

The Special Board Meeting was called by Supervisor Cardinale at 12:20 P.M.

Present: Supervisor Cardinale
 Councilwoman Blass
 Councilman Dunleavy
 Councilman Wooten

Also Present: Town Clerk Diane M. Wilhelm
 Town Attorney Dawn Thomas

Supervisor Cardinale: I'd like to open the Special Town Board Meeting of July 9th. Several of these were carried over from the meeting of the 7th, but there are some additional ones seeking grants and otherwise. So, if anybody would like to comment on either the CDA resolution or any of the other 9 resolutions, please come up.

Jodi Giglio: Good afternoon Mr. Supervisor and Members of the Town Board, Jodi Giglio. I'm looking at the resolution #694 which I only had a couple of minutes to review because it was not in the book prior to the meeting for people to review before the hearing today. If I could have a few more minutes with regard to resolution #694 before it's adopted to look at the Pine Barrens overlay map.

Supervisor Cardinale: Yea, the map hasn't changed from the last time it was on, but I'd be glad to give you a couple of minutes.

Jodi Giglio: OK great. I'm happy to see in this Town Board resolution that it does specifically authorize the Town Board to amend the map in the future should amendment be warranted.

Supervisor Cardinale: Would you take, maybe take time, we'll give you an opportunity to review that.

Jodi Giglio: And then also with regard to resolution #696, that's just a publish and posting, correct?

Supervisor Cardinale: That is correct

Jodi Giglio: That's for the floor area

Supervisor Cardinale: That is correct

Jodi Giglio: OK, very good, thank you.

Barbara Blass: I had asked Dawn to reword #695 to mimic the concerns of the Planning Commission so that they would match each other

Supervisor Cardinale: It was a technical change that we're waiting for anyway. So why don't we give you a couple of minutes. We'll get the, On 695 is it? There was recitation, why don't you take 5 or 10 minutes to read that. We'll get back here at 12:30 for the meeting.

RECESS

Supervisor Cardinale: We are back in session for the Special Town Board Meeting. We'd like to give Miss Giglio a change to complete her comment and then commence the review of the. We'd like to call these to consider them.

Jodi Giglio: Jodi Giglio again, speaking with regard to #694 which refers to a non-clearing area, non-clearing map and says that it's not preservation map or a conservation map, but rather a map limited to compliance with the Town's Pine Barrens Overlay District legislation for the EPCAL property. As I stated before I commend the board for putting the paragraph in here that says the board could revise this map at a later date as they saw fit. The only concern that I have is that the Pine Barrens Overlay District map shows that the property that is in contract with Riverhead Resorts and also with Rechler Equities, shows those two parcels cleared in its entirety or leaving non-clearing areas throughout the site elsewhere. That could possibly be marketable properties if we get the WSRR line changed and I just think that this, the way that this Pine Barrens map is being adopted and showing that those two parcels can be cleared 100% is advantageous to both of those applicants that are in contract with the town, but not necessarily advantageous for the taxpayers.

Supervisor Cardinale: Thank you, it is contemplated that once the site plans are confirmed that the map might be changed. We contemplate that

Jodi Giglio: So am I to understand that the Riverhead Resorts property and also the Rechler Equities property, when they submit their site plans they will be required to show 35% of natural and undisturbed area in order to comply with the Pine Barrens Commission Legislation?

Supervisor Cardinale: No one, No applicants will, but when they submit their site plan and when the site plan is approved there will be a good deal of open space and at that point we will reconsider the map, the clearance map. We'll also in the process of SEQRA be adding a lot of open space to the entire map from the Riverhead Resort Property and the Rechler Property, and those would be preservation areas. This is simply looking at the parcel as a complete parcel, setting aside 35% of it inclusive of the Burman subdivision, the whole thing, 35% that would not be cleared. It is subject to review and change and it will it will be reviewed and changed after the site plans are confirmed for the 2 properties, and after SEQRA

Jodi Giglio: OK, but, so am I understanding this in thinking that the Riverhead Resorts Property and the Rechler Equities Property could be cleared 100% and then they would re-vegetate?

John Dunleavy: No, they can't, No

Jodi Giglio: OK, so they will be required to maintain at least the 35% of natural and undisturbed? No, but I don't understand that because out of 1000 acres that you're giving or that you're in contract with Riverhead Resorts and Rechler Equities, 35% of that is 350 acres that could be used, that the town still owns, but you are allowing them to clear a portion of that?

Barbara Blass: That's actually not true. Dawn, maybe you could take it...

Dawn Thomas: When we did the Burman subdivision we did a comprehensive development plan which resulted in, you probably have seen it, specific development standards for each lot including Pine Barrens Overlay and if you look at how that evolved, there were very piecemeal areas of preservation. So, one of the objectives of the comprehensive land use plan was to have contiguous areas of non-cleared space for Pine Barrens and since we're the controller of our Pine Barrens here at EPCAL and not the commission, we felt it appropriate to treat that parcel as one while we still had the chance to have those contiguous areas rather than that chopped up result that we got with Burman. So the Board asked us to put together that legislation, which would create a map. So, we do two things; create contiguous areas and also better predictability for the developers. The way that property is situated there's probably a lot more preservation that would occur pursuant to SEQRA, The real environmental review that's going to show us what areas are sensitive and what areas are not. And so it's just for non-clearing so just like any other Pine Barrens parcel 65/35. We're just treating EPCAL as one piece, and the Board thought that would be more efficient. It's really that simple. I don't know if I'm making... I'm sorry if I didn't answer your question.

