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Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at the Riley Avenue School, Riley Avenue, Calverton, New York on Tuesday, March 20, 2007, at 7:00 p.m.

**Present:**

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

**Also Present:**

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

**Absent:**

George Bartunek,	Councilman
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Supervisor Cardinale: "- Town Board with the Pledge of Allegiance which will be led by Bob Castaldi. Bob, would you help us out?"

(The Pledge of Allegiance was recited, led by Bob Castaldi).

Supervisor Cardinale: "Okay, it's great to be in Calverton, beautiful sunset, somebody should open that window, it's a really beautiful sunset and it's much more entertaining than what you'll see up here. Trust me.

Yeah, isn't that nice, for the next five minutes. It's nice to be here. Anybody that hasn't voted in the Riverhead Fire District election, they can vote from three to nine, so you've got two more hours at the firehouse. Eddie's leaving at quarter of and Barbara, too, and we wish them well. Their firehouse is 1929 was it, that it was built? So it's gotten good use and we hope that-- we'll see what happens with the bond and we hope that they do well.

I will begin by asking the board to approve the minutes of the last town board meeting of March 6<sup>th</sup>. Somebody move them please."

Councilman Densieski: "So moved."  
Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. May we have a vote please?"

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The Vote: "Dunleavy, yes; Blass, yes; Densieski, yes; Cardinale, yes. Four yes; one absent."

Supervisor Cardinale: "Would you give us the Reports, please, Barbara."

**REPORTS:**

Tax Receiver Total collections to date:  
\$53,375,830.57

Building Department Monthly report for January and  
February, 2007 - total collected:  
January, \$216,273.25 and February,  
\$197,814.50

Police Department Annual report for 2006

Barbara Grattan: "That concludes Reports."

Supervisor Cardinale: "Applications, please."

**APPLICATIONS:**

Special Event Our Redeemer Lutheran Church and  
School - May 10 - 13<sup>th</sup> noon - 11:00  
pm - carnival and flower sale

A&D ProMotions LLC - motorcycle show and festival - May 5  
and 6 - 2425 Splish Splash Drive

Wading River-Shoreham  
Chamber of Commerce, Inc. May 6, 2007 12:00 noon - 4:00 p.m.  
community day

Site plan Bill Dries- extension of site plan  
originally submitted on 5/18/04

Barbara Grattan: "That concludes Application."

Supervisor Cardinale: "Thank you. Correspondence."

**CORRESPONDENCE:**

Ray Maynard regarding comments on the public  
Skydive LI hearing on the rules and  
regulations of the runway  
which was held at the last town  
board meeting

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Barbara Grattan: "That concludes Correspondence."

Supervisor Cardinale: "Thank you. Guy, you did a good job. I can actually hear the microphone working and the thing is recording. There you go, it's amazing what wires and plugs will do. You plug them in and you've got wires. That's great."

George Bartunek you may have noticed is not here. But he isn't coming. He's away this week. So we'll just have to (inaudible) along without him. Which means we'll be shorter because all the controversial matters that we're going to split the vote, we had to pull them out.

That being said, we have a 7:05 hearing that we can call because it's 7:14."

Public hearing opened: 7:14 p.m.

Supervisor Cardinale: "It's for the proposed lateral sewer main of Route 58 Hotel Plaza. And we have Michael Reichel from the sewer department and-- what do they call you-- Superintendent of the Sewer District. And what do they call you? Yeah, but tonight, what are we going to call you. We're going to call you the engineer. Okay, Frank."

Frank Russo: "My name is Frank Russo. I'm with H2M. We're the consultant for the Riverhead Sewer District."

The applicant is Browning Properties. They made an application to connect to the sewer district. The site is located on Route 58, just about near the expressway. It's probably the farthest lot in the sewer district.

It consists of approximately seven acres and the average daily flow that's anticipated is about 42,000 gallons a day.

The first phase is a three story-- what they're proposing is a three story 114 room Hilton Garden Inn and then approximately two years from that would be a five story 140 room Marriott Residence Inn.

The Hilton Garden would have a 57 seat restaurant and the Marriott Residence Inn will have approximately 70 seats.

And, as I said the design flow is about 42,000 gallons a day.

To make the connection, what is required is approximately 920 linear feet of eight inch sewer pipe, five sanitary manholes and a jacking across Route 58 into the existing-- what we call the Tanger pump station.

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Also, the pumps and some of the piping and the generator at the Tanger pump station would have to be replaced with much larger pumps. The existing pumps and generator are too small.

And I always save the best for last. The project is totally financed by the applicant and let's see, the estimated cost of the project is approximately \$1,185,000 and the no nitrogen increase charge is-- at \$6.50 per gallon, is \$273,000.

And that concludes it."

Supervisor Cardinale: "Thank you. And that's all paid by the developer, not by us as taxpayers."

Frank Russo: "Not a dime."

Supervisor Cardinale: "Okay."

Frank Russo: "Okay."

Supervisor Cardinale: "Any questions from the audience? Yes, Sal, come up, please."

Sal Mastropolo: "Sal Mastropolo, Calverton. Just one quick question. Are they also paying for the increased sizes of the pumps on the other side of the road?"

Supervisor Cardinale: "Frank, do you want to answer that, please? Thank you, Sal."

Frank Russo: "Yes, they are. They're paying the total cost to upgrade the existing station as well as the sewer pipes to connect to the station."

Supervisor Cardinale: "Thank you. Comment-- any other question or inquiry from the public or from the Board? I'm going to leave this open for written questions for-- until Friday, one week hence, which would be the 29<sup>th</sup> of March at 4:30.

You do that so well. Vanna White is threatened by you.

Okay, thank you. You've done your job. Okay. The 7:05 hearing is closed at 7-- whatever-- 18."

Public hearing closed: 7:18 p.m.  
Left open for 10 days for written  
comment until March 29, 2007

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Public hearing opened: 7:18 p.m.

Supervisor Cardinale: "It being 7:18, the 7:10 hearing for consideration of a local law to amend Chapter 108 of the Town code entitled zoning, Article VI, Agriculture Protection Zoning Use District is now opened.

And, incidentally, the first one is closed except for submission of written materials which will stay opened until the 29<sup>th</sup> at 5:00 p.m.

This is an amendment to the Article I just mentioned and the additional language is— addresses the following: As the purpose of this Article is to conserve agricultural lands to the greatest extent practicable— that's why they call it the agriculture protection zone, APZ, the planning board shall not approve cluster subdivisions which set aside open space to be used as golf courses, playgrounds, tennis facilities, or any other outdoor recreational facilities.

In the review of applications for cluster subdivisions which preserve existing golf courses or any other outdoor recreational activity, the planning board shall observe the following guidelines. The yield shall be 50% of the yield allowed in the applicable zoning use district; (2) cluster subdivision shall be limited to attached homeowner association, realty subdivisions. The planning board shall not entertain or approve condominium maps pursuant to Article XXIX of the town code and, finally, all residential units shall be restricted to owners of the age of 55 or older.

That's the proposal. This is the public hearing. We'd like to hear your opinion. This addresses those parcels which have existing golf courses and may wish to leave the golf and develop the open spaces which is part of that. Please come up."

Richard Feldman: "Good evening. My name is Richard Feldman. I represent one of the property owners that would be adversely affected by the proposed amendment to Chapter 108.

This is a proposal that is remarkable in so far as the town has spent hundreds of thousands of dollars, gone through a— the use of experts in terms of coming up with a comprehensive plan which was enacted quite recently, and now this proposal seeks to change the yield by 50%, to change the use to limit it to persons 55 or older, which is backwards in my experience. It's usually the developer who imposes those sort of restrictions, not the town that legislates the use. And whereas the old language prevented or had the town board not aggregating of assembling clusters for— in terms of golf courses or recreational use, this seeks to restrict existing clusters in terms of what they can build on them.

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It is an extraordinary example of legislative power that's proposed. My client objects to it vociferously, believes it violates numerous laws and statutes, and intends to enforce its rights.

I would like the opportunity to understand what studies were done after the comprehensive plan was approved and enacted. What caused this to be proposed. What sort of bureaus it went through. Who was involved in terms of proposing this sort of thing, whether it was (inaudible) as against specific individuals or owners and those are the sort of questions that I'll be propounding to the board."

Supervisor Cardinale: "Well, thank you. I want to point out a couple of things to you. Number one, the APZ yield is not going to change unless you elect to retain the golf course. You have every right to do whatever you want. The question becomes if you want to use open space surrounding the golf course, what are the rules?

Number two, it is the interpretation of this board and you might want to get one from the ZBA, that the existing language of the town code does not permit any yield at all on golf course land open space at the moment. So this is actually adding 50% yield to your- if you desire to build on the open space of a golf course.

No one is disputing that you would have a right to phase out the golf course and develop the property pursuant to the APZ standards. But if you intend to build on the open space surrounding the golf course, at the moment you have no right to build. This is indicating the conditions under which you can build.

That's the truth. So we actually do you a favor whether you believe it or not."

Richard Feldman: "If your interpretation is that the proposed legislation is limited just to golf courses, that's not what it says. And I would look forward to some sort of- "

Supervisor Cardinale: "You know, that's an interesting point. Develop that for a moment because I don't know why- the director of planning who asked to put this before us, was the director of planning and that language revolving which- are you here, Rick?

He's addressing the issue of- golf courses- "

Richard Feldman: "In paragraph G it says- "

Supervisor Cardinale: "-- playgrounds, tennis facilities or other outdoor recreational facilities."

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Richard Feldman: "It covers anything. If you want a swimming pool, you've now got 50% less yield."

Supervisor Cardinale: "No, that's not certainly intended."

Richard Feldman: "Well, that's what it says."

Supervisor Cardinale: "No, it doesn't."

Richard Feldman: "It doesn't say it's restricted just to golf course development. It doesn't say that."

Supervisor Cardinale: "We're talking about cluster subdivisions so we're not talking about individual lots. We get that part together, right? We're talking about subdivision process."

Richard Feldman: "Correct. If you have a subdivision and then you want to put attached housing, first of all if you wanted condominium or not I understand there's a- "

Supervisor Cardinale: "The existence of a pool on your lot is not open space to be used as a recreational facility. We're talking about open space separate and apart that is- say you have a 50 acre piece, you're going to get 20- in a two acre zone you get 20 lots and you're putting them on one acre instead of two, so there's 30 acres of open space."

On those- if you're going to put a recreational facility on that, that's where it applies, that- that- and it really only applies to existing golf courses.

I don't know- is there a purpose of the additional language other than alienating this individual? Is there any purpose for the additional language? Because we really are talking about golf courses?"

Richard Hanley: "Yes, Phil. The language came out of our cluster ordinance which allows the planning board to cluster for any recreational use, not just golf courses. The intent in the APZ was to cluster new subdivisions for agricultural lots not for recreation. So that's why you have the myriad of recreational uses."

Supervisor Cardinale: "Yeah, I guess what we're saying, Mr. Feldman, right?"

Richard Feldman: "Yes."

Supervisor Cardinale: "We're saying that if you are cluster subdividing, say you're not using two acre- in that 50 acre example,

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you're using one acre. So they make you cluster on 20 acres instead of putting them on, you know, two and a half acre lots.

On those 30 acres, is what we're talking about, on those 30 acres, you cannot- that has to be open space. You cannot use a recreation- you can never use them as a double dip for recreational facilities. It's open space. We mean it to be open space. So I don't know why that would upset you. I'm still- "

Richard Feldman: "In other words, you can't build a swimming pool- "

Supervisor Cardinale: "Not in the 30 acres but you can on your lot."

Richard Hanley: "On the individual residential lot surely one could make an application to the building department for a tennis court or- "

Supervisor Cardinale: "That's my point."

Richard Hanley: "-- one golf hole or a swimming pool."

Supervisor Cardinale: "Right. You can do whatever you want on your own lot but on the open space, you have to keep it open without any recreational facilities."

Richard Hanley: "Correct."

Supervisor Cardinale: "That's what this is trying to do."

Richard Feldman: "And so it's your interpretation, your understanding, that on those- in your example it was 30 acres, the yield would be 50% but not affecting the other 20 which was under development."

Supervisor Cardinale: "The- it is my understanding that that is the first paragraph that's being addressed. We're saying as the purpose of the article is to conserve agricultural space, we mean the open space to be agriculture. But then we're saying in the review of applications on which there is an existing golf course."

Richard Feldman: "It doesn't say existing."

Supervisor Cardinale: "Yeah, it does say existing. In the review of applications for cluster subdivisions which preserve existing golf courses. There's about three of them."

Richard Feldman: "Okay."

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Supervisor Cardinale: "In that situation, when you have a golf course and you have it on let's say 100 acres and you're going to build around the golf course, you can do it, but you've got to do it under these rules. Alternatively you could forget the golf course and proceed to develop it pursuant to the APZ usual standards."

Richard Feldman: "Okay. So your (i), (ii) and (iii)-- "  
Supervisor Cardinale: "Yeah."

Richard Feldman: "-- they only apply to the last sentence of the first paragraph."

Supervisor Cardinale: "That's correct. Yeah, and we'll make that clear that that's what our intention is if it isn't clear."

Richard Feldman: "Okay."

Supervisor Cardinale: "Thank you."

Richard Feldman: "Thank you."

Supervisor Cardinale: "Yes, Pete."

Peter Danowski: "I just want to help answer the gentleman's question. I think this legislation was directed as a result of my clients, the owners of the Cherry Creek golf courses having filed a subdivision map for each separate parcel of land, the separate golf courses, and those applications are pending before the planning board."

The planning board has failed to act on those applications at this moment and I stood before you I think the last time when certain discussions took place publicly at a town board meeting and this seems to be a direct reaction to my having filed those applications.

I do disagree with you when you comment that you feel in your opinion that there's no right to have a subdivision when you have an existing golf course. I dispute that."

Supervisor Cardinale: "No, no. I said you could have a subdivision but you can't have it on the open space from the golf course."

Peter Danowski: "Well, we disagree because the legislation prior to this enactment applied to someone who is applying for a golf course and then the legislation that already exists would apply and I don't doubt that."

I did say publicly the last time that I appeared before the town board with reference to the Cherry Creek concepts, that my client would agree to over 55 legislation and also would agree to not have

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condominiums although I do believe you're taking away a valuable tool for the planning board when condominiums in many instances are the most dense form for cluster providing the most areas of open space for future agricultural purposes in many instances.

There's also a question, do you truly believe you can legislate against condominiums, and I'm not sure why you wouldn't propose no condominiums in the town of Riverhead if you think you can legally do that. I only say that that appears to be the history of reaction to my clients filing the applications. Thank you."

Supervisor Cardinale: "Thank you. Any other comment in regard to this proposal? Yes, sir."

Lyle Wells: "Lyle Wells from Aquebogue. I'm very involved with the Ag Advisory Committee. (Inaudible), I'm a little disappointed that this didn't come before our committee for discussion because it does have an impact in regards to the use of open space on clustered subdivisions.

You're setting a precedent here that says any use of property other than residential is at full use, especially with a golf course. We're having this same discussion with the county Health Department in regards to cluster subdivision and the residual use of the property that is deemed as vacant because of that clustered subdivision.

I guess the main question I have is where is the science behind your decision in regards to the golf course construction has basically eliminated the yield for potential development for that parcel. Being from the agricultural community, our feeling is this sets a bad precedent in regards to the residual use of the open space."

Supervisor Cardinale: "Thank you, Lyle. That's the reason for these public hearings. We encourage these comments and we'll speak with attorneys and with Lyle and others about them. But I think the key to this is that if you have a golf course, you can go ahead and develop your property with residential use, you could also sell the development rights I suppose.

But if you leave the golf course it is my understanding of our present code and if you want to go to the ZBA I invite you, that you do not have a right to develop that open space. We are giving you the right to do so under specified conditions so geez I thought you'd be grateful. But go ahead."

Peter Danowski: "We do have a dispute on that but Lyle's question raises a comment question for both farmers and owners of golf courses and that is the nitrogen loading question and the policy (inaudible) and it comes out of the health department.

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On this particular Cherry Creek project for both of them, as you know we're east of Roanoke Avenue and we're served with public water. So our health department density is at half acre and our yield for town purposes is at two acre and both of the proposed subdivisions have been preliminarily reviewed by the health department and are approvable as they are submitted. Thank you."

Supervisor Cardinale: "Thank you. Any other question or comment from a board member?"

Councilwoman Blass: "Mr. Danowski, we have never zoned according to health department regulations and I know you are aware of that so in this case nothing has changed in terms of policy of the town board.

And I just wanted to clarify as long as we're talking about policies as articulated or suggested by Mr. Wells. I just want to make sure that he's speaking as a member of the Ag Advisory Committee and not as a sitting member of the planning board."

Lyle Wells: (Inaudible)

Councilwoman Blass: "I just wanted to verify and put on the record that you speak as a member of the Ag Advisory- "

Lyle Wells: (Inaudible)

Councilwoman Blass: "Okay, thank you."

Supervisor Cardinale: "Okay. Any other comment, we'd be glad to take it and we encourage comment, we have no monopoly on insights here so we'd like to get some guidance on this from the public.

Okay, we would like then to close this hearing, leaving it open for written through Friday, March 29<sup>th</sup> 4:30. It's now 8:34."

Public hearing closed: 8:34 p.m.  
Left open for 10 days for written  
comment to March 29, 2007

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Public hearing opened: 8:34 p.m.

Supervisor Cardinale: "I'd like to open the third hearing of the evening scheduled for 7:15, special permit petition of Ric Stott to allow the construction of a building exceeding 80% lot coverage on property at East Main Street, Riverhead, none other than the Suffolk Theater. Correct? Okay.

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Yeah, thank you. I'm being reminded that since this is a special permit proceeding, we need to swear each of the participants in. Would you raise your right hand and swear to tell the truth, the whole truth and nothing but the truth in your testimony this evening?"

Mergim Bahzdavi: "I do."

Supervisor Cardinale: "Thank you."

Mergim Bahzdavi: "Mergim Bahzdavi on behalf of Pike Realty, the Suffolk Theater and Robert Castaldi.

Supervisor Cardinale, Council Members, Town Officials, we're here to continue the progress to the eventual opening of a vibrant performing arts center at the site of the Suffolk Theater.

In connection with the development of this property as a performing arts center, it is important and with Mr. Stott's assistance I will show you that we expand the rear portion of the property so that it can be a true live performing arts center.

The property was originally built as a movie theater and therefore the stage and the back end of the house was not necessary, was very small. As a performing arts center, we will need space for dressing rooms, for storage, etc.

The original parcel used 82% of the property. With the proposed addition and with the easement area we will be at 84% of the parcel. We are therefore in our special permit application making the request that the town approve the use of the property as indicated."

Supervisor Cardinale: "Which is as I understand it from what you've given us is moving from .82 to .84% coverage or if we were to give you credit for the easement area, you wouldn't even need us, it would be .73."

Mergim Bahzdavi: "That is correct."

Supervisor Cardinale: "Okay. Okay, thank you."

Mergim Bahzdavi: "May I have Mr. Stoff just make a further presentation?"

Supervisor Cardinale: "Sure."

Ric Stott: "I'll just hold up this board. (Inaudible)."

Richard Feldman: "Do you want to swear him in?"

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Supervisor Cardinale: "Yes. Would you raise your right hand, swear to tell the truth, the whole truth, nothing but the truth as you testify here?"

Ric Stott: "I do."

Supervisor Cardinale: "Thank you."

Ric Stott: "The darker green area is the original theater. You can see the alleyway. The lighter green area is the proposed (inaudible) space for the back and then there's this dark sort of purple red area is the ramp and stair that's necessary to get to that level because there's an elevation change in the back.

You can see this lighter green area also is the proposed easement. So it is true that the change in lot coverage goes from 82% for this original theater and alleyway to 84% including (inaudible). And that is of the property that Mr. Castaldi owns without the easement. So you are correct (inaudible) if we did include the easement area, it would only be 73% and that includes the outdoor stairs and ramp. Without that, it drops down to about (inaudible)."

Supervisor Cardinale: "Thank you. Is there any comment from any member of the public, member of the board, Rick Hanley, director of planning. Anyone who has any comment that they's like to make, we'd like to give you that opportunity right now. If, in fact, you do not have any comment to make, we will keep it open 'til Friday next week at 4:30 for written comment and hope to take some action on this promptly so we can keep moving along, perhaps at our first board meeting in April.

All right, thank you. I'll close the hearing then at 8:39- 7:39, I am sorry, I never can read my clocks correctly, 7:39."

Public hearing closed: 7:39 p.m.  
Left open for 10 days for written  
comment to March 29, 2007

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Public hearing opened: 7:39 p.m.

Supervisor Cardinale: "And open the next hearing which is the fourth scheduled for 7:20 for consideration of a special permit petition of Irene and Ethem Tahir to use an existing single family residence as a bed and breakfast upon property located on the Main Road, Laurel. And I think we have a presentation by attorney John Chiarelli. Go right ahead.

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Special permit you need to be sworn in. Would you, both John and Mrs. Tahir raise your right hands and repeat— do you hereby promise to tell the truth, the whole truth and nothing but the truth as you testify this evening?"

John Chiarelli: "I do."

Irene Tahir: "I do."

Supervisor Cardinale: "Thank you."

John Chiarelli: "For the record, I'm going to present to the town clerk our affidavit of posting and mailing.

Mr. Supervisor, this is an application for a special permit to operate a bed and breakfast. Mrs. Tahir will give you an idea of where the premises is and why she wants to engage in this occupation. Please go ahead, Mrs. Tahir."

Irene Tahir: "Well, the property is 2014 Main Road. It's the pink house, everybody knows it. My husband and I bought it because it's so well known, it's the house that everybody's curious about and we just thought it would be a perfect location for a bed and breakfast because it's surrounded by vineyards and it's got a beautiful yard, a lot of property, pool in the back. So we bought it and that's what we want."

John Chiarelli: "Are you the owners of the premises?"

Irene Tahir: "Yes, we are the primary owners. We live— that's our primary residence. We live there all year long."

John Chiarelli: "I'm going to— in support of that, present to the town clerk a copy of a certified deed, an abstract of my client's motor vehicle records, and some copies of some bills that they receive at the premises."

Supervisor Cardinale: "Thank you."

John Chiarelli: (Inaudible)

Irene Tahir: "Yes, it is."

John Chiarelli: "And how many bedrooms are there in the house?"

Irene Tahir: "Four."

John Chiarelli: "How many will be available for the bed and breakfast?"

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Irene Tahir: "Three."

John Chiarelli: "Where are those bedrooms located?"

Irene Tahir: "All three are on the second floor."

John Chiarelli: "To that end, you might look at the plan. The plan has three bedrooms on the second floor but only two of them have the word bedroom in it. It's the three bedrooms on the second floor that are available for the bed and breakfast so when those three bedrooms are fully occupied, if they are, Mr. and Mrs. Tahir will sleep in the fourth bedroom which is on the third floor."

The garage on the premises will not be used. I know this was a matter of some attention from the planning board."

Supervisor Cardinale: "Right."

John Chiarelli: "It will not be used- it's not part of the bed and breakfast. It will not be used for the bed and breakfast. The house has got 2800 square feet which meets the code requirement (inaudible)."

Obviously they'll comply with the length of stay requirements. They have no objection to access to the registration records.

There are no cooking facilities in the bedrooms- in the guestrooms. The guestrooms will not be used for legal residences in order to enroll children in the schools. The rooms do and will comply with the New York State fire code and you have our floor plan and site plan.

And they will- do not and will sign a document indicating they have no objections to periodic inspections that are required by the code.

As you can see from the site plan, there's adequate provision for parking. There are I think nine parking spaces, there's three rooms, and Mr. and Mrs. Tahir each have cars so there's more than adequate provision for parking. It's on a main road which is ideal for this type of use. There should be no impact on the adjacent area and there aren't any uses in close proximity that might be adversely affected by it."

Supervisor Cardinale: "John, is there- what- do you happen to have in front of you the code provision that lists the standards that we consider when we usually routinely approve these? If you could just give it to me so I could look at it sometime in my future life."

John Chiarelli: "I've just gone through the bed and breakfast standards."

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Supervisor Cardinale: "That's what I was looking for. Yes."

John Chiarelli: "Yes. Yeah, the bed and breakfast use code shall be accessory to the principal use which is- "

Supervisor Cardinale: "Right."

John Chiarelli: "-- family residential. The second one is that it be exclusively owner occupied and as a principal residence as defined in federal and state tax laws. I've got to tell you, I did some research on this federal and state tax laws. And the only thing I could come up with is you must have an expression that this is your principal residence, voting address (inaudible)."

Supervisor Cardinale: "Right."

John Chiarelli: "-- other things. This is their principal residence, that's why we presented that (inaudible)."

Supervisor Cardinale: "Okay. So you were speaking to that standard when you presented. Okay."

John Chiarelli: "They must have- the building must have- be in excess of 2,000 square feet and living area is 2800. The length of stay shall be a maximum of one week and that to enforce that a provision is made to make the- to maintain ledgers and to make those ledgers available to the code enforcement officer."

Supervisor Cardinale: "Okay."

John Chiarelli: "Which we will comply with. Cooking facilities shall be restricted from using the guest bedrooms which we will comply with."

Upon issuance of the permit, the town board shall require an annual inspection. The building department shall either renew or deny the permit based on the results of that annual inspection and new property owners, in this case the new application, they'd have to apply for a compliance permit from the building department. And that's where they sign that letting saying you can inspect- "

Supervisor Cardinale: "Right. What section- what code section is that? Do you have it in front of you?"

John Chiarelli: "108-64.5."

Supervisor Cardinale: "Thank you. Now there was a question, you checked out the question we had on the garage? When we first saw

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this as I recall it, that we were questioning- is there an apartment above the garage?"

John Chiarelli: "There's a room, that's a permitted- it's permitted as an artist studio. There's a room above the garage. It's not a separate dwelling. It has a CO. It's not part of the--"

Supervisor Cardinale: "Okay. Then that- what is that- that CO has a garage and a studio above?"

John Chiarelli: "A studio, yes."

Supervisor Cardinale: "Okay, fine. And that's is CO'd?"

John Chiarelli: "Yes. Everything is CO'd."

Supervisor Cardinale: "Okay. Barbara, did you have any question?"

Councilwoman Blass: "Was that CO'd during the time that you were contemplating doing this because what we saw it was proposed kitchen, proposed second bedroom. That was the schematic that we saw."

John Chiarelli: "Mr. and Mrs. Tahir bought the premises in February. It was CO'd when they bought it and those changes- "

Irene Tahir: "Originally, no. George and Robert did that."

Rick Hanley: (Inaudible)

Councilwoman Blass: "That was not- that actually was not part of my concern. My concern was that the garage area indicated proposed kitchen, proposed bedroom, and I was curious as to whether they were going to have all of the rooms in the main house utilized for purposes of the bed and breakfast and the garage utilized as your residence."

John Chiarelli: "I understand your question. The answer is no and your inspection provisions are going to make sure that that's not going to happen."

Councilwoman Blass: "And did you say that the third floor was being occupied as well? Did you say the third floor?"

Supervisor Cardinale: "There's a fourth bedroom on the third floor."

John Chiarelli: "There's a fourth bedroom on the third floor. There's only three bedrooms on the second floor. I look at the site plan, there were three bedrooms on the second floor. I went to the

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house. There are three bedrooms on the second floor, beautiful quote unquote bed and breakfast bedrooms. But on the plan only- the word bedroom is only on two of those rooms and I thought that was confusing, that's why I wanted to point that out that you knew that there were three bedrooms on the second floor and the one up on the third floor that's going to be for their occupancy."

Councilwoman Blass: "It's a wonderful house. I wish you a lot of luck. I think it's a great location for a bed and breakfast.

And I guess I have one additional concern- not concern maybe it's an internal inconsistency again in the code. Our bed and breakfast in the definition section says they can stay up to two weeks but in the internal it says one week so that's something we need to- "

John Chiarelli: "We're happy with one week."

Irene Tahir: "I don't plan on having them more than a few days."

(Inaudible comments)

Supervisor Cardinale: "That's been my experience. It gets old after a few days, particularly with relatives."

Councilwoman Blass: "Well, I have a consistency rule and I think it should be consistent. We should fix it."

John Chiarelli: "I agree. (Inaudible) There are a couple of other- do you want me to go through?"

Written permission from the property owner to conduct periodic inspections (inaudible)."

Supervisor Cardinale: "Great. Yeah, I was going to look at it and you've done it for me. Thank you.

Is there any other comment other than the applicant's and the board's that you'd like to make, please come right up and do so if you care to. If not, I'd like to close the hearing and keep it open for written comment for a week until Friday, the 29<sup>th</sup> at 4:30. It's now 8- 7:48. Thank you, John."

John Chiarelli: "You're welcome."

Supervisor Cardinale: "Thank you, Mrs. Tahir."

Public hearing closed 7:48 p.m.  
Left open for 10 days for written  
comment until March 29, 2007

Supervisor Cardinale: "The final hearing of the night is scheduled for 7:25. It's 7:48 so we can begin."

Public hearing opened: 7:48 p.m.

Supervisor Cardinale: "It is for the consideration of a local law to amend Chapter 108 Article XXVI, site plan review. And it involves- I've got to find it to tell you what it involves. It involves a very housekeeping type of change in which we are amending the language to say the site plan approval shall remain in effect, as we know, for 36 months. In the event that the applicant has not obtained a valid building permit within that period, the board approving the site plan may grant the 12 month extension."

The present language says the planning board which is inaccurate because depending upon whether the site plan is within the EPCAL or downtown area where the town board takes it or other areas where the planning board takes it, that's the board we mean to address the extensions, it's the board that issued. So it's a technical change.

If there's any comment on that, we're glad to hear that. If there is no comment which is not surprising, we'll close the hearing for verbal comment and leave it open if somebody gets a late urge to comment in writing between now and Friday, March 29<sup>th</sup>, 4:30 p.m."

Public hearing closed: 7:50 p.m.  
Left open for 10 days for written  
comment until March 29, 2007

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Supervisor Cardinale: "That concludes the public hearings. We have a couple of resolutions to consider tonight. I'll take comment on any of those resolutions from any one who cares to make comment and then consider the resolutions. Yes, Pete."

Peter Danowski: "Pete Danowski. I note that Kar McVeigh resolution is one the agenda near the end of tonight's list of resolutions. I would just ask for support of my alternate resolution that I had forwarded to each of the board members as well as to the town attorney and the town planner. That was under cover letter dated March 1, 2007. I'd like to make that letter just part of the record with the town clerk."

I know this has become a very emotional issue for my clients. I know Matt Kar is here tonight, his wife is expected here and with that said, I would just suggest that this resolution if passed as drafted,

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will make it almost impossible for my clients to consider a meaningful enterprise on this property. And as you know, he did spend a tremendous amount of money in restoring a historical building that unfortunately was damaged by fire. You've limited us in this draft resolution to 50 parking places. Just considering the help and the people even with the existing number of seats in the existing restaurant, that's a very small number of parking spaces to allow.

Matt I know think's he's being discriminated against to the extent that we've taken up this question of a tent issue. No one else seems to be affected by any proposal to restrict tents except for he and although I always counsel my clients to try to remain calm and try to not get personal about some of these issues, it does become personal and I know he would like to make comment.

With that said, I would just again for the record hand up my March 1<sup>st</sup> letter. I would like for support for that alternate resolution here tonight."

Supervisor Cardinale: "Thank you. Yes, Mr. Kar."

Matt Kar: "I just wondered is there anybody else in the Riverhead town that has a tent restriction (inaudible) with their property like I'm going to."

Supervisor Cardinale: "Dawn, is there- have we made that in the past- have we had occasion in the past to make that a condition of any special permits granted?"

Dawn Thomas: "Yes."

Supervisor Cardinale: "Apparently yes there have been special permits granted- "

Matt Kar: "How many?"

Dawn Thomas: "One."

Matt Kar: "One and I'm number two."

Councilman Dunleavy: "There's a difference there. I think that one the applicant volunteered to put it on so we're all up front here."

Matt Kar: "Right. That's correct. So it's not the same. He did that in a trade off for something else perhaps.

I'd also like to- I'm in this agricultural protection zone."

Supervisor Cardinale: "Yes."

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Matt Kar: "I'd like to know what, you know, I know what I think it means. What does it mean to the board, an agricultural protection zone?"

Supervisor Cardinale: "Well- "

Matt Kar: "What does it mean to you?"

Supervisor Cardinale: "Well, it means that the uses are indicated- as indicated which are agriculture and single family residence and it means that in that zone you have the right to under certain circumstances if you have a larger parcel, to sell your development rights so that they will be only agriculture without houses."

Matt Kar: "Right."

Supervisor Cardinale: "This is a pre existing use that pre existed that zoning and the prior zoning and is a restaurant use, as you know."

Matt Kar: "So if it's a pre existing use, doesn't that make it pre existing the agricultural protection zone- I mean the agricultural zone I'm in, does it pre exist that or does it not?"

Supervisor Cardinale: "You have a pre existing- according to the ZBA depending upon what the Supreme Court says, nobody would dispute you have an absolute right to have a pre existing use of the 80 seat restaurant."

Matt Kar: "When did the agricultural protection zone in that area become in effect?"

Supervisor Cardinale: "'04. However there was an agricultural zone in there before that, it was agricultural."

Matt Kar: "Was it a protection zone or an agricultural zone?"

Supervisor Cardinale: "Essentially the same zoning except that they couldn't sell the development rights and it was one acre zoning instead of two."

Matt Kar: "I think a lot of people (inaudible), agricultural protection zone is the area that we're going to keep beautiful to look at and enjoy and that's part of it. It's not- I mean that's part of the idea, right?"

Supervisor Cardinale: "Yes."

Matt Kar: "Well, I mean who is that for? Is that just for us local people, the people live on the road. My thought was we're

providing that for tourists and everybody else. So we have this beautiful piece of property and we're going to invite people to enjoy the beauty of the property because it is an agricultural protection zone, that they're going to get to enjoy a beautiful vista. What are we-- and everyone says oh, you know, we put our tax dollars and we buy this land, for who and for what? Isn't it for everybody to enjoy? That's the whole reason we're trying to get people out here, right?"

Supervisor Cardinale: "Right."

Matt Kar: "That's one of our ideas."

Supervisor Cardinale: "Yes."

Matt Kar: "And then the other thing, Barbara, I had a little private meeting with you and George the other day, and you kind of said to me, you know, you roll the dice and this is sort of what happens. I mean, I can't believe you said that to me as a taxpayer with three properties in this area, that I was rolling the dice. I mean, I never thought I was rolling the dice. I mean we went right along with what we were asked to do all along with the town board, the planning, everybody. We tried to go along with what was asked of us. And I don't think that's rolling the dice."

Councilwoman Blass: "Well, we did have a private meeting and there were quite a few aspects that we discussed that day and one of them was that you were not being singled out as you suggested. Why are you doing this to us, we are nice people."

Matt Kar: "We found out there's one other-- "

Councilwoman Blass: "And I suggested to you at that time, this is not singling you out. We had a land use plan that the entire town supported and the entire town board also supported unanimously. And when you tried to-- or when you made the effort to restore a nonconforming use, you did that at your own peril essentially."

Matt Kar: "Yup."

Councilwoman Blass: "We didn't tell you to do that, you did that and we are trying very desperately as I said to you and your wife that day, to meet you half way here. And you don't see that we're doing anything at all. In the context of our discussion, it was give me everything I want or I can't be satisfied. And all we were saying is you are going to everything, that is your prerogative to do that but we've got a lot of other considerations and a lot of other stakeholders that we have to address, not just you as a business person. And we are trying to address that in the context of everything else."

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We had a similar situation where someone built an oversized sewage treatment plant and now they come back to us and basically say now we want the extra zoning and density to support that. That was a business decision that they made and they can't necessarily come back to us and say because they made that business decision, that we're somehow supposed to give them a density increase in order to support that.

By the same token, you may have had a business plan that allowed you in your mind where presented a use beyond which we are even allowed to give you now. And you are rolling that dice. And I'm just surprised that you can't see that we can't just accommodate you just because you are a nice person and that you are a good business person in the community."

Matt Kar: "I totally see that. And we didn't ask for everything. We asked for something for you to review and I think you came back from the town attorney saying can you scale the project down."

Councilwoman Blass: "Yes."

Matt Kar: "You know, make it connect or whatever and that was even turned down. So these are steps that we took along the way and we were turned down all along the way to get 40 additional seats, an addition on the building which we never asked for in the first place. We asked for a separate building. Okay?"

What is the problem with putting a tent up in that area? What is the issue with putting a tent up on that piece of property? I would like to know. When you gave Sal Diberto (phonetic) approval for his tasting room, does he have a restriction of no tent on his property? He's a quarter mile from the restaurant. Does he have a restriction on his property? I don't think he does."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "That may not be on, Dawn, and you probably can best explain the answer that he's asking for."

Dawn Thomas: "The properties really can't be compared because they're two different uses. You have a pre existing non conforming use. He has a conforming use. The problem with a tent is that it creates an unpredictable situation for the board. They need to be able to know what the impacts will be that are created from your business."

Matt Kar: "Do I not have to go for a permit every time I'm going to put a tent up on my property?"

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Dawn Thomas: "No. There's two different ways that tents have been used. People in restaurants or catering businesses have claimed that as an accessory use to their business, they're entitled to put up a tent to conduct their business. And in those cases they have not been nonconforming uses versus a Chapter 90 permit application which is a separate type of a tent. You wouldn't be precluded from doing that on your property for a public event.

So when the public is invited, a fund raiser or some kind of public event, a fall festival they have in different places, you could apply to the board for a tent. I don't know if that answers your question."

Matt Kar: "It does somewhat. But I still don't understand, you go a quarter mile down the road. I am paying a lot of taxes, he's paying very few taxes if he's agricultural, okay, yet he can somehow put up tents and draw revenue from that and I could not, even though I am paying far more in taxes than he is."

Dawn Thomas: "I don't know that he can put up tents. I don't know if I agree that that's allowable but assuming for the moment that your assumption is correct, you are a very different situation because you're not an agricultural use, you're a pre existing non conforming restaurant. That's different."

Matt Kar: "Okay. You know, my wife wanted me to read this letter tonight so I'm going to read it, she couldn't be here tonight. It is with great sadness that I speak here this evening with reference to our two and a half year struggle to secure an expansion to a non conforming use at The Jamesport Manor Inn. I am saddened that, despite the overwhelming and possibly unprecedented community support for this project, the town has held this application for special permit at bay for over 18 months.

During this time, countless discussions ensued between and among the board members, town attorneys, applicants and attorneys and owners. These discussions gave us every indication that an expansion would certainly be considered. Working with the town board we deleted buildings, attached an addition, and examined--eliminated, excuse me, seating by more than 60%. Through this entire process our building was destroyed, a building permit secured and reconstruction is nearly complete.

It is a sad day because we trusted the town board to work with us on this project. There is absolutely no regulation in the Riverhead town code that restricts the percentage increase to a non conforming use. However, this board has used their discretion and restricted our request to a 50% increase in seating. This is despite the fact that we, as experienced business owners, have communicated to the board that this will not support the enormous expense of recreating this

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historic building. And I would think that the historic building would be a good enough reason when someone else comes and asks for a non conforming use— expansion of a non conforming use, this was a historic building that we restored.

Additionally, the board has invoked a tent restriction. Why? You told me there was one other one in Riverhead. I was not aware of that. Would this town board action be considered fair and prudent to the taxpayers? Or would this be considered discriminatory reaction? Let us construct the larger building for smaller events. This is finance and logistics. Revenues earned pay operating expenses.

How can this board justify this restriction when our neighbor with a recent approving tasting room, has no restrictions from holding tented events on his property which is no more than a quarter mile down the road from the Manor?

This is how the town rewards good and decent local business people who request approvals first and act second. This is how the town rewards good and decent local business people who do the right thing for the community. This is how the town rewards honest business people who have a track record of 19 years in the business and have been cited— have never been cited for any irregularities.

Well, I suppose we were naive on our part. We trusted you would do the right thing. And we feel that you have done us a grave injustice. We are devastated by the decision to tie our hands, thus preventing us from making a go of the Jamesport Manor.

Thank you very much."

Supervisor Cardinale: "Okay, you'll make that part of the record, please. Thank you, Matt.

Any other comment on any of the resolutions? Sal?"

Sal Mastropolo: "Resolution #245. The first question is Wading River Tackle Center. They're not located at 4 Beach Club Lane. Is that their home address? And the second question is I've been told that Wading River Tackle Center is closed. Can anybody confirm that?"

Supervisor Cardinale: "Let's see. Is— Ray are you here? This is a— this is where they were sold last year. This is permitting them to be resold. We've gone through this a number of times, this is a good location. But we obviously want to make sure they're open, otherwise we'll be so disappointed."

Sal Mastropolo: "I heard there's a for sale sign on it. And there's a for rent sign on the— well, you may want to check into it."

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Supervisor Cardinale: "Do you want to approve- if it's closed, maybe we should get another location. All right, then maybe if it is closed we'd like to get a substitute location possibly for the convenience of people. Okay, we'll table. Thank you."

Sal Mastrpolo: "248."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "First question is at what salary. Second question is should the position of interim assessor end on November 6<sup>th</sup> at election time, or should it go until December 31<sup>st</sup>."

Supervisor Cardinale: "It's going to be tabled I'm told for further discussion."

Sal Mastropolo: "Okay."

Supervisor Cardinale: "And those are two things we should discuss along with whether or not we need to do this."

Sal Mastropolo: "All right. Then also add on the copy list Tricia and the personnel officer when you do bring it forward."

Supervisor Cardinale: "Thank you."

Sal Mastropolo: "251, add the personnel officer on the copy list."

Supervisor Cardinale: "Okay, Barbara, you've got that? Good. It's Meg Ferris. Yeah."

Sal Mastropolo: "260 through 263."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Add the-- on the copy list, the town attorney and the owner of the property."

Supervisor Cardinale: "Okay. Thank you."

Sal Mastropolo: "260 to 263. There's four in a row that Dawn is taking them to court. 271."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "My first question is does the property in question have a private residence on it? 271, that's Timothy Hill. It's an exemption from real property taxes going back to 2004-2005."

Supervisor Cardinale: Yeah. This is not the parcel that is the private residence. This is a parcel that is used for not for profit exclusively and what this addresses is when they bought it, let's say they bought it-- let's say they bought it in April 2<sup>nd</sup>, that was already taxed as a not for profit and they paid the tax the successive year and a half or so. So they had special legislation passed to permit us to reimburse it. This will be the last one we've done because as a board we've determined that it all averages out and that we ought not to react to the special legislation that's obtained in Albany and we discussed it at length at the work session."

Sal Mastropolo: "Does your action have any impact on school taxes?"

Supervisor Cardinale: "Yes. Any time that a not for profit is taxes at a reduced or no tax rate, it impacts-- any not for profit that is working out of the building gets a reduction substantial in taxes. I think they only pay special-- special district. So yeah it does and that's the whole group home among other things discussion, that group homes do not pay other than special district taxes."

Sal Mastropolo: "I guess this is probably a concern that I should bring up at the school board, okay, but they put kids in the school district, many of them. So I mean I don't understand why they should be getting tax exemption on school taxes if they're putting so many kids in the school district."

Supervisor Cardinale: "I believe but I'm not certain, I believe that the school districts from whence those kids come are billed for the services given to them."

Sal Mastropolo: "All right. I'll have to bring that up over there. 278."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "There's no attached schedule."

Barbara Grattan: "There is. It came in late."

Supervisor Cardinale: "There is one, but it just isn't attached is what she's-- doesn't help you much."

Sal Mastropolo: "Okay, well, I guess my concern is that given that we haven't done a total town-wide reassessment-- "

Supervisor Cardinale: "Yes."

Sal Mastropolo: "And we've been sued before and lost and here's another case where he's suggesting a settlement, okay, which means lower their taxes."

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Supervisor Cardinale: "Yes."

Sal Mastropolo: "I was interested in seeing what businesses are now going to get lower taxes."

Supervisor Cardinale: "Yeah, well, you know the problem. Yes. This is several settlements as you know of challenges to the tax and we've been recommended by our tax attorney Scott De Simone that we should settle. It's in our best interests. But it hurts me too."

Sal Mastropolo: "Okay, that's all I have."

Supervisor Cardinale: "Thank you. Any other comments? Yes, Lyle."

Lyle Wells: "Just one comment in regards to the Kar McVeigh application. Just a historical perspective I thought on both things that I spoke on tonight. And history has shown that prosperity within communities does not come through over regulation of its citizens and in both of these cases, I've seen a very heavy hand in regard to what's allowed and what's not allowed to people who are trying to be entrepreneurs in this town and create successful businesses."

And, just again, I just want to make this comment that history has shown over and over again that we need to (inaudible) not over regulate people who want to do business in this town.

Thank you."

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

Richard Feldman: "When we made our presentation we did not provide you with proof of mailing. May I?"

Supervisor Cardinale: "Sure. Would you give that to the clerk and she'll make it part of the file. Okay, if there's no other comment on the resolutions, we'll consider them and then we'll take general comment. Barbara."

Barbara Grattan: "Okay, you've got a CDA resolution."

Supervisor Cardinale: "Yeah. We have a CDA resolution. Is Andrea here? Yes, she is."

Meeting adjourned

Meeting reopened

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Supervisor Cardinale: "Okay. We're going to resume the town board meeting having considered that CDA resolution and consider the resolutions 236 through 279. Would you call them please, Barbara?"

Barbara Grattan: "Sure."

Resolution #236

Councilwoman Blass: "Authorization to junk fixed assets. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Dunleavy, yes; Blass."

Councilwoman Blass: "Yes. Just a quick comment, please. I think we have the ability to expand our STOP program now to include electronic equipment so if we haven't a place to store this until the next STOP date collection, I would like to make sure that we dispose of this in our recycling program."

Supervisor Cardinale: "Okay. Yeah, you want to make sure John (inaudible) knows that. Thank you."

Supervisor Cardinale: "Okay."

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

Resolution #237

Councilman Dunleavy: "Replacement of backstop and fencing at Stotzky Park field #5. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #238

Councilman Densieski: "Town of Riverhead Osborne Acres budget adoption. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #239

Councilwoman Blass: "Budget adjustment for concrete grinding. So moved."

Councilman Dunleavy: "And seconded."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "I'm going to vote no because we just-- oh, this is concrete?"

Supervisor Cardinale: "Yes."

Councilman Dunleavy: "I'll vote yes on the concrete."

Supervisor Cardinale: "Yeah, we held the other one, John."

Councilman Dunleavy: "Okay. Oh, you took-- "

Supervisor Cardinale: "We took it out."

Councilman Dunleavy: "Okay."

Barbara Grattan: "You're voting yes, John?"

Councilman Dunleavy: "Yes."

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

Supervisor Cardinale: "Yes. And, John, they've only got (inaudible). We were going to hold it until 5,000 on the yard waste. Yes, I vote yes on this one."

Barbara Grattan: "The resolution is adopted."

Resolution #240

Councilman Dunleavy: "Additional of backstop and fencing at George Young community center budget adjustment. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #241

Councilman Densieski: "Transfer of an account clerk typist to the Fire Marshal's office. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #242

Councilwoman Blass: "Appoints a senior park attendant to the recreation department. So moved."

Councilman Dunleavy: "Second the motion."

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

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

Resolution #243

Councilman Dunleavy: "Accepts retirement of a senior account clerk typist, Eileen Roman. And I want to wish her all the luck. She worked for the town for many years."

Councilman Densieski: "Second the motion."

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

The Vote: "Dunleavy, yes; Blass."

Councilwoman Blass: "Yes. I'd like to thank Eileen also."

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

Councilman Densieski: "Yes. Good luck Eileen."

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

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

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Barbara Grattan: "The resolution is adopted."

Resolution #244

Councilman Densieski: "Accepts retirement of a part time senior citizen aide. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes, Stacia has worked as part time for the senior center. Everybody loves her up there and she did good work. So I want to thank her. Yes."

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

Councilwoman Blass: "Yes. They are going to miss her."

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

Councilman Densieski: "I agree. Yes."

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

Supervisor Cardinale: "Yes. And thank you."

Barbara Grattan: "The resolution is adopted."

Resolution #245

Councilwoman Blass: "Motion to table Resolution 245"

Councilman Dunleavy: "And seconded."

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

The Vote: "Dunleavy, yes; Blass, yes; Densieski, yes; Cardinale, yes. That resolution is tabled."

Resolution #246

Councilman Dunleavy: "Authorize attendance to parents of Meghan's Law Apple of My Eye seminar. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #247

Councilman Densieski: "Appoints co-compliance officers. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #248

Councilman Densieski: "Motion to table. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #249

Councilwoman Blass: "Authorizes the town clerk to publish and post a help wanted ad for detention attendants. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded."

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

Resolution #250

Councilman Dunleavy: "Authorize the town clerk to publish and post a help wanted ad for pump out boat personnel. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #251

Councilman Densieski: "Terminates provisional automotive equipment operator. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #252

Councilwoman Blass: "Rescinds resolution dated 6/1/76 with regard to a residency policy. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #253

Councilman Dunleavy: "Appoints maintenance mechanic II to the street lighting district. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #254

Councilman Densieski: "Appoints four part time court officers to the police department. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #255

Councilwoman Blass: "Rehires a former employee in the Nutrition Department. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. On that last resolution, I should point out that I was told that April 1<sup>st</sup> is the date that the security will begin at the Justice court including these gentlemen and the machines. So we've moved and seconded 255, is that correct? May we have a vote please."

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

Supervisor Cardinale: "Yes, and one lady. Did you just call me? Yes. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #256

Councilman Dunleavy: "Authorizes the Supervisor to execute a license agreement with Twin Fork Oyster to allow the installation of floating upweller systems (FLUPSY) in East Creek. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #257

Councilman Densieski: "Approves Darr Construction Equipment Corp. as drainlayer for the Riverhead Sewer District. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #258

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Councilwoman Blass: "Authorizes the Supervisor to execute an agreement with County of Suffolk (Department of Fire, Rescue and Emergency Services). So moved."

Councilman Dunleavy: "And seconded."

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

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

Councilman Densieski: "Quick question."

Supervisor Cardinale: "Yes."

Councilman Densieski: "I just saw this this afternoon, it's about a quarter inch thick."

Supervisor Cardinale: "Yeah."

Councilman Densieski: "(inaudible) applications or- "

Supervisor Cardinale: "I am told no but if there are any, I'll let you know about them. It's a cooperation agreement."

Councilman Densieski: "That's fine. I'll vote yes then."

Supervisor Cardinale: "Thank you."

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

Resolution #259

Councilman Dunleavy: "Authorize the town clerk to publish and post public notice for a local law to consider the addition of a new Chapter 111 to the Riverhead town code entitled Youth Bureau. So moved. I'd like to table this."

Supervisor Cardinale: "Yes. Move to table. Second, please."

Councilman Densieski: "Second."

Supervisor Cardinale: "Moved and seconded to table for further discussion. I think this came late and we wanted to take a better look at it on Thursday to make sure it's accurate. We have moved and seconded. May we have a vote?"

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

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Resolution #260

Councilman Densieski: "Authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 728 Raynor Avenue, Riverhead, New York. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #261

Councilwoman Blass: "Authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 49 East Second Street, Riverhead, New York. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #262

Councilman Dunleavy: "Authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 30 Elton Street, Riverhead, New York. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #263

Councilman Densieski: "Authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 24 Elton Street, Riverhead, New York. So moved."

Councilwoman Blass: "And seconded."

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

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

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Resolution #264

Councilwoman Blass: "Authorizes town clerk to publish and post notice to bidders for calcium hypochlorite tabs for use by the Riverhead water district. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #265

Councilman Dunleavy: "Authorizes town clerk to publish and post public notice of a public hearing to consider a proposed local law to add Chapter 20 entitled Riverhead Town Towing Ordinance to the Riverhead town code. So moved."

Councilman Densieski: "Second the motion."

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

The Vote: "Dunleavy, yes; Blass."

Councilwoman Blass: "Yes, for the public hearing."

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

Councilman Densieski: "Yeah, this is quite a few pages. I do think we need to look at it a little bit closer but I will vote yes for the public hearing."

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

Supervisor Cardinale: "Yes, I vote yes for the public hearing."

Barbara Grattan: "The resolution is adopted."

Supervisor Cardinale: "I think- Dawn, this was cleared- I think the text of this was cleared by Ann Marie. Correct? Ann Marie did clear it so I think it's ready for public hearing. Right."

Resolution #266

Councilman Densieski: "Authorizes the town clerk to advertise for bids for the Riverhead Sewer District for the supply of belt filter press system and appurtenances. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #267

Councilwoman Blass: "Authorizing the town of Riverhead to order an appraisal and retain the services of a structural engineer for property located at 400 West Main Street, Riverhead, New York. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #268

Councilman Dunleavy: "Adopts local law to amend Chapter 3 entitled Appearance Tickets of the Riverhead town code authorizing issuing officers. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #269

Councilwoman Blass: "Adopts a local law amending Chapter 47 entitled Bays and Creeks of the Riverhead town code. So moved."

Councilman Dunleavy: "And seconded."

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

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

Councilman Densieski: "Yeah, the irony is that George Bartunek has spent a tremendous amount of time on this. I'd like to thank him. He's not here to vote on it but with that said in honor of George, I vote yes."

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

Supervisor Cardinale: "Yeah, I vote yes and he did spend a lot of time on this and we thank him. Yes."

Barbara Grattan: "The resolution is adopted."

Resolution #270

Councilman Dunleavy: "Approves Chapter 90 application of Our Redeemer Lutheran Church of Aquebogue for a carnival and flower sale. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #271

Councilman Densieski: "Grants Timothy Hill Children's Ranch an exemption from real property taxes for the 2004-2005 assessment roll. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #272

Councilwoman Blass: "This is an order establishing an extension to the Riverhead Sewer District to be known as Blackman Plumbing Supply Co., Inc. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #273

Councilman Dunleavy: "Sets registration fees for the Riverhead Recreation Center. So moved."

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Councilman Densieski: "Second the motion."

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

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

Resolution #274

Councilman Dunleavy: "Calls public hearing on special permit of Ottoman Enterprises. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #275

Councilman Densieski: "Approves the special use permit application of Kar McVeigh LLC for the Jamesport Manor Inn. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "I'm going to vote yes but I think they should, and I'm in the minority, have more parking and have more seats for their restaurant. But like I say, I'm in the minority, but I don't want to hold this gentleman up, so I have to vote yes."

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

Councilwoman Blass: "Yes. I just have a very quick statement I'd like to read."

This is the most complicated land use application that I've every reviewed in nearly 25 years of working with the town. It does have a rich history of review before the planning board, zoning board, the town board, and has been the subject of just about every type of application, subdivision, special permit or use variance and the zoning board interpretation just to name a few.

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Add to that several layers of legal issues and we do really have a challenge on our hands.

In my opinion, this resolution best balances all interests, the community through its comprehensive plan, the applicant, land use principles as they relate to non conforming uses, and at the same time it minimizes the exposure of the town to further legal challenges.

For those reasons, I vote yes."

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

Councilman Densieski: "I really agree with how Lyle Wells stated his position on it. I would never propose to build this facility in the middle of the agricultural belt but it's already there and they're doing a fabulous job restoring it and it reminds me of the Bay View Inn which was very close to the wrecking ball and was a blight in the community.

It was very controversial at the time, too. Now that it's done, it's a gem in the community and I'm glad it has taken place.

It also reminds me of the Jebediah Hawkins house which was also very close to the wrecking ball. But it's been restored and it's, you know, another gem in our community. And I'm really glad we have those two.

I really think that the Jamesport Manor Inn would be the same. I think that when it's restored and I believe it should be expanded because I think it was a fabulous project and most of the people that came to speak to us spoke in favor of it. So I don't know where the push is to reduce is because the community was for it.

And it's going to be— it would have been a great project. I believe that this resolution is a little too restrictive and it's really upsetting from one business man to another to hear that these things are two and a half to three years in the process. And I'm not blaming anybody. I'm just saying it's got to be better; it's got to be faster.

I don't know how small business survives in the town of Riverhead, I really don't. But like Lyle Wells said, I think this is— in my opinion, over restrictive but it's the resolution we have here before us and I'll vote yes."

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

Supervisor Cardinale: "Okay. I'm going to— I don't have to vote at all but I'm going to vote yes. This application is being approved. I underline approved for a special permit which is a

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discretionary matter. We're exercising our discretion in favor of the applicant. The conditions may not be pleasing to the applicant. The rest has all been said and the fact that this is where consensus lies as evidenced by the 4-0 vote. So I vote yes."

Barbara Grattan: "That resolution is adopted."

Resolution #276

Councilwoman Blass: "Authorizes the Supervisor to execute an agreement for a modular recreation office building between Best Modular Homes and the town of Riverhead. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #277

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

Councilman Densieski: "Second the motion."

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

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

Resolution #278

Councilman Densieski: "Authorize compromise and settlement of tax certiorari proceedings against the Town of Riverhead. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #279

Councilwoman Blass: "Motion to pay bills. So moved."

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Councilman Dunleavy: "And seconded."

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

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

Barbara Grattan: "We have a tabled resolution."

Supervisor Cardinale: "282. Yeah, would somebody move that please? This is the one we took at look at at work session and it's an old bill we're paying."

Councilman Densieski: "Sure. I'd like to make a motion to take 282 off the table."

Councilman Dunleavy: "And seconded."

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

The Vote: "Dunleavy, yes; Blass, yes; Densieski, yes; Cardinale, yes. The resolution is off the table."

Supervisor Cardinale: "Do we have a motion to consider?"

Councilwoman Blass: "Motion to consider Resolution #282."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded 282. Motion to consider 282. Vote please."

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

Supervisor Cardinale: "Yeah, that number is 232, you're right, you're absolutely right. It's 232. I'm sorry. Yeah."

Okay, that concludes the resolutions. We' like to take comment on any matter that is within our purview. Please come up, Sandra.

Would you hold for a second?"

Councilman Dunleavy: "I just want to make a comment first. And it's regarding the last snowstorm we had. First of all, I want to thank all the people who were up early in the morning cleaning the sidewalks in the front of their homes and businesses. And there were a lot of them, quite a few. I noticed, I was out early in the morning, 6:00 in the morning, watching these people clean up. However, there were equally as many if not more areas- "

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(At this time, the CD ended)

Sandra Mott

Meeting adjourned: 8:45 p.m.