

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Riverhead Town Hall, Howell Avenue, Riverhead, New York on Wednesday, July 5, 2006, at 7:00 p.m.

Present:

Philip Cardinale,
Supervisor
Edward Densieski,
Councilman
George Bartunek,
Councilman
Barbara Blass,
Councilwoman
John Dunleavy,
Councilman

Also Present:

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

Supervisor Cardinale called the meeting to order.

Supervisor Cardinale: "Okay, this is the July 5th meeting of the town board, first in the month of July and one day delayed because of the 4th of July. I'd like to begin as we always do with the Pledge of allegiance and then we have a special treat. Vince, why don't you lead us?"

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

Supervisor Cardinale: "Now if you'd join me down in the well of the room here, I think Harriet has a- Harriet Haas from the Senior Center is going to sing for us and then I have a certificate of appreciation to give out."

Harriet Hass: "Hello everybody. Can you hear me? We'll all brave to come out in this weather and I think we need God to bless us."

(At this time, God Bless America was sung by Harriet Haas)

Supervisor Cardinale: "I want you to come back every 4th of July, every first meeting in July, to sing for us. Thank you so much. I appreciate that.

And we have our town attorney— how are you? We have— I also have a certificate of appreciation that I'd like to award on behalf of the youth— Town of Riverhead Youth Committee and the (inaudible). And of all people that are here to accept this on behalf of the Vail Leavitt Music Hall is their fearless leader, Vince Tria, come on up.

Vince, the Youth Committee, (inaudible), and all the other members to which he serves as liaison (inaudible) and various others, wanted me to give you a certificate of appreciation awarded to Vail Leavitt Music Hall for hosting the third annual Riverhead (inaudible) in recognition of outstanding commitment by Vail Leavitt Music Hall to the community through your good grace.

So congratulations and keep up the good work. Thank you.

And Vince is a human billboard for the Riverhead Blues Festival."

Vince Tria: "Remember, this Saturday and Sunday."

Supervisor Cardinale: "Also sponsored by Vail Leavitt. And he maintains that this is going to be a fund raiser for the Vail Leavitt which (inaudible).

Okay, we have a few announcements but— and I'll let you start, Barbara, with— I guess I'll start with the call— with the minutes of the June 20th meeting. I'd like somebody to offer them so I can have a second and get them adopted."

Councilman Densieski: "So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Okay, moved and seconded. Vote please for adoption of the minutes of the June 20th meeting."

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

Reports. Would you tell us about them?"

REPORTS:

Receiver of Taxes
Total collections to date
is
\$100,518,447.82

Town Clerk
Total collections for
June
2006 - \$10,391.86

Sewer Department
Discharge monitoring
report
for May

Barbara Grattan: "That concludes Reports."

Supervisor Cardinale: "No applications? Is that correct?"

Barbara Grattan: "No. There's Applications, special events."

Supervisor Cardinale: "Oh, go right ahead then, tell us all about them."

APPLICATIONS:

Special events

Martha Clara Vineyards -
Aug.
31 to Oct. 26 - private
events, fundraisers, etc.

Paumanok Vineyards - Aug. 6
fundraising dinner

Abness Farm - Aug. 16 to Aug.
20 - children's festival

Larry's Lighthouse Marina -
Aug. 18 to Aug. 20 - boat show

Darkside Productions - Sept.
29 - haunted house

Site Plans
224 East Avenue LLC -
construct 6 townhouse units

Conklin Townhouses - construct
5 unit townhouses

Blackman Plumbing Supply Co. -
construct a new building

Baiting Hollow Farms LLC -
renovation of residence

Barbara Grattan: "That concludes Applications."

Supervisor Cardinale: "Correspondence."

CORRESPONDENCE:

Eric & Mary Laura Lamont
Jeffrey Seeman
Patricia Holland
Ann Abernethy
Noel Gale
Michael Baney
Bradley Berthold
Anthony Pensis

Laurie Olinder
Public comments on
wetlands
Inventory meeting

Barbara Grattan: "That concludes Correspondence."

Supervisor Cardinale: "Thank you. Any announcements from Board members? If so, fire away."

Public hearing opened: 7:08 p.m.

Supervisor Cardinale: "If not, we are at 7:08 and we are at the first hearing which is a discussion of the increase and improvement to the facilities of the sewer district and scavenger waste district at a maximum estimated cost of \$750,000.00."

And we have our- Frank Russo- she helps me with these names I forget. Frank Russo is here, our engineer, and Michael Reichel, our sanitation- sewer supervisor. Yes, sanitation is (inaudible). Thank you. I'll recover in time. Go ahead, Frank."

Frank Russo: "Good evening. My name is Frank Russo. I'm with H2M. Currently at the treatment plant there's a device that- I have some visual here- that turns liquid sludge from the process into a solid material. This device has been in operation for well over 20 years and it's approached its useful life."

Based on analysis that we've done, we've estimated a project cost of \$750,000.00 to replace that belt filter press. In five- in approximately eight years time-- because of the ability for this device to work more efficiently it will pay for itself in about eight years time.

7/05/2006minutes

The cost is divided up between— equally between the scavenger waste district and the sewer district. The project cost being \$750,000.00 split equally 50/50, would mean that both districts would inherit a bond of \$375,000.00.

The tax implications would be approximately \$4.85 per year for the Riverhead Sewer District and approximately \$2.00 per year increase for the Scavenger Waste District.

And that's my report."

Supervisor Cardinale: "Well, I thank you for that summary version and I think we talked about this in work session as well so we knew it was coming. And this is a total cost of how much?"

Frank Russo: "Seven hundred and fifty thousand."

Supervisor Cardinale: "For it to be split between water— "

Frank Russo: "Between the sewer— "

Supervisor Cardinale: "And scavenger."

Frank Russo: "That's correct."

Supervisor Cardinale: "Okay."

Councilman Densieski: "I'm sorry. I had a question when you're done. I'm sorry."

Supervisor Cardinale: "Okay. So anybody on the Board have a question, then anybody in the public. Go ahead."

Councilman Densieski: "I have a question. Would it be beneficial just to let scavenger waste bond and pay for it because that's paid by outside of Riverhead people where the sewer district is paid by Riverhead people? Does that make any sense or no?"

Frank Russo: "Probably not because the sewer district gains a direct benefit from use of the device because it's sludge that's produced at the facility and what's fair is fair."

Supervisor Cardinale: "I thought it was a pretty good idea. Might not be legal but it hasn't stopped us in the past. I'm kidding. I'm kidding. We would never do anything like that. It has to be divided between the entities that get use out of it."

Frank Russo: "That's right."

7/05/2006minutes

Supervisor Cardinale: "Right. Okay. Did anyone in the public have a question? If not, I think we discussed it at length in the work session and it seems like the right thing to do. I think over time it will be of great value what we're doing. So thank you for your presentation. I will leave this open for 10 days for written comment, close the verbal portion of the testimony at 7:12 and thank you, both of you, for appearing."

Public hearing closed: 7:12 p.m.
Left open for written comment for
10 days

Supervisor Cardinale: "We have a second hearing scheduled for 7:10. It being 7:12, we can begin it."

Public hearing opened: 7:12 p.m.

Supervisor Cardinale: "For the discussion of the extension to the Riverhead Water District, specifically Extension #86 Calverton Industrial Park. Is this the Berman property? What is it? Okay, I can hardly wait.

Look at this. We're actually using the— you can't start until the guy moves his camera though from Cablevision. There he goes, he's getting set up. We're going to give you time. Don't worry. We don't want to miss a minute of this. Okay.

I think it's very nice for all the people that came out tonight, you know, it being a Wednesday, immediately after the holiday. We were hoping we could have discouraged you but you didn't seem to be discouraged. You're— a lot of you showed up. No telling. No, I'm not going to blame you. It's just me (inaudible). I'm really glad you use this high tech. It kind of brings back the desire for those old maps. Okay. All right. Let's see who's behind you.

We have a 7:15 hearing, too, just keep moving along. Which I definitely don't want to call because this could take a while. This is Pete Danowski. You want to risk having Pete speak because he may never stop. Yeah, I know. It's going to warm up. Any second it's going to come up. See it's warming up, I can see. It says no signal. Help. This is not comforting when it says no signal, help.

(Some inaudible comments)

Supervisor Cardinale: "Barbara has got her feet on the wires. If Barbara lights up, we know that she hit the wrong wire. Okay. Doug is going to try this. It's the same people who work in our landfill. It could be a long night. All right. No signal, but he's

7/05/2006minutes

going to help you. Okay. This is the 7:10 extension of #86, Calverton Industrial Park. Go ahead."

Dennis Kelleher: "Good evening. My name is Dennis Kelleher from H2M. We are the consulting engineers for the Riverhead Water District. We are not the (inaudible) experts for the Town of Riverhead. I apologize, this did work before and hopefully we can figure it out. I apologize for not bringing the hard copy maps. I do have copies if anybody wants to look at it after the presentation.

Again, the reason for this public hearing is for the extension of the water district which we are calling extension #86 known as the Calverton Industrial Park. This is not to be confused with the Calverton Enterprise Park. Okay?

The piece of property that we're talking about is a 32 acre site located on the south side of Route 25 in Calverton, just east of Edwards Avenue, actually it's just east of the Charter School. Okay.

The developer of that property is proposing a seven building industrial park on the 32 acres. He has approached the Riverhead water district to provide public water for that site for both drinking water and fire protection.

In addition to that 32 acre site, there are three individual lots, across the street on the north side of Route 25 which we are proposing to include in this extension at no cost to those three individual property owners.

Those three properties are the Calverton Post Office, the Deli, and a single family residential home. They will have to pay for their water just like everybody else in the Riverhead water district, but they will not have to pay for any of the costs associated with this extension which I will talk about in a second.

In order to provide water to this proposed industrial park, we need to extend the existing 12 inch water main that is on Route 25 which right now ends approximately in front of the Charter School. We would need to extend it approximately 800 feet across the frontage of this 32 acre site, that's the 12 inch pipe.

The proposal of the industrial park is to have a private road so the Riverhead water district has decided not to install water main going into the property. There will be a service connection to the 12 inch line. There will be a master meter. We will have one meter to meter the entire property.

The water main that will be installed on the property will remain private that the developer will install. The developer will be responsible for the operation and maintenance of that water main.

We estimate the water use for this proposed facility, the seven proposed industrial buildings, at 10,500 gallons per day on your average day and about 31,000 gallons on a peak day. This is based on a Suffolk County Department of Health Services standard.

The Riverhead water district does not have sufficient water at this time to provide water to this property. However, we are in the process of constructing additional wells, we're in the planning stages, so by the time this facility is ready for water, the Riverhead water district should have water for this facility.

We estimate the cost of extending the water main on 25, everything related to this extension, at \$105,000. This entire cost includes construction costs, engineering costs, inspection costs, and legal and administration for the town, will be paid for by the developer. Not anybody who already is part of the Riverhead water district and not those three property owners on the other side of the street.

In addition to that, the developer will have to pay key money of \$87,500.00. This key money will be used by the Riverhead water district to build those additional supply wells and additional storage tanks that we're going to need to provide water to this site plus other sites throughout the town.

The key money was estimated based on what we call equivalent flow for a single family home. A single family home we charge a key money fee of \$2,500.00 for a single family home. So this is the equivalent—this proposed project is the equivalent of 35 single family homes which calculates out to a total cost of—key money cost of \$87,500.00. All costs, again, to be paid by the developer.

Thank you."

Supervisor Cardinale: "Thank you. Could you tell me exactly the location of this property that is being extended to?"

Dennis Kelleher: "Yes. It's frontage is on Route 25, just east of—approximately east of the intersection of Edwards Avenue and 25, approximately 800 feet."

Supervisor Cardinale: "Just east of—"

Dennis Kelleher: "So it's the Crossroads Restaurant right on the corner."

Supervisor Cardinale: "Right."

7/05/2006minutes

Dennis Kelleher: "And next to that is the Charter School. I think it's the next property adjacent to the Charter School."

Supervisor Cardinale: "I thought that was a gas station."

Dennis Kelleher: "It's a long piece- "

Councilwoman Blass: "It's vacant in between the restaurant and the Charter School, it's on the east side- "

Supervisor Cardinale: "But it's in between the Charter School and the- "

Dennis Kelleher: "On the other side. It's east of the Charter School."

Councilwoman Blass: "It's on the other side of the Charter School. Right. On the other side of the Charter School."

Supervisor Cardinale: "Oh, east of the Charter School by which you mean the old Calverton School?"

Councilwoman Blass: "Yes."

Councilman Dunleavy: "Between the horse farm. That's between the horse farm and the Charter School. Can you hear me?"

Gary Pendzick: "The western boundary of this parcel meets with the eastern boundary of the Charter School."

Dennis Kelleher: "That's correct."

Gary Pendzick: "And travels south off of Route 25."

Councilwoman Blass: "So is the Charter School currently served by the district?"

Dennis Kelleher: "Yes, it is."

Councilwoman Blass: "Okay."

Dennis Kelleher: "We had an extension- a former extension of the district for the Charter School before it was the Charter School approximately 10 years ago. I think when it was going to be an arts studio."

Supervisor Cardinale: "Okay. You want to- this is a unique moment in TV history here. Cablevision's camera has broken so we are going to lend them out camera so that the public can see all that it needs to see. So if you could hold for a second, she's- my

7/05/2006minutes

administrative assistant is grabbing another camera so we don't lose a moment. And for the rental of the camera, we'll make arrangements later between us and Cablevision but it will be high."

Councilman Dunleavy: "Are these two systems going to meet up? The one that's at the Charter School and this one. Are they going to join?"

Supervisor Cardinale: "This doesn't work; that doesn't work."

Dennis Kelleher: "Actually when we originally had the 12 inch pipe, it originally stopped at the intersection-- when we first built the water main on Edwards Avenue, it stopped at that intersection there. And then I think-- "

Supervisor Cardinale: "Now you can go back there."

Dennis Kelleher: "-- when the Charter School came to us, he had to extend the pipe to the corner to the front of his property. So right now it stops right in front of the Charter School and then this proposed development which is highlighted here will have to take it all the way to the eastern portion of this property."

Supervisor Cardinale: "The location is where you just described. Who is the owner?"

Dennis Kelleher: "Good question. I don't personally know the owner."

Gary Pendzick: "I'm afraid I don't know."

Dennis Kelleher: "Normally their attorneys send in the paperwork and-- "

Supervisor Cardinale: "He is going to pay for this?"

Dennis Kelleher: "He will pay for it."

Supervisor Cardinale: "Okay."

Dennis Kelleher: "He doesn't get any water main until we get the money.'

Supervisor Cardinale: "I'm intrigued by the concept that you're asking us to extend water to a piece that we don't have the capacity to serve presently. Why-- reassure me how this is going to all happen in a timely manner. And once we bring him in, don't we have an obligation to serve him?"

Dennis Kelleher: "The Riverhead water district has an obligation to provide a sufficient supply of water to the entire

7/05/2006minutes

community, and as the Board overseeing the Riverhead water district, you do have to make sure whenever we do extend the district, we're extending our capacity and we need and have meetings at the Board level, the need to construct additional supply wells.

Gary Pendzick and I will be back in front of the town board probably next month talking about (inaudible). We're going to recommend locations throughout the town to drill additional supply wells so we will have sufficient water for both today and-

Supervisor Cardinale: "There's seven buildings in this complex-

Dennis Kelleher: "There are proposed seven buildings."

Supervisor Cardinale: "How many square feet?"

Dennis Kelleher: "Each 30,000 square feet."

Supervisor Cardinale: "That's a big- this is a big industrial complex. All we're getting is eighty-seven five in key money?"

Dennis Kelleher: "Because- actually industrial parks use very little water. They're basically dry facilities. We're not talking about if someone wants to come in and wants to install a juice factory, then we will have to go back there and say, sorry, you're using a lot more water than we had ever intended and we would require them to put up more key money. But at this time, this is based on typical industrial use using standards set by the Suffolk County Department of Health Services."

Supervisor Cardinale: "So let me see if I get this straight. We're worrying about a gas station next door and there's going to be a 30 times 7, 210,000 square foot industrial park. That's something new for Calverton to worry about."

Dennis Kelleher: "This public hearing is not on-

Supervisor Cardinale: "I know."

Dennis Kelleher: "-- you know, and I think that's another part of the town's responsibility to evaluate what is being proposed on the property.'

Supervisor Cardinale: "Well, why would you want me to approve the water if they don't get the subdivision approved. Aren't you a little- we don't have the capacity and they don't have the subdivision, so why should we approve the water?"

7/05/2006minutes

Dennis Kelleher: "I was under the impression that the subdivision was already- I don't think they subdivided this property."

Supervisor Cardinale: "They're just- "

Dennis Kelleher: "I think (inaudible)."

Supervisor Cardinale: "Okay. So you don't have to subdivide. You can use one piece. Absolutely, you're right. You started with the subdivision, I didn't."

But in any event, what I'm asking is if we approve this, if next week- two weeks from now there's an approval of this water extension and things don't work out as you plan. For example, the town board, distracted with other things, doesn't give you the money to immediately make the facilities better, will we not be in some difficulty because we will have approved the extension but we can't give them the water."

Dennis Kelleher: "That is possible. That is correct."

Supervisor Cardinale: "I don't want to do that. I have enough problems."

Councilwoman Blass: "But we also haven't approved a site plan."

Supervisor Cardinale: "So we could hold up- yeah, I'm just- I'm always intrigued by the order in which we do approvals. It would seem to me you would do the site plan before the water, not the water before the site plan, but we- "

Dennis Kelleher: "I was always under the impression that the site plan goes first."

Supervisor Cardinale: "Yeah, but this didn't happen."

Dennis Kelleher: "And then- Superintendent Pendzick- "

Supervisor Cardinale: "I've never seen this."

Councilwoman Blass: "We haven't seen it."

Supervisor Cardinale: "In fact, this is the one that I told you was at the other place, in Berman's park incidentally. So cancel out that whole conversation the other day."

Councilwoman Blass: "That's why I was actually going to ask you why would you project water usage based upon uses obviously that you've seen that we haven't. Why not project worse case scenario

7/05/2006minutes

that's allowed in the district, but you obviously have a heads up on what they're proposing. We don't."

Dennis Kelleher: "Let's follow the train of thought that the town board approves it based on this, seven buildings, and then it goes through the whole site plan review process and they come up with eight buildings, they have to come back and do this whole water proposal over again."

Supervisor Cardinale: "Incidentally, since they're not going to use any water to speak of, how come we don't have enough to supply them?"

Dennis Kelleher: "Excuse me?"

Supervisor Cardinale: "You told me that don't use much water but we don't have even that much to supply them. How did that happen?"

Dennis Kelleher: "Because we've talked at previous town board meetings that the water use of the existing water district has increased drastically due to irrigation systems that have been installed throughout the town. And even if we were not— even if we did not approve any additional expansion of the Riverhead water district, we still need additional supply wells."

Supervisor Cardinale: "Okay. Is that because we have pressure problems?"

Dennis Kelleher: "Because of the volume of the water being used by irrigation systems throughout the town."

Supervisor Cardinale: "Which causes the pressure problems?"

Dennis Kelleher: "It will create pressure problems if we do not have enough water. That is correct."

Supervisor Cardinale: "Okay. Thank you. Is there any member of the public that would like to inquire or comment? If we don't say something on this hearing, we have to hear from Pete. Okay. In that case, I'll call the hearing at 7:29. The verbal testimony on hearing 2 is closed and we'll keep it open for written inclusion until 10 days from today."

Public hearing closed: 7:29 p.m.
Left open for written testimony
for 10 days."

Supervisor Cardinale: "Before we call the third one which is for 7:15 regarding the special permit petition of Kar-McVeigh to allow an expansion of a non-conforming restaurant for a catering facility upon property located at Manor Lane, Jamesport, I would like to note in our presence tonight the illustrious personage of Warren McKnight who is on the front cover of Pulse Magazine this week and is the subject of an important and (inaudible) article and I read it yesterday, Long Island Pulse Magazine, as one of the true characters that Long Island has produced. So I want to commend you for bringing publicity and honor to our town."

Public hearing opened: 7:31 p.m.

Supervisor Cardinale: "And I'm going to call now the 7:15 p.m. special permit petition of Kar-McVeigh. Pete, would you like to— in fact, do you want to introduce it as the attorney for the applicant?"

Peter Danowski: "Sure. My name is Pete Danowski. I have represented and continue to represent the Kar-McVeigh family.

Tonight you have before you a special permit application with regard to a requirement by the town that we file this form to expand what was described as a non-conforming use. By way of history, I think probably almost everyone in this room recognizes that this past October, the Jamesport Manor Inn burned almost completely to the ground. This shocked many of the people in the town. Obviously deeply affected my clients. I think even some of the town board members were visually upset by that fact.

That did cause some real practical difficulties for my clients. At the time that they had nearly completed the construction and were ready to occupy the premises, they had filed an application consistent with the Zoning Board of Appeals decision that had been granted on this matter to create a further building area on the site which I thought was subject to a site plan approval process with the town.

Documents and plans were submitted to the town back in April of year 2005. Thereafter I was informed by the Planning Department that it was the opinion of the town that we need to submit not just a site plan application but a special permit application to the town.

That application with accompanying concept site plan was delivered to the town. We had a real practical problem because we had not yet had an opportunity to settle matters with the insurance company that we're involved with. As you might expect, normal investigations were taking place regarding the cause of the fire. There was all kinds of time being taken up and we could not move forward.

7/05/2006minutes

We hope that the town would promptly respond with regard to the site plan application. We're then hopeful that we'd have a very prompt review of the special permit process.

And I recognize that there are referrals and matters that have to be reviewed and staff reports that may have to be— we were just hopeful that we get through this process because we really needed to go to a bank and borrow money to construct the ultimate build out including the reconstruction of the old restaurant.

What banks normally do, however, is show me your building permit that proves you can build what you're showing on your site plan. So with that practical difficulty, we submitted the plan.

Now this got resubmitted a good time ago. As I mentioned, the site plan was delivered in April of 2005. On November 15 of 2005, we delivered addressed to the town board the special permit application consistent with the planning recommendations and the town board ultimately in February of 2006, determined the action classified— declared themselves to be the lead agent and referred this matter to the Planning Board."

Dawn Thomas: "I don't want to interrupt you, but you need to be sworn. It's a special permit hearing, and any other witnesses you intend to place— before we get (inaudible)."

Peter Danowski: "You can certainly do that."

Supervisor Cardinale: "That's a good idea if anyone should be sworn in."

Dawn Thomas: "Mr. Danowski, do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

Peter Danowski: "I do."

Dawn Thomas: "Thank you. I'm sorry."

Peter Danowski: "That's not a problem. Now that that process has apparently resolved itself, we're hopeful that after tonight's meeting this town board can see fit to grant the special permit.

There have been questions that might be posed by the submission of the conceptual site plan. Typically I always think the town board when they consider special permits, they'll also consider the site plan and work us through a process that deals with what the final look of the development plan might be. We've submitted an original plan when we first went before the Zoning Board.

We've refined that a long time ago as I mentioned with the submission for the site plan application. We've actually taken what we consider the barn building and reduced the size of that. We placed another structure on it thinking it might hide the parking spaces. But there is detail shown on the site plan- it's only a concept plan pursuant to the special permit rules, that will have to be shaken out in the final site plan resolution that the town board would hopefully grant to this client.

The good news is we're hopeful of getting into the ground to rebuild the restaurant soon. That should take place very soon. And we'd like to hear from the public tonight and we'll hear from the board members and hope that you'll give us a prompt decision.

Thank you.

I would like to call on though if I can, so I think there's some real heartfelt responses here on behalf of my client, if I could call on Gail Kar and Frank McVeigh to possibly just say a few words before we take comment from the public. With your permission."

Supervisor Cardinale: "Sure."

Peter Danowski: "And I know we tend to be a little emotional and a little nervous here. But, okay."

Dawn Thomas: "Would you state your name, please?"

Gail Kar: "Gail Kar."

Dawn Thomas: "And Ms. Kar, do you swear the testimony you are about to give to be the truth, the whole truth, and nothing but the truth, so help you God?"

Gail Kar: "Yes, I do."

Dawn Thomas: "Thank you."

Gail Kar: "Okay. It's been just about two years now since we were standing here in this room before the Zoning Board to request approval to begin the renovations on the Manor so that we could open as a restaurant. We began the work in February of '05 and as most of you know, we were only about a month away from opening when the fire occurred.

We have had an outpouring of support for this project from the very beginning. When we walk around town from the delis to the post offices to the banks, etc., everywhere we go, everybody is so excited that we bought the property and the Manor was going to be open. They were so anxious for it to be open again.

7/05/2006minutes

When it burned down, we also discovered that it was not just our loss by any means. It was a shared loss. It was a great loss for the entire community. They grieved with us. We received notes, we received cards and calls for months.

All we get when we go to the deli and post offices and the bank is what are you going to do? When are you going to open? Are you going to rebuild? What are we going to do? Okay.

We feel that we have the same support today or more than we did two years ago when we started this process with the town.

Tonight we're asking you to approve the same things in the request that we made two years ago. Our plans have not changed. There are several residents that are trying to discredit us and misrepresent what we are trying to accomplish on that property.

We are not misrepresenting anything. We are asking for the same approval to construct a barn in the rear of the property that will serve as a catering facility. We have invested close to two million dollars between the purchase and the renovation of the Manor.

We have secured a traffic study which has reported no ill effects to the neighborhood. We have 110% support from our neighbor on three sides of the property who Johnny (inaudible).

We have submitted a complete site plan to the town over a year and a half ago. Through all these stages, the town attorneys have reviewed our applications with great care. All of the town committees have reviewed the plan and any issues have been reported and have been addressed.

The site plan has been reviewed by the Architectural Review Board. They were very excited about it. The Planning Board also reviewed it, they seemed very excited about it. It's a beautiful project. It's tastefully done, keeps with the architectural history of the north fork and I really, truly believe that this is a project that this town can be very, very proud of.

I refuse to believe that the Manor is history. I believe from my heart that we can put this building back and continue the history. A hundred and fifty years from now when we're all gone but maybe our kids' kids are here, I believe that they will not have one hundred fifty years of history, they will have three hundred years of history and lots and lots of memories that we have now.

You have the opportunity to make this happen for us, to help us make this happen. And I just want so say that we will not let you down. Thank you very much."

Supervisor Cardinale: "Thank you. Mr. McVeigh?"

Councilman Dunleavy: "Thank you."

Frank McVeigh: "My name is Frank McVeigh."

Dawn Thomas: "Mr. McVeigh."

Frank McVeigh: "Yes."

Dawn Thomas: "Do you swear that the testimony you are about to give to be the truth, the whole truth and nothing but the truth, so help you God?"

Frank McVeigh: "So help me, God."

Dawn Thomas: "Thank you."

Frank McVeigh: "I would like very much to correct some misstatements that have been stated by Mr. Barbato in the local press currently. Mr. Barbato stated that I have a business in arranging meetings around the world. And that's true. That's my business. I do conferences for large pharmaceutical companies.

The conferences that I do run, I run probably in the last 30 years about 3,000 conferences. And not one has been on Long Island. Most of the meetings are housed in hotel which accommodate about 350 rooms and need a meeting space of 25,000 feet. So this— and needs also to be close to international airports. So this would never happen. So the misstatements that my plan is to have a conference center on Manor Lane is so far from the truth.

He also stated the last time that once we rebuild the restaurant and the barn that we'd sell the property for a profit. And most of my family is in the restaurant business. My daughter, Susanne, my son-in-law Juan, and Matt's both kids work during the summers in the business. That's the least of what our plans are. Our plan is to have this as a family business.

I met Matt Kar 17 years ago when my son, Shawn, started the bus boys at the Country Kitchen. That job gave Shawn the opportunity to save money for high school and college. Matt has employed over hundreds of local people who wanted to work and live in this great area.

So, Mr. Barbato, we have no reason for selling whatever we build. We want to have it for our family.

He also mentioned in a letter to the editor, June 22nd, not on our dime that there are those who want to exploit and cash in on a publicly funded and supported beauty that is Manor Lane. Mr. Barbato, I've lived in Riverhead township for over 25 years and have an acre of land and I pay over \$10,000 a year to support the schools and the great services that we take for granted. And I understand that you have a 14 acre farm and you pay only \$8400. Mr. Barbato, now who's living on whose dime?"

Supervisor Cardinale: "Pete, for those who have not looked at the file which is a lot of people, exactly- this is a hearing for the expansion of a non-conforming use. Exactly what are you proposing to put on the four acre property that your clients own?"

Peter Danowski: "All right. The lot coverage is announced in the building areas as 7.31% on the building areas. That's the existing restaurant, that's a quote carriage house, barn and cottages. That totals 12,000 square feet. The barn which is the one item that I think gets mentioned all the time to the back of the property, is now listed on the site plan as 4,500 square feet in footprint.

There are additional small areas for porches because the town code talks about porches being somehow separately categorized. That would bring it up, if you add the porches, to 8.34% coverage on the property. The requirements for parking are met. There are 129 stalls required and 129 stalls provided.

As I said, we've tried to do a great landscaping job, a great location of structures and we think that when you get to the site plan stage of reviewing this, that whatever recommendations you may have, we'll have a give and take as to what you'd rather see in certain areas.

But that specifically describes what's the site data."

Supervisor Cardinale: "What's the square footage?"

Peter Danowski: "The square footage on the carriage house is 2,400 square feet; the barn was 4,500 square feet- "

Supervisor Cardinale: "Right."

Peter Danowski: "-- and the cottages were 2,420."

Supervisor Cardinale: "Total?"

Peter Danowski: "The total was 12,136 on the building areas and these were site plans that we filed with the Town Clerk addressed to the town board."

7/05/2006minutes

Supervisor Cardinale: "You missed one number. Twenty-four hundred is the carriage house. What is that?"

Peter Danowski: "That is just an accessory building that is blocking the view of the parking area on the site plan. It's located toward the rear- I'd say located near the rear of the restaurant building. It would be somewhere- if you went to the restaurant or you went to the catering facility and you wanted to have a glass of wine and sat under some sort of structure, it would somehow be a meeting-way point where you'd be sitting in a comfortable surrounding and enjoying the vista, whether it be the restaurant or the catering that you'd eventually go to."

Supervisor Cardinale: "All right. So the carriage house is 24, the barn is 45, the cottage- "

Peter Danowski: "Twenty four twenty."

Supervisor Cardinale: "And what's the last number?"

Peter Danowski: "Twenty-eight sixteen is the existing footprint on the restaurant."

Supervisor Cardinale: "Okay, thank you. Okay, we'd like to take comment from anyone who wishes to comment so, please, come up and make your comments. The subject is, of course, whether we should or should not approve the expansion of a non-conforming in a manner just described. Yes, come in. And then, Mr. Barbato will follow."

Jim Cahill: "Good evening. My name is Jim Cahill and I've been a resident of Riverhead for 14 years and I'm here tonight to support Matt Klar in his effort to reopen the Jamesport Manor Inn."

Over the last 14 years, I've been a frequent patron of Matt's Jamesport Country Kitchen. Matt made a commitment to the north fork years ago when he opened the Country Kitchen. In those early years, he stayed open all winter when there was hardly enough business to make it worth his while but Matt felt he owed it to his customers.

He has raised his family here and been a regular supporter of community events. This is the kind of local business and neighbor that we want to succeed and keep in our town. This is not a development speculator looking to destroy the character of Riverhead.

Before the fire last fall at the Jamesport Manor Inn, Matt was painstakingly restoring the historical integrity of the old house. If not for the fire, the old restaurant would have been back and brought back to life."

Dawn Thomas: (Inaudible)

7/05/2006minutes

Jim Cahill: "Yes."

Dawn Thomas: "Do you swear the testimony that you have just given and you are about to give to be the truth, the whole truth, and nothing but the truth so help you God?"

Jim Cahill: "I do. I am here tonight to ask the town board to grant Matt Kar the special use permit for the Jamesport Manor Inn. There are a few people like Matt who are willing to put in the effort and money in a restaurant. I think he has already proven that.

This request hardly gives Matt a windfall. He will have to continue to work hard and I feel it is important you, the board, by granting the permit, show that you support local businessmen who are here in our community. Thank you."

Councilman Dunleavy: "Thank you."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "Thank you. Mr. Barbato."

Dawn Thomas: "Mr. Barbato, do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

Phil Barbato: "I do. Thank you, members of the Town Board for giving me an opportunity to speak. I'm a local businessman, too. I own an organic farm on Manor Lane. I've only lived in Riverhead for seven years. For that I apologize but I've lived on Long Island my whole life and I've grown up in a farming family. And I bought a farm in Riverhead hoping that I could support my family here and we could live the life that I used to live in Smithtown when I was a young boy.

Do you ever ride your bike in Manor Lane in Jamesport and take in the view? Farm fields, treed edges, dotted with houses and barns. These productive acres and beautiful vistas are not there by accident. They were created by the blood and sweat of generations of farmers. This landscape has been preserved by a lot of political will and public money.

Millions in town and county farmland preservation funds, the Riverhead master plan adoption and the recent upzoning of the agricultural protection zone have all contributed mightily to preserving the agriculture in this beautiful and special place.

But there are those that want to exploit and, yes, cash in on the publicly funded and supported beauty that is Manor Lane. The corporation, Kar-McVeigh LLC, specializing in catering and meetings wants to turn an old burned out historic house, the Manor Inn, in the

middle of the agricultural protection zone, into a large catering and meeting complex.

The house which has become a restaurant sat empty and idle for many years. Its claim to continue with the restaurant, so called pre-existing non-conforming use, in this zone lapsed long ago. But the new corporate owners want to leverage this legal technicality and turn this quaint old site into a major complex.

How could this happen? Why would restaurants, catering and meetings be allowed in an agricultural zone? Good question. While these types of land uses are prohibited in this area by current zoning, the corporation has convinced the town zoning board of appeals that the old restaurant could be brought back to life.

The ZBA further gifted the corporation by resurrecting an expired land use variance allowing the construction of motel cottages and stating that catering is an allowable accessory use to the old restaurant. Some of us believe this was done outside the state and town law and that matter is now in the hands of the State Supreme Court who has not yet rendered a decision.

But the corporation continues to press its point. An application for special use is now in front of you to expand the old expired uses on this site. All the uses have expired and they're asking you to expand them.

The project includes not only resurrecting a restaurant but would add a 250 seat catering hall, euphemistically known as the barn, a large meeting hall known as the carriage house, and a number of motel cottages, each the size of a modest home.

This hearing was scheduled for July 5th. Why hold the hearing on the day after a national holiday when most people are on vacation? It's easy to round up people to come to a meeting but to have honest good citizens here to hear this, you're not going to get it on July 5th.

If the town board grants the expansion of these non-conforming uses, it would be handing the corporation a huge windfall financed by the taxpayers. Properly zoned commercial property is available elsewhere but would have cost much more and would not have provided the fantastic views in the rare setting of Manor Lane.

Principals of the corporation knew full well that the right to continue these uses had expired before they purchased the property. This is documented in the ZBA hearing record that was held right in this room. They took the risk knowingly. We don't need to back that risk with taxpayer money.

Furthermore, granting this special use would be a terrible blow to the concept of the agricultural protection zone. If such a concession would be granted in this case, a dangerous precedent would be set. Will other landowners, present and future, be able to resist the further commercialization of Manor Lane or other sections of the APZ? Would the town board even be able to stop them after granting such a concession?

And what if you were to grant this special permit? Town law requires you to consider among many other things that quote the intensity of the proposed specially permitted use is justified in light of similar uses within the zoning district. There are none. There are none.

Also, what conditions will be placed on this special permit? Would as Mr. McVeigh suggest you don't allow meetings to be held here? Should there be limitations on the hours of operation?

I found an article that was written in the New York Times about the Jamesport Manor Inn when it was actually operating. These were the hours. Lunch, noon to 2 p.m. Tuesday through Friday. Dinner, 5 to 9 p.m. Sundays and Tuesdays through Thursday, 5 to 9:30 p.m., Fridays- 5 to 9:30 p.m. Fridays 5 to 10 p.m. Saturdays and closed on Monday. That's the kind of business that was run there before. If you're going to be resurrecting a business like that, that would be a different matter. But this is expanding greatly the previous non-conforming use which would not be allowed under current zoning.

You've said in the past that the Zoning Board of Appeals is appointed by you but once that's done, you have no control over their decisions. Well, that's fine. Now it's your turn and it's time to set the record straight. It's time to enforce the town code, the state law, and to implement the master plan.

We don't want or deserve non-agricultural commercial development in part of preserved farmland. We must not weaken the protection of our vital agricultural resources and we certainly don't need to provide gifts to development speculators.

Thank you."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "And before I take the next comment if anyone wants to comment, Pete, I have a question. Would you come up? I just want to clarify something with you. We know there's a back drop of a challenge to ZBA actions which for purposes of the hearing

7/05/2006minutes

I'll presume that— against the burden of experience that they were correct in everything they did.

But so, therefore, the restaurant— they permitted that restaurant's non-conforming use. They said it had not been discontinued. I remember that decision. So that restaurant— in theory because of that decision if it held up, that's going to come— that has a right to be rebuilt. The cottages were— first of all you have 2420 feet attributed to the cottages. How many cottages are there and how big are these cottages? And are they not— were they not created— the right to them was created by a use variance, was it not?"

Peter Danowski: "It was created by a variance granted by the zoning board— "

Supervisor Cardinale: "Yeah, a use variance."

Peter Danowski: "-- and extended by decision and it's still in effect having been re-extended."

Supervisor Cardinale: "Right. Assuming that all to be the truth, how many cottages comprise the 2420 because he just said that the cottages were in excess of, you know, of a house size. And you only have 2420 feet according to what you're talking."

Peter Danowski: "Well, there's four cottages and the total square footage is as announced on this as 2420."

Supervisor Cardinale: "So only four cottages were permitted?"

Peter Danowski: "No. Many more were. I think there were nine permitted— or 12 permitted, I think a swimming pool and a tennis court."

Supervisor Cardinale: "Right. But why— how did we get to four then?"

Peter Danowski: "Because we voluntarily reduced the number on the site plan."

Supervisor Cardinale: "On the site plan. But— so you've reduced it from 12 to 4. That was the clarification I needed."

Peter Danowski: "Right."

Supervisor Cardinale: "Okay. The next thing I wanted to ask about is, the catering barn I get. It's— that would be the expansion, that 4500 square feet. What about the carriage house?"

7/05/2006minutes

Peter Danowski: "It was a question of whether you wanted one building on a site plan or several and consistent with a lot of the planning concepts that you dealt with through the comprehensive plan, there's many points in the comprehensive plan when we talked about assembling smaller buildings. We also had a parking lot in the middle of this property and the thought was we'd like to screen that parking lot from view. We thought you would want that, so we took the building and reduced the size in the back and added another building toward the front."

Supervisor Cardinale: "Okay, maybe I would when I look at the site plan when I get there, if I ever get there, I'd tell you. But what I'm trying to figure out now is what you're asking for insofar as an expansion."

Peter Danowski: "Why don't I just hand up the plan that's been on file with the Town Clerk, the map that's part of the concept plan that's part of the special permit application?"

Supervisor Cardinale: "Well, I just want- I'd like to see that but I'd also just like to verify that you would say, I think the following. And let me know if I'm right."

The 2800 foot restaurant because it was never discontinued according to ZBA, if they're withheld, you have an absolute right to replace that restaurant. You have an absolute right in theory under a use variance if upheld by the Supreme Court, to put 12 cottages there but you only want to put four.

But what you don't have an absolute right to do and that's why you're here for a special permit, is to put up a 4500 foot catering barn and a 2400 foot carriage house. Is that basically it?"

Peter Danowski: "That's basically I think your position and I agree with it with the exception of whether we needed to have the special permit."

Supervisor Cardinale: "And I've argued your- I understand that argument because it's not without merit. Okay. Thank you."

So this is an expansion and from what I'm looking at, it's 6900 square feet of a non-conforming use that was previously 2816.

Anybody- any comment from the public, from the board? Yes, sir. Thank you."

Dawn Thomas: "Can you state your name, please?"

Bill Crabtree: "My name is Bill Crabtree."

7/05/2006minutes

Dawn Thomas: "Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, to help you God?"

Bill Crabtree: "I do. I'm here to support the application of Frank McVeigh and Matt Kar. I've been a resident along with my family of Jamesport since 1978 and simply put this is the type of positive, good, healthy wholesome development that we need in the town of Riverhead. I won't say about the ones I don't like. I won't say about that, that's a different story. But this is what we need.

I can remember going to the Jamesport Manor Inn as a young man, sometimes I was courting my wife there. It was a wonderful place. I'd love to see it there again along with the attendant buildings. So I would support that application. Thank you."

Supervisor Cardinale: "Thank you, Mr. Crabtree. Any other—there's a question, I think, that we have from one of the board members, again, to the applicant. But we want to take the next comment first. Mr. and Mrs. Fenton."

Mrs. Fenton: "Good evening, ladies and gentlemen. Do I have to be sworn in?"

Dawn Thomas: "Yes. Mrs. Fenton, do you swear that the testimony you are about to give to be the truth, the whole truth, and nothing but the truth, so help you God?"

Mrs. Fenton: "I do. I'm here on behalf of Mr. Kar and Ms. Kar. We're very in favor of the Manor project that hasn't been closed for that many years as I recall. But as Mister— I don't know if it was Mr. McVeigh that said many people in this room have enjoyed going there. I remember having our eldest daughter sitting at the table when I was out to lunch with my mother which we did on a regular basis. That same daughter worked at the Country Kitchen for years.

And we've known Matt for 17, 18 years now and done business with him. He's a man of his word. He says he's going to do it, he'll do it the way he said he will. He is a very decent member of the community, a very supportive member of the community and I would like to request that you give him the special permit. Thank you."

Supervisor Cardinale: "Thank you. Did you swear those people in?"

(Inaudible comment)

Barbara Kimbel: "Barbara Kimbel."

7/05/2006minutes

Dawn Thomas: "Do you swear the testimony you are about to give to be the truth, the whole truth, and nothing but the truth, so help you God?"

Barbara Kimbel: "I do."

Dawn Thomas: "Thank you."

Barbara Kimbel: "I'm Barbara Kimbel. I live in Jamesport and I'm the ultimate west-ender. We come here every year for many years. We have a home here in Jamesport for 32 years. We brought our children up here every summer. They're here this weekend. They've come in from California.

We have spent many, many years at the Jamesport Manor. We have had family traditions there. My brothers fly in from the mid-west and we would go there with my mom and dad. The children were brought up there. That's where they learned to behave in a nice restaurant.

We feel that the Jamesport Manor should rise from the ashes of the tragedy that happened this year. We want the Jamesport Manor to be there. There are many businesses on that road. They're all accommodating businesses that meld well with the rural atmosphere of our community. This would be just another adjunct to that rural atmosphere.

I really take issue with the inflammatory rhetoric and the obstructionists policies of some of our members of the community. Change is not always easy, it's not always good but this particular change appears to be just fine.

Mr. Kar has been running a business in our community for many years. We don't have problems with his business. We've never had business clients having problems with him. The food is excellent and we're looking forward to more good food at the Jamesport Manor.

We supported this project two years ago. We're asking you to support it now. Please allow the Jamesport Manor plan to go forward. Thank you."

Supervisor Cardinale: "Thank you."

(Inaudible comment)

Supervisor Cardinale: "We'll get this guy out of the way for you. Okay."

Councilwoman Blass: "Take the microphone over to you."

Supervisor Cardinale: "And now you're going to have a mike."

7/05/2006minutes

Dawn Thomas: "I have to swear you. Can you state your name?"

Martin Cashmekin: "Yeah, my name is Martin Cashmekin (phonetic)."

Dawn Thomas: "Do you swear the testimony that you are about to give to be the truth, the whole truth, and nothing but the truth, so help you God?"

Martin Cashmekin: "I do. I do. I, too, am here to support Matt Kar and his restaurant. I've been a customer of his for about 11 years. I've also gone to the Manor. I don't quite understand this gentleman when he says he wasn't aware of the Manor. I think everybody knows what it was and what it will be.

And that's all I really need to say. I think everybody's really speaking very eloquently about Matt. I'm nervous. But, you know, one question I did think— I think I know this gentleman's farm in Smithtown and I can be wrong but isn't there a Friendly's there? I think there was a Friendly's on his farm. So I don't get it. I don't understand what he's talking about. I think he had a big retail center there. I did read there was a Friendly's there.

But, thank you very much."

Supervisor Cardinale: "Thank you. Connie, you had a comment, and I think when you're ready, Barbara, you had a question of the applicant. Yes, Connie."

Connie Farr: "Okay. I do, Connie Farr, I do."

Dawn Thomas: "Do you swear the testimony you are about to give to be the truth, the whole truth, and nothing but the truth, so help you God?"

Connie Farr: "I do."

Dawn Thomas: "Thank you."

Connie Farr: "I don't think that this is really a question of rebuilding this facility because everyone knows this restaurant as it used to be, I think everyone is for this. I think that the real question here is the zone change and also changing the master plan. The master plan hasn't even been in effect for that long and to already start changing what we're doing before, what we spent all this time trying to get to, I think that's what is not right and is not correct.

7/05/2006minutes

And because of that, I don't think that we should change the zoning on this issue and it's good that he could rebuild the restaurant as it was but I don't think the zone should be changed."

Supervisor Cardinale: "Thank you. Any further comment? Yes, sir."

Craig (inaudible): "Craig (inaudible)."

Dawn Thomas: "Do you swear the testimony you are about to give to be the truth, the whole truth, and nothing but the truth, so help you God?"

Craig: "I do."

Dawn Thomas: "Thank you."

Craig: "My name is Craig (inaudible). I currently live in Riverhead, 680 Main Road in Aquebogue. I'm here to support the applicant. I don't think that the special use is anything any different than a lot of the vineyards currently operate as which I know something a lot of people probably don't want to hear and say. But I mean currently having a catering facility, you know, as part of a use of a restaurant I think it's a great thing. I think it's something that we know could always be done properly and always work well."

I actually own a piece of property with a house under construction on Manor Lane so in essence it is- I'm somebody that it would affect if I thought it was detrimental.

I recently got married at Martha Clara Vineyards and everybody did access where our site off of Herricks Lane. I did not see anybody complaining or anything, people going off of a so called side street. I don't think it's detrimental to Manor Lane in any way, shape or form and overall I'm really excited to support local business and, hopefully, everything, you know, will continue and be able to do everything they're hoping to do. Thank you."

Supervisor Cardinale: "Thank you, sir."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Yes, please come up and, Barbara, when you're ready, I'll have the applicant come up if you have a question. Are you looking for Rick?"

Georgette Keller: "Georgette Keller. I reside at 69 6th Street, S. Jamesport."

7/05/2006minutes

Dawn Thomas: "Do you swear that the testimony you are about to give to be the truth, the whole truth, and nothing but the truth, so help you God?"

Georgette Keller: "I do. I'm here tonight to support this application personally as a resident of Jamesport and S. Jamesport. As a social studies teacher and someone who for the past 18 years has read all she can get her hands on on local history and I even went to the Jamesport Manor Inn before it closed many times. I think it is important to our town's history that what we teach our children is valuable, carries on into the future.

There have been many cities and towns that I have visited throughout the world where a building burned down and it was rebuilt and did not lose its historical significance. Because once the next 150 years pass, it's at least equal to what was there before.

We all know people who have wedding receptions, celebrate anniversaries, the birth or even the death of loved ones. These represent the seasons and cycles of our lives, our collective lives similar to what Mr. Crabtree illustrated for you.

Yes, the original historically significant structure is gone and the original memories made there will be reference to either a replica building and a viable business or a vacant piece of land.

Mr. Barbato talked about the beautiful vistas of Manor Lane. For most of our lives or certainly all of mine, that included the Jamesport Manor Inn. We're talking about which came first, the chicken or the egg, and did the land use variance expire before they purchased it, then we're really getting, you know, pretty petty with our own history. And that's that.

That being said, based on the merits of this project, to restore service to our community that was cherished over the decades and was planned to be expanded not just for limited restaurant hours that were previously stated over so many decades. I have to support this application.

Aside from the project itself and its historical significance, the communal sense of connectiveness to this building and the restaurant that came out after it burned down, was a source of comfort for the Kars but we cannot share in the financial burden that they have taken on and they have suffered with the building burning down. And then I also believe that if good hearted neighbors that most of us here in Riverhead are, that we extend our hand to those who are in need.

As far as commercially available property, there was commercially available property available on Main Road in Aquebogue at the same

time he paid about the same price. He chose Manor Lane because he fell in love with the building. And as Mr. Wines has stated to this board previously or actually two years ago in support of this project, that in order for our children to have a value on the future, we must protect our past.

As far as the number of structures on the site, if the previous rulings are held to be correct, he's entitled to 12 cottages, a recreation hall and a swimming pool besides the restaurant. That was the original planned expansion of the Inn and what he's asking is for a little different vision to have a barn and a carriage house and then four cottages, which I find quite acceptable. Thank you."

Supervisor Cardinale: "Thank you. Any further comment from any member of the public? Yes, sir. Yes."

Dawn Thomas: "Can you state your name, please?"

Bill Dumfey: "Bill Dumfey."

Dawn Thomas: "Mr. Dumfey, do you swear the testimony you are about to give to be the truth, the whole truth, and nothing but the truth, so help you God?"

Bill Dumfey: "Yes, I do."

Dawn Thomas: "Thank you."

Bill Dumfey: "I just want to say that I see Mr. Kar in Jamesport all the time. He uses all the local businesses. The people that are working on his place use the local businesses, the deli, the pizzeria, the hardware store, and when it's done, he's going to have young people waiting there that need jobs, not main jobs, but you know jobs that help fill the cost of living out here, to buy a house, to save money. And these are all going to be good jobs that he's going to help in this area."

Supervisor Cardinale: "Thank you. Any further comment? Barbara."

Councilwoman Blass: "I have a question of Rick."

Supervisor Cardinale: "Rick. Could you come up, our Planning Director."

Councilwoman Blass: "Rick, I had a question in that the accessory structures, the barn and the carriage house, totaling 6900 square feet which exceeds the size of the restaurant which is the primary use, is there a technical concern about that or- "

7/05/2006minutes

Rick Hanley: "I think there is a concern and I think that in your deliberations with respect to the special permit, the board might want to tackle the whole issue of accessory uses. I mean there are a number of ways to look at accessory uses. Is it a function of the square footage of the use compared to the principal use. Are these accessory uses less intensive with respect to the number of seats and time of day or the number of meal that area served. So or revenue that comes from the accessory. So I think through this process we're going to have to come to grips with that, I think essential question, Barbara."

Councilwoman Blass: "And how do we view- I know it was as a result of a use variance, but the cottages themselves, they're not necessarily considered accessory to anything at this point, or- "

Rick Hanley: "I seem to recall and Peter could correct me but I think there may have been a subdivision application for residential structures at one point in time but the Planning Board, I think, denied that subdivision on the basis of flaglots not having the adequate acreage. I think the court remanded the board to approve that and I believe the whole concept of the cottages may have stemmed from that single family residential subdivision and it was then made part of the restaurant. Maybe he could shed some light on it, Peter."

Councilwoman Blass: "But to your recollection that we never- the town board never approved a site plan for the siting of those cottages on this- "

Rick Hanley: "Not that I recall. No. I think it was strictly Zoning Board of Appeals. But the ZBA does, in fact, when they do deal with use variances, they can approve a site plan with that and they can limit- "

Councilwoman Blass: "Do you know if they did that?"

Rick Hanley: "I'm not sure. I can do some research for you. But they could limit the number of cottages as they did and the square footage of those."

Councilwoman Blass: "I guess what I'm getting at is there's no abandonment of any kind of a map that may have been previously filed that would be necessary."

Rick Hanley: "I'm not sure about that. We'd have to research that."

Councilwoman Blass: "Okay. Thank you."

Supervisor Cardinale: "Okay. Could you come up for a second, Pete? I wanted to ask a question on the carriage house, that 2400 square foot structure. Exactly what would the use be of that?"

Peter Danowski: "It's described as a motel cottage. So it's consistent with the zoning board definition. The thought process here was you wanted to have the most attractive site you could find and if people were going to a restaurant or a catering facility, that the opportunity would be there to have a motel cottage if they wanted to stay on site."

Supervisor Cardinale: "Are you talking about the carriage house?"

Peter Danowski: "The motel cottage."

Supervisor Cardinale: "No, no, I know what they are. I want to know what the carriage house is because I don't have any carriages."

Peter Danowski: "I guess I started saying that. I think it's more of a descriptive term for the appearance of the building."

Supervisor Cardinale: "But what's going to be in it?"

Peter Danowski: "The carriage house. But I described it before as a facility that doesn't hold as many people as the barn would hold and that as people were either going to the barn for a catering event or to a restaurant sort of in a holding pattern or maybe a smaller party, that that structure would hold those people. It would be the same type of use as the barn but it would be of a smaller nature and it would split up the size of that barn to make it smaller on the site."

Supervisor Cardinale: "Okay, now, what's your-- when I try to get-- I don't think anybody's going to argue with the restaurant, it's lovely and I hope it can be reconstructed in the same manner as the original. But the other two things are 6900 square feet. What is your anticipated number of occupants for a catering event maximum?"

Peter Danowski: "We have-- on the site plan itself if you noticed, 200 seats for the barn structure."

Supervisor Cardinale: "How many for the other one?"

Peter Danowski: "For the other one, I think it's 90."

Supervisor Cardinale: "All right. So 90. So it's about half the size. So if in fact you had events at each of those plus the restaurant was in play, you would have in excess of 300 people at the site."

7/05/2006minutes

Peter Danowski: "That's correct."

Supervisor Cardinale: "Not to mention the cottages."

Peter Danowski: "Not the larger number that was somehow thrown out a long time ago in the newspapers but that's correct. And if you look at the traffic study that was prepared by Dunn Engineering that's part of your record and that was offered at the end of the zoning board process but, again, at the special permit and site plan process, Dunn Engineering studies the number of seats on the site plan, talked about the uses and said there was no failure of traffic here. And it did a detailed study, had traffic counts. Went out and actually made counts near Route 25 and near Sound Avenue."

Supervisor Cardinale: "And what was that done for? The site plan?"

Peter Danowski: "It was done for— it began when some comments were made about traffic during the zoning board process. It was delivered at the end of that process to close the hearing and then it was redelivered for the site plan special permit. So it's part of your record."

Supervisor Cardinale: "Okay."

Peter Danowski: "I think Mr. Hanley has it."

Supervisor Cardinale: "And that was the site plan that you submitted and then they said no, you've got to get a special permit first?"

Peter Danowski: "Right. And that's part of— it's followed the tracking here on the special permit."

Supervisor Cardinale: "Okay. So the board actually never— as I mentioned this afternoon, we never saw the site plan. We just got an opinion of counsel that a special permit was required before we could review it."

Peter Danowski: "I mean that is something that sometimes I try to hand deliver additional copies to you but we filed a special permit application with a conceptual site plan that you now see before you. It was filed with the Town Clerk and I'm sure you've got copies of it."

Supervisor Cardinale: "May I see that? I'd like— the guy that's here from Cablevision presently using our camera. Could somebody like Dawn— could you put that up on the board? Could you just zero in on that? That's the proposed use of this property and I just want to make sure because I want to get— it's not a, you know, an

applause meter determination, we have a criteria which is in our special permit statute of the— of what criteria— very nicely done— of what— Pete, you don't have with you, do you, the special permit criteria?"

Peter Danowski: "I do have copies of it because it talks about the neighborhood-- as being out of character with the neighborhood is the major consideration and as commented on by Mrs. Kar, John Scapala (phonetic) who's the only immediate neighbor surrounding this who as I mentioned in my submission papers did a very limited residential development and sold the development rights off most of his farmland, is completely in support of this application."

Supervisor Cardinale: "Would you zero in on that? But, Pete, I love the Country Kitchen restaurant and I really like Mr. McVeigh and Mr. Kar, but we're a board that has to consider the expansion of a non-conforming use unless you challenge us and you're right and you shouldn't be here to begin with."

This is going to change the traffic flow a great deal and the intensity and use of that parcel from when it was the Jamesport Restaurant Manor Inn, which everybody wants back. So we really need to consider that so if you did a traffic report already, I think we should look at that carefully."

Peter Danowski: "I expect you to look at it carefully, I would have thought you would have. But you haven't seen it, so I suggest--"

Supervisor Cardinale: "No. I'm just looking at it now and (inaudible) the special permit."

Peter Danowski: "And on Rick's comments about there was an old subdivision that was handled by the prior owner and, in fact, there was a denial by the Planning Board and then the court rendered a decision saying you shall approve this subdivision."

We went before the Planning Board and we suggested to them that we would ask for that continued approval but we'd hold it in abeyance, we have no desire to complete the subdivision process, yet if we were to be totally denied here, you know, we want the reservation of having the ability to complete that process."

Supervisor Cardinale: "Yeah, but what he said was completely I thought off base in regard to the— the cottages— the function— the use variance application had nothing really to do with the subdivision."

Peter Danowski: "That's correct."

Supervisor Cardinale: "Yeah. But we're all wrong sometimes, Rick. You more than others. No."

7/05/2006minutes

Peter Danowski: "I suggest that after today we'll somehow, the parties will come together and fill in blanks on information, read things some more, ask further questions. We've said this publicly and we've said it many times. The site plan process will be a give and take and if there are suggestions how to modify the plan, you know, we're going to listen to what those comments may be."

Supervisor Cardinale: "Yeah, but that would be in a site plan process. I just want to make sure that the public, many of whom are speaking in support of this application, understands that's the application. It is not- I only heard one person come up and say I support the return of the restaurant but I cannot support- you know, the other 6900 feet of space and catering gives me a problem. Everybody else is saying that they- they're happy to live with this within their community. Well, speak up now or forever hold your piece, because that's what I'm hearing."

Peter Danowski: "That's correct."

Supervisor Cardinale: "But there's no question in my mind that that use is going to be a far more intense use than the old- the single restaurant at the site."

Peter Danowski: "I don't know if I appreciate your terms but I'll say there's more of a use for sure."

Supervisor Cardinale: "Yeah, more of a use, we can use that term."

Councilwoman Blass: "I have a quick question."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "Pete, another quick question, please, I'm sorry. You refer to the cottages as motel slash cottages. Does that mean- "

Peter Danowski: "Well, I think that was the way they were described in the decision. I always like to refer back to the decision so I'm not paraphrasing what it says."

Councilwoman Blass: "Okay. I understand that. Is it your intention to have kitchens in them?"

Peter Danowski: "We'll do whatever the law complies to meet the definition of motel cottages. It wasn't something I thought about, whether there are kitchens in them or not. Whatever motel cottages are defined as, what it allows me to do we'll do."

Councilwoman Blass: "Thank you."

7/05/2006minutes

Peter Danowski: "You could make that a condition of any approval, with or without."

Supervisor Cardinale: "If you'd like— if anyone wants to make comment, please come forward. Mr. Barbato, and why don't you come up and then Mr. Barbato please follow. Go ahead."

Dawn Thomas: "Mr. Brady, state your name, please."

Thomas Brady: "Thomas Brady."

Dawn Thomas: "Do you swear that the testimony you are about to give to be the truth, the whole truth, and nothing but the truth, so help you God?"

Thomas Brady: "Yes, I do."

Dawn Thomas: "Thank you."

Thomas Brady: "I'd like to state for the record that I'm a citizen, that I'm here on the 5th of July. Mr. Barbato, I think everybody that spoke here are citizens (inaudible). I was here two years ago in support of this project. I stand here again today in support of the project."

I think that when they were rebuilding the Manor, most people in Jamesport were very excited about that. The fire was devastating to the community and at this point I believe that Matt should be allowed to build what he needs to build there in order to continue in business here in Jamesport.

It's a lot of community in that project and Matt follows that and looks at that when he does these things. The Country Kitchen he kept it the way it was and he continues to work within the community and the confines of the community."

Supervisor Cardinale: "You know you have said and others have said that they stood here sometime back and supported the project. I presume that was before the ZBA not us because I've never seen this project. But what I'm— was that— when you say you supported the project, was that when they were— when the ZBA was interpreting whether or not catering was an accessory use? Because at that time, the issue before the ZBA was whether catering was an accessory use to restaurant. Is that the one we're talking about? Is that— Mr. McVeigh, you may know."

(Inaudible comment)

Supervisor Cardinale: "This project— or Pete, this project— a number of people have said that they have supported this project in the past. Where was it— when was that and when was this project ever

7/05/2006minutes

discussed? I thought the only things before the ZBA were the interpretation of the issue of catering being accessory to a restaurant which for better or worse subject to the Supreme Court action it is. Why would this map or this project be previously seen?"

Peter Danowski: "You are correct that the meetings that were held in the town hall in this room dealt with the Zoning Board of Appeals."

Supervisor Cardinale: "Was that map shown at that time, that was what- "

Peter Danowski: "It was a similar map. It wasn't exactly the same because we've added some things and took the size of the building as I mentioned a couple of times tonight and split it into two buildings. But generally it was the same. It covered the- it covered- the zoning board decision covered the cottage issue as you know from having read it, and we were talking about the accessory use idea that you've just mentioned and so there was a concept plan that was shown. But it wasn't the exact same plan because we've tried to refine it."

Supervisor Cardinale: "Was it- how is that relevant to the issue before the Zoning Board of Appeals?"

Peter Danowski: "It was just aesthetically we were trying to show what the barn would look like when we dealt with the barn issue on the catering facility as an accessory use. We showed its relative size, (inaudible) a nice architectural rendering or drawing of a barn and we depicted some of these items before the board."

Supervisor Cardinale: "Okay, so it was illustrative to the board."

Peter Danowski: "That's correct."

Supervisor Cardinale: "In their interpretive effort. Thank you. Thank you, sir."

Thomas Brady: "And I think that was the point was that Matt came, you know Matt came up to the fire department and invited the community to come up to look at the plans when he had them last time, the drawings, so they could see them so they knew what he wanted to do."

Like I said, I think he stays within the community, the guidelines of the community to make this something that's good in Jamesport."

Supervisor Cardinale: "Thank you."

7/05/2006minutes

Phil Barbato: "If I could just make one point about the cottages."

Supervisor Cardinale: "Yes."

Phil Barbato: "The use variance that was granted by the ZBA for 12 motel cottages from 700 to 1,000 square feet each, had already been extended three times. But the town code Section 108-76D actually states that no more than three extensions shall be allowed. So in granting it this fourth time, they exceeded the town code limit of three."

Supervisor Cardinale: "I'm sure you're arguing that in the Supreme Court."

Phil Barbato: "No, I'm not. I'm arguing it right here in this hearing."

Supervisor Cardinale: "Yeah, but- "

Phil Barbato: "Because everybody keeps saying motel cottages, motel cottages, nobody is saying that there's no right for them to be there."

Supervisor Cardinale: "Well, what is the- "

Phil Barbato: "The ZBA granted the fourth extension which is not allowed by our code."

Supervisor Cardinale: "You may be right, but the ZBA can do anything it wants and if nobody challenges it, it stays unchallenged. Have you challenged that point, the fourth extension?"

Phil Barbato: "I'm asking the town board, the elected officials here- "

Supervisor Cardinale: "I have to- "

Phil Barbato: "-- to challenge that."

Supervisor Cardinale: "Well, I can't do that unless- I mean I have to accept what they did unless it's been challenged. I understand your point but I would think that that would be part of the litigation, that that- and I'll tell you why that's relevant frankly."

One of the positive things is that there's only four cottages as opposed to 12. If, in fact, they have lost their entitlement to 12, then four is no concession. See what I'm saying? If, in fact, you are correct, they lost their entitlement to 12, then the concession to four is meaningless. If, in fact, it is- they have an entitlement to

7/05/2006minutes

12, I am intrigued by the fact that they are conceding eight. So I need to know whether or not they have a right to 12."

Phil Barbato: "All you have to do is read the last- the next to last zoning board approval in which Mr. Keller says there will be no further extensions of this use variance."

Supervisor Cardinale: "And then they went and gave an extension."

Phil Barbato: "Right. And they granted a fourth one."

Supervisor Cardinale: "Okay."

Phil Barbato: "The fourth one itself has already expired anyway."

Supervisor Cardinale: "Thank you. California is back."

Barbara Kimbel: "Sorry. In reference to your last question. Yes, we've seen the plans in 2004 and we saw them at the Jamesport Civic Association meeting and we summarily for the most part approved them but I was one of the persons that spoke up in favor of this and the very next day, my car was trashed. So I hope it doesn't happen again."

Supervisor Cardinale: "I hope not, too. Incidentally, so I get a sense of- what's the- anybody know what the vineyard- the vineyard's occupancy is? The other- the vineyard caterers. Yeah. Or, well forget about Martha Clara, they're another story altogether. But Vineyard caterers, is it like 290, 300? If anybody knows, I'd be interested. Yes, please, come up."

Sophie Stapon: "My name is Sophie Stapon."

Dawn Thomas: "Mrs. Stapon, do you swear the testimony you are about to give to be the truth, the whole truth, and nothing but the truth, so help you God?"

Sophie Stapon: "Yes, I do."

Dawn Thomas: "Thank you."

Sophie Stapon: "I live on Herricks Lane, right behind the project that Matt and McVeigh have so hardly worked on and I truly support this project. I know what they've gone through and it really is a shame because all of the local people- I've lived there my entire life and anyone I spoke to wanted to know why everybody was complaining. Everybody else grows and houses come by the doodles and our farms are gone. So why can't this man have his project?"

Supervisor Cardinale: "Thank you, Sophie. Yes, sir."

Troy Zidick: "My name is Troy Zidick."

Dawn Thomas: "Mr. Zidick, do you swear that the testimony you about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

Troy Zidick: "I do."

Dawn Thomas: "Thank you."

Troy Zidick: "I just wanted to say I've lived in the town of Riverhead my whole life. I worked in the town of Riverhead my whole life and I do understand the new zoning that— for the new project that they're applying for and I support the whole project. I just wanted to say that. Thank you."

Supervisor Cardinale: "Thank you. Incidentally this project would have the exact same problem is the zoning had never changed because it was an agricultural zone before. But go ahead."

Kerri Arm: "My name is Kerri Arm (phonetic)."

Supervisor Cardinale: "Yes."

Dawn Thomas: "Do you swear that the testimony you are about to give to be the truth, the whole truth, and nothing but the truth, so help you God?"

Kerri Arm: "I do."

Dawn Thomas: "Thank you."

Kerri Arm: "I just wanted to say as my husband said before, we were just married at Martha Clara Vineyards and I don't understand what the difference is between Martha Clara doubling the size of their barn without a permit and Matt who is trying to do things right and get all the permits beforehand."

Martha Clara did add onto their tasting room. I'm sure all their accessory buildings are now larger than their original use of the tasting room building and as you were saying with the traffic flow, I mean everyone accesses that area off of Herricks Lane. It would be no different than people coming (inaudible).

I mean Harbes farm stand, do they have a special use permit for traffic flow problems? I mean come October when there's a corn maze, I mean it's no different than that. I want to support Matt as well."

7/05/2006minutes

Supervisor Cardinale: "Thank you."

Harold Griffis: "My name is Harold Griffis."

Supervisor Cardinale: "Yes."

Dawn Thomas: "Mr. Griffis, do you swear the testimony you about to give to be the truth, the whole truth, and nothing but the truth, so help you God?"

Harold Griffis: "I do. I came here tonight to support Matt Kar. I've become very friendly with him the last couple years, eight years I think since— I own two delis in town, one in Jamesport, one in Riverhead. I don't think I would have learned enough to open a second deli if it wasn't for Matt Kar.

But I've got to say I'm very excited. I don't know if it sounds good for the newspapers or whatever, but he's a big corporation. I guess the next time I need to buy tomatoes, I'll pick up (inaudible) and walk over and get them.

There was some talk about the old Manor Inn and the business hours that they held there. When I first moved into Jamesport, Manor Inn was open maybe 12 to 2 for lunch, closed on Mondays. I'm in the restaurant business, deli business. There's a reason why it didn't stay open. You need extended hours to be open.

As far as I guess special accessory use he needs for the barn or the catering hall, in the restaurant business you constantly have to change what you're doing in order to make ends meet, find new ways to do things. To do just a restaurant there like everyone wants restored, yeah, it sounds great. Two million dollars. That's a lot of dinners to serve to be able to support that.

I would like to see Matt succeed and stay there and keep the property looking beautiful.

As far as businesses on Manor Lane, I was trying to count them off in my head. Currently there's— if you count the fire department and ambulance barn, six major businesses on Manor Lane. I mean it's not like it's just a little rural community. Yes, it's go beautiful farm views, it has some nice landscaped areas. The Manor Inn was surrounded by trees. I don't think some buildings amongst some trees is going to ruin a vista. It might help it out a little bit.

So as far as the catering hall, I got married at Martha Clara. Matt catered my wedding. What's he going to have, 50 weddings a year? That's not 200 people eating there every day of the year. That's 50 days a year. So if it helps him in his business to survive and grow

7/05/2006minutes

and restore something that Jamesport needs back, I think it should be approved. Thank you."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Okay. Is there any other comment from any member of the public in regard to this matter? I'm going to take Howie Young's comment and then if you can help, we were looking here to see the special permit criteria, could you locate it and maybe we could end the hearing after the final public comment. There's a criteria under which the town board must consider special permit for enhancement of a use. And that's what we have to make our decision based upon. Howie."

Dawn Thomas: "Mr. Young, do swear the testimony you are about to give to be the truth, the whole truth, and nothing but the truth, so help you God?"

Howard Young: "I do."

Dawn Thomas: "Thank you."

Howard Young: "It's just a quick comment. I've as a land surveyor studied zoning and land use all my life and this comment that was made by Rick or questioned by Barbara about accessory uses, what size they are in relation to principal use, I think is a fallacy. If you just think of a residential use and a tennis court, the residence would never be an accessory to a tennis court and yet a tennis court is larger than a residence."

Supervisor Cardinale: "Also, a barn is often bigger than the residence."

Howard Young: "A barn is usually an agricultural use."

Supervisor Cardinale: "Yeah, but you could have a barn. I used to have a barn next to a house I owned."

Howard Young: (Inaudible)

Supervisor Cardinale: "Yeah. It's probably a pre-existing, non-conforming use."

Councilwoman Blass: "But for different uses—"

Supervisor Cardinale: "That's usually my allegation. Yes."

Councilwoman Blass: "In the past, we have determined the accessory by either size or by percentage of income generated. It has

been not something that we've been able to readily define based upon the particular accessory use and we've, in fact, in the definitions of I think it's country inn when we talk about an accessory restaurant within a country inn, we actually defined how large the accessory use could be."

Howard Young: "I can only comment on what I read (inaudible)."

Councilwoman Blass: "Right."

Supervisor Cardinale: "Any other comment by a member of the public in regard to this application for a special permit. If not, I'm going to leave this open for written comment for 10 days. I've asked if you can zero in on the proposed use."

108-133.5 of the zoning code which is on your websites, those of you who want to look at it, is the criteria. I will spare you since it's A thru R, and opens up just to make it even more diffuse with we can consider the factors— must consider the factors A thru R and any other matters or factors which we deem material. So that's how we have to decide this.

The only other thing I can say is Mr. and Mrs. Kar have a lot of friends. I'm glad to hear that because they're very nice people. Yes."

(Inaudible)

Supervisor Cardinale: "It's 108-133.5. Items to be considered by the reviewing board. And we will leave this open for 10 days. That would be through the 15th and if anybody wants to send in a written comment, feel free. Thank you very much for coming and it's a very intriguing matter."

Public hearing closed: 8:40 p.m.
Left open for written comment for
10 days

Supervisor Cardinale: "And we're going to move onto our fourth of our 12 hearings here. And thank you for coming and I'll give you a moment to exit if you'd like."

Any possibility that the Cablevision man can— see that blinking red light? John has— can we put that off on your old machine because it's driving John battier than he usually is. He's going to vote yes on anything by the blinking red light. Yeah."

Councilman Dunleavy: "Thank you."

7/05/2006minutes

Supervisor Cardinale: "Okay. Thank you. Okay, we have the fourth hearing which is 7:20."

Public hearing opened: 8:40 p.m.

Supervisor Cardinale: "It being 8:40 we're going to open it for the consideration of a local law to amend Chapter 52 entitled building permit fees Section 52.10. Can you tell us what that's about, please. I have it here, I can tell you."

Dawn Thomas: "I think I know what it is. I just want to verify."

Supervisor Cardinale: "Okay."

Dawn Thomas: "Yes. This proposed local law would amend Chapter 52 of the town code which is building permit— the building— and specifically building permit fees any— and would reduce the fees for building permits associated with creation of structures that would make buildings more handicapped accessible."

Councilman Densieski: "Phil."

Supervisor Cardinale: "Yes."

Councilman Densieski: "Yeah. This came from the Handicapped Committee and it would have a very, very small impact on the town budget (inaudible)."

Supervisor Cardinale: "Okay. What's— substantively I'm looking at it here. It's a— it has to do with building permit fees and the construction related to improving access, safety and independent living for disabled and elderly— entrances. So we're not going to charge a fee for the entrance runways that we— for the building permit fee."

Seeing that it would be the fundamentally decent thing to do. So anybody want to object to that and become ogre of the week here? No, I want you to pay for those runways. Okay. What do they call them? Entrance ways. Ramps. Ramps. That's what I meant. See I've got runways on my mind from Calverton. Ramps, they're entrance ramps.

Okay, going once, going twice, going three times. If there's no comment, we'll leave it open for written comment in case you get enthusiastic about this."

Public hearing closed: 8:44 p.m.
Left open for 10 days for written
comment

Supervisor Cardinale: "And move onto the 7:25 hearing which is the consideration of a local law to amend Chapter 92 entitled streets and sidewalks. Could you tell us what that's about, please?"

Dawn Thomas: "Yeah. This was not prepared by my office. However, it appears to be an amendment to Chapter 92 of the town code which involves streets and sidewalks and it transfer the permitting from the town board in terms of correcting or modifying any sidewalks. The permit would be issued by the Highway Superintendent rather than the town board and it makes some very specific lengthy changes in the permitting process which were not there previously."

Supervisor Cardinale: "Okay. I want to add on the last hearing, not only is the ramp way but others that are— other changes that are designed to make a home more available to a handicapped person. Yeah, American Disabilities Act compliance."

Okay, the— I didn't understand what you said. Can you say it again? On that last hearing. Anybody else understands? Go ahead."

Dawn Thomas: "This proposed local law would amend Chapter 92 which is specifically relating to alterations and excavations on public sidewalks. It changes the permitting requirement from the— it would be a permit issued by the town— not by the town board but rather now by the Superintendent of Highways."

Supervisor Cardinale: "Oh yeah."

Dawn Thomas: "And then it specifies the conditions under which a permit would be issued and it adds significant specific requirements for the issuance of permits."

Supervisor Cardinale: "For road openings. Right?"

Dawn Thomas: "No. Sidewalk repair and construction."

Supervisor Cardinale: "Didn't we do a road opening, too?"

Councilman Dunleavy: "Yeah. I thought this was road openings."

Councilwoman Blass: "Because there's a hook up fee for residential. So there must be something— "

Dawn Thomas: "This was not from my office. I'm assuming it came from highway."

Supervisor Cardinale: "That's a scary thought."

Councilwoman Blass: "I think it is road openings."

Supervisor Cardinale: "Okay. We're going to take a look at the language but the concept is to— every other town has a street opening fee. When you want to open up the street, you've got to pay something. So we don't want to lose out so the Highway Superintendent asked us to do this and we'll make sure that the language reflects our intent."

Is there any comment on this attempt? If not, I will leave this one like all others for written comment and it having begun at 8:43, it is over at 8:46."

Public hearing closed: 8:46 p.m.
Left open for 10 days for written
comment

Public hearing opened: 8:46 p.m.

Supervisor Cardinale: "And we're moving right along to that hearing which was designed to have begun at 7:35 and that is for the consideration of the alteration of the boundary line between 201 Howell Avenue and 718 East Main Street which is right out here where our building department offices are. We're trading a piece of property— we have a lot of other hearings we have to do, don't we?"

Dawn Thomas: "Yeah, I have a map."

Supervisor Cardinale: "Okay. We— this hearing is simply for the consideration of the boundary line change necessary to accommodate the proposed purchase whereby we would trade some— a small amount of Main Street frontage for a larger amount of Howell Avenue frontage at our building department so we could park cars there instead of having to park in their parking lot and vice versa. That's basically it?"

Dawn Thomas: "That's basically it."

(Ms. Thomas was speaking away from the microphone)

Dawn Thomas: "The (inaudible) existing boundary in pink, there's a right of way that's in yellow, the apartment complex has parking currently to the north. The town owned building has parking (inaudible). So rather than maintain the current situation, we propose to amend the boundary line to cut parallel across— almost parallel to East Main Street to provide parking closer to the town building for town use and parking closer to the apartment building for the apartment."

7/05/2006minutes

Supervisor Cardinale: "Thank you. This concept was brought to us by the building department chief, Leroy Barnes, and has been advocated for by him which is one of the things that worries me. But it may still be a good idea. So if anyone wants to comment. Leroy, did you want to comment? Anyone want to comment about Leroy's idea? Just do it because it's the right thing, thank you. That was Leroy's comment."

Dawn Thomas: "Part of the concern was also resale of our town owned building to provide larger parking closer- "

Supervisor Cardinale: "Right. If we were to- the thought is- at least from Leroy although I've never seen that established by anyone who knows anything about real estate, that this would enhance the value of our property were we to ever sell it and actually get together in a nice big town hall where I could know-- where everyone worked together and I would actually know what the people I'm supposed to be supervising are doing. Because we're now spread out in four difference structures as you know, which is un-ideal, but nonetheless is real."

Any other comments other than my own? All right, so we will leave it open for written comment for 10 days and pick it up- close it at that time for written comment, it being whatever- 49- 8:49."

Public hearing closed: 8:49 p.m.
Left open for 10 days for written
comment

Public hearing opened: 8:49 p.m.

Supervisor Cardinale: "The next one is the consideration of a special permit petition of Wulforst Farms Baiting Hollow Club to allow the construction of a golf clubhouse and related improvements upon real property located at Sound Avenue. I believe that counsel and the surveyor are here. I also believe that this is going to be re-noticed for- just in case there are any notice problems and we're not going to close this until after the August 1st hearing. Is that right? Okay. We we're going to keep this open until at least August 2nd, but we're going to start the hearing now. Fire away, please."

Howard Young: "Good evening. Howard Young, Young & Young. My aide and partner Doug Adams PE."

Dawn Thomas: "I need to swear you in. Mr. Young, do you swear the testimony you are about to give to be the truth, the whole truth, and nothing but the truth, so help you God?"

7/05/2006minutes

Howard Young: "I do."

Dawn Thomas: "Thank you."

Howard Young: "I have couple of hand outs that I would like to hand up. These are smaller copies of the site plan which will be more manageable. This hearing that we're having tonight is part of a larger project and I thought that I would quickly explain the project.

As most of you that have ever been to the Fox Hill Country Club, there are some issues with the clubhouse and parking and my clients saw the opportunity to purchase adjacent property which they'd like to take some of that property and merge it with the existing golf course to build a new clubhouse that their members can be proud of.

And by relocating the clubhouse relieve some of the congestion up on the hill between the condominium owners and various other functions that are carried out on the (inaudible).

In quickly looking at the map that Doug has there, I'm color blind so the larger color- the orange color is the existing golf course. The yellow color is the piece that we'd like to add to the golf course and the green is the potential subdivision that we've submitted to the town. The little darker green- is that right- color is a single and separate parcel on the corner with a real estate office that they also purchased and that is going to be merged with the subdivision.

So the entire project consists of 196 acres more or less and the golf course upon completion would be 143 acres that exists now plus the 10 acres for approximately 155 acres.

Having said that, (inaudible) the Baiting Hollow- two of the principals of the Baiting Hollow Club are here, Barry Beal and (inaudible), and their attorney, Mr. William Esseks. If there isn't any questions on the layout or anything, I would sit down."

Supervisor Cardinale: "Yeah, somebody explain to me what the special permit is we're supposed to be approving."

Howard Young: "The special permit- this is zoned- the property- the Wulforst property there which is the yellow and the two greens, is zoned RA 40 and RA 80. A golf course is allowed in the RA 80 zone by special permit. We're asking for a special permit on the yellow property to expand the golf course into- "

Supervisor Cardinale: "What's the zoning in that- in the yellow?"

Howard Young: "RA 80."

7/05/2006minutes

Supervisor Cardinale: "So by special permit it's possible in that area."

Howard Young: "Yes."

Supervisor Cardinale: "And it's all RA 80?"

Howard Young: "Yes. And the golf course is all RA 80."

Supervisor Cardinale: "And the same criteria that I mercifully didn't read you for the least hearing is the same criteria we are using for this one. Special permit criteria."

Howard Young: "Yes."

Supervisor Cardinale: "Under Section- I forgot the number of."

Howard Young: "133."

Supervisor Cardinale: "133.5, right? Okay. 108-133.5. Okay. So we're- the purpose of this hearing is to see if we have any objection to incorporating that area by special permit into the golf course."

Howard Young: "The reason I want to present this whole thing is because there's some other issues. We've been to the Planning Board. We have received the approval for the boundary line alteration. In other words, we have received approval from the Planning Board to merge the yellow with the orange and there are some planning issues still with the subdivision but they're hopefully at a later time and place. But we have two applications before your board."

Supervisor Cardinale: "Now where would the- the piece that is going to be the replacement for the building, the- clubhouse, where is that going to be?"

Howard Young: "That- the new clubhouse will straddle the line between the yellow and the orange. Right there where Doug is pointing. You might want to show- "

Supervisor Cardinale: "Oh, right there. Okay, now if I were to say that I don't really have any objection to your using those 10 acres to enhance your golf course, would that mean that I was- I didn't have any objection to your putting the clubhouse there, too? I mean is that part of what you want to put on the 10 acres?"

Howard Young: "The clubhouse parking, driving range, part of the clubhouse driving range and some- "

7/05/2006minutes

Supervisor Cardinale: "Would be on it."

Howard Young: "-- facilities would be utilized on that."

Supervisor Cardinale: "So it's really not."

Howard Young: "(inaudible plus or minus acres."

Supervisor Cardinale: "So it's really not part of a- oh, I get it. It's really not part of the golf course. It's part of the driving range for the golf course, the parking for the clubhouse and the clubhouse."

Howard Young: "I think if you drop back and we merge them together, it's one entity."

Supervisor Cardinale: "Yeah. Because the clubhouse is as you say part of- it's an accessory use to the golf course. Okay. What about up here at the- what are you going to use- the thing that was the clubhouse which is Georgio's Restaurant, what's going to happen to the clubhouse up there?"

Howard Young: "Mr. Esseks will speak to that."

Supervisor Cardinale: "Okay, I can hardly wait."

William Esseks: "Good evening. Bill Esseks, Main Street, Riverhead, attorney for the applicants."

Dawn Thomas: "Can I swear you in, please?"

William Esseks: "Yes."

Dawn Thomas: "Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

William Esseks: "Yes, and I've never been sworn in before in almost 50 years but every day is a new opportunity."

Dawn Thomas: "I'm happy to be the one to do it. Thank you."

William Esseks: "The- (inaudible), but I think that's tan. That's the existing clubhouse site."

Supervisor Cardinale: "Yeah."

William Esseks: "The golf course site. The green and the yellow are properties that were bought recently by the common owner, common developer. The green is going to be a subdivision before the

7/05/2006minutes

Planning Board. The yellow together with part of the tan/pink/red will be the site of the clubhouse, the new clubhouse."

Supervisor Cardinale: "Right. I see that now."

William Esseks: "And the only clubhouse in effect. Now you've asked what's going to happen to the existing building where there's a certain amount of parking confusion and confusion as to what the building is for. What's going to happen is the pro shop, storage areas, (inaudible) room, locker rooms, and administrative offices are going to be taken out of the existing building and the catering hall, whoever owns it, whoever owns it, will stay there.

We're taking the golf course uses out of that building and putting them in the new building. And in that fashion taking a lot of traffic away from the north end near the condominiums and the catering hall, having it down, accessing through the subdivision and hopefully it's up in the air as to whether there can be commercial access, there's trucks to serve the clubhouse off Sound Avenue. That's up in the air that has to be decided yet.

But the purpose of this meeting is the special permit and the criteria are the same criteria in your statute. In order to substitute a clubhouse on that site and it's appropriately zoned now. We don't need a change of zone. All we need is the special permit."

Supervisor Cardinale: "The existing clubhouse, how did the catering facility get there? Is that a pre-existing- is that an accessory use to the clubhouse?"

William Esseks: "I'm not prepared to answer that right now. But the catering facility is a free standing either permitted or non-conforming use. It's been there for many, many generations."

Supervisor Cardinale: "Like before 1964?"

William Esseks: "No. Before 1980 or 1975. It was the late '60's, early '70's."

Supervisor Cardinale: "Do you know- I'm just- yeah."

(Inaudible comment from the audience)

Barry Beal: "I'm Barry Beal."

Supervisor Cardinale: "Hello."

Barry Beal: "Hi. Do I need to be sworn too?"

7/05/2006minutes

Dawn Thomas: "Yes. Mr. Beal do you swear that the testimony you are about to give to be the truth, the whole truth, and nothing but the truth, so help you God?"

Barry Beal: "Yes, I do. Catering is an integral part of golf course operation. I think Mr. Esseks may have stated just now that it wasn't or that in some fashion it is a separate operation. It is not. It is an integral part of a golf course operation and you'll find catering facilities in most golf courses and connected with. We don't intend to rebuild the catering portion of the building in the new building. We intend to continue to use the existing catering operation. We're sort of taking the building and separating it into two separate functions. We're going to keep the larger, the catering hall up where the Giorgio's operation is located, we're going to move the other golf related activities into the new building."

Supervisor Cardinale: "Okay, thank you. So catering is an accessory use. I don't want to be a stickler or anything, especially not at 9:00, but the catering as an accessory use is usually in the clubhouse or associated with the clubhouse. In your new plan it wouldn't be. Not that I think that's the most horrible thing I ever heard."

Barry Beal: "I'm not sure that that's necessarily accurate. I think you'll find that very frequently although it may be next door, there could be a separate entrance, it could be a separate wing that was added on at a different time, and may not in fact be part of the same structure. We're actually separating it in a larger sense keeping the catering which we'll use for outings and things of that nature on the north end of the property, but moving the bulk of the traffic, the every day golfing traffic to separate entrance off (inaudible) Drive."

Supervisor Cardinale: "Most significantly I guess is the question if we were to issue the special permit with a condition that it not include catering, you wouldn't care."

Barry Beal: "That's correct."

Supervisor Cardinale: "Okay."

Barry Beal: "We're open to any covenants that you may want to suggest. Our intent is to run the— if you look at— by the way, we have some drawings. I think it might be a good time to take a look. Are there floor plans in this? No? Okay. The restaurant facility, the grill room if you will, is approximately a 60 seat restaurant in the building. So the issue of catering is not building a building for that purpose."

7/05/2006minutes

William Esseks: "I will put a letter into the file with regard to the exact position that the owners take with regard to the catering. I think I want to put that so it's not just part of the record tonight."

Supervisor Cardinale: "All right. Good. I'm going to leave it open for 10 days for that purpose."

William Esseks: "Okay. I'll put a memo in the file."

Supervisor Cardinale: "Very good. Actually I'm going to leave this open 'til August 2nd anyway."

Howard Young: "I was asked to bring these. These are architectural renderings of the new facility."

Councilwoman Blass: "I have a couple of questions about the use of the new clubhouse and the expansion of the— or the location of the driving range. I don't know who to best address them. Howie?"

Howard Young: "I'll try."

Councilwoman Blass: "Okay, thanks. Howie, could you give us an understanding of how you plan to treat the buffering or the use of the driving range in that it is behind two residences, it's along Sound Avenue, it's in— it actually almost bisects two what look to be farm lots that have residences. Do you plan to buffer or screen? How do you plan to control errant golf balls?"

Howard Young: "We have discussed this at some length and we had hoped to do it with screening, with planting."

Councilwoman Blass: "Plantings."

Howard Young: "Right."

Councilwoman Blass: "Okay."

Supervisor Cardinale: "I have another question. Maybe it's for Bill. If you— did I hear— I know that you are not going to have catering in the new clubhouse which is part of the special permit area. But you are going to have a restaurant of some sort."

William Esseks: "Grill room, yes."

Supervisor Cardinale: "A grill room. That's like a— that restaurant would be open I presume to any that wants to eat there?"

Barry Beal: "If I may. We don't need— do I need to be sworn again?"

Dawn Thomas: "No. You're reminded that you're sworn."

Barry Beal: "We don't make it easy for the public to access the restaurant. We won't take credit cards, we won't take cash. We make house charges if possible. But technically New York State liquor law precludes us from not serving someone who walks in because we are a commercial enterprise with a New York State liquor license. But if you were to visit our other club and it's at Hampton Hills, you would find that it's not easy to get into the restaurant. We don't advertise it as a restaurant and although we would be polite to anyone who shows up, we try not to serve people who don't know it's a private club."

Supervisor Cardinale: "Presently there isn't any such- is there an equivalent within the present complex?"

Barry Beal: "Yes. There's a grill room there."

Supervisor Cardinale: "There is?"

Barry Beal: "Yes."

Supervisor Cardinale: "Where?"

Councilman Dunleavy: "Downstairs."

Barry Beal: "On the lower level."

Supervisor Cardinale: "I've never been there."

Barry Beal: "Right next to- "

Supervisor Cardinale: "You kept that one pretty hidden, I'll tell you that."

Barry Beal: "The issue is fundamentally it's part of the problem, is that traffic in order to get to the golf course right now we have to park down at the bottom. There's cart traffic that interferes with vehicular traffic which interferes with the homeowners which interferes with catering traffic at some point. So we're trying to change that by making the main entrance for the golfers on the other side of the property."

Councilman Dunleavy: "Yeah, I think the grill room is for the golfers when they play their round of golf to stop, pick up a hot dog or a hamburger or sandwich and have lunch. And when they come there to have coffee or a light breakfast before they go out. And then when they come in, stop and have a drink and just converse about their either good or poor golf game that they have."

7/05/2006minutes

Barry Beal: "We can only hope that they do."

Supervisor Cardinale: "Yeah. Well it certainly- as John pointed out, it's keeping the riff raff out because I haven't been there and lived in the town for 30 years. So I didn't even know it was there."

Councilman Bartunek: "It has served its purpose then, Phil."

Supervisor Cardinale: "Yeah."

Barry Beal: "Come by and get a great bowl of chili."

Supervisor Cardinale: "Okay."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Thank you."

William Esseks: "Does that respond to your question about- "

Supervisor Cardinale: "Yes, thank you."

Councilwoman Blass: "I have a question in looking at the elevations that you provided. The last page indicates an overflow parking area that I don't- that looks as though would be part of the farm lot. Is that- that can't be accurate."

Howard Young: (Inaudible)

Councilwoman Blass: "Here, in this area. That's not- "

Howard Young: "That was the early concept."

Councilwoman Blass: "Okay. So that's not, okay."

Supervisor Cardinale: "Is there any comment from anybody within the room that would- Sal, Sal Mastropolo is about to be sworn in."

Dawn Thomas: "Mr. Mastropolo, do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?"

Sal Mastropolo: "Yes, I do. I just have a quick question. If you approve the special permit and they pull all the golf operations out of the building that Giorgio's is in, does that mean that Giorgio's is going to expand the catering operation in that same building now that all the golf is out of there?"

7/05/2006minutes

Barry Beal: "I can respond to that, if you'd like."

Supervisor Cardinale: "Sure. Barbara was going to ask you."

Barry Beal: "The answer is no. We're prepared to, again, if you have a covenant you'd like us to put into the record for this purpose, we will-- we are prepared to do that. We have no intention-- we don't want to expand the catering operation. The catering operation is large enough to handle our needs at this point and that space will not be expanded into (inaudible)."

Councilwoman Blass: "How about for a spa or any other related -- ?"

Barry Beal: "As I said before, any covenant that you want to write or have us write into the record for this, we're prepared to look at and I can't imagine a use that you'll preclude that we would want to have."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "Yes, there's another-- would you come up, please?"

William Esseks: "Let me expand on that if I may."

Supervisor Cardinale: "Yes."

William Esseks: "The record ought to indicate that that space can only be used pursuant to applications to the Health Department and to the town (inaudible). If they chose to put a covenant on or you request one, that's something else. But to respond to the question what could happen there. Nothing could happen that wasn't approved by the Health Department and by the town board."

Supervisor Cardinale: "Thank you. Yes."

Keri Figunek: "Keri Figunek. I live off Warner Drive on (inaudible) East. I just have a-- "

Dawn Thomas: "You need to be sworn. Do you swear the testimony you are about to give to be the truth, the whole truth, and nothing but the truth, so help you God?"

Keri Figunek: "Yes, I do. Actually I have a bunch of questions. Some of them have already been answered here. One was if the restaurant was going to be open to the public or not. And some comment was made about the traffic, it's going to ease the traffic off the other road but you're putting traffic on our neighborhood roads. So when you're saying you're easing the traffic from one neighborhood,

7/05/2006minutes

you are giving traffic to the next neighborhood. So I just want to point that out.

The yellow area, that is the driving range that you're asking for the special permit for tonight?"

Councilman Dunleavy: "Yes."

Howard Young: "No."

Councilman Dunleavy: "Well part of it is the driving range."

Howard Young: "That is the piece that we're adding onto the golf course."

Councilman Dunleavy: "No. But the part of the- the skinny part is the driving range."

Howard Young: "I understand. But to answer the question correctly, that is the parcel that we're adding to the golf course. It has parking facilities as part of the clubhouse (inaudible)."

Keri Figunek: "What about the- "

Howard Young: "It has some amenities, it has plantings, it has a courtyard, it has (inaudible)."

Keri Figunek: "Okay. What about the east most part, the yellow patch."

Howard Young: "That's the driving range."

Keri Figunek: "Right. Now that's that I have a question about."

Councilman Dunleavy: "Could you please face us, please."

Keri Figunek: "Sorry. There was a rumor there was going to be a net. Is that true? Part of the driving range."

Councilman Dunleavy: "Well, that's what you asked. That's the same question that Barbara asked. How are you going to protect the road and the houses from poor shots."

Howard Young: "Well, do you want to finish and then I- "

Keri Figunek: "Oh, sorry."

Howard Young: "The idea of a net came out of the Planning Board's recommendation to you through their special permit. I objected to it at that point and they said to take it up with you. I

certainly would rather do it with some living fence or a living thing rather than an artificial net but I know that my clients will do whatever you think is appropriate. I think that the technology and the golf professionals that they have hired to do this job are well aware of those issues with regard to golf balls and they will solve the problem of any danger or any inconvenience to neighbors or neighboring roads."

Keri Figunek: "Okay. If there is a net, I was curious as to how tall and how visible this is going to be to us. I mean we drive down there. It's a pretty view now. We're not against your expansion at all, I mean I'm not against it. Other neighbors might have different views. But I just want to know- I don't want it to be an eyesore. So if it could be a natural buffer that would be preferred."

Barry Beal: "No, we don't intend to build a net. We intend to be able to and we have (inaudible) well known golf course architect has been retained in the design to make sure that it's safe and by substantial plantings really right at the "T" where the driving range starts as well as plantings behind the residence, the Quinn (phonetic) residence which is being pointed to now, to protect that particular residence right off, to be certain that that's protected right off Sound Avenue and perhaps some plantings at the very end of the driving range which don't need to be very tall plantings because the fact of the matter is that's an awfully long shot and we'll be able to protect that very easily. Our intent is with natural plantings and nothing like a (inaudible)."

Keri Figunek: "Okay. And my other- I was just curious about the lot sizes of the houses. I don't know that, so- "

Councilwoman Blass: "We don't have the subdivision (inaudible)."

Barry Beal: "We're not at that point yet. They're approximately a half, two thirds of an acre, something on that order."

Supervisor Cardinale: "How does that happen?"

Keri Figunek: "Okay. I thought it had to be an acre but- "

Supervisor Cardinale: "A cluster of what?"

Barry Beal: "No. But it's being- "

Keri Figunek: "It falls under the clustering?"

Barry Beal: "We're being required to cluster and that's the yield (inaudible)."

7/05/2006minutes

Keri Figunek: "Now, some of the houses on the northmost part of the subdivision that might fall behind the wooded area, is within the wooded area?"

Howard Young: "We'll put the subdivision map up."

Keri Figunek: "Okay. And the house is— I'm just concerned about the backyard. Is there going to be a buffer or are we just going to be open to— I know there's only about four homes. I was curious if there was going to be a buffer between their backyard and Warner."

Barry Beal: "We have worked very hard to create— each home lot has very lovely views and it's why we created the boulevard down the center of the property. The homes have farm lot view to the north, golf course views— excuse me, farm lot views to the south, golf course views to the north and no access to those homes off Warner Drive and those will be— "

Keri Figunek: "But there is access off Warner Drive into the whole establishment."

Barry Beal: "That's correct."

Keri Figunek: "But you just said there wasn't."

Barry Beal: "The homes themselves. You said you were worried about the four homes on the eastern section."

Keri Figunek: "Well I'm worried about— right. Because I— we— you know, we have a nice view as it is and we don't necessarily want to see four backyards."

Barry Beal: "I don't believe you'll see those home."

Keri Figunek: "They look like they're right on Warner Drive."

Barry Beal: "Well, the home— those lots are going to be— if you look at the topography, those lots are going to stay wooded."

Keri Figunek: "So all four of those--"

Barry Beal: "Whoever those homeowners are and we're going to build those homes, don't want to see Warner Drive any more than you want to see the backs of those homes."

Keri Figunek: "Okay. So that didn't answer if there was a plan. You're leaving that up to the homeowners and there isn't a planned buffer on your part."

7/05/2006minutes

Barry Beal: "Once we build a home, I don't know that there can be a requirement (inaudible)."

Howard Young: "Barry, the plan does who a 30 foot buffer."

Barry Beal: "Okay, then I'm sorry."

Keri Figunek: "A 30 foot buffer between the house and the road?"

Howard Young: "A 30 foot buffer planting buffer, planting and vegetation retention buffer. Those are usually required by the Planning Board and we haven't got to that point yet but our proposal is to leave a buffer of existing vegetation and to enhance that vegetation."

Keri Figunek: "Well in- "

Councilman Dunleavy: "Miss, Miss- you have to talk to us and they can answer you after you speak but we can't have you guys go back and forth."

Keri Figunek: "Okay."

Councilwoman Blass: "Just to keep in mind, Mrs. Figunek, as well, there will be more than one public hearing at the planning board stage where you can specifically speak to the subdivision issues and you can talk about buffers and things, you know, of that- "

Keri Figunek: "I just figure, he's answering every time I stop so that's why I turned to speak with him."

Well, some of the lots is farmland so there is not a natural buffer so that's why we're asking. You know, the wooded lot I'm sure the trees would remain but for the lots that are on the farmland there is not a natural buffer. Now if they say there is- they're going to plant one, that's great. But also along Twomey Avenue there is no buffer provided by the developers and you see all the backyards."

Councilwoman Blass: "I understand your concern and it really is most appropriately addressed at the subdivision because that's something that's outside of the special permit consideration that's before us tonight but there will be several public hearings on that matter."

Keri Figunek: "All right. Fine."

Councilwoman Blass: "Okay."

Supervisor Cardinale: "Thank you. Yes, ma'am."

Maureen Quinn: "My name is Maureen Quinn. I live at 2492 Sound Avenue in Baiting Hollow and even though we've just addressed some- "

Dawn Thomas: "You need to be sworn. Do you swear the testimony you are about to give to be the truth, the whole truth, and nothing but the truth, so help you God?"

Maureen Quinn: "I do."

Dawn Thomas: "Thank you. Sorry."

Maureen Quinn: "I'm concerned about the driving range also. I'm on two-thirds of an acre. I'm right on Sound Avenue. And if anyone is familiar with the traffic on Sound Avenue on any given time, morning, noon and night, it's like death, defying death to get out of my driveway."

Now I think there was something raised at a point that I had heard about special permits being given for traffic to turn in if the entrance is coming in off Sound Avenue. I can hardly get out of my driveway now as it is so I'm concerned about that but I also am very concerned about how far down that driving range is going to come because when I looked at it, it looked like it's coming right back down towards my property and I'd like to know just how thick that vegetation is going to be there. So, you know, does that have to be addressed (inaudible)."

Supervisor Cardinale: "I think you- I would take the opportunity to speak to the applicant and counsel and surveyor right now but, you know, yeah it's one of the factors that we're going to have to take into consideration right now when we determine this in a month because we have to determine whether the location is appropriate for what is being proposed by special permit."

Maureen Quinn: "I mean I'm not against him expanding his business and improving- excuse me, I am very concerned about the driving range. That was the- I had met with him previously and when he showed me the papers and I looked at that driving range and the more I kept thinking about, it, you know, it's practically- to me it looks like everything is going to be coming into my yard."

Supervisor Cardinale: "Well, typically, an approval of this type and the last one that you may have been here for, Kar McVeigh, is conditionalized and so we would be interested in what condition you're suggesting and I presume that is a condition by which there would be an assured buffer between the driving range and the homes. So whatever way we have to do that, that would be an appropriate condition."

Maureen Quinn: "Okay. Thank you."

7/05/2006minutes

Supervisor Cardinale: "Thank you."

Maureen Quinn: "And I just wanted to say one more thing. What you're trying to do with downtown Riverhead, I think it's great. I hope the whole thing works out."

Supervisor Cardinale: "Thank you. I do too."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Thank you. Would- is there any other comment in regard to this special permit application? We are going to have a hearing date on August 1st in case anyone wants to come back and reprise their roles. We also are going to leave it open to August 10th for written and then we're going to consider it. So, if there's no further comment- "

Councilwoman Blass: "Is there any idea on when the Planning Board will have its first public hearing to that some of these individuals may be notified about it."

(Inaudible)

Councilwoman Blass: "Oh, okay."

Supervisor Cardinale: "All right."

Councilwoman Blass: "Watch the notices for that."

Howard Young: "You want to know when we were told?"

Supervisor Cardinale: "Yeah."

Howard Young: "We were told it was last month."

Supervisor Cardinale: "Those of you who would like to speak to the surveyor or the attorney or the applicant, avail yourself of that opportunity and they'll have a hearing in the Planning Board in the next month or two I think. So keep your eyes open and call. They actually once in a while answer the phone. And then you can ask them when it's on."

Public hearing closed: 9:20
Left open until at least August 2, 2006

Public hearing opened: 9:20 p.m

7/05/2006minutes

Supervisor Cardinale: "But don't call Rick. Right, Rick? Yeah. Oh, yes. Okay. The next one is 7:45. The consideration of a local law to amend Chapter 108 - Commercial Districts Schedule of Dimensional Regulations. Could you— it being 9:20, we're going to start the 7:45. Can you tell us what this is about?"

Dawn Thomas: "This is an amendment to Chapter— a proposed amendment to Chapter 108 specifically the bulk schedule on commercial development. It adds some notations to that bulk schedule. I think maybe Mr. Hanley might be more familiar with them and their intended effect."

Supervisor Cardinale: "Okay. Rick, you want to come on up here and give us a summary of what the hearing that is scheduled for 7:45 is about. This is— the two notes that are in dark, residential yield shall be calculated at one dwelling unit per 40,000 square feet of lot area, with a capacity to meet the relevant floor area ratio predicated upon the redemption of one transfer of development right per additional dwelling unit.

Next one— building lot coverage for townhouse use shall not exceed seven and a half percent. Floor area ration for townhouse shall not exceed point fifteen.

I know the purpose of this. Could you indicate the purpose and effect of that change?"

Rick Hanley: "Yes. The first note that you read, Phil, I think has already been adopted. This is just a mistake."

Supervisor Cardinale: "Okay. So it's the last two, 12 and 13."

Rick Hanley: "It's the last two. This as the board is aware is your motion in order to control the development of townhouses in downtown Riverhead. There were a number of changes that were made part of this whole concept. We have thought about and I think we're having a hearing tonight of removing townhouse development from the DC 4 and the DC 5 zoning use districts which would only allow for townhouses in DC 1 and in DC 3.

I think the more relevant section is DC 3 in that we have back into a yield of four townhouses per acre of real property or 40,000 square feet. So if you do— if you the mathematics— if you took a typical 40,000 square foot lot, if you took the proposed new floor area ratio and lot coverage you would get no more than four townhouses per 40,000 square feet.

Additionally, we are hearing the change to the definition section which would require that a townhouse be no less than 1,500 square feet in area.

7/05/2006minutes

So all of those values add together succeed in getting development yield which is four wanted- no more than four townhouses per acre of property."

Supervisor Cardinale: "I'll take your word for all that at the moment but we'll talk about it at the work session but can you tell me- did you ever figure out how many townhouses in 3 we would be able to accommodate by this new standard?"

Rick Hanley: "Yes."

Supervisor Cardinale: "How many?"

Rick Hanley: "It's- "

Councilwoman Blass: "It's 263."

Rick Hanley: "It's 263 units. Now that's assuming 100% redevelopment of the existing DC 3 district. That's the worse case scenario."

Supervisor Cardinale: "That's redevelopment."

Rick Hanley: "Yes. That's leveling every building that exists in DC and building nothing but townhouses."

Supervisor Cardinale: "That's not likely to happen."

Rick Hanley: "No."

Supervisor Cardinale: "Okay. That was clear. Kind of. Okay, is there any- a comment from any member of the public in regard to this matter? If there is not, we'll leave this one open for 10 days for written comment and move to the 7:50 hearing."

Public hearing closed: 9:25 p.m.

Left open for 10 days for written comment

Public hearing opened at 9:25 p.m.

Supervisor Cardinale: "Which considers a local law to amend Chapter 108 Article XXII Business PB District Section 108-111 Purpose and Section 108-12 Uses. Can you tell us about this one, Dawn?"

Dawn Thomas: "This is a minor amendment to Chapter 108. It proposes to add the word new before construction in the purpose section and also to delete the parenthetically noted professional service building from the uses section."

7/05/2006minutes

Supervisor Cardinale: "I think- okay, so we're adding- "

Dawn Thomas: "Oh, it also is intended to add the occupation of veterinarian to the profession of office uses in that section."

Supervisor Cardinale: "So under Uses- "

Dawn Thomas: "Yeah. As a last use. It's in there, it's just not (inaudible)."

Supervisor Cardinale: "We added veterinarian for permitted uses and we add the word new. It is the purpose of the article to implement the new construction and reconstruction and renovation of existing structures for the uses below. That's it."

Dawn Thomas: "That is all."

Supervisor Cardinale: "Okay. Anybody have any comment on this? It would be a stretch to say anything but we'd hear it if you'd like to."

(Inaudible comment)

Supervisor Cardinale: "You'd like to hear what it says? Oh. It adds- it says that there are permitted uses in the PB District and it says that another one will now be veterinarian's offices. And it says- it's just saying to permit construction- it says new construction and reconstruction. That's the only changes. Okay."

Councilwoman Blass: "You can take a copy of the text if you want."

Supervisor Cardinale: "If you want a copy, we'd be glad to provide it."

The- that's 7:45- 7:50's hearing. That's the 7:50 hearing."

Public hearing closed: 9:26 p.m.
Left open for 10 days for written
comment

Public hearing opened: 9:26 p.m.

Supervisor Cardinale: "The 7:55 hearing is for the consideration of a local law to amend Chapter 108 Article XXVI Site Plan Review and Section 108-130 Review and Approval Required."

Could you tell us a little about this, Dawn, please."

7/05/2006minutes

Dawn Thomas: "Yes. This is an amendment to our site plan review Chapter, specifically this proposed amendment would remove the obligation for site plan review for single family residence located in any zoning use district and- "

Supervisor Cardinale: "Making clear we do not want- we're not fool enough to get involved with site plan review for any residential units."

Dawn Thomas: "That's correct."

Supervisor Cardinale: "We do badly enough on the commercial. Concentrate on that until we get better."

Dawn Thomas: "And also it removes site plan review obligation for any kind alterations, as determined by the Building Department rather than the Planning Department."

Supervisor Cardinale: "Yes."

Dawn Thomas: "It simplifies some of the processes that were otherwise burdening our departments."

Supervisor Cardinale: "Putting even more power into Leroy Barnes' hands. And they say that- and you say I don't like you. Look at that, giving you more power, a vote of confidence. You want to comment on this? It's going to take flex time for being here so at least do something, say something. Go ahead, swear yourself in. Swear the guy in."

Leroy Barnes: "Do you have to swear me in?"

Dawn Thomas: "No. It's not a special permit hearing."

Leroy Barnes: "It's not a special permit hearing."

Councilman Bartunek: "He wanted to be sworn in, too."

Councilwoman Blass: "Are you going to swear at us?"

Supervisor Cardinale: "Swear him in anyway. What do you want to say about this?"

Leroy Barnes: "I don't know how that came about to be honest."

Supervisor Cardinale: "We did it when you weren't looking. We wanted to give the- we wanted in kind alterations which- "

7/05/2006minutes

Leroy Barnes: "You want it to be done by the Building Department."

Supervisor Cardinale: "You know what an in kind alteration is. If they're removing a window and putting another window, that's a good one; door, door, in kind, same thing. We don't have to have site plan for that."

Leroy Barnes: "I just don't know why you're taking the ability away from the Planning Department to make that determination."

Supervisor Cardinale: "Because we think that it would be better made in the Building Department so they don't have to come over from that building over here again. People— all the builders I know, they came and talked to me this week, in fact, and they said they get very nervous when you send them back to Planning when they're at the building permit point. They want to only deal with the Building Department because they figured they're finished with Planning. Isn't that right? Okay. Thank you, Leroy."

Leroy Barnes: "That's fine."

Supervisor Cardinale: "We know you can handle it."

Councilman Bartunek: "Phil, I'd like to make a comment that this is probably going to require a second public hearing but I'd also like to suggest that where we have 4B, that we would delete the site plan review for temporary and permanent greenhouses and substitute where we have site plan review only for a permanent greenhouses that they would be used for retail use. But we can't do that tonight because we have to post and publish another— for another public hearing for that, for that purpose."

Supervisor Cardinale: "Yeah."

Councilman Bartunek: "And the second thing is, if you look at F, does that make any sense at the very end of this in kind alterations as determined by the end Building Department?"

Supervisor Cardinale: "It should say Building Department. Yeah."

Councilman Bartunek: "Just by the Building Department."

Supervisor Cardinale: "But, Leroy, as long as you're here making a comment, or he's going to make a comment anyway, as long as we don't have any comment on this one, why don't we try the one that he's going to have next month. Do you think it's a good idea to not have site plan review for temporary greenhouses? What do you think, Pete, as long as you're there?"

7/05/2006minutes

Peter Danowski: "I think that's a good idea."

Supervisor Cardinale: "Okay, good."

Peter Danowski: "Not to have a site plan approval for- "

Supervisor Cardinale: "Hey, you had a good idea, George. You need one after that last hearing about the driveways- "

Councilman Bartunek: "I don't want to talk about that."

Supervisor Cardinale: "At the last hearing about the driveways and the trailers and the- I thought you were coming back. Go ahead."

Peter Danowski: "I did have a copy of the notice of public hearing or at least the one that was attached to the resolution authorizing the notice."

I have a paragraph F that reads in kind alterations that are determined by the Planning Department and the Building Department shall be approved by the town board."

Supervisor Cardinale: "Yeah. That's what the original one was and we amended it before we published."

Peter Danowski: "Okay."

Supervisor Cardinale: "Because that made absolutely no sense."

Leroy Barnes: (Inaudible)

Supervisor Cardinale: "Right. So we thought we wanted nobody but you, Leroy. We want you to make this call. And if you can't make it, the ZBA is right behind you and they can make it."

Councilman Dunleavy: "Leroy, what about the greenhouses?"

Leroy Barnes: "I support the fact that you're going to remove the site plan requirement for greenhouses."

Supervisor Cardinale: "Good."

Leroy Barnes: "It's an agricultural use."

Supervisor Cardinale: "Okay."

Councilman Dunleavy: "Thank you."

7/05/2006minutes

Supervisor Cardinale: "Maybe we can notice that for the next thing. I like these short public hearings."

Public hearing closed: 9:30 p.m.

Supervisor Cardinale: "Eight p.m. is that the next one? It being 9:30."

Public hearing opened: 9:30

Supervisor Cardinale: "It being 9:30, the consideration of a local law to amend Chapter 108 Article 1 General Provisions, Section 108-3 Definitions: Word Usage; Article LIX Downtown Center 4 Office/Residential Transition DC-4 zoning use district; Section 108-310 Uses; Article LX (which I guess is 60) Downtown Center 5 Residential DC-5 zoning use district; Section 108-314 Uses. What exactly are we doing here? We're taking townhouses out."

Dawn Thomas: "This is the tie in to the earlier public hearing where you discussed townhouses and how you want to treat them in the town. This changes the definition of townhouse itself to describe a structure having a minimum floor area of 1,500 square feet. It removes townhouses as a use in the DC 4 zoning use district and removes townhouses as a use within the DC 5 zoning use district."

Supervisor Cardinale: "You said that so well and so succinctly. Is there anyone who would like to comment on the deletion of townhouses in those two districts, please come up."

Greg Folt: "Hi. My name is Greg Folt."

Supervisor Cardinale: "Yes."

Greg Folt: "Do I need to be sworn in?"

Dawn Thomas: "No."

Supervisor Cardinale: "Not for this."

Greg Folt: "Oh, okay."

Dawn Thomas: "Not a special permit hearing."

Greg Folt: "I bought a piece of property on East Avenue with the intention of the master plan. The idea was to basically buy a rundown piece of property in Riverhead, improve it, and make it a townhouse. I wanted to wreck the building that was there and make it into townhouses. Now what's happened is that- well, my intention

7/05/2006minutes

behind this was to buy the property, raze the house, and build six townhouses and then collect rent for my retirement someday.

My thinking was what was there was such a piece of junk that I could put something a lot nicer there and contribute to the town and at the same time put retirement in my pocket and have a little fun. But I don't think it's going to take place if you're going to change that.

The idea of increasing the size of the townhouses to 1,500 feet, I'm just a little guy, you know. I work for a living and I know what it costs to pay rent and if I compute the numbers based on a 1,500 square foot townhouse and what the construction costs are today, you'd have to charge \$2,500 a month for that.

I don't think quite frankly that you're going to attract people that can afford it. I mean downtown right now, I mean it's going to take a while to build up to that, but \$2,500 a month to me is quite a bit of money. So I think you're going to have a tough time getting those townhouses rented that are 1,500 square feet and if you do rent them, I think you're going to get some group housing going on in there. You're going to get a lot of labor people in there renting out rooms and space so they can have a place to live.

I think the zone change is absolutely contrary to the master plan. This master plan, the idea I thought behind it was we would create some kind of affordable place for people to live downtown and attract business downtown and try to create some kind of a nucleus of income and generate possibility in town.

I think what you want to do is totally contrary to not only to mention that I'm going to be stuck with a piece of junk basically with substandard rent and the substandard rent is just barely possible to improve it to the point where it's something viable to the community.

I believe that all of us are going to face the same situation."

Supervisor Cardinale: "How big is the parcel?"

Greg Folt: "It's nowhere near an acre. It's on the corner of East Avenue and Second Street."

Supervisor Cardinale: "So is it less than a half acre? Forgetting about the size, the question then becomes if we don't put some control on the amount of townhouses on small lots, we're going to be overwhelmed-- potentially we're going to have a density that is much, much more than we would contemplate. That's what this is about."

7/05/2006minutes

Greg Folt: "Well, potentially I understand. But right now we have nothing in town. There's nothing downtown. We have nothing but junk downtown."

Supervisor Cardinale: "The— let's assume that we left the townhouses in 4 and 5, you would still have to diminish the number so you wouldn't be able to put six on a half acre lot."

Greg Folt: "What's wrong with changing it after we've at least got something going? We've got some kind of income. A change in town that would at least generate some interest in Riverhead."

Supervisor Cardinale: "Well, what do you have in mind? You're going to build on a relatively small lot six townhouses?"

Greg Folt: "Well, based on the current rules, we could build six townhouses at 850 square feet with parking, with them parking on their own property."

Supervisor Cardinale: "How do you— then you would have 450 on each floor or 400 on each floor?"

Greg Folt: "No, no, no. Well, approximately."

Supervisor Cardinale: "It's got to be two story, a townhouse."

Greg Folt: "Right. Well, it would actually be three."

Supervisor Cardinale: "You have three story?"

Councilman Densieski: "How many parking stalls is that, sir?"

Greg Folt: "Well, the parking would actually be garages underneath each one."

Councilman Densieski: "One per unit or two?"

Greg Folt: "Yes. Plus also the parking district is right across the street. So I would buy into the parking district, buy two spaces. That's what I need, two more spaces. Then the property could do it."

Supervisor Cardinale: "Assuming that you got in the parking district. Okay, well I don't want to get so much into the specifics as to your policy objective. Our police objective is to make certain by these changes that we don't have more units than we believe would be good for our town."

Greg Folt: "I agree with what you're saying but at the same time I think you're killing a great possibility before it even gets off the ground."

Supervisor Cardinale: "Well, we're leaving it in 3."

Greg Folt: "I'm sorry."

Supervisor Cardinale: "We're leaving the possibility in 3."

Greg Folt: "I understand that."

Supervisor Cardinale: "And 1."

Greg Folt: "But you're saying 1,500 square feet, so what are you doing. It's causing economic stress for everybody. Fifteen hundred feet, that's a big apartment. My house I live in is 1,000 square feet."

Supervisor Cardinale: "Well, first of all, what's the minimum square footage for a house? What is it? No, the minimum square footage for a home is about- yeah, it's probably- I wish my director of planning or my building guy was here. I think it's 1,100. So why a townhouse would be any less than that would be hard to justify.

Leroy, what's the minimum under town code for a house?"

Leroy Barnes: "Fifteen hundred."

Supervisor Cardinale: "Really? Under the new zoning?"

Leroy Barnes: "Minimum square footage of a house, 1,500 square feet."

Supervisor Cardinale: "Yeah, but that's the minimum, not- it used to be 950, then it used to be 1,100. Okay. So it's 1,500. That's why we use 1,500. If a townhouse is the same as any other house, why shouldn't it be 1,500? Maybe because nobody can afford one which isn't a bad reason to make it less. Okay. Well, I heard you. I listen. I listen all the time. I understand what you're saying and we will consider it."

Councilman Bartunek: "Those are some good points. They are some good points he made, they really are."

Greg Folt: "Well, I have more to say but I guess is this going to be left open for a while? I mean is this set in concrete?"

Supervisor Cardinale: "We're going to- it's not as you point out since I haven't seen any land rush down there to build that many townhouses, so I mean we can mull over a bit. We're going to leave it open for at least 10 days for written comment if you'd like to submit something that will be part of the file which may be based upon your

7/05/2006minutes

notes, so it won't be done that quickly. I would imagine we will not consider this for at least a month."

Greg Folt: "Thank you."

Supervisor Cardinale: "All right. Thank you very much for your comments."

Councilman Densieski: "One more question, Phil. Do you have any elevations yet or are you that far along?"

Greg Folt: "Yes. We went to the ARB first and then we just recently applied to the Planning Board."

Councilman Densieski: "I'd like to see what you have someday if you've got a couple minutes."

Greg Folt: "Absolutely."

Councilman Densieski: "All right, thank you."

Greg Folt: "Thank you."

Supervisor Cardinale: "Thank you. Any other comment on this issue? If not, we'll consider it open for verbal- written comment for the next 10 days."

Public hearing closed: 9:40 p.m.
Left open for written comment for
10 days

Supervisor Cardinale: "We have a final hearing at 8:05."

Public hearing opened: 9:40 p.m.

Supervisor Cardinale: "It being 9:40. This hearing was to consider a local law to amend Chapter 108 Empire Zone. And my town attorney knew I was going to ask her to tell what this is about. And so she left.

But what it is about is a requested- it is a requested change as indicated by the underlining- oh, here she's back, which was requested actually by the county, correct? The EDZ board asked us to make the language consistent with the requirements of the empire zone."

Dawn Thomas: "Yes. Not just the county, the state- "

Supervisor Cardinale: "The state I should say."

7/05/2006minutes

Dawn Thomas: "-- department of economic development requested the changes most specifically to ratify the re-designation of the- or ratify the application for re-designation of acreage.

There are not substantive changes to the law, it's some technical details that they wanted in there specifically."

Supervisor Cardinale: "We are all very sensitive to the fact that the county is trying to usurp Riverhead's rightful EDZ. Will this impact in any way the fact that we get to appoint all these people on the board?"

Dawn Thomas: "No. That's- there's no change in that."

Supervisor Cardinale: "That memorandum. But there is- they do indicate who is going to sit on the board. They don't- they don't- yeah, you want this?"

Dawn Thomas: "Yes."

Supervisor Cardinale: "Oh, there you go. They do indicate who's going to sit on the board but they do not indicate anything about who gets to appoint the people sitting on the board which is good because- do you want to tell me something meaningful?"

Dawn Thomas: "I always want to--"

Supervisor Cardinale: "Everything you say is meaningful. Yeah. Yes, sure. Go ahead. I'm listening."

Dawn Thomas: "Yeah."

Supervisor Cardinale: "I'm just trying to keep the press awake here. Can't wait 'til you get to the resolutions, can you, Timmy? That's usually a high point."

Dawn Thomas: "The current local law and this is probably at the behest of the state again reads, this is- para-lucidly clear as you would say."

Supervisor Cardinale: "Para-lucidly clear, yes."

Dawn Thomas: "I'm sorry. The Empire Zone administrative board as presently constituted is hereby continued. We used to have a list so we're putting the list back in and those are the people that you appoint. So that's the clarification. We figured while we were at it we would correct it (inaudible)."

7/05/2006minutes

Supervisor Cardinale: "So this is the specification on the generic statement but as presently constituted is continued."

Dawn Thomas: "Correct."

Supervisor Cardinale: "And we're just naming it- okay so this is a completely meaningless public hearing. Does anybody want to have- does anyone- we didn't want to have this hearing but the state asked us to do it. Does anyone want to say anything? That's great. Okay it's 9:46- no it's actually 9:44 and that is the last of our hearings this evening."

Public hearing closed: 9:44 p.m.

Supervisor Cardinale: "We've gone through 12, I think you should all be proud of yourself for your endurance. We're never going to do more than seven, right, Barbara, anymore. Just seven. We are now going to consider resolutions. Before we do that, we'd like to take any comment, anyone, oh, you were going to say something."

Councilwoman Blass: "I was hoping you would say we're going to take a five minute break."

Supervisor Cardinale: "Oh. She is just trying to- "

Councilwoman Blass: "I drank the whole pitcher of water."

Supervisor Cardinale: "You have two choices. We could take a five minute break or you can just leave while he's going through the proofreading."

Councilwoman Blass: "I don't want to be rude."

Councilman Bartunek: "Maybe we could do both."

Supervisor Cardinale: "Okay."

Sal Mastropolo: "Resolution 635."

Supervisor Cardinale: "She's going to leave now."

Councilwoman Blass: "No, I'm not."

Supervisor Cardinale: "She's not going to leave. What a trooper. Go ahead."

Sal Mastropolo: "Is the receipt number right?"

7/05/2006minutes

Supervisor Cardinale: "Which number are we talking about?"

Sal Mastropolo: "Resolution 635."

Supervisor Cardinale: "Is the receipt number right?"

Sal Mastropolo: "Yeah, because it's 2004 and usually the first four numbers are the year. So I'm just questioning is the receipt number right?"

Supervisor Cardinale: "Yes. Is it right, Barbara? Please tell me it's right."

Sal Mastropolo: "Because the site plans are dated 2006. Unless there were site plans that were submitted in 2004."

Councilman Bartunek: "This is ARB. This is ARB resolutions. Does that make any difference- "

Supervisor Cardinale: "This came out of the Planning Board. Is the Planning- Rick, take a look at 635, make sure that this number is correct so that- "

Rick Hanley: (Inaudible)

Supervisor Cardinale: "On East Main Street, is it 2004-1116. Make sure it's not 2006 because it would bother Sal if we were wrong. Why, I don't know. It seems we do it so often but keep going."

Sal Mastropolo: "If you're looking for a receipt based on the resolution you're looking at the wrong one.

636 is the same comment, that has a receipt number 2005."

Supervisor Cardinale: "Okay. Okay. It may have been paid earlier. You want to check the receipt numbers on both of those some time before we pass them which will be in about 10 minutes. So you can go check them right now. If we pass them and it turns out I'm wrong, you know- go ahead."

Sal Mastropolo: "638."

Supervisor Cardinale: "Sal would never forgive me."

Sal Mastropolo: "I just have a question. What's the location for that?"

Supervisor Cardinale: "638?"

Sal Mastropolo: "Yeah."

7/05/2006minutes

Supervisor Cardinale: "The location of the property- "

Sal Mastropolo: "The actual street address."

Supervisor Cardinale: "I know where the property is. It's on this little street off of S. Jamesport Avenue. Do you know the property, Chris? It runs along the pond."

Councilwoman Blass: "Right. It's south of Peconic Bay Blvd. on the west side. I don't know the name of that little street."

Sal Mastropolo: "What's the designation- what's B40 designation? Is that multiple family? Is it multiple family?"

Supervisor Cardinale: "RB40 is what they mean. Yeah, that's right, that's a problem. See he picked that up. It's RB, right?"

Sal Mastropolo: "Well, I wasn't looking at that. I was more concerned with- "

Supervisor Cardinale: "Oh, okay. They call it Residence B instead of RB but because it's Residence B and they confuse me, too. Why don't they just call it RB? That's what we call it. So it's right."

Councilwoman Blass: "It's allowed by special permit."

Sal Mastropolo: "Okay. And 661, the second line of the first Whereas. Is there something missing there or should the word is, should that be struck out?"

Supervisor Cardinale: "661?"

Sal Mastropolo: "Yeah."

Supervisor Cardinale: "I can't believe all those ones in between were right, but go ahead. 661."

Sal Mastropolo: "The last word in the second sentence on the first Whereas. Should that be in there or should that be deleted? I wasn't sure if there's words missing or if there's just an extra word in there."

Supervisor Cardinale: "The last- second Whereas clause right?"

Sal Mastropolo: "First Whereas."

Councilman Densieski: "Second line."

Supervisor Cardinale: "Okay. Whereas- delete is. It doesn't make sense."

Sal Mastropolo: "That's it."

Supervisor Cardinale: "Thank you very much. Any other comment from anyone in regard to the resolutions we are about to consider? If not, fire away, Barbara."

Resolution #630

Councilman Densieski: "Riverhead sewer district budget adjustment. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #631

Councilwoman Blass: "Calverton recreational park budget adjustment. So moved."

Councilman Bartunek: "Seconded."

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

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

Resolution #632

Councilman Bartunek: "Recreation Department budget adjustment. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #633

Councilman Densieski: "Rescinds town board Resolution 2006-575 for a sewer district budget adoption. So moved."

Councilman Dunleavy: "And seconded."

7/05/2006minutes

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

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

Resolution #634

Councilman Dunleavy: "Adopts policy for transfer of funds. So moved."

Councilwoman Blass: "And seconded."

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

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

Councilman Densieski: "You missed one, Sal. There should be an 's' in transfer. Yes."

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

Barbara Grattan: "The resolution is adopted."

Barbara Grattan: "Resolution #634, Councilman Dunleavy."

Councilwoman Blass: "That was the one we just did. We just did that one."

Supervisor Cardinale: "634 we just did."

Councilman Dunleavy: "We just did that one."

Barbara Grattan: "I know why. Because mine is corrected. 635."

Supervisor Cardinale: "Okay."

Councilwoman Blass: "Did we get an answer? It's '04."

Supervisor Cardinale: "Thank you for checking."

Councilwoman Blass: "Thank you."

Resolution #635

Councilwoman Blass: "Approves site plan of East Main Street office center. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #636

Councilman Bartunek: "Approves the site plan of East End Health Corp. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #637

Councilman Densieski: "Amends Resolution of Henry Perkins Concern for Independent Living. So moved."

Councilman Dunleavy: "And seconded."

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

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

Councilwoman Blass: "Yes. There's an extra "i" in living."

Supervisor Cardinale: "Living. Another "i" in living. You slipped, Sal."

Councilwoman Blass: "Imagine. Yes."

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

Barbara Grattan: "The resolution is adopted."

Resolution #638

Councilman Dunleavy: "Classifies action on special permit of Brian P. Simson. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Simonson."

Councilman Dunleavy: "Simonson."

7/05/2006minutes

Supervisor Cardinale: "Simpson is the guy on TV. All right. Moved— somebody second. Barbara?"

Councilwoman Blass: "I did."

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

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

Resolution #639

Councilwoman Blass: "Rescinds Resolution #510 of 6/6/06 determining significance on special permit application of 1998 Peconic LLC and directs applicant to fund analysis for information provided as part of his application. So moved."

Councilman Bartunek: "And seconded."

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

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

Councilwoman Blass: "I'm going to abstain and I'll just be very brief. The fourth Whereas clause where it indicates that one of the key reasons that this application had been given a pos dec requiring an EIS was that it was-- we were then able to charge the applicant for independent technical review. That was not my rationale.

It says it was key to the town board's rational in requiring an EIS. That never factored into why I thought this applicant-- application should be subject to an EIS. So I'm glad we're getting the information. I think it would be more appropriately gained through an EIS. I'm going to abstain on the resolution."

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

Supervisor Cardinale: "Yes. We had a lot of discussion on this. I'm going to vote yes as long as I get the information, I'm happy to get it.

I think Barbara's point is I'm not so sure we're doing the applicant a favor because EIS would inure him to any challenge I think better than what we are doing. But for my purposes, I'm happy to get the information and I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #640

7/05/2006minutes

Councilman Bartunek: "Accepts 5% security bond of Stoneleigh Woods at Riverhead LLC. So moved."

Councilman Densieski "Second the motion."

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

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

Resolution #641

Councilman Densieski: "Accepts cash security of 1074 Pulaski Street LLC for Richard Gherardi. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #642

Councilman Dunleavy: "Authorizes the release of a bond for Soundview Associates. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #643

Councilwoman Blass: "Appoints a lifeguard Level I to the Riverhead recreation department. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #644

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

7/05/2006minutes

Councilman Densieski: "Second the motion."

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

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

Resolution #645

Councilman Densieski: "Reinstatement to the Graphics Mapping Specialist in the Engineering Department. So moved."

Supervisor Cardinale: "I think there was a thought of tabling this for further discussion with the affected party."

Councilman Densieski: "Motion to table Resolution #645 So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is tabled."

Resolution #646

Councilman Dunleavy: "Amends Town Board Resolution 2006-591. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #647

Councilwoman Blass: "Adopts the Riverhead downtown historic district. So moved."

Councilman Dunleavy: "And seconded."

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

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

7/05/2006minutes

Councilman Densieski: "Yeah. I'd like to thank all the people, especially Richard, and all the people that worked really hard on it. They put a tremendous effort for it and I'm going to support it and vote yes."

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

Supervisor Cardinale: "Yeah. I am pleased to vote yes. Thank Nancy Gilbert and Richard Wines, Stephanie Bell (phonetic) and Peter Lucas, Vince (inaudible), and Tom (inaudible) and Gary (inaudible). Is that it? That's your committee. For the work you did. I think it's a good idea and it's good to have it in place as we enter upon the revitalization of downtown.

I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #648

Councilman Dunleavy: "Approves amended financial disclosure and adds additional entities required to file financial disclosure. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #649

Councilwoman Blass: "Accepts the offer of sale of development rights property owners James P. Sharkey and Monique Molfetta. So moved."

Councilman Bartunek: "And seconded. I'd like to make a comment before we take a vote on this.

This is the vote on four agricultural parcels of property that the town board is considering for purchase of development rights and this is going to pretty much cause the funds for purchase of development rights and open space in the town of Riverhead to be extinct. We just don't have much money left in the fund. And if there's anybody from Suffolk County who is involved in this who is listening to Channel 22, it is definitely time to step up to the place.

Yes, I second this."

Supervisor Cardinale: "Moved and seconded for a vote on 649."

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

Supervisor Cardinale: "Yeah, I will make a comment here and I'm thinking of abstaining on the next three as well."

These are great purchases and I'm glad that they'll pass in a certain sense. However, they will reflect an allocation of the \$25,000,000 that we borrowed, 23 to development rights and 2%-- 2,000-- \$2,000,000-- \$23,000,000 to development rights of farmland and \$2,000,000 to open space and that allocation I just cannot get by.

So I'm abstaining on this vote and the others I'm hopeful that we will be able to garner some sharing with the county that will replenish our stock of money and I think we're getting 1.5 are we not, Barbara, from the state for two of these purchases. So that's a help. But our 25 will be spent and will be going 23 for development rights, 2 for open space. It's an allocation I can't abide by.

I vote-- I abstain."

Barbara Grattan: "The resolution is adopted."

Resolution #650

Councilman Bartunek: "Accepts the offer of sale of development rights property owner Jeff S. Batch. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Dunleavy, yes; Bartunek, yes."

Councilman Bartunek: "Yes. I have to make a statement here. I did have business dealings with Jeff Batch up until probably about six years ago. I have no other connection with him at this time any longer. But I vote yes."

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

Councilman Densieski: "The purchase of development right program is extremely successful. The purchase of open space hasn't been as successful. There's been a lot of money in that pot for a while with no willing sellers or whatever the reason is."

But the farmland is really working and we've preserved a lot of land. This board and the board before it and the board before that. We've preserved a lot of farmland.

And I remember when we started the-- to separate the farmland and open space it was going to-- I said it was going to create competition for the pot of money and that's exactly what happened. It's created competition.

Now instead of buying as much farmland as we can, we're going to leave some-- we want to leave some money in the bank and just let it sit there. I don't think that's the right way to do it. I think we should purchase as much farmland and open space as we possibly can without creating competition. They're both good. But we have the opportunity to get some really good purchases here and I'm going to support that and I'm going to vote yes."

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

Supervisor Cardinale: "Okay. The-- I'll stand as I did before. I just want to make one other point. I would buy into that reasoning if we were spending our money as we got it. But we're not. We're not spending what we get every year from the CPF fund which last year was \$4,000,000 or \$6,000,000.

We've bonded all the money we're going to get thru 2020. So if we don't-- if we allocate in that fashion, we have-- we have walked away from open space purchases that we would have been making thru 2020. We just made \$2,000,000 of open space and \$23,000,000 of development rights. That's what really bothers me. Because this money was supposed to be spent over that period. So I'm going to abstain although I know that this is good property we're buying and I just have problems with that allocation. Abstain."

Barbara Grattan: "The resolution is adopted."

Resolution #651

Councilman Densieski: "Accepts offer of sale of development rights of the property owners Louis and Octavia Caracciolo. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes. I've got to say that the open space-- it's hard to buy open space when the property is not offered

7/05/2006minutes

for sale or when we go to them and we try to buy, people are not willing to sell it to us.

So I think-- I agree with Councilman Densieski that any farmland purchase that we do make is going to be open space and I believe that this money should be spent to keep our farmlands, farming, to keep our horse farms with the horses and to keep this a rural community.

I vote yes."

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

Councilman Bartunek: "Yes. Just for the record, for the next two resolutions, the town will hopefully I guess recover up to \$29,000 per acre by a state grant for these two.

So I vote yes."

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

Councilwoman Blass: "Okay, yes. And I might as well just jump in the fray here. Lest anyone think that we are forever jeopardizing our ability to purchase open space as we appear to be exhausting our bonded authorization, we have forwarded the list of all of the properties that are under contract, some of which we've actually closed on and they're quite numerous. And without including the prospects, they total about \$28,000,000 in various stages of negotiations.

And we forwarded that list to the county because they have said to us publicly and in written correspondence that they want to partner with us. Well, it doesn't necessarily mean that we have to partner from here forward. These are perfectly viable parcels that probably exist on either their master list 1, 2, 3 or 4. So there's no reason that they could not partner with us on these parcels for which we've already committed funds.

And if that is indeed the case and they put their money where their mouth is, we will have money that we can retain for open space as well as farmland purchases.

There are a couple of high profile open space purchases that we're very close to negotiating successfully and no one wants to jeopardize those. But I'm very confident we're going to have the funds to do what we want to do.

So my vote is yes."

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

7/05/2006minutes

Councilman Densieski: "Yeah. The CPF money is going to be collected until the year 2020. I don't know if you've noticed real estate prices in Riverhead lately, they're going up. So the opportunity to bond for more money without impacting the taxpayers is going to exist.

So with that said, I'm going to vote yes."

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

Supervisor Cardinale: "Yeah. I'm going to abstain. I'm hopeful that Barbara is right but I'm not certain she is, that concerns me that the county will come in.

And I want to make one other comment. That is we're going to have an opportunity to pass enabling legislation extending the CPF to 2030 because the town-- the state permitted that by last-- acts of the legislature last month. So we will be able to borrow more money for the period of 2020 to 2030.

I would urge the board to allocate those funds as soon as the bonds are authorized so that at the end of the road, we get if we're borrowing \$20,000,000, we commit a certain amount to open space and a certain amount to farmland development rights otherwise we're going to be sitting here saying the same thing a few years from now because we didn't allocate these funds.

So I abstain for the reasons stated."

Councilwoman Blass: "Can I just add to the comment that I would urge everybody to vote when it's on the ballot. We have to pass it as the town to allow for that extension into 2030 so it will be a proposition on this November's ballot. Thank you."

Supervisor Cardinale: "Right."

Barbara Grattan: "That resolution is adopted."

Resolution #652

Councilman Dunleavy: "Accepts offer of sale of development rights property owners Richard and Eileen Jarzombek. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy."

7/05/2006minutes

Councilman Dunleavy: "Yes. And this is one of-- Councilman Bartunek we're going to get that 1.5, this is included in that one. So I vote yes."

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

Supervisor Cardinale: "Abstain for the indicated reasons."

Barbara Grattan: "The resolution is adopted."
Resolution #653

Councilwoman Blass: "This amends Resolution #608 of 2006 which approves the fireworks permit of Riverhead Raceway August 27, 2006. So moved."

Supervisor Cardinale: "Moved-- second please."

Councilman Densieski: "Second the motion."

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

The Vote: "Dunleavy, yes; Bartunek."

Councilman Bartunek: "Barbara, do we want to change the title since the fireworks are going to be August 26th? Should we change the title to August 26, 2006? Do you understand, Barbara? Change the title to read Riverhead Raceway August 26, 2006. Would that be correct since the fireworks are Saturday, August 26 by the resolution."

Barbara Grattan: "So it's going to be Riverhead-- "

Supervisor Cardinale: "Yeah, August 26."

Councilwoman Blass: "That was the old date in other words."

Councilman Bartunek: "Right."

Supervisor Cardinale: "We're correcting the date."

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

Resolution #654

Councilman Bartunek: "Approves Chapter 90 application of Church of the Harvest. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #655

Councilman Densieski: "Approves the Chapter 90 application of Douglas Dey, for Free Camp for At Risk Children. So moved."

Councilman Bartunek: "Seconded. Barbara, in the last Resolve, it should-- we should delete-- second line Vail Leavitt Music Hall and put in Douglas Dey, I guess it's just a typo-- "

Supervisor Cardinale: "Right, typo."

Councilman Bartunek: "-- from another resolution. I don't know how Sal missed that one."

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

Resolution #656

Councilman Dunleavy: "Authorize town clerk to publish and post public notice of public hearing to consider a proposed local law to add Chapter 102 entitled Taxicabs and Vehicles for Hire to Riverhead town code. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #657

Councilman Bartunek: "Authorizes the town clerk to publish and post a help wanted ad for full time automotive equipment operators in the highway department. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy."

7/05/2006minutes

Councilman Dunleavy: "I just-- we were discussing this before. Is this operator (inaudible) or operator? Is this one or two people? Anybody know?"

Supervisor Cardinale: "It's one. So we should amend that because I believe there was 28 and remember we talked about 29 were authorized."

Councilman Dunleavy: "So we want to take (inaudible) off."

Supervisor Cardinale: "Yes, thank you."

The Vote: "Dunleavy."

Councilman Dunleavy: "As amended, yes."

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

Supervisor Cardinale: "Yes. In the help wanted ad you did it as well, good."

Barbara Grattan: "The resolution is adopted."

Resolution #658

Councilwoman Blass: "Awards a bid for 2006 dump truck for the sewer distric. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #659

Councilman Dunleavy: "Authorize town of Riverhead to act as sponsor for downtown Riverhead revitalization application Round VI. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #660

Councilman Densieski: "Authorizes the town clerk to publish and post a notice of public hearing for a special use permit of Wulforst Farms The Baiting Hollow Club. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #661

Councilman Bartunek: "Authorizes the town clerk to post and publish public notice for public hearing to consider a local law to amend Chapter 108 of the Riverhead town code entitled Zoning Recreation Fees. So moved."

Councilwoman Blass: "And seconded."

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

Councilwoman Blass: "Discussion."

Supervisor Cardinale: "Yes."

Councilwoman Blass: "Just a quick question actually. The prior strategy I guess that we were going to use to increase the fees, we had captured apartments and townhouses."

Supervisor Cardinale: "That's right, yeah."

Councilwoman Blass: "This is outside of that? Do we have another way that we were going to address that?"

Dawn Thomas: "I'll have to do another resolution to add it. I- in the interests of time, I wasn't able to draft a new section for both those and I thought that since these were the most likely to be utilized first, we might do them first and (inaudible)."

Councilwoman Blass: "Okay, that's good. I just didn't know if it was a decision that had been made that we didn't- okay, good. All right. I second that."

Supervisor Cardinale: "Moved and seconded. May we have a vote please?"

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

Supervisor Cardinale: "Yeah, and there is- did we make that correction we discussed, Dawn?"

Dawn Thomas: "Yes, I did. I e-mailed- "

Supervisor Cardinale: "Let's see if we've got it in here."

Dawn Thomas: "It should be unsuitable- yes, it's in the third, one, two, three, fourth line."

Supervisor Cardinale: "Yeah. Very good. Okay. Thank you. Okay. Is that- do we have one more resolution- "

Barbara Grattan: "We've got bills. 662 is bills."

Resolution #662

Councilwoman Blass "Motion to pay bills"

Supervisor Cardinale: "Second for paying bills."

Councilman Dunleavy: "Second."

(Some inaudible discussion)

Councilman Dunleavy: "I seconded it."

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

Resolution #663

Barbara Grattan: "Now we have a resolution that comes off the floor, 663."

Councilman Bartunek: "Should I present this one? Rescinds Resolution #616 of 2006 which was authorizes town clerk to publish and post public notice of public hearing to consider a proposed local law for amendment to Chapter 101 Vehicles and Traffic of the Riverhead town code, parking prohibited and seasonal parking permitted.

The reason why we're doing this is the previous resolution was-- as it was published in the paper was incorrect and this is to correct that."

Councilman Dunleavy: "And I second that."

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

7/05/2006minutes

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

Resolution #664

Councilman Bartunek: "Do the same thing. Authorizes the town clerk to publish and post public notice for a public hearing to consider a proposed local law for an amendment to Chapter 101 Vehicles and Traffic of Riverhead town code 101-10 parking prohibited and 101-18 seasonal parking permitted.

This is to amend the seasonal parking and parking prohibited in Reeves Park and I'm going to make sure that all of the adjacent property owners this time who are affected by this are going to get letters informing them exactly what this is going to be accomplishing. Thank you."

Councilman Dunleavy: "And I second it."

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

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

Supervisor Cardinale: "Okay, that concludes our resolutions. We will take comment now from anyone who wishes to make comment on any general area within our authority. Yes, Sal."

Sal Mastropolo: "Sal Mastropolo, Calverton. Just two quick comments. One is you were talking before about the site plans for temporary greenhouses and you wanted to drop it. Please keep in mind that temporary greenhouses create a problem with flooding and if you drop the site plans then you're not going to catch those flooding situations."

Supervisor Cardinale: "Thank you."

Councilman Bartunek: "(inaudible) on Leroy. He's going to do it."

Sal Mastropolo: "And the second thing is- yeah, like they're taking care of it now on Sound Avenue."

Leroy Barnes: (Inaudible)

Sal Mastropolo: "Huh?"

Leroy Barnes: (Inaudible)

7/05/2006minutes

Sal Mastropolo: "I didn't see the culvert go in. The water is still running out on Sound Avenue. It's got to be six or eight months already."

Leroy Barnes: (Inaudible)

Sal Mastropolo: "A lot of good the easement does when it rains. The second thing is the Creek. Are we doing anything at the Creek?"

Supervisor Cardinale: "Wading River Creek you're talking about?"

Sal Mastropolo: "Yes."

Supervisor Cardinale: "Yeah, I spoke Christine and Kenny about—I recollected that there was a moment in time in July that the nesting birds then turtles then fish might be away for their vacation or something and that we might be able to actually do some dredging there. I asked Kenny about that and I haven't seen him since, since he's on vacation this week. But I will check into that. Yes. I think there might be a moment in July they'll let us dredge."

Sal Mastropolo: "Did the town ever consider going forward to the DEC to see about bulkheading the creek? I mean if we bulkheaded it with steel bulkheading and then when we dredged it we drop the sand behind it, it would never fill in. We'd always have a channel, okay, and the plovers would always have their nesting grounds. The problem now is you dredge it and the first good northeaster washes it right back in again."

Supervisor Cardinale: "Absolutely. You've got the problem right and they make us dredge in February, too, which doesn't help in March."

The only plan that I know of that is being pursued now is to let the creek— "

Sal Mastropolo: "Run the old course?"

Supervisor Cardinale: "-- run the old way and therefore it would be more easily kept open but that would require an agreement with Brookhaven which Chris Kent alleges he is working on."

Sal Mastropolo: "Okay."

Councilman Bartunek: "Sal, you're right. Part of the problem is the filling in of the channel, that's correct. But the problem right now— that's not the main problem, is that there's actually a sandbar in front of the channel that they can't get across. That's the main problem right now. I don't think that would be rectified by

7/05/2006minutes

putting bulkheading in there. It's a sand (inaudible). It actually occurs because the jetty that exists there, it was built for the power plant and that's probably what's causing the sand- go out and take a look at it.

Sal Mastropolo: "The sandbar that's at the mouth?"

Councilman Dunleavy: "Yes. Yeah, that's- you have to put jetties up on the east side to keep that sand from coming in."

Councilman Bartunek: "We have a couple of people on the town board who take exception also to shoreline hardening. That's another difficult thing to get over."

Sal Mastropolo: "The problem is we spent all that money and it's useless."

Councilman Bartunek: "Yup."

Sal Mastropolo: "I mean- "

Councilman Bartunek: "But the fact of the matter is if it could be dredged on a regular basis, that would be the solution right there."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "Thank you."

Councilwoman Blass: "(inaudible) attempt at coordinating all of the regulating agencies to come down- "

Councilman Bartunek: "Yes, that will be interesting."

Councilwoman Blass: "Yes."

Supervisor Cardinale: "Please come up."

Ed Purcell: "Having to do with that, is there any thought that maybe they'll take the jetty down so that that would or interrupt the jetty, maybe put a hole into it. I know it's not on our property; it's in Brookhaven town but I mean- "

Councilman Bartunek: "It's such a simple thing just to go in there and periodically just dredge it, even twice a season. I can't even imagine approaching- "

Ed Purcell: "Yeah, but because of the environmental problem with all the birds, it's not such a simple thing."

7/05/2006minutes

Supervisor Cardinale: "No, no, you're right."

Ed Purcell: "You know, it's nice, but I mean— let's see, any idea when the paved parking lot is going to be finished so that the paving is done?"

Supervisor Cardinale: "Yes. Tomorrow and— I'm still getting promises that we will pave tomorrow and Friday and that it will be done by the evening of his festival, the Blues Festival. So keep your fingers crossed, Vince."

Vince Tria: "We're preparing the suit to sue the town for something."

Supervisor Cardinale: "Join the crowd."

Councilman Dunleavy: "They started paving today."

Supervisor Cardinale: "I don't think that— I think that it will be— from what Christine told me, it's going to be done. If it rains tomorrow, we're in big trouble."

Ed Purcell: "Right. No, because the fireworks display and it worked out great— "

Supervisor Cardinale: "We had a lot of people there and fortunately they were a good crowd but there wasn't much room."

Ed Purcell: "Yeah, you know, that is why I think I'm falling on deaf ears but hopefully you won't sell a large portion of the parking lot to put that building in because there is— as far as I know, no other venue where you could do a similar thing, near water, behind a town, anywhere that I can think of.

And places such as like in the cities, like in New York City when they do it along the wharf, there's a park right along the water which would be if we really don't need the parking back there, well, then make a park out of it which would really enhance downtown Riverhead because I think with that building that is proposed, you may be overbuilding as I heard from somebody in this room that mentioned to me that you may be overbuilding on that side of Main Street.

And, let's see. Oh, and when are you— I saw in the paper a couple of weeks ago, I may have brought it up before, about starting to crack down on these illegal houses. Any idea when that may start so we can— maybe some of the residents could make a list for the people who are going to crack down so that it would be easier."

Supervisor Cardinale: "Yeah."

7/05/2006minutes

Ed Purcell: "They would know right where they are. Because in the past, most of the problems were real estate brokers owned a number of houses and they'd fudge things as far as their rentals. But nowadays, nowadays what has happened is that whether they're illegals or they are legal foreigners, they buy property and they rent out to by the person to people from their home country because they have the contacts and they'll buy houses almost anywhere, wherever they think they'll get a good deal.

I know there's one on Hubbard Avenue that was bought and I think they must have 10 or 15 people living in there now."

Supervisor Cardinale: "Yeah."

Ed Purcell: "Which— because the house, it was a great deal, and that's why it's become such a problem in Riverhead. And the other problem which my brother, I guess is too tired to get up tonight."

Supervisor Cardinale: "Good for him."

Ed Purcell: "Yeah. On East Main Street right— I know you want to go— near TJ Transmissions where the present TJ is, there's an empty lot right opposite Tire Country and it's horrendous with papers and junk because that's where the people meet the bus in the morning. And maybe you could have the property owner clean it up or police it because there's clothes, there's food wrappers, there's coffee cups."

Supervisor Cardinale: "This is next to TJ's?"

Ed Purcell: "Between TJ's— right across from Tire Country."

Supervisor Cardinale: "On West Main?"

Ed Purcell: "On East Main Street."

Supervisor Cardinale: "On East Main rather."

Ed Purcell: "It's— I walk my dog down there."

Councilman Densieski: "Ed, I will call code enforcement tomorrow and ask them to (inaudible)."

Ed Purcell: "Right. You know, I mean, it's a mess."

Councilman Densieski: "Okay."

Supervisor Cardinale: "Ed has been working hard as is John and Harold Steuerwald, the new town attorney."

Ed Purcell: "Well, that's what I was wondering."

7/05/2006minutes

Supervisor Cardinale: (Inaudible)

Councilman Densieski: "Yeah, John and I took the comments that we had from the public hearing. We do have a couple issues that we have to work on which we're going to do. I think a realistic time frame to implement the law and to get the staff members that we need to carry out the implementation, I would say honestly, probably two months, John. About that. We're fast tracking it."

Ed Purcell: "Oh, that's fine. And hopefully you will keep the— I saw where you did the sting operation. Hopefully you'll keep the ladies of the evening that are not part of the sting operation on the other side of the river. Thank you."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "If there is any other comment, we'd be pleased to take it. Otherwise, we'd be pleased to go home and have dinner."

Meeting adjourned: 10:20 p.m.