riverhead, and many of those constructed recently remain vacant. Is it suitable to allow these people to construct over 9,000 square feet of additional professional space where there is no apparent need for it?

Once again, you know it is not.

Section B asks if the site is appropriate for the sought after permits. I content that it most certainly is not. Abutting, as it does, our newly created historic district, allowing this kind of mammoth development right next door would not only threaten its integrity, but very possibly turn it into a ghost town. With all of this brand new retail space available, who would rent from the existing store owners?

We already have two vacant stores on Main Road, with two more vacant in Jamesport Plaza. What possible good will be served by allowing these permits?

You know this site is not appropriate.

Section D talks about traffic. One look at Main Road in front of this proposed development will tell you that without some kind of major reconfiguration by the New York State DOT, my little town of Jamesport will not be able to handle the increased traffic brought about by the granting of these permits.

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Anyone who's ever tried to cross the street in front of The Elbow Room can tell you that Main Road curves sharply just west of the site, and speeding motorists can't even see you (or the light at South Jamesport Avenue) until they reach the liquor store.

Have you ever watched the cars line up at the Valero Station to buy gas? Have you ever seen the traffic entering and exiting Harbes during the height of the pumpkin season?

 You know the current traffic patterns in Jamesport will most certainly not be adequate to handle the increased traffic. Are you willing to allow the state to widen the road, add some kind of turning lane, and another traffic light, thereby completely changing the flavor of Jamesport forever, and further threatening the historic district?

I should hope not.

With the current Planning Board apparently ready to rubber stamp anything that these developers want, you on the town board are our only line of defense.

I find it ironic that they chose to name this proposed development the Historic Village at Jamesport... I'll tell you what, my fellow Americans. History is real. You have a historic opportunity before you to do what you know is right and preserve the character of this unique hamlet for future generations.

You can choose how history will remember you, as true public servants, protecting the interests of the people who elected you, or as yet another public body that serves the greed of corporate development.

There is an old saying about shaking hands with the devil. I urge you to consider the personal and political implications of granting these permits to Jamesport Development LLC or Jul-Bet Enterprises, whatever he calls himself, a company that is already, quite literally, in bed with the building department.

Thank you very much.

Save Jamesport.com folks, Save Jamesport.com. Thank you."

Supervisor Cardinale: "Okay, next comment, please."

Sal Diliberto: "My name is Sal Diliberto. I live on Manor Lane in Jamesport and I own property directly adjacent to the applicant's property.

Going back to the beginning of this hearing, Mr. Cardinale, I know you stated that- I don't want to paraphrase, that the applicant

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already had the right under the law to build the retail shops and he's not really coming here for the right to do that. He has that. He's the property owner and that's what it's zoned for.

So many of the issues that were raised here regarding parking, grading, traffic, etc. would relate to this project whether it included the bistros or the professional offices or not.

So to me it comes down to, do you want them to build this project with just retail space or do you want them to have diversity? I'm assuming that the reason why they're asking for the bistros and the professional offices is because they feel that it would make it more financially successful, that they'll have a better opportunity of having a successful development.

And I think as a resident of the town of Jamesport, that's what I would rather have. If there's going to be a development there and it is, it's inevitable, let it be one that has more opportunity to be successful than less opportunity.

I agree with what Mr. Keller said about the existing stores to the west of the development. I believe that they will suffer when this property is developed unless as we have stated previously, and I've discussed this with several of the business owners and property owners adjacent, unless the applicant as they have expressed a willingness to do repeatedly in public meetings and privately does, in fact, allow the merchants to have their customers— the merchants who are to the west to have their customers park in the parking area that will be used for the development and unless they allow the parking area to be contiguous with another parking area that could be created behind the shops.

Then I think the whole downtown area of Jamesport has an opportunity to have successful businesses.

Thank you."

Supervisor Cardinale: "Thank you. Is there any other comment from the public? If there is, we'd be pleased to take it. Yes, please come up."

John Cameron: "Good evening. My name is John Cameron. I'm a licensed real estate broker and have been in the real estate business both residential and commercial for over 25 years. I have owned a business in the hamlet of Jamesport for the last six years.

I am here to oppose the application for a special permit for the Jul-Bet development site at the western entrance to the hamlet.

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Jamesport is known by many as the gateway to the north fork. It is the eastern frontier for the suburban sprawl that has devoured the western towns of Long Island. The town of Riverhead has established a master plan to control this sprawl and it is the implementation of this plan that needs to be followed here, no exceptions.

It would set a dangerous precedent to approve any application that is submitted without a proper traffic impact study since the impact of the proposed food and office establishments on Main Road could be significant.

It would be wrong to approve any special use when the community, except for this hearing, has had no input. There are some who see the issue as a means to obtain much needed parking for the hamlet, but that is not why we're here my friends.

We are here to ask you to vote against the special use permit that if approved will alter the rural character of Jamesport forever. You will never get it back.

Thank you."

Supervisor Cardinale: "Thank you. Is there any other comment that we can take? Yes, please come up."

Louisa Hargrave: "I'm Louisa Hargrave. I live on Manor Lane in Jamesport. I didn't come with any prepared statements. I just came to hear what the comments were. But I invited one of my neighbors to come with me and she said, why bother. It's a done deal. So I'm just here to ask that you not let this be just a done deal but that you take these comments into consideration.

Thank you."

Supervisor Cardinale: "Thank you. Yes. Is there any other comment? If there is, I'd like to take it. If there is not, the town attorney had a point, I think, Charles, about the applicant's statements. It only applies to the applicant's statements or- okay. Yeah, you wanted- "

Charles Cuddy: "Last time I was under oath when I was here."

Supervisor Cardinale: "We'd like to- "

Charles Cuddy: "I assume that continued but if it hadn't I would again go under oath."

Supervisor Cardinale: "All right."

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Dawn Thomas: "Mr. Cuddy, do you swear that the testimony that you gave tonight on behalf of the applicant is the true, the whole truth, and nothing but the truth so help you God?"

Charles Cuddy: "I do and all of the comments I have made are under that oath. Yes."

Supervisor Cardinale: "Thank you. If there's no further comment— please come up then."

Georgette Keller: "Mr. Cuddy just reminded me of one thing. Mr. Cuddy, earlier tonight when we first started this public hearing almost an hour and a half ago, asked that all of the statements that he made at the first public hearing be made a part of this record and if you decide to do that, I would like to also ask that all of the testimony given by everyone who spoke that evening and all letters submitted for that public hearing also be made part of the record. Thank you."

Supervisor Cardinale: "Okay. I think we made that clear last time, we wanted that to happen, so I'm instructing the clerk that that happen, that they be coalesced as the record of the hearing.

We're going to leave this hearing open for written testimony to be introduced for 10 days through the close of business on Friday, January 25th.

We'll be discussing this matter Thursday at the work session. Our planning director had a personal emergency and was unable to be here tonight. I have some questions about the process here as I note some of the members of the board do.

I also want to thank everybody for their interest and their eloquence particularly those who truly assisted the board by going through the criteria within the ordinance and showing us how in your view it applied to this application.

So we're going to take written testimony through the 25th and we're going to be discussing it Thursday, it will be on TV, and we'll try to make the right decision.

Thank you."

Public hearing closed: 8:35 p.m.
Left open for written comments for 10
days to January 25, 2008

Supervisor Cardinale: "We have five, I think, other hearings to I'm going to move to the third hearing. If anybody wants to

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leave, I'll give you a few moments to do that now and then we'll call up the next hearing. Thank you.

If the third hearing on the Weeping Willow purchase, whoever is going to present that, come on up and get set."

Public hearing opened: 8:37 p.m.

Supervisor Cardinale: "Okay, it being 8:35, 8:37 actually, I'm going to call the third hearing of the evening which is scheduled for 7:10 for the consideration of the purchase of approximately 0.454 acres of land known as the Weeping Willow Motel located on the south side of West Main Street for a purchase price of \$1,250,000. This would be a purchase supported by the 2% community preservation fund tax, not by the taxpayers through a bond, and it would be also supported by a \$500,000 grant received from the state of New York. And your name is?"

Steven Searle: "Good evening, Steven Searle, with Peconic Land Trust, a land conservation organization. Hello, great. And we help facilitate and administer the open space committee projects as well as the farmland select committee projects and matters.

First, just some of the facts about the project. The projector is working nicely tonight I see."

Supervisor Cardinale: "Cablevision may need to do that if you'd like. Can you- yeah, thanks. Let him move his camera for a second so as you speak, he will show the public at home what you're saying and what you're saying about. Thank you."

Steven Searle: "Great. Okay. So this is located on the south side of West Main Street. It's a little bit less than half an acre. The purchase price, the appraised price is 1.25 million and the purchase price is the same, 1.25.

The funding will be actually, you already mentioned this, will be helped with a grant of \$500,000 from the New York State Parks Recreation and Historic Preservation and that's actually part of the New York State Environmental Protection Fund grants that are awarded to local communities across New York State to assist with waterfront revitalization projects, historic preservation efforts, expanding open space and increasing access to public lands.

The idea- the zoning, just so the folks know is RFC, riverfront corridor zoning and the improvements, there is three one story motel buildings totaling 4,557 square feet.

This is an aerial photo of the property. Again, it's a little less than half an acre. This is another view of it. This is the

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back portion of the property as well. You can see that the Peconic River is directly behind it to the south flowing right through it.

It is in the— some of the following designations: the Peconic Estuary Watershed, nitrogen stressed sub-watershed, the New York State Fish and Wildlife Service National Wetlands Inventory Wetlands, the critical natural resources area, the Peconic River shoreline buffer. The New York State Department of Environmental Conservation Wild Scenic Recreational River and it's part of the Peconic River Greenbelt area which is a priority preservation area for this town.

This is another shot of it, a bird's eye aerial that we have and another one here. And this is actually a conceptual perspective we drew up quickly. The idea for this was actually to remove the motel, purchase the property, remove the motel, and clean it up. And fulfill I think some of these purposes.

The conservation of the natural resources in the Peconic River estuary watershed, to alleviate and minimize storm water and waste water discharge, to offer public access to and foster understanding appreciation of these resources, to create open space and enhance the scenic view-shed, to offer passive recreational amenities and opportunities, and also for the purpose of economic revitalization. To enhance tourism and to enhance community character.

So this is again what it could look like after purchase by the town.

I would like to just add one more thing to this. The open space committee did not— did support appraising the property but did not recommend it for town board acquisition but despite that, however, they do support public acquisition of the property since additional funding sources were found.

The committee determined and I quote here, the committee determined that the Weeping Willow property does lie within the Peconic River greenbelt area which is a priority preservation area for the town as I already stated. And during 2007 the committee also support the town application to New York State for a grant of \$500,000 towards the purchase of the property and removal of the motel.

The committee believes that the motel has long outlived its usefulness and has become an eyesore to the community. The motel's antiquated underground septic system and extensive hard surface parking area no doubt put significant pollution into the river.

The time to remove the motel and restore the property to an open, natural state has come."

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Supervisor Cardinale: "Thank you."

Steven Searle: "Thank you."

Supervisor Cardinale: "Okay. Thank you for that presentation. Would anyone in the audience like to comment on this proposed purchase? Yes, please come up, Sal."

Sal Mastropolo: "Sal Mastropolo, Calverton. A couple of questions come up. One is the cost to demolish the buildings and to pick up all the blacktop. Is that going to be borne by the town or was that going to be borne by the \$500,000 grant and the CPF funds?"

Supervisor Cardinale: "It's going to be not bonded or borne by the town as I understand it. It will be part of the 2% or the 500,000. So it would not be a town expense. It will be a specific expense."

Sal Mastropolo: "What about the possibility of pollution on the site and the remediation of that pollution?"

Supervisor Cardinale: "That is always an issue whenever you purchase. Prudenti is the town attorney who handled this and she's not here. I don't know, Dawn, if you know the environmental issues associated with this site. I presume we did some environmental review before we purchased and usually you do a phase I and a phase II is required."

Dawn Thomas: "I would defer to Ann Marie on that. I'm not sure- "

Supervisor Cardinale: "The town attorney who handled it is not here but typically we would do an environmental review before we purchased it because it's not very good if you do it afterwards."

Sal Mastropolo: "Okay. Another question is why are we giving him the appraised price when the appraisal was based on the fact that there are three buildings on that property which you are going to demolish? Did we try to negotiate him down in light of the fact that we don't want the buildings and we're going to have to demolish them anyway?"

Supervisor Cardinale: "Yeah. Because he wouldn't take less. I commented that this is a high price in my view except- because I also know that you can't use that property for anything. But the pre-existing non-conforming use that existed there as a motel, really added to the value and that's a practical reality because even though it was in disrepair, he would have had the right to at least improve it to make it, you know- he could have done a lot of

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things there. That's why- including condominium-ize, if he is smart."

Sal Mastropolo: "I'd just as see him improve it. I mean given the fact that we're building more hotels in town, okay, I can't see us spending- "

Supervisor Cardinale: "Well, that wasn't an option, let me tell you. He wasn't going to improve it. He was either going to take the money and leave town or he was going to let it stay the way it was."

Sal Mastropolo: "Last question. Has anybody given any thought to where the people that are living there now are going to reside when you take down- "

Supervisor Cardinale: "Not at all, actually."

Sal Mastropolo: "No, right."

Councilwoman Blass: "No, that is incorrect. I spoke- "

Supervisor Cardinale: "I haven't. I don't know about you. I'm sorry."

Councilwoman Blass: "The owner is looking on his own to relocate them. There will only be two or three families left but he's working with them and has given them his assurance that he will assist them in relocating- in being relocated. And I asked that question."

Sal Mastropolo: "I personally think that money could be better spent elsewhere."

Supervisor Cardinale: "Thank you. I think there was support for that until we got the 500 grand and then it kind of- everybody folded and said this is a good idea."

Okay. Any other comments from the public? I appreciate your presentation, thank you for your comments. I'm going to close the hearing, leave it open for 10 days for written comment for anybody who gets inspired, to close of business, the 25th."

Public hearing closed: 8:47
Left open for written comment for
10 days to January 25, 2008

Public hearing opened: 8:47

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Supervisor Cardinale: "We're moving to the fourth hearing here tonight which is scheduled for 7:10, consideration of a local law amending Chapter 101 Vehicle and Traffic Article III traffic regulations.

Let's see if I can find that and tell you- here it is. It is stop and yield intersections at Railroad crossings. We are deleting and we are adding. Does anyone want to- from the highway committee or from the legal department want to tell me exactly what this notice is telling us?"

Councilman Dunleavy: "This is for the round-about, for the yield signs on the new round-about on Osborne and Horton Avenue. We have to delete the stop signs that were there and add yield signs where they're located."

Councilman Cardinale: "Thank you, John. Okay, so this is relating to the Middle Road round-about and the proper signage associated with the round-about as opposed to what previously existed.

I understand we're going to get some beautiful landscaping from an anonymous source who wishes to remain anonymous free by donation to the town so that should be very attractive eventually.

Anybody want to make a comment about- or anybody really want to keep the old signs so we all have accidents? I don't think so, but if anyone does, come right up and tell us.

If not, leave it open again for 10 days just to make sure that nobody has any insight or inspiration so to the close of business on the 25th if you want to say something in writing."

Public hearing closed: 8:48 p.m.
Left open for written comment for
10 days to January 25, 2008

Public hearing opened: 8:48 p.m.

Supervisor Cardinale: "And the fifth hearing of the evening is scheduled for 7:15. It is for consideration of a local law to amend Chapter 108 Article XLV entitled outdoor lighting.

This is the, I hope, final rendition of the lighting code which has been worked on diligently by Mr. Densieski and others, Dan McCormack in the legal department. It has also been vetted through the engineering department. There was some significant discussions between the dark skies committee, engineering and legal and this is

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the rendition that everyone believes is in the best interests of the public.

So if you have any comments on this proposed law, I would love to hear them. Come up, please. Yes."

Jennifer Skilbred: "Hi, Jennifer Skilbred with the Group for the East End. I just want to say that Group for the East End strongly supports Riverhead's efforts to reduce light pollution including these amendments to the outdoor lighting code.

You probably know by now, but real quick. Light pollution can have a variety of negative impacts on wildlife. It detracts from the rural community character of Riverhead. It can be quite bothersome to neighbors. It obscures our ability to enjoy the night sky and the glare from many types of night lighting can actually lead to unsafe driving or walking conditions for passersby.

Reducing this light pollution will help alleviate these problems and will result in significant energy conservation. And we feel that the dark sky committee has done a great job and we're glad to hear that they plan to continue their work in the future and we look forward to more progress on this issue.

We also appreciate the town's plans to conform to these regulations and act as a role model for other property owners in the town."

Supervisor Cardinale: "Thank you. What is your group's name?"

Jennifer Skilbred: "Group for the East End."

Supervisor Cardinale: "Oh, for the east end."

Barbara Grattan: "Jennifer, can I have your last name again?"

Jennifer Skilbred: "Skilbred. It's S-K-I-L-B-R-E-D."

Barbara Grattan: "Thank you very much."

Jennifer Skilbred: "No problem."

Supervisor Cardinale: "Thank you. Yes, next comment, please."

Jim Slezak: "Jim Slezak, I'm chairman of the dark skies advisory committee. It's good to go second when someone else has said everything you wanted to say."

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Supervisor Cardinale: "Yes."

Jim Slezak: "And I won't take up a lot of time. I want to thank Supervisor Cardinale and the councilmen and the council members for their support and this is the same— the same set of law that we proposed in June that went to hearing before. We took some stuff out actually. We hammered it through with engineering and with legal and we think we have something that's going to help us preserve the rural character of the night skies and we hope that you support it."

Supervisor Cardinale: "Thank you. And thank you for your efforts in regard to this. Yes."

Thomas Madigan: "Yes, good evening. My name is Thomas Madigan. I'm not a resident of Brookhaven— of Riverhead. I'm a resident of Brookhaven township. I live in the village of Patchogue. I was a member of five— I was one of a member of ad hoc committee that the Brookhaven township had put together. I provided testimony, me and four other individuals including international expert Susan Harder.

And as a result Brookhaven township has passed— last year passed a local lighting law, probably one of the toughest in the state and certainly one of the toughest in the country and certainly one of the toughest in the state.

Just last month, we passed a set of amendments, very strong amendments that, you know, including a sunset clause.

Insofar as Riverhead adjoins Brookhaven, it seems to me logical in interests of consistency to provide a seamless dark sky (inaudible) from the western border of Brookhaven township to the eastern border of Riverhead township.

Okay. From what I understand also, Southold is considering such a measure in the future. There are many reasons to approve this— well, it's already been approved.

I would just like to add my voice to those in support of this. A whole segment, a whole generation of people growing up today have disenfranchised of the night sky. They don't know what it looks like. I've been an astronomer all my life. I teach astronomy and physics and I'm here to tell you that there's many, many people that don't know what the sky looks like. Okay.

Consistent with all the previous comments and remarks we heard tonight about the development of a parcel of land in Jamesport, this lighting law, these amendments, would be consistent with all those remarks. Okay.

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And just to speak to those that would object to this, we don't want dark ground. We want dark skies. Okay.

And that would conclude my remarks."

Supervisor Cardinale: "Thank you very much."

Thomas Madigan: "Thank you."

Supervisor Cardinale: "And any other comment, please. I want to acknowledge the hard work of Ed Densieski who worked on this a long time when he was on the board and this is the final rendition. We are going to have the hearing- we'll keep it open for 10 days to the 25th from anyone that wishes to put something in writing and then presumably pass this rendition at the February 6th meeting. I know he worked very hard and I want to acknowledge that.

I also want to acknowledge that we have today sent out the liaison- board liaisons to advisory committees. I think we have over a dozen of them and this one is one of the very hardest working and I thank them for that. And all of them are a big help because they provide expertise to us as a board and we need that.

So it's open for written until the 25th at 4:30 p.m. It is closed for testimony verbally and we expect to reach this on February 6th."

Public hearing closed: 8:54 p.m.
Left open for written comment for
10 days to January 25, 2008

Public hearing opened: 8:55 p.m.

Supervisor Cardinale: "The next and sixth hearing of the evening is scheduled for 7:20. It being 8:55, I'm opening that and closing the prior one. For consideration of a local law amending Section 108-3 Subsection B of the code entitled definitions, word usage.

This is a definition section by which we differentiate by- between executive golf courses, par 3 golf courses and standard golf courses. And for the purposes of this chapter, they will be designed as executive, total par ranging from 55 to 68 and an average of 3,000 to 4,500 yards; par 3 - par on each hole of 3 and an average of 2,000 to 2,500 yards; standard golf course - have a

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minimum par of 72 and a minimum of 6,000 yards as measured from the middle tees and are no less than 125 acres.

That's the definitions. If anyone wishes to comment upon them and their inclusion in the code, please come forward. If you do not have a comment at this time, we will keep it open for written comment through close of business 4:30 p.m. on Friday, January 25th."

Public hearing closed: 8:56 p.m.
Left open for written comment for
10 days to January 25, 2008

Supervisor Cardinale: "The— it being 8:56 now, Gary, stick around because you're up and H2M is here, the engineering— the outside engineer is Gary Pendzick, our water department head.."

Public hearing opened: 8:56 p.m.

Supervisor Cardinale: At 7:25 there was the final hearing was scheduled to implement the recommendations of the H2M, the engineering firm study, dated November, 2007 relating to setting service connection fees for the Riverhead water district which have not been looked at for some years. And we're going to get another computer presentation so if you'll turn the camera around, we will hear from the engineer in a moment. Mr. Kelleher. Okay, we are ready to rumble, Riverhead Water District. Dennis Kelleher, engineer H2M is ready to rumple."

Dennis Kelleher: "Yes, thank you, sir. Let's see, as part— Dennis Kelleher, Senior Vice-President of H2M. We are the consulting engineers for the Riverhead Water District.

We conducted a master plan for the Riverhead Water District back in 2006 and when we did that, we looked at the financial situation of the district and we just raised the question that the key money that the district has been charging for over 20 years may not be a fair and reasonable number and we suggested that the district take another look at that.

Early last year, the town asked us to conduct a study to evaluate the key money fees that the district was charging. So this hearing is talking about our evaluation on the key money fee and recommendations to change the town code.

Let me spend a minute, too, just talking about the existing requirements of the key money. It was established back in 1986. It's part of Section 199 of the town code so it's been in place for

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21 years. At the time, it was a great idea. The town and the water district saw the tremendous potential for residential development that could occur in the future and they-- with this development there would be additional water demands and there would be need to build additional facilities.

And rather than having the residents of the Riverhead Water District actually subsidize the cost of installing these facilities, if it was the developer that was proposing to put in 100 homes, we felt that we would just come up with a number that the developer would have to pay this key money fee to pay for the additional facilities for the water demand for those homes.

At that time, it was estimated based on the cost of new wells, new storage tanks and transmission main, that the cost should be set a \$2,500 per single family home. At the time when the code was written, the key money would only be applied to subdivisions, major subdivisions.

It was a tremendous success. Actually we estimated that since it was implemented approximately 21 years ago, the Riverhead Water District has collected approximately 10 million dollars and used that money to build new wells, new storage tanks and maintain facilities.

We did-- in our analysis, we did have records going back to 1994 through 2007 and it was estimate that 2.9 million was collected for just over 2,400 single family lots. And it allowed the Riverhead Water District to construct a lot of new facilities without borrowing money through bonding.

Some of the reasons for revaluation that we felt, number one, the fee was 20 years old and actually the cost of new facilities have increased over 100%. Twenty years ago we could construct a new supply well for under a million dollars. Now it's costing us about two million dollars for that well.

Just to give you an idea, a well would represent water that is necessary for approximately 300 homes.

The existing key money really does not apply to any retail or commercial developments if there was no subdivision required. For example, a lot of the development that occurred on Route 58, if there was not a subdivision application and it was already a large parcel of land, the Riverhead Water District did not have the right to assess any key money fees. So most of the development that occurred on Route 58, the Riverhead Water District got zero key money.

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We felt that needed to be corrected so we'll talk about that in a minute.

The— actually the fee was also based on a per dwelling unit cost versus a per gallon cost and actually we'll talk later in the presentation while we think there should also be a per gallon cost.

In addition, the average water use and we've talked about this item in front of the board before, back 20 years ago, the average single family home used approximately three gallons, 34— excuse me, 300 gallons per day on an average day. That average now is over 600 gallons per day for a home.

So if we were building a well that again is for a certain number of homes, now we actually— we'd be able to construct that— one well would actually be able to serve less than half of the homes that it used to in the past. So that also would have an effect on the cost.

As I mentioned, we really looked at this in the master plan back in 2006. The master plan also looked at projects that Riverhead Water District would need to implement over the next 10 years really to meet the increase in the water demand from the existing residents and the increasing water demand from additional growth.

We've actually listed about 18 projects that need to be taken care of and with a total cost of \$17.1 million.

We also, as part of our report, we met with the accounting department to look at the finances of the Riverhead Water District and when key money is paid by the developers, it is put into a reserve account and we actually— as of December 31 of 2006, we had slightly over \$2,000,000 in that account.

Additional key money came into that account from January of last year 'til September of last year of about \$270,000. We also transferred money from that account to do a couple of new projects of about \$1.1 million.

The two projects that we actually used the money for was the repainting of the water storage tanks at plant 8 and 9. That work is still going on now and the test well program that the board has approved at the end of last year where we're looking at new locations for public supply wells.

So the balance at the end of September when we first finalized the study was \$1.2 million dollars.

We also are working on several projects that the town board has recently approved that is being— the money is being taken out of the

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reserve account. One is the electrical upgrade at plant 12 which is on the Calverton property of about \$152,000.

We also have a pump replacement program where we are replacing the pumps on some of our old wells, approximately four pumps at a cost of approximately \$375,000. And then we have GAC filter replacement. It's granulated activated carbon which is a treatment method that is also at plant 12 for about \$40,000.

So we feel we will have a balance— the balance at this time is \$633,000.

New projects that we see on the short term horizon in the next two years. The town board has recently approved and later on tonight we'll talk about the bonding approval for plant 15 where we have three new wells, \$1.9 million dollars.

Electrification of plant 2, we would like to consider this year at a little over \$1 million dollars. Rehabilitation of plant 4 for \$428,000. Rehabilitation of plant 8 up in Northville for about \$408,000 and the rehabilitation and painting of the Route 58 water storage tank which we feel we will most like to come back to the board in 2009 or 2010 which would cost over a million dollars.

So we see capital expenditures of just under \$5 million dollars in the next couple years.

Bottom line is the Riverhead Water District needs the money so, you know, we could hopefully not have to bond all these projects.

What we did as part of our evaluation is we calculated what would be the key money if we were starting fresh today. Item #1, a supply well using current pricing of \$1.9 million and that one well would be able to supply water to approximately 300 dwelling units, or single family homes. So that would work out to about \$6,300 per dwelling unit.

Then we have a water storage tank. We're also proposing in the next couple years to put in an additional water storage tank in the district and— at a cost of about \$2.3 million dollars. And that storage tank would be able to provide water, storage water for approximately 3,000 homes. So that fraction of the key money would be about \$787.

Transmission costs. In the original calculation 21 years ago, before the Riverhead Water District really started spreading across the town, we felt there was a need for transmission to bring the water to the homes. The good news is the development that has occurred throughout the town over the last 20 years, we now have a

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solid transmission main system out there where we don't have to put a lot of water main in to bring water to the public.

So we don't feel there is any necessity to have any costs associated with that. But if you add up those two items, we're talking about \$7,120 would be the recommended key money on a single family home.

If you- we also wanted to use this on a per gallon basis in case it wasn't a single family home and we were talking about a commercial or a retail establishment. So if you divide that by the number I was using before of 665 gallons per day per single family home, that would work out to \$10.70 for every gallon per day of water used by a commercial establishment.

We also- we had meetings with the superintendent of the water district, Gary Pendzick, and the special counsel for the water district to talk about- actually the special counsel did a lot of research from a legal standpoint to make sure we were doing everything correctly with key money.

And his recommendation is there should be a reduction for property that is already within the Riverhead Water District and not developed, a vacant piece of land that is paying a Riverhead Water District tax even though it would be at a very low level because of the assessed value of the property would just be on the land.

So we did some evaluation and found that on a typical developed piece of land in Riverhead, approximately 15% of the value is due to the land value. So we feel there should be a reduction- if someone was going to build on a vacant piece of land already inside the boundaries of the Riverhead Water District, that they wouldn't have to pay the full \$7,100. That there should be a 15% discount because they had been paying some type of water tax over the years.

So if you take 15% off of \$7,120 it brings us down to \$6,052 and the same thing on the \$10.70 brings it down to \$9.10.

We then had a meeting with the supervisor of the town to go over the preliminary findings of the report and we just wanted to make sure when we modified the code, that we cover every situation that could occur on a proposed development.

So we put together this chart which we recommend become part of the code so there is no misunderstanding in the future. If you look at the top of the page, item A, any property that is located outside the water district boundaries.

I just would like to state that a lot of people assume that if they're in the Riverhead Water District, everybody in the town of

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Riverhead is within the Water District boundaries. That is not correct. About 75% of the town is within the Riverhead Water District boundaries. But we do do extensions if there is a piece of property right outside the water district and we can actually serve them water.

So if we had a single lot residential, whether it's an existing home or a proposed home, if they came to the Riverhead Water District looking to hook up, we are proposing that they would be assessed a key money fee of the \$7,120.

Any residential development that they would also have to pay that key money. All commercial and retail that is being proposed, even if it's not a subdivision but just a large lot, they would have to pay. So that is a definite change in what we're proposing compared to what's there now.

And if you go down to Item B which is inside the district. If we have a single family lot that an existing home with a private well and they want to hook up, we made a determination that no—because they have already been paying a water tax on the full value of their property. So we say we will not charge them key money fee.

Then if we have an existing vacant lot, single family home residential, we also said that they would not be charged. And if we had a vacant lot that is part of a minor subdivision, residential, again, we would not charge them key money.

If we had a vacant lot that was a major subdivision like it is now, we would charge them key money but at the reduced amount, the 15% reduction of the \$6,052.

And then Item 5 which would be the vacant to commercial, that we would again charge them key money based on a calculation of water use at the \$9.10. The calculation of water use would be we would get a site plan that would talk about the square footage of the proposed development and there are Suffolk County Department of Health standards that tells us what water use they should use.

But in addition to that, we felt we had to look at the irrigation. Again, 20 years ago it wasn't a big deal but as we talked to the board before irrigation use is such a significant part of our every day water use so we would look at the landscaped area on the site plan and we would be able to calculate using an industry standard of one inch of irrigation water per week and we would calculate what that would be and that would be added to the interior water use based on the Suffolk County Standards. So we would then calculate what the cost would be.

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And let's see, I'm down to item 6. If we have an existing commercial building and there was a change in use where there was—it went from a low water use and they are again looking for a low water use and they did not to change the water service coming into the building, if it was a two inch line feeding them right now and they did not need to increase that and two inch was still good, we are staying we would not change—we would not require a key money fee.

Now on the last item, item 7, if we had an existing building that was a dry store or a storage area and all of a sudden they wanted to change their use that would be more heavily water intensive and they came to the Riverhead Water District saying that two inch line was insufficient and they wanted to increase it to a four inch line because they needed more water, we would then do that same calculation to figure out, okay, based on their proposed new use in the building, what would their water use and what would the irrigation use be and then we would apply the \$9.10.

So we felt with this table— this table really covers any potential situation of a development in the town of Riverhead, whether inside the district or outside the district, and that is our recommendation for key money."

Supervisor Cardinale: "Thank you. Is there any question?"

Councilwoman Blass: "I have a question for Mr. Kelleher. For purposes of this chart, do you consider condominium development residential or commercial?"

Dennis Kelleher: "Condominium would be residential and actually we would— Suffolk County standards are there. And if you look at the Suffolk County Department of Health Services there's a condominium number and— a single family home is 300 and a condominium I think it may be 150, so they would pay at the lower amount.

But then, we've had condominium complexes in the town that use a lot of water and we've looked at it and their large water use was irrigation. So we would also look at their irrigation and take a look at that."

Councilwoman Blass: "Okay, thanks."

Supervisor Cardinale: "Okay. Any other comment from the public? Yes, come up. Thank you, Dennis."

Councilwoman Blass: "Thanks."

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Larry Oxman: "Good evening. Larry Oxman, with offices at 1 East Main Street and 1747 Old Country Road. Can we see that chart again? Is it possible to- yeah."

Councilwoman Blass: "Do you want the hard copy maybe?"

Larry Oxman: "Thank you. This is the first time that I've- I'm aware of this proposal. I guess I just question the fact of properties that are in the current district that have been paying taxes to the water district all this time, that they're charged key money.

And it also seems that not everyone is being treated equally. It seems that they've tried to come up with a formula so that for some justification but- by saying that some people have to pay key money and some people don't, again, I don't think that everyone within the district is being treated equally.

And I would go on to say that I object to anyone that's in the water district to having to pay a key fee. If someone is going to use more water, aren't they charged the gallonage they use? So that is someone is using water for landscaping isn't there a meter that's running that they're charged per gallon of how much they've utilized? It's not free. So it's really just a question of this key fee.

Previously, I guess, it was pretty simple. When a residential subdivision came along, it was outside of the district and they would become part of the district and those homes would then pay-- the developer I guess would have paid a key fee and the homes thereafter would pay into the district.

But for many properties who may have been in the district for 15, 20 years or better, they have been paying some share all along. And to ask them now to pay a key fee on top of that, I think is unwarranted.

So I would- I'm not in favor and I would ask that the board look at it very seriously that any property that's within the current water district not be charged a key fee.

Thank you."

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

Dennis Kelleher: "I'm sorry. I would just like to correct one thing and maybe I didn't make it clear because there was some confusion inside and outside.

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The existing town code as far as key money is concerned, if there was a subdivision being proposed inside the Riverhead Water District, for example, they're putting in 50 single family homes, it was a piece of farmland already in the district and they're putting up 50 homes, they would be charged key money at \$2,500 because it was a subdivision.

It does not matter if it was already inside or outside the district."

Supervisor Cardinale: "Okay, thank you. Come up and comment, please."

Sal Mastropolo: "Looking at that chart, I just take issue with one thing and that's #3, vacant to minor subdivision residential. It says no key money. I mentioned it to Gary and Gary said well, usually minor subdivisions are along a main road and the infrastructure is there.

I can give you two examples of minor subdivisions off Wading River, okay, just west of the 2 by 4 Restaurant where the two minor subdivisions are about 200 feet wide and 1,400 feet deep and when they put in the subdivisions they had to put a road all the way down the left hand side of the property to get to the fourth piece of the property.

In a minor subdivision like that, okay, even if it's in the water district, there's no piping up that road which means the water department has to run infrastructure to all the way up that road to feed the four houses.

So on that particular case, okay, if there's no piping in front of the subdivision there should be key money because the water district is going to incur costs to run the piping to feed all four houses."

Supervisor Cardinale: "Thank you. Do you want to comment, Gary?"

Gary Pendzick: "Gary Pendzick, Superintendent of the Riverhead Water District. It sounds right but in this case the subdivision that he's speaking about in Wading River and I'm thinking in terms of having to extend the water main to serve these four homes, isn't part of their presentation.

They're going, I would assume, since we've not heard about the necessity of extending a lateral which would be key monies because it's a lateral within the district. It's something we've been doing all along. Sal, I'm sorry, I missed that when I was talking to you before.

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Would probably run four long service lines down to the road where they'd be hooked up with single one inch (inaudible) the way it has been done in many other places."

Supervisor Cardinale: "Thank you."

Sal Mastropolo: "Could he clarify? The question is, the way that reads, if you're going from an existing to a minor subdivision there is no key money. What that should say is if you're going from an existing to a minor subdivision and no additional four inch or eight inch piping is required because there is existing piping already, then it should be no."

But if the water department has to run mains and fire hydrants to feed the four stacked up pieces of property, then there should be key money. So you should change that chart. If you're going to run infrastructure to feed the houses, there should be key money."

Dennis Kelleher: "Let me clarify that. Any development in the town, whether it's a single family home or a minor subdivision, major subdivision, commercial, if they need to run water main, not a service line but water main to feed that property, the Riverhead Water District does not pay that cost. The developer or single family home."

So let's go back to that minor subdivision where it's an existing house on three acres and they subdivide it to be three single family homes and they need to run a six inch pipe to put a fire hydrant for whatever reason at the back, the developer or the homeowner would have to pay, not the Riverhead Water District."

Supervisor Cardinale: "Pays that anyway. Okay."

Dennis Kelleher: "But we would not charge them key money to build another well."

And the thought behind that was if a family owned a three acre land and they hand their family home on it, and then they had kids that they wanted to build two homes, they subdivided it, the discussion with the water district special counsel and the superintendent was we did not want to charge for the minor subdivision."

Supervisor Cardinale: "But you do charge for the infrastructure to address Sal's point."

Dennis Kelleher: "That is correct."

Supervisor Cardinale: "Thank you. Yes, comment, and then anyone else please come up now."

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Larry Oxman: "All right. I wasn't aware about a residential piece that was in the water district as the example given. That might be a farm divided into many lots. I wouldn't have any objection to that paying key fee.

Could they come up with— just give an example of how a commercial piece would work? In other words, a commercial piece that's on an unimproved road where the water main is in front of the property. What is normally required? I just assumed, I may be incorrect, that the homeowner of the property would pay to tap into the water main. Just can we hear how it works? Thank you."

Dennis Kelleher: "To clarify it, I'll give a couple examples. Say there was a hotel that was going up on 58 and there was already a 12 inch main in the street, under the existing key money, the developer would go to the Riverhead Water District and just have to pay a tapping fee and he would run his two inch pipe into the building and there would be no key money. And there would be no extension of a water main.

If that same piece of property happened to be a block off of Route 58 and there was no water main in front of him and they needed to run 500 feet of 12 inch pipe to put a hydrant in front of the hotel, he would have to pay for that. But then again he wouldn't have to pay any key money.

Under the new proposal, again, everything would stay the same except now we would have the authority to charge key money based on a calculation. If it was a hundred unit hotel and the Suffolk County standard for a hotel is I think 50 gallons per room per day, we'd multiply it out that way, 100 rooms times 50 times the— well, because it's already in the water district, the \$9.10, it would give us that key money fee.

Then we would look at the site plans and say there's a hundred by fifty strip of grass area that's going to be irrigated. We then calculate with a one inch per week irrigation rate, we'd figure what the water use would be on a daily basis and that would also get added in."

Larry Oxman: "Okay."

Supervisor Cardinale: "Thank you. If there is any comment, I'd like to take it. If there is not, I'd like to leave this open for written comment through Friday, the 25th of January at 4:30."

Public hearing closed 9:24 p.m.
Left open for written comment for
10 days to January 25, 2008

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Supervisor Cardinale: "That completes our seven hearings for the evening. I'd like to take comment on any one of the 31 town board resolutions and two CDA resolutions we have before us if anyone wishes to make it. If there is any comment, I'll take it, if there is not I'll ask the CDA director to come up and call 4 and 5 on the CDA calendar for this year and then have the town clerk call the balance of 30 or so resolutions."

Meeting adjourned: 9:25 p.m.

Meeting reconvened: 9:26 p.m.

Supervisor Cardinale: "Reconvene the town board meeting and ask the town clerk to call resolution 54."

Did you have a comment? Please come up before we consider them. Yes."

Sal Mastropolo: "Resolution 55."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "When I read it, under gazebo rental residence and non-residence, I took that to mean that that's the rental per hour for the gazebo since it says rental, okay, and it says per hour. Then I saw the double asterisk and I looked down at the bottom and double asterisk says the deposit will be refunded if the building guidelines are followed and there is no damage to the building."

So my question is, that's not very clear. Is it a rental per hour or is that \$50.00 the deposit per hour and that money is given back if the place is left with no damage?"

Supervisor Cardinale: "The latter. From my understanding it's a rental and they also take a deposit for damage."

Sal Mastropolo: "Say that again."

Supervisor Cardinale: "It is my understanding they do a rental."

Sal Mastropolo: "So it is a rental fee."

Supervisor Cardinale: "Yeah. And then they also take a deposit to make sure there's no damage."

Sal Mastropolo: "Okay. So then I think what you really need to add in here under the gazebo rental- "

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Supervisor Cardinale: "Yes."

Sal Mastropolo: "Residents and non-residents, is deposit of x amount of dollars required in addition to the rental fee. So that it's very clear. Because it wasn't clear when I read it."

Supervisor Cardinale: "Okay. Very good. When-- we are setting the fees here, so the gazebo rental is \$50.00 an hour and the deposit is not made clear what it is. There will be one but I've got to ask him if he has a specific deposit that will be refunded. But they have to pay both."

Sal Mastropolo: "Right. Because I mean with the double asterisk there, it almost makes it sound like the \$50.00 per hour is refunded."

Supervisor Cardinale: "But they--they're setting remember rental fees, not deposits. That's probably why he left that out. But I'll check it with him. Thank you."

Sal Mastropolo: "Resolution #58."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "The general fund budget adjustment. What year is that, 2007 or 2008?"

Supervisor Cardinale: "This is for 200-- these are the-- these are year end adjustments."

Sal Mastropolo: "That's what I thought."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "I mean it should say 2007, right? This is what we usually do at the end of the year because the budget, the expenditures don't meet the budget so we change the budget to meet the expenditures."

Supervisor Cardinale: "That's correct. It is at the end apparently indicated as a-- if you look at the final page, 12/31/07, but they are all-- none of them are coming out of the reserve fund. But what he's doing is balancing by taking lines first from within the department and then from outside in order to balance out the year."

Sal Mastropolo: "Right. I guess all I'm saying is that the title of the resolution should have the year in it so that it's very clear-- "

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Supervisor Cardinale: "Okay. Budget adjustments for- "

Sal Mastropolo: "Yeah, because the date that you're talking about- yeah, the only date that you see is the very last line on the very last page which is after the settings."

Supervisor Cardinale: "Right. Could you add that, Barbara, in the title. Budget adjustment for year end 2007."

Councilman Dunleavy: "Can I say something on this?"

Supervisor Cardinale: "Yes."

Councilman Dunleavy: "I think what we're doing here is park and beach reservations, if you look down with the double asterisks, if you go right to that bottom of that section, it says permits cannot be issued during beach operation. I think that's what they're talking about. And then if you go down to ballfields and multiple use, there's three and it says maximum 18 dates. And if you go down to town buildings, you'll see where we take a hundred deposit. I think that's what they're referring to when you rent a building, we take a deposit, that deposit will be refunded."

Supervisor Cardinale: "Yes. And we're going back to 55 on that. Okay, you're probably right on that but he was in the middle of 58 by that time. But on 58, you're going to, we're going to make it year end 2007."

Sal Mastropolo: "Yeah, I hear what you're saying, John. Okay, except that you shouldn't have to go into town buildings to get a deposit when you have clearly identified park beach reservations as a whole section. Okay?"

Councilman Dunleavy: "I think they're going section by section."

Sal Mastropolo: "Is it by design that you don't have resolutions 67, 68 and 69? We jump from 66 to 70."

Supervisor Cardinale: "No. Not by my design. Do you know what happened there, Barbara?"

Barbara Grattan: "I would have no idea. Let me see."

Sal Mastropolo: "Well, there were no resolutions and there's none listed on the summary of resolutions, so- "

Barbara Grattan: "Number 66- "

Sal Mastropolo: "I go from 66 to 70."

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Barbara Grattan: "Yes, I do, too."

Supervisor Cardinale: "That was an error?"

Barbara Grattan: "It's got to be."

Supervisor Cardinale: "All right. Then we're going to renumber. Thank you."

Sal Mastropolo: "Thank you. Resolution #70."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Is- "

Supervisor Cardinale: "Soon to be 67, yeah."

Sal Mastropolo: "Is Danielle Doll a new hire?"

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Okay. Should there be any reference- "

Supervisor Cardinale: "Well, she is a new hire but she was working part time previously."

Sal Mastropolo: "Okay. Should there be any reference in the resolution to salary?"

Supervisor Cardinale: "Yeah, there is."

Sal Mastropolo: "It just says- "

Supervisor Cardinale: "Group 5, Step 4A."

Sal Mastropolo: "Right."

Supervisor Cardinale: "We know what it is, it's not 50,000. This is going to be the person that runs the inter-generational program."

Sal Mastropolo: "Resolution 73."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Copy the recreation department and the accounting department, the last be it further resolved."

Supervisor Cardinale: "Do you want to note that, please, Barbara?"

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Barbara Grattan: "They get it anyway."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "Resolution 75."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "There's no mention if multiple bids were received. Was that a single bid or were there multiple bids? Usually we mention that in a resolution."

Supervisor Cardinale: "Yes, there were multiple bids on this, 319 is the low bid."

Sal Mastropolo: "Resolution 78."

Supervisor Cardinale: "Sorry, what number was it that you wanted--?"

Sal Mastropolo: "78."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "I tallied up the numbers and it came to just about \$80,000 to put in that (inaudible)."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Is that being paid out of a grant?"

Supervisor Cardinale: "That is anticipated. Yes. They're doing-- Suffolk County is anticipated to refund this money but we also have-- we also have \$500,000 of already achieved grants that depend upon us doing this study. So we expect \$70,000 of this back from Suffolk County and this will free up around \$500,000 for other work."

Sal Mastropolo: "I hope that's not the same \$500,00 that we're using to buy the Weeping Willow Motel."

Supervisor Cardinale: "No, a different 500. Thanks."

Sal Mastropolo: "Resolution #81."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "This brought up several questions, okay? Didn't SCS Engineers do the design of the cap?"

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Supervisor Cardinale: "SCS Engineers did the design of the cap, yes."

Sal Mastropolo: "Okay. And now they're going to charge us \$576,000- "

Supervisor Cardinale: "For construction management."

Sal Mastropolo: "-- for quality assurance?"

Supervisor Cardinale: "Well, for construction management. Yeah."

Sal Mastropolo: "Yeah. Do we have any idea of the duration of the time line that this project is going to take?"

Supervisor Cardinale: "Yes. Twelve months."

Sal Mastropolo: "Twelve months. So they're going to put roughly six engineers to watch this thing at \$100,000? I mean it seems like an unreasonable figure- "

Supervisor Cardinale: "I asked the same question."

Sal Mastropolo: "-- just to do quality assurance when they did the design. I mean, what could they assure? All they're going to be watching is a bulldozer move dirt from one place to another and then the final capping. I mean it just seems like we're getting ripped off."

Supervisor Cardinale: "Well, I can give you this- because I asked the same question and so did the other board members at work session."

First of all, it's- this is a- they'll be signing a professional service contract. This is a not to exceed price but it will be based upon hourly rates for the firm so we are hopeful and expectant that it will not reach 576.

But even if it did, I'm told that construction management, although I agree with you that construction management of a building is a little different than of this, the project is 7.4 so this is about 8%. It's not out of line even if it came in this high. But we're not paying them this. We're paying them on the hour not to exceed this under any circumstances."

Sal Mastropolo: "Okay. One last question. If they're going to assure- do quality assurance, okay, and Terry's doing the work, if something doesn't go right, do they resolve- Terry- do they

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absolve Terry of any liability or- I mean, who has the liability if it goes wrong, seeing as how you have a quality assurance engineer, quality assuring the job."

Supervisor Cardinale: "Yeah, right."

Sal Mastropolo: "And has anybody given any thought to that?"

Supervisor Cardinale: "I think your construction- as I understand it from Ken Testa, your construction manager answers to you and then the contractor- if your construction management firm fails you, you can have a litigation against them."

Sal Mastropolo: "I.E. Terry?"

Supervisor Cardinale: "No. Your construction manager is SCS. So you would be able to look to both but we would be able to look to SCS for their services if they negligently performed them. We'd also be able to look to Terry under the bid that he didn't do what he promised.

So you would have a recourse against both because what's really happening is that your construction manager is standing in for you as the owner to manage what you could have otherwise managed yourself if you knew what the hell you were doing."

Sal Mastropolo: "Right."

Supervisor Cardinale: "And admittedly we don't as evidenced by our previous performance."

Sal Mastropolo: "I just hope the contract is clear along those lines, particularly with SCS."

Supervisor Cardinale: "There is a contract. We have finally gotten to the point where we do professional service contracts, not just proposals that we sign. So there is a contract."

Sal Mastropolo: "Okay, thank you."

Supervisor Cardinale: "Thank you. Is there any other comment on- otherwise, let's call them."

Resolution #54

Councilman Buckley: "Authorizes the town attorney to execute an amended stipulation of settlement in a lawsuit (Town of Riverhead versus O'Neill). So moved."

Councilman Wooten: "Seconded."

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

Councilwoman Blass: "Discussion."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "Mr. Supervisor, we received this stipulation at about 2:00 this afternoon and we never discussed this now did we review it as a board."

At our last executive session which was on Thursday, this board agreed that any further discussion on this matter was to take place between the town attorney's office and the defendant's attorney and not between board members and the defendant.

And I understand that that understanding was breached unfortunately. I'm wondering why we were handed a revised stipulation that we had never seen at 2:00 this afternoon and are being asked to vote on it tonight."

Supervisor Cardinale: "Because I believe that you were able to read it between two and five- or eight this evening. And incidentally, the only changes in this were made by the town attorney's office, Mr. Steuerwald. Consist of- "

Councilwoman Blass: "At whose suggestion?"

Supervisor Cardinale: "At the suggestion of the- of me having read it and having discussed it with the individuals concerned with the stipulation, namely, the people who are going to be signing it in addition to the town."

They wanted 60 days rather than 15 days to apply for a building permit once all their approvals were in. They wanted it to reflect accurately the fine which is \$17,500, not 17,750. And they wanted it made clear, all of which Mr. Steuerwald agreed to- "

Councilwoman Blass: "But the board never agreed- "

Supervisor Cardinale: "-- all of which Mr. Steuerwald agreed to--yeah, well, that's what we're doing now, Barbara."

Councilwoman Blass: "But we never discussed it."

Supervisor Cardinale: "The third change- well, you are now- "

Councilwoman Blass: "Not as freely as we'd like to because it would have been an executive session matter."

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Supervisor Cardinale: "The third change was- there were three changes - 15 to 60 which he agreed to, Mr. Steuerwald, was quite reasonable; 17,500 was the accurate number, 17,750 was incorrect; and the ability to inspect at whim or will would cease at the issuance of the CO which he also agreed to. Those were the only changes.

The people- the individual, Mr. O'Neill, is leaving the country on the- Thursday, and this thing has been pending for way too long. So that is why it's on tonight.

It's not particularly controversial. I could care less if you want to approve it tonight or the next night but I think we have an obligation to get this resolved and move on to other things. We've spent much too much time on this."

Councilwoman Blass: "I couldn't agree with you more, Mr. Supervisor. There was a previous stipulation that a prior town board actually did approve."

Supervisor Cardinale: "That's right."

Councilwoman Blass: "And it was my understanding as a result of our discussion on Thursday that any further discussion of the terms of this would take place through the attorneys and that the board would have no involvement in it.

So being that the board didn't discuss these, someone reviewed it directly with the defendant. And I'm saying that I find that a little bit objectionable that we as a board agreed not to do that."

Supervisor Cardinale: "Okay. I- "

Councilwoman Blass: "That's one point."

Supervisor Cardinale: "-- certainly have no desire to discuss this with the defendant except that the two attorneys were not discussing it and I am tired of having this open and on our work sessions for the last year.

These changes do not require board approval incidentally. If there are three people who agree with this stipulation, let's sign it and let's move on. Because this thing has been pending for months and months and hundreds- thousands of minutes and many hours have been spent on it.

This stipulation is identical to the previous one approved by this board in December. In my view the changes I just enunciated don't even require the board to look at this again.

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You're either going to- the people that voted yes which did not include you in any event- "

Councilwoman Blass: "That's correct."

Supervisor Cardinale: "-- I will assume that you do not want to move forward. If there are three votes, there are three votes. If there are not, there are not, and let's move on. So I'm calling for a vote on this because it's been discussed and re-discussed and rehashed and I'm getting calls constantly from the citizens involved in this. If we're going to settle this, we should settle it. If we're going to litigate it, let's litigate it. But let's not make this any more difficult than it already has for everyone."

Councilwoman Blass: "I couldn't agree with you more. Then I would respectfully ask that the board as a board agrees that we're going to take a certain course of action, that we abide by that course of action and in this case that didn't happen."

So if there were terms that you discussed privately with the defendants- "

Supervisor Cardinale: "I discussed them with our town attorney because our town attorney isn't talking to their attorney which is another issue."

Councilwoman Blass: "That's not what I understood."

Supervisor Cardinale: "Well, that is the truth."

Councilwoman Blass: "When we felt the work session, you were speaking with the defendants privately."

Supervisor Cardinale: "My efforts- "

Councilwoman Blass: "And I agree with you that this is a matter that's been longstanding and I'm just verbally discussing my dismay that we as a board made an agreement amongst ourselves that we would not entertain further comment with them and I am asking just that in the future, those kinds of agreements be respected amongst us."

Supervisor Cardinale: "Okay. You as a board did not- are not the supervisor, I am. And I'm getting constant calls from a citizen of this town who has been in negotiation for months on this matter and I'm not going to simply tell him I'm not going to talk to him. I talk to anyone who ask to come in and discuss an issue with me."

Steuerwald, the attorney on this matter, agrees with these three minor changes which I don't even think require a vote- "

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Councilwoman Blass: "Well, if that's the case, then perhaps we should withdraw this motion to approve the amended stipulation if you don't think it requires a vote."

Supervisor Cardinale: "I want it clear what three people are in support of this and what three people are not or two people or three people are not. Because I don't want to talk about this ever again. It's either going to be settled tonight or it's going to go on for litigation because I have had— I and my legal department have spent far too much time on this matter."

Councilwoman Blass: "Well, it will be discussed I'm sure between now and 2015 which is when the final payment is due."

Supervisor Cardinale: "Well, it won't be discussed by me. It will be discussed by the supervisor in 2015.

So with that, I would ask that it be considered now that you know exactly what's in it."

Barbara Grattan: "Do you want me to call the vote?"

Supervisor Cardinale: "Yes."

The Vote: "Wooten, no; Buckley, yes; Dunleavy."

Councilman Dunleavy: "I had a long discussion with the town attorney and the deputy attorney handling this today. He explained to me what the changes were. They gave me their opinion. This has been going on for a long time and I think before it hits the courts again and this can go on for another year, I want this settled.

So I vote yes."

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

Councilwoman Blass: "I object to this resolution on procedure and in substance. My vote is no."

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

Supervisor Cardinale: "Okay. I vote yes. This— as I said I think when we voted it on December 17th, it was also a three-two split, this is the highest dollar amount of any fine given anyone for doing anything in this town illegally in regard to building.

It is payable over— \$17,500, I think the record before this was \$13,000. So I think that this person is also going to have to pay for it, having not gotten a building permit three times, the usual building permit fee which is another ten grand, and I think we

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should apply our diligence more to even handed prosecution across the board than super diligent prosecution in any one instance.

I'm much more interested in having consistency than I am in having aggressive prosecution in one instance.

I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #55

Councilman Wooten: "It sets the fees for usage of recreation and other town facilities. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Wooten, yes; Buckley, yes; Dunleavy, yes; Blass."

Councilwoman Blass: "Yes, with that clarification that Mr. Mastropolo requested on the deposit."

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

Resolution #56

Councilwoman Blass: "Authorizes legal action against the owners, occupants and agents of the property located at 269 Depot Road in Calverton. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #57

Councilman Dunleavy: "Increase of yard waste fees. So moved."

Councilman Buckley: "And seconded."

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

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

Resolution #58

Councilman Buckley: "Town of Riverhead general fund budget adjustment. So moved."

Councilman Wooten: "And seconded."

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

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

Resolution #59

Councilman Wooten: "It's a budget adjustment for the sewer extension - Burman property. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #60

Councilwoman Blass: "This is a budget adoption in connection with the 2008 recreation capital improvement project. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Wooten, yes; Buckley, yes; Dunleavy."

Councilman Dunleavy: "Yes. This is to put lights in our basketball court at Stotzky Park."

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

Resolution #61

Councilman Dunleavy: "Appoints member to town of Riverhead Suffolk County Empire Zone Administrative Board. So moved."

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Councilman Buckley: "Seconded."

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

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

Resolution #62

Councilman Buckley: "Authorizes the town clerk to publish and post a public notice for a local law to consider amendments to Chapter 108 entitled Zoning of the Riverhead town code Article VII accessory apartments. So moved."

Councilman Wooten: "And seconded."

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

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

Resolution #63

Councilman Wooten: "Authorizes attendance at the 2008 training school and annual meeting held by the Association of Towns. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #64

Councilwoman Blass: "This is a public interest order in the matter of the increase and improvement of facilities of Riverhead Water District in the town of Riverhead, Suffolk County, New York. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #65

1/15/2008

Councilman Dunleavy: "Resolution authorizing the issuance of \$1,916,000 in bonds of the town of Riverhead Suffolk County, New York, to pay the cost of the increase and improvement of the facilities of the Riverhead water district, in the town of Riverhead, Suffolk County, New York. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #66

Councilman Buckley: "Resolution authorizing Phase III of the landfill closure at Young Avenue in and for the town of Riverhead, Suffolk County, New York, at a maximum estimated cost of \$10,000,000 and authorizing the issuance of up to \$10,000,000 serial bonds of said town to pay the cost thereof. So moved."

Councilman Wooten: "And seconded."

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

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

Resolution #67

Councilman Wooten: "It ratifies the appointment of a cultural affairs supervisor. So moved."

Councilwoman Blass: "And seconded."

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

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

Supervisor Cardinale: "Yes. And this is the inter-generational coordinator. She's been working with us. She's had an extraordinary review by her superior so I hope it works well. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #68

1/15/2008

Councilwoman Blass: "I have a question before I introduce this."

Supervisor Cardinale "Yes."

Councilwoman Blass: "Is this something that we do annually?"

Dawn Thomas: "We would do this resolution for anybody in my office who would like to (inaudible)."

Councilwoman Blass: "Okay. Because we did one for Mr. McCormick in October of last year. So I wondered why we were doing that again."

Supervisor Cardinale: "It may be a repeat or it may be annual. I don't know."

Dawn Thomas: (Inaudible)

Councilwoman Blass: "Okay. Authorizes Daniel P. McCormick to act as special prosecutor for violations of the code of the Town of Riverhead. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #69

Councilman Dunleavy: "Appoints a call in assistant recreation leader to the Riverhead recreation department. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #70

Councilman Buckley: "Ratifies the appointment of a part time recreation aide volley ball official to the Riverhead recreation department. So moved."

Councilman Wooten: "And seconded."

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

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

Resolution #71

Councilman Wooten: "Authorizes the town clerk to advertise for bids test well construction at various sites Riverhead Water District. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Oh yes, we are calling them- we are calling them by the old numbers. We should correct- oh, you're calling right?"

Barbara Grattan: "I'm calling right."

Supervisor Cardinale: "Oh, good. I'm glad somebody is. Okay, then you're doing good. Who's voting here?"

The Vote: "Wooten."

Councilman Wooten: "Yes. This is #71 right? The old 74, new 71."

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

Resolution #72

Councilwoman Blass: "This awards a bid for the replacement of a belt filter press which was contract G - the general mechanical and electrical construction contract for the Riverhead Sewer and Scavenger Waste District. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #73

Councilman Dunleavy: "I'd like to request this be tabled. I spoke to the contractor last week, he called me and he's under the same impression that I was that they are going to get an engineer and so I'd like to table this."

1/15/2008

Councilman Wooten: "Seconded."

Supervisor Cardinale: "Okay, what is-- "

Dawn Thomas: "Just concerned because our engineers have indicated to us that the roads are acceptable so we're really not in a position to get in between the association and the builder (inaudible)."

Supervisor Cardinale: "Well, I agree with you. She's telling us the truth but on the other hand our outside engineer is Vinny (inaudible) and I don't know-- I have not spoken to him. Have you-- has-- you have, you've spoken to him, John?"

Councilman Dunleavy: "I haven't spoken to him. No."

Councilwoman Blass: "We have a memo from him."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Okay. What I can say about this is this has happened before and ultimately you're right, but Vinny does a lot of business with us. I hope he's comfortable. If he needs any time to recheck because if we have problems afterwards, I'm blaming him because he's our engineer. You know. And I've told him that in the past because, you know, I know what you're saying. You're right. Legally we can't hold it up. We can delay it, we do that well, but we can't hold it up.

So if you want to pass it tonight on your recommendation I'll do it but on the understanding that if there's a problem with this-- with these improvements, you know, I'm blaming it on him because he's telling us to let it go."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Yeah, I understand. Yeah. Okay. Do you want to-- we wouldn't be able to-- we would pass this either at a special in between or on February 6th."

Councilman Dunleavy: "Can we table this to February 6th?"

Supervisor Cardinale: "Well, if there's no-- "

Councilman Dunleavy: "Because the contractor agreed and he's told me that he told these people to get their engineer and have them look at it. Okay? And because we had a long conversation. So that's why-- "

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Councilwoman Blass: "Could we set an outside though? Could we actually-- "

Supervisor Cardinale: "Yeah. Why don't we make it clear that it has be done by February 6th. I guess what's going to happen is the engineer for the homeowners association is going to talk to Mr. Gadiello (phonetic) if he finds anything different than Gardiello finds. Give them the opportunity to compare notes but we can't hold this up beyond February 6th."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Right. Yeah, I know what you're saying."

Councilman Dunleavy: "I understand what you're saying."

Supervisor Cardinale: "What I think she's saying is this 42 was held for a specific purpose and what their concerns might be unrelated to this 42 so I don't want to hold it up but I'll hold it up long enough to clarify that-- what the facts are."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Okay, fine. All right. So we might be able to do it on the 31st as a special, too, if you give us that clearance. All right, so you want to make a motion to table."

Supervisor Cardinale: "A second to table. All right. Moved and seconded to table. Vote please."

Barbara Grattan: "Dunleavy was offered to table?"

The Vote: "Wooten, yes; Buckley, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is tabled."

Councilman Dunleavy: "And I will contact everybody."

Supervisor Cardinale: "Thank you."

Resolution #77

Councilman Buckley: "The acceptance of 2006 audited financial statements. So moved."

Councilman Wooten: "And seconded."

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

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

Resolution #78

Councilman Wooten: "It authorized Dunn Engineering Associates PC to proceed with Grangel park north spillway structural assessment. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Wooten, yes; Buckley, yes; Dunleavy."

Councilman Dunleavy: "Yes. This is something that has to be done and I'm glad that we're finally getting it done. Yes."

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

Resolution #79

Councilwoman Blass: "Appoints an interpreter for the police department and justice court. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #80

Councilman Dunleavy: "Town of Riverhead order authorizing increase and improvement to the Riverhead Sewer and Scavenger Waste Districts replacement of belt filter press 202-b. So moved."

Councilman Buckley: "And seconded."

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

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

Resolution #81

1/15/2008

Councilman Buckley: "Authorizes SCS Engineers PC to proceed with construction wuality assurance services for landfill capping and closure at Youngs Avenue landfill. So moved."

Councilman Wooten: "And seconded."

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

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

Resolution #82

Councilwoman Blass: "Authorizes the town clerk to post and publish the attached notice to bidders for the town of Riverhead East Creek Marina improvement - Phase I. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #83

Councilman Dunleavy: "Before I read this one, I'd like to make an amendment to it."

Supervisor Cardinale: "Yes."

Councilman Dunleavy: "On the second page where it says B Street, I think a regular resident reading this would not know what we're doing and I would like to add to it. Above Roanoke Avenue, 18 parking stalls within the Roanoke Avenue parking lot on the east side of Roanoke Avenue and then the map number."

Supervisor Cardinale: "Yeah, I think that's a good idea. And in fact I wouldn't know what they're doing. I know there's supposed to be a map attached too, so that's 18 parking stalls they're marking."

Councilman Dunleavy: "They're marking 18."

Supervisor Cardinale: "Okay. And the idea of it was that these would be one hour spots near the culinary arts so the kids wouldn't take the spaces so the people could come in and eat lunch. Okay."

Councilman Dunleavy: "Okay?"

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Supervisor Cardinale: "Very good. With that amendment- "

Councilman Dunleavy: "With that amendment, authorize the town clerk to publish and post public notice of public hearing to consider a proposed local law for an amendment of Chapter 101 Vehicles & Traffic of the Riverhead town code, Section 101-13 parking time limited. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #84

Councilman Buckley: "I make a motion to pay the bills."

Councilman Wooten: "And I'll second it."

Supervisor Cardinale: "Moved and seconded to pay the bills. Vote please."

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

Supervisor Cardinale: "That concludes the resolutions I understand and we have a comment, I think, come up, please."

Ed Purcell: "Something that maybe it will be in the paper. Anything new on Apollo?"

Supervisor Cardinale: "Yeah. I talked to them today. We'll talk about it at work session tomorrow. Essentially they're standing on their offer. They have indicated an interest also in the dinosaur museum building, also in the Suffolk Theater building which is now in litigation.

I said, you know, we need really to get an answer. They anticipate that we will give them a deadline. I think we will give them a deadline. We have to know whether you wish us to condemn probably by the end of the month. The board and I will be discussing that on Thursday and then they're going to make a decision.

My sense in talking to them is they're not that concerned about the risks of condemnation, but they're assessing the entire market in real estate right now."

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Ed Purcell: "Yeah. Because I thought they said they were going to do a cost analysis of the whole plan so maybe they aren't so excited."

Supervisor Cardinale: "Well, I think the other thing is that with the downward market that the longer that they believe the asset, the South Main Street asset is declining in value so time is on their side.

They did indicate— I spoke to Mr. (Inaudible) directly today and he did indicate that he still had interest in doing the south side project and I think that's true because— and he also indicated that Clearview is the movie theater that they would have me believe are very close to leasing, the north side, Clearview movie theater.

And I said good, let's have a press conference. I'd like it very much. Right after the culinary art Thursday press conference, let's open up a theater and then I can die and go to heaven."

Ed Purcell: "Also, hopefully— "

(Inaudible comment)

Supervisor Cardinale: "Yeah, thank you. Some people would like me to die period. I'd like to go to heaven after the theater opens."

Ed Purcell: "Hopefully as the board has now constituted, you will remember the law of unintended consequences when you tend to give variance to present zoning laws, no matter where it is especially because of setting precedent that we don't need any more lawsuits. We really don't. And setting precedent, that will set precedent. Thank you."

Supervisor Cardinale: "Thank you. All right. Any other comment? If not, we are going to go home and have dinner. I think some of us haven't yet and it's 10 after 10. We'll see you on Thursday at 9:30 at the work session and then at 12:000 the culinary arts building is having their grand opening on Thursday."

Meeting adjourned: 10:10 p.m.