

Minutes of a Regular Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, Howell Avenue, Riverhead, New York on Tuesday, May 1, 2007, 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,	Town Attorney

Supervisor Cardinale: "Almost ready. Thank you. Okay. Let's see. Somewhere in here- I have this- I have this, okay. We can begin because Cablevision has zeroed in. Are you ready? Okay.

This is the May 1st, May Day, meeting of the town board. We'd like to begin as usual with the Pledge of Allegiance and I would like- Shamel, how are you- to lead us in the Pledge of Allegiance.

(At this time the Pledge of Allegiance was recited, led by Shamel Lewis).

Supervisor Cardinale: "Okay. We're going to go down to the well of the room.

Before we begin the meeting, we have a pleasant opportunity here to honor some of our finest youth and I was reading about their exploits before I came in, and I'll tell you about them in a moment. But I'd like to get them up here first.

We would like Shamel Lewis, Shawn Pritchard, Will Razzano and the estimable Justin Blass, come on up.

And we'd also like Bernice Brown, if she's here, Sal Loverdi, Steve Gevinski and Ed Grassman to come on up. I presume by their advanced age that these are the coaches. Okay.

I was reading about these gentlemen, the four gentlemen here and their exploits during the track season and at the New York State Track and Field Championships in which they did the town of Riverhead proud by getting to the finals and also getting through the finals and

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ending fourth in the state. And, Shamel, I think you were on your individual-- second in the state.

And, Angela, Angela Smith, is she here? Angela who is continuing her exploits, Angela Smith was eighth in the state. Both Shamel and Angela in the 55 meter and the team, the four boys in the relay, and think about these numbers. I-- it takes me this long to get up from my desk. But they ran 55 yards-- meters, excuse me, I'm from an earlier time when they measured it in different ways, 55 meter. I guess the-- 6:45 was your time, right? Which was second in the state, second only to a 6:37, and the four of them got-- what did you run, how long? Two hundred meters in 1:36:06, did I get that right? That's quick. That's very quick.

I suppose you attribute it all to your coaches, I'm sure. So I'd like to do two things with the board. I'd like to honor the four young men who performed so admirably. Angela, in here absence-- is it Angela? Yeah, because they spelled here name Anglia and I thought that might-- Angela, and the coaches who trained them, Bernice, Sal, Steve and Ed. And my town board, as usual, I need a little help. Could you-- George, do you want to swing around so I can-- so we can have some help in handing these-- these are town of Riverhead award from the town board in acknowledgment of specified-- in the case of Shamel, in acknowledgment of his participation in the New York State Indoor Track and Field championship, for finishing second place in the 55 meter dash state-wide. Also participating in the 4 by 200 relay, and for finishing-- he finished in fourth place, didn't you.

Where's Trina? My-- do you know Trina Miles, my administrative assistant? She thinks you finished in sixth place because that's what she put here. So forever more, you're going to be delegated to that position. I will fix that. But you're in fourth place. All right. Would you please do the honors for Shamel? Thank you. Shamel, congratulations.

Shawn, in acknowledgment of his participation in the New York State Indoor Track and Field championship, 4 by 200 relay, finishing in fourth place. Congratulations.

That's for the whole state - fourth place for the whole state. It's amazing. I used to come in fourth, but usually there was just me and five others in the race. I'm not giving the coaches anything yet. I've got to give Justin-- Justin Blass. Now, Barbara, who is related, would you please present that to your son? Congratulations, not only for your exploits on the field but for having such a diligent, devoted and talented mother, without which this town would be at a great loss. I'm not going to say anything else.

Okay. Steve, Steve Gevinski, in acknowledgment of his performance on the boy's winter varsity track and his leadership as a

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coach. And I thank you— thank you for— yeah, I forgot Will. Will is just standing there. But I want to have George present this to you because George is faster than I am. Congratulations.

Who's going to take Angela's? Okay. I'm going to present to Bernice, Angela Smith in acknowledgment of her participation in the Indoor State championships finishing eight in the 55 meter dash state-wide. Thank you for taking that.

And, Bernice, while you are with us, in acknowledgment of your leadership as the Blue Waves head coach, girls winter varsity track team on which Angela served and did so well, please take that and our appreciation for your great efforts.

Ed, Ed Grassman was a leader-- as assistant coach of the girl's winter varsity track team and I thank you for your efforts in bringing home all that— bringing to fruition all that talent and they represented us well. And so did you.