Jodi Giglio: No, No, you did to a certain extent. It just concerns me that I feel that we're taking, as showing Riverhead Resorts and showing Rechler as 100% cleared that they can come in and make the argument at a later date that you authorized this at that time and that they went into contract and they actually went in to purchase the property based on this map that you're about to adopt and that we might have a hard time in court fighting that if they should decide to clear the property 100%.

Dawn Thomas: Well they wouldn't be able to do that

Jodi Giglio: Well under SEQRA

Dawn Thomas: from a Pine Barrens Point of view that's an argument that you could make, but from a SEQRA point of view it's not possible because, as you probably know, there's a lot of sensitive spots over there and I think the Board tried to make sure that the areas that were already compromised by other regulations were the ones that were used and the other important thing is that if they were to parcelize the Pine Barrens core piece, they would lose any yield from that. So, that was an important thing too from the public's point of view to keep that value for the public because if you parcelize that off, if you keep it part of one parcel you get to incorporate that percentage into your overall 35%, but if you parcelize it off you lose it. So they were trying to, there were a lot of different things in play trying to accomplish.

Phil Cardinale: There is no possibility of them arguing that (inaudible) would be reduced into contract by this map because they're already in contract before we passed the map and further more, that map, as you pointed out, can be changed by our will regardless of their will.

Jodi Giglio: After they close?

Phil Cardinale: They can be changed anytime.

Jodi Giglio: OK

Dawn Thomas: But it would be subject to another public hearing where the public would have input... where the Suffolk County Planning Commission would again have review over it. So it would be a public process and no secrets. I hope I answered the questions.

Jodi Giglio: Thank you

Phil Cardinale: I guess what we should do first is open the Town Board meeting of July 9th Special Meeting. We would then like to adjourn the Town Board meeting and open a CDA meeting to consider the first resolution #15 Authorizing the Lease Agreement Between the Town of Riverhead Community Development Agency and the Town of Riverhead for the cell tower site on the EPCAL piece. Would you call that?

CDA Resolution #15

Barbara Blass: Authorizing Lease Agreement Between Town of Riverhead Community Development Agency and Town of Riverhead. So moved.

John Dunleavy: and seconded

Supervisor Cardinale: Moved and Seconded. Vote please

The Vote: Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The Resolution is adopted

Supervisor Cardinale: OK, we'd like to close the CDA Community Development Agency meeting and re-open the Town Board meeting with the same four of us are sitting as Town Board Members. Would you call resolutions#693 through #702

Resolution #693

Jim Wooten: Authorizes Application to the New York Department of State for Brownfield Opportunity Areas Funding to Create a Peconic River/NYS Route 25 ECO-Corridor. So moved

Barbara Blass: and seconded

Supervisor Cardinale: Moved and Seconded. Vote please

The Vote: Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The Resolution is adopted

Resolution #694

Barbara Blass: Adopts a Local Law to Amend Chapter 108 Entitled, "Zoning" of the Riverhead Town Code (§108-175. And §108-179. – Pine Barrens Overlay District) and Adopts an Overlay District Map for EPCAL Pursuant to 108-179(A)(9)(a). So moved.

John Dunleavy: and seconded

Supervisor Cardinale: Moved and Seconded. Vote please

The Vote: Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The Resolution is adopted

Resolution #695

Jim Wooten: I move that #965 be WITHDRAW since it was incorporated in resolution #694

John Dunleavy: I second that

Supervisor Cardinale: Moved and seconded to WITHDRAW #695. The vote please.

The Vote: Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The Resolution is WITHDRAWN

Resolution #696

Barbara Blass: Authorizes Town clerk to Publish and Post a Public Notice for a Local Law to Consider Amendments to Chapter 108 of the Code of the Town of Riverhead Entitled "Zoning". So moved

John Dunleavy: and seconded

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

The Vote: Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The Resolution is adopted

Resolution #697

John Dunleavy: Grants Special Use Petition of Atlantis Holding Company, LLC. So moved

Jim Wooten: and seconded

Supervisor Cardinale: Moved and Seconded. Vote please

The Vote: Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. Resolution adopted

Resolution #698

Jim Wooten: Grants Special Permit of Bernard J. Kito, Jr. So moved

Barbara Blass: and seconded

Supervisor Cardinale: Moved and Seconded. Vote please

The Vote: Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. Resolution adopted

Resolution #699

Barbara Blass: Authorizes the supervisor to Execute an Agreement with Troy & Banks Consultants, LLC for the Purpose of Auditing the Town's Cable Franchise Agreement with Cablevision. So moved

John Dunleavy: and seconded

Supervisor Cardinale: Moved and Seconded. Vote please

The Vote: Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. Resolution adopted

Resolution #700

John Dunleavy: Authorizes a Lease Agreement Between Town of Riverhead and East End Wireless, Inc. subject to Permissive Referendum. So moved.

Jim Wooten: and seconded

Supervisor Cardinale: Moved and Seconded. Vote please

The Vote: Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. Resolution adopted

Resolution #701

Jim Wooten: Authorizes the Submission of an “Edward Byrne Memorial Justice Assistance Grant (JAG) FY 2009 Local Solicitation Program” Grant Application. So moved

Barbara Blass: and seconded

Supervisor Cardinale: Moved and Seconded. Vote please

The Vote: Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. Resolution adopted

Resolution #702

Barbara Blass: Authorizes 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 (Section 108-152 – Open space Conservation District Schedule of Dimensional Requirements. So moved

John Dunleavy: and seconded

Supervisor Cardinale: Moved and Seconded. Vote please

The Vote: Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. Resolution adopted

Supervisor Cardinale: That completes the resolutions for consideration.

Meeting adjourned 12:50 P.M.