And, Sal, Sal is the assistant coach of the boy's winter varsity track team and I want to thank you sincerely for your hard work which brought great result.

And, yes, and the coach would like to say something and then John would like to take your picture."

Coach: "On behalf of Riverhead High School, the Athletic Department and our track program, we'd just like to thank the town for bringing us down and acknowledging a special weekend up at Cornell and this is a great honor to come back to Riverhead and be recognized by you. Thank you very much."

Supervisor Cardinale: "Thank you. I want to acknowledge before we take a picture that we're very proud and pleased to acknowledge the town high school students and others that performed so well because they are often not acknowledged. You hear only about, as usual, the ones that are not doing well. Well, these guys are doing very well and we thank you. You've represented this town and your school very well.

And I'm now going to get aside here and let the board— why don't we go behind them— I'll go back here.

Thank you. And, George's comment incidentally was watch how quickly they get out of here to avoid an entirely boring evening. And thank you, George.

Oh, incidentally, hey, the guys, could you leave me the awards because you will note that not only Shamel's, but everybody's says

six. You didn't come in sixth. All four of the guys. They came in fourth.

And it was a new school record. Hear that? I forgot to mention. That fourth place finish statewide was a new school record. Previous record, I think they beat it by— oh yeah, they beat it by 18 hundredths of a second, 1:36:06 and they had previously been 1:34:24. So— "

Councilman Bartunek: "And, Phil, I think they did set a record in getting out of here."

Supervisor Cardinale: "George warned them. If they weren't out the door quick, they were going to have to listen."

Okay, moving right along here, can we, Barbara, can you— I lost the thing. Oh, I got it. Could you call— let us approve the minutes of the April 17 and April 19th board meetings? Would somebody offer them please?"

Councilwoman Blass: "So moved."

Councilman Bartunek: "Second."

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

The Vote: "Dunleavy, yes; Bartunek, yes; Blass, yes; Densieski, yes; Cardinale, yes. The minutes are approved."

Supervisor Cardinale: "Okay. The Supervisor awards we just went through. Reports, could you give us them, please?"

REPORTS:

Tax Receiver	Total collections to date: \$58,049,539.61
Town Clerk	Monthly report for April, 2007 - total collected \$7,750.43
Police Department	Monthly report for March
Sewer Department	Discharge monitoring report for March, 2007
Bid Reports	Middle Road Roundabout - Opened 4/30/07 @ 11:00 am Seven bids were received and these were the three lowest

Barbara Grattan: "That concludes Reports."

Supervisor Cardinale: "Oh, great. Applications, please"

APPLICATIONS:

Special Event	Larry's Lighthouse Marina - June 8, 9, 10, 10-6 boat show
Parade Permit	Mill House Inn benefit ride on May 6 - brief get together at the Elks Lodge
Parade Permit	McGann-Mercy HS - May 5, 2007 5-K run/walk
Riverhead Fire Department -	May 6 - memorial services Confirmation - St. John the Evangelist RC Church May 7
East End Voters Coalition	June 16 parade
Peter Danowski	Petition for water at Harriman Estates in Aquebogue

Barbara Grattan: "That concludes Applications."

Supervisor Cardinale: "The Correspondence, please."

CORRESPONDENCE:

East End Arts Council

Regarding not receiving notification of special items discussed at work session involving the properties at 133 and 141 East Main Street

Sal Mastropolo

Regarding cost controls for the town of Riverhead

Geoff Lynch, President

Regarding consideration to Hampton Jitney, Inc. amend Industrial C zoning use

Barbara Grattan: "That concludes Correspondence."

Supervisor Cardinale: "Okay. We have tonight excitement planned for you. First of all, Barbara wants to announce something."

Councilwoman Blass: "You have the STOP date, Ed?"

Councilman Densieski: "Yeah, I have information on two reports, Mr. Supervisor. Saturday, May 12th, from 8 to 3 is the STOP date at the Youngs Avenue landfill. You can bring all your pollutants and hazardous materials there."

And, also, be advised that the Riverhead town East End Surf Club annual beach cleanup will be held Saturday, May 5th with a rain date of May 6th, from 8:00 a.m. to 12:00 p.m. Anyone interested in this community event should call the town of Riverhead Parks and Recreation Department at 727-5744 to pick up trash bags or my cousin, Ken Densieski, at 727-5468. It's a really great event. They do it every year and they collect a lot of garbage off our beaches. So, there you go. Free hot dogs, according to George."

Supervisor Cardinale: "Thank you. And you have a lot of cousins."

Councilman Densieski: "Yeah, I do."

Supervisor Cardinale: "The- "

Councilwoman Blass: "I have one."

Supervisor Cardinale: "You have an announcement. Yes. You have a cousin?"

Councilwoman Blass: "Actually, I do, I have a few. But that's not what- in honor of May being Lyme Disease Awareness Month, I've

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been asked to announce the first Wednesday of each month in Manorville, and the details will be on Channel 22, there is a Lyme Disease education action and support group which everyone who has been affected by the disease may want to avail themselves. It's the first Wednesday of every month and it is at the Manorville Firehouse. It starts at 7:00."

Supervisor Cardinale: "Thank you. Any other announcements? Okay, I would feel remiss if I did not announce the following. We are about to embark upon one, two, three, four, five, six, seven hearings. The only good news is one of them is canceled, that is the one about the farm stands which is at 7:25. And, once again, we screwed up the language so we're going to have to re-advertise before we have the hearing to get it right. So for those of you who have come to attend that hearing, you can leave.

The second thing I wanted to mention is there are least two other better things to be doing with your time that I'm aware of. One is, there's a reception for an artist, Mary Jane (inaudible) who has got all those nice paintings on the wall and there's a lot of good food out there. So you could do that.

And, secondly, at 7:30, in exactly two minutes, the new Superintendent of Schools is being introduced at the school. If I haven't cleared the room yet, we're going to have to proceed.

Public hearings, we have six of them we're going to actually conduct. And the first one is scheduled for 7:05, okay, and we also have to tell you something else. But the public hearings are going to go six in a row, the first is scheduled at 7:05.

We have three which I'll mention now because I'll forget later. We have 47 resolutions to consider. We also have three that will be coming off the floor. Correct?"

Councilman Dunleavy: "I have one coming off the floor, too. Is that included?"

Supervisor Cardinale: "Okay, what are the two? The EDZ, one, which we're going to have a hearing tonight and we'd like to consider it if nothing that is said precludes that. We are also going to have one on the youth bureau which we'd like to do the same. And what's the other one?"

Councilman Dunleavy: "The IDA."

Supervisor Cardinale: "And IDA, how many resolutions you've got?"

Councilman Dunleavy: "One."

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Supervisor Cardinale: "Okay. And another resolution on the IDA. But if we're going to have an IDA resolution, we'll have three that we'll have to consider because there are three that I thought we were going to discuss at work session tomorrow. But- "

Councilman Dunleavy: "Well everybody had everything at the last work session."

Supervisor Cardinale: "That's right. So if we're not going- it was my understanding that we were not going to consider it. If we are, we should consider all three and see where it goes."

Councilman Dunleavy: "Okay."

Supervisor Cardinale: "Okay. I would then go to the 7:05 hearing which is the consideration of a local law to amend Chapter 108-transfer of development rights section, commercial site plan administration, 018-332. It's 7:30, it's scheduled for 7:05. It is open. Could you give us a summary, please, of what it's about, Dawn?"

Public hearing opened: 7:30 p.m.

Dawn Thomas: "This is a- "

Supervisor Cardinale: "Oh, yeah, before you do that, before you do that, before we get into the hearing, there's a CDA- there is one person out here who does want to go see the Superintendent of Schools and be introduced and say hello, that's Andrea Lohneiss, our CDA director.

There are two resolutions that are CDA resolutions we're supposed to consider tonight. First, they're very routine as a matter of fact, it's just requirements of law. If anyone wants to comment on them, come on up right now. If no one does, we'd like to adjourn the meeting of the town board for 30 seconds, open the meeting of the Community Development Agency in which we sit as board members, and ask you to call those."

Meeting adjourned: 7:31 p.m.

Meeting re-opened: 7:32 p.m.

Supervisor Cardinale: "Okay. Let's return to the public hearings. The one scheduled for 7:05, consideration of a local law to amend 108 of the code, Article 62, transfer of development rights, section 108-32 commercial site plan administration, a technical change which Dawn will describe."

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Dawn Thomas: "This proposed local law would amend Section 108-32 which involves commercial site plan administration. The amendment is to correct a typographical error in a reference to a state law that applies to our transfer of development rights program, specifically we referenced Section 276 of the town law. It should have read 267-B of the town law.

And in addition, now that the town board is not responsible for site plans, always we've amended the language from town board to indicate any agency responsible for commercial site plan approval which could include the planning board now."

Supervisor Cardinale: "Thank you. Okay. That technical change which would sent them back to the— for, I guess review, but to the agency that approved them in the first place, be it planning or town board. Anybody have any comment? Not surprising. Okay. That, it now being— I guess, it's 7:34— thank you— I was trying to figure out if it was four or six. But 7:34, we're going to close this hearing and say that it's finished.

I don't know if we need to keep this open. Do we? All right. So we're going to close this hearing for testimony and move to the second hearing."

Public hearing closed: 7:34 p.m.

Public hearing opened: 7:34 p.m.

Supervisor Cardinale: "And move onto the second hearing scheduled for 7:10, for consideration of a local law to amend Chapter 108 of the town code Article I general provisions of Section 108-3 definitions. Word usage regarding water dependent use. Could you summarize this please, Dawn."

Dawn Thomas: "Yes, this would add a definition to our zoning code, the definition being water dependent use, the word water dependent use would be meant to indicate an industry, business or other activity which can only be conducted in, on, over or adjacent to a water body because such activity required direct access to that water body and which involves as an integral part of such activity, the use of the water body. That's it.

Supervisor Cardinale: "Okay. This is a hearing for consideration of the definition of water dependent use as described, not too surprising.

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Does anyone have a comment on the definition? If you do not, we are— we will move onto to say that the hearing that was begun at 7:36 is over at 7:34. It was a quick one. And move to the 7:15 hearing— "

Barbara Grattan: "It was over at 7:36."

Supervisor Cardinale: "Over. It was 7:36, yeah. It started at 34 and ended at 36. Okay."

Public hearing closed: 7:36 p.m.

Public hearing opened: 7:37 p.m.

Supervisor Cardinale: "Moving right along the change of zone hearing scheduled for 7:15 which now being 7:37, we're going to start the change of zone of East Riverhead Equities III, LLC, to impose a commercial residential campus zoning use district onto what is presently Residence A-40 on a 4.5 acre parcel— there's somebody here that's actually going to speak on this? Okay.

This is a piece of property with a split zone and the gentleman presenting will describe what this hearing is about. Because he's seeking the relief."

Mark Cuthbertson: "Good evening, Mr. Supervisor, Members of the Board. My name is Mark Cuthbertson and I represent the applicant for this zone change. My address is 434 New York Avenue, Huntington, New York.

I'll be very brief. I've attached or handed up some materials that show the site itself including a color map that will be helpful in really expediting an explanation.

The property itself, as all of you are probably familiar, is an office complex that's located on East Main Street in Riverhead. The total site is approximately 13 acres. It is as the Supervisor indicated, a split zone. The portion that is in yellow on your map is zoned commercial residential campus, CRC, and is approximately eight and a half acres and on that site are four existing office buildings that total approximately 70,000 square feet.

The portion in pink is zoned Residence A-40. It's approximately four and a half acres. There is an existing office building on it and then there is also— which is building 901, and it indicates existing office building. And then there's building 905 which is under construction now. The walls are up, the foundation is in.

I provided you with a basic time line of events in this case because it really explains why we're here seeking this relief. Just

very briefly, the portion of the property that's in yellow was all constructed in stages between 1986 and 1999. There were four office buildings built. At the time, the property was zoned Business C.

In 1999, my clients entered into a contract of sale to purchase the adjacent 4.5 acres, the pink parcel, and subject- they did so subject to obtaining site plan approval. They made site plan application. Their site plan was approved. They took title to the property. They went back and amended the site plan and thereafter the building permits were issued for both the shell of the building for building 901 on the pink parcel and for an individual tenant, Chicago Title.

After that, the pink parcel was rezoned Residence A-40 and after that a CO was issued for the Chicago Title space. After that, in 2004, excuse me, let me just go back and say that the pink parcel was rezoned in 2004. Site plan approvals were obtained and for an amended site plan in 2000 and 2001. The large parcel, the yellow parcel, was rezoned Commercial Residential Campus on October 12, 2004.

After that, in 2004, the building permit was issued for one of the tenants in building 901. A shell CO was issued to building 901. In 2005, a CO was issued for a tenant in that building. After that, in August, 2005, a building permit was issued for building 905 and then a building permit was again issued that extended the prior permit.

In discussing this with the planning staff and the planning department, I might add the planning board has recommended an approval of this application. Frankly, it became apparent that this was probably inadvertent that this parcel had been rezoned to Residential. It's a- there was a commercial- an office building on it at the time. There was a permit or there was a site plan in place for the site itself at the time rater.

And the reason we're here is to ask for a change of zone to make this an office use and allow an office use.

If the current zoning were to stay in place, you have two buildings in this office complex that would essentially- they would be non-conforming uses and this parcel as you probably know really functions as one office development. It would make the office parcel and the development itself, frankly, less attractive to buyers.

It doesn't mean that you can't function and can't operate there, but it does make it more difficult to market the space or to market the property one day if it were to be sold.

And as I said, we- in our discussions with the planning staff it did not appear that at the time of the rezoning that there was an

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overriding land use or zoning reason for having rezoned the parcel to residential.

And that's the end of my presentation. I have an engineer for the applicant who's here who can answer any technical questions and my client, of course, is here as well to answer any questions you may have."

Supervisor Cardinale: "Rick, do you have the presentation sheet of basic time line?"

Rick Hanley: "What's that, Phil?"

Supervisor Cardinale: "Would you get the basic time line sheet from- maybe you could stay up there. When was the- the site plan approval was when on this?"

Mark Cuthbertson: "It was initially in 2000."

Supervisor Cardinale: "That was for the first four buildings. Correct?"

Mark Cuthbertson: "Actually, no. That was for the other two buildings."

Rick Hanley: "We approved one site plan for the entire development and there was a- it was phased in terms of construction. So there are one, two- "

Supervisor Cardinale: "So there was a site plan for six buildings?"

Rick Hanley: "For six buildings. Yes."

Supervisor Cardinale: "Okay. And that was in 4/18/2000 or was that earlier?"

Mark Cuthbertson: "I don't believe that's correct. I think the four buildings in yellow were all built out. There was an existing site plan- "

Supervisor Cardinale: "Right."

Mark Cuthbertson: "-- and they were all built out and constructed in 1999."

Supervisor Cardinale: "And the other two were approved in 2000?"

Mark Cuthbertson: "Correct."

Supervisor Cardinale: "And then you took title."

Mark Cuthbertson: "Correct."

Supervisor Cardinale: "And then you applied to amend the site plan which was done in 2001. And then the first building, that would be building number 901, got issued a permit for the shell in 10/9/03 and then a building permit for the tenant- I don't understand. If the shell permit was issued, the final building permit- then you say the building permit was issued. What do you mean there? That's the shell permits, 27-27-4 issued 10/9/03. Right?"

Mark Cuthbertson: "Right."

Supervisor Cardinale: "What's the next permit?"

Mark Cuthbertson: "The building permit for the tenant space."

Supervisor Cardinale: "Okay. That was issued in '04. Same building?"

Mark Cuthbertson: "Yes."

Supervisor Cardinale: "Okay. So two building permits for the same building?"

Mark Cuthbertson: "I guess there's- there's a permit issued for the outer shell, Mr. Supervisor- "

Supervisor Cardinale: "And then the- okay."

Mark Cuthbertson: (Inaudible)

Supervisor Cardinale: "And then in '04, the zoning district changed to Residence A-40 and then a CO was issued for the earlier building we've been discussing which was building 901. I have- and then we changed the zoning of October of '04."

Mark Cuthbertson: "For the yellow parcel."

Supervisor Cardinale: "For the yellow parcel. For the yellow parcel or for the pink?"

Rick Hanley: "Actually, I think for both parcels, Phil."

Supervisor Cardinale: "Okay. So I have one question already. If the site plan was issued in 2000, how come we're still working off of a site plan in '04? Don't they only last three years?"

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Rick Hanley: "I think what the applicant is asking- "

Supervisor Cardinale: "Oh, I know what he's asking. I just want to follow the history. I'm just trying to understand why the site plan hadn't expired by '04 and why a building permit was issued after the zone change."

Rick Hanley: "This is one parcel."

Supervisor Cardinale: "Yeah."

Rick Hanley: "So when the first building was built, the site plan commenced."

Supervisor Cardinale: "Right."

Rick Hanley: "So- "

Supervisor Cardinale: "Oh, okay, so then you were into building permit."

Rick Hanley: "That's right."

Supervisor Cardinale: "Okay. So that means that- yeah, I understand. The first- you're judging from the first building permit issued."

Rick Hanley: "From the first building permit there's a commencement of the site plan."

Supervisor Cardinale: "Then- but they hadn't built the final building until after the zone change. They didn't even pull the permit for the final building until after the zone change occurred."

Rick Hanley: "The final building being 901 or 905?"

Supervisor Cardinale: "The final building being 905."

Rick Hanley: "Right. Which shows on the map that was presented as approved for future development."

Supervisor Cardinale: "Yeah. I think I'm looking at that. That was the building permit at the top of the second page that was issued 11/18/04. Is that the one? What is that one?"

Mark Cuthbertson: "That's for tenant- "

Supervisor Cardinale: "Oh, I'm sorry. No, I'm not looking- it actually is the building permit issued in 8/23/05 for the final building, 905. So I guess my only question is that. If at that time

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the new zoning was in effect for a year, how come he issued the permit?"

Rick Hanley: "Because this is one parcel."

Supervisor Cardinale: "So you consider it a pre-existing- "

Rick Hanley: "Yes. The site plan commenced."

Supervisor Cardinale: "Site plan commenced. So how long do they have to build it out then? Forever, under your theory?"

Rick Hanley: "Unless the board puts a provision in the resolution on site plan that says it has to be completed by a date certain."

Supervisor Cardinale: "I would think that they- we issued the site plan and you have it good for three years. You have to pull the first building permit within three."

Rick Hanley: "Right. Within three years."

Supervisor Cardinale: "They did that."

Rick Hanley: "Right."

Supervisor Cardinale: "So that's fine but they have to pull at least six permits for the six buildings which would mean that the site plan continued forever and regardless of what happens to zoning under those circumstances you can build buildings?"

Rick Hanley: "Yes."

Supervisor Cardinale: "You agree with that, Dawn?"

Dawn Thomas: "It sounds correct. I'm not- "

Supervisor Cardinale: "Okay. I'd just like to verify that's the case because it sounds odd to me."

Dawn Thomas: "We had this issue before where we have a phased site plan and I guess it's tough to penalize someone for doing separate buildings when they can do one building when we ask them to do campus style, so if we have a zoning- if we have a site plan that's approved in a particular district, then we change the zoning but they've already commenced the site plan, I think the argument is that they've vested in that district."

Supervisor Cardinale: "Okay."

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Rick Hanley: "Phil, one of the most critical questions that the planning board asked me was if the town board were to approve the change of zone that the applicant has requested, could that result in a further development beyond what's been approved, the answer is no. It's purely the applicant attempting to get a single zoning use district on a piece of property."

Supervisor Cardinale: "Good question. Okay."

Mark Cuthbertson: "That's both pursuant to town code issue and the DEC wetland issues. Both of those things would constrain the owner of the property such that they wouldn't be able to build."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Did 905 just have a foundation for a while?"

Mark Cuthbertson: "Yes."

Councilman Dunleavy: "How long was that?"

Mark Cuthbertson: "I- do you know when that foundation was put in?"

(Unidentified): (Inaudible) "We put the foundation in prior to the winter. We were waiting for a tenant. We didn't want to go ahead (inaudible)."

Councilman Dunleavy: "It was put in after you had the permit though?"

(Unidentified): "Oh, yeah."

Councilman Dunleavy: "Okay."

Councilman Bartunek: "Could I just ask what the setbacks are from Saw Mill Creek?"

(Unidentified): "Saw Mill Creek, must be a minimum of 100 feet from the wetlands that was designated by (inaudible)."

Councilman Bartunek: "Thank you."

Supervisor Cardinale: "I think the confusion, not that I really think this is a big issue, but if you had one building, you would have an entitlement to a building permit for 18 months, right, and then one extension of 12 months. Or is it 12 months and one extension for 12?"

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Dawn Thomas: "I don't think the extensions are as material as the commencement of construction."

Supervisor Cardinale: "Yeah, but under your theory, if you have 17 buildings— here only six, yeah, under your theory, if you started construction of the first building within three years after site plan, you have no limit on when you can build the rest of the buildings. For 100 years you could not build."

Dawn Thomas: "Unless the site plan approval indicates some— "

Supervisor Cardinale: "Exactly. What I'm suggesting is that's somewhat counter-intuitive much less maybe counter intelligent because under that theory, there's no— there's not— they could have build it anytime in the next 100 years. Whereas, when you build one building, you pull the building permit, you have to build the structure within a year and you can get one extension of one year."

So I would suggest that this is, you know, the building's up, we're going to probably do this. But the better way to look at phased construction is to limit— maybe we should have a statute or an ordinance that says, you know, you have phased construction, that's great, but you've got to phase it over no more than two years or no more than three years. Because right now we're without limit."

Dawn Thomas: "If they phase it (inaudible). They could have a site plan for the entire site but it's not a phased site plan."

Supervisor Cardinale: "But even if it's a phased site plan, let's say this was six buildings, the failure in the analysis I see is that six buildings took them seven years to build. Well, there's no reason it couldn't have taken them 77 years to build either. I mean, if they didn't want to build it, they didn't have to build it, but they invested in the plan and that is unhealthy."

Because remember how we had that problem— that is part of the reason we have all the problems with the condo on Elton Street, because it was approved in the late '80's and it wasn't built until the early 2000's. And as a result, they were building under old approvals which were not the best. Not ideal.

So let's look at that on another occasion and see if we can address the issue. Because they built out in seven years, that's great. But how about if they took 10 or 12 or 20? But that's really a side— I know what you're looking for. Does anybody have any questions? Public, come up. If you have the questions, the public, if the board has questions, fire away. Jerry."

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Jerry Brown: "Jerry Brown, 26 Millbrook Lane. A couple of questions. I don't understand half of what you're doing but I appreciate your efforts."

I believe what I read that this property, this newest buildings referred to as 60 Millbrook Lane. I thought I saw that somewhere in the paperwork."

Councilman Dunleavy: "No. Well, the entrance is on Route 25."

Jerry Brown: "Yeah, this is part of the complex. I understand that. But somewhere I thought in the application I saw 60 Millbrook Lane and that just jumped out at me because there is no 60 Millbrook Lane unless these gentlemen are expecting to put a curb cut onto Millbrook Lane which I strenuously hope you would not allow."

Councilman Dunleavy: "No."

Supervisor Cardinale: "There's no access to Millbrook Lane. Correct? Because that's what his concern is. Because you live on there, right? Okay, they're not going to get onto Millbrook Lane."

Jerry Brown: "Okay. And the second thing is if you could request or permit them to put a sign out front announcing the address as 877, I believe. There is no sign out there. The drivers trying to find that complex can get in there. They have to read the little tiny signs. So if they would put a significant sign out there that said 877, we would not have a dozen cars a day coming down."

Supervisor Cardinale: "It's funny. I think we had this discussion a few months ago. Don't we preclude them from putting—you've got to go in. See maybe now that wasn't such a good idea after all."

Jerry Brown: "I really wish you would allow them to do that."

Supervisor Cardinale: "Yeah, because the people that are looking for—there's 877 in the front, 883, 889, 893, 901, 905, you can't—you don't know if the building is in there. Let's reconsider that."

Jerry Brown: "Please, please do."

Supervisor Cardinale: "All right."

Jerry Brown: "Thank you."

Councilman Dunleavy: "Thank you."

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Supervisor Cardinale: "George, it's all your fault. It's your sign code. You have a question?"

Councilwoman Blass: "Well, I know this is a change of zone application, but do you know what the percentage of coverage is on that lot in that you are now in a different zone or it would be in a different zoning use district? I'm just wondering if it's beyond what the CRC would provide."

Mark Cuthbertson: "I don't think we're going to be able to— but I will send you a follow up letter indicating what it is if that's okay."

Councilwoman Blass: "Sure. I would just want to make sure that it's within the CRC limits as long as it's becoming CRC."

Mark Cuthbertson: "We have 18.43%."

Councilwoman Blass: "Okay. Thank you."

Supervisor Cardinale: "She's going to tell you what— if you became CRC everything— we'd want to make sure you conformed if possible."

Councilwoman Blass: "They're allowed 20%."

Supervisor Cardinale: "Twenty percent. Came right in there."

Councilwoman Blass: "Thank you."

Supervisor Cardinale: "Take another percent. Okay. Any other comments? Build a deck, right. Okay. Another good reason for making certain that construction is done within a specified period instead of ad infinitum, is we get the taxes quick."

Okay. Moving right along, I guess nobody has anything else to say so we can close this hearing, it being five of eight or 7:55. Yes, did you want to say something?"

Councilwoman Blass: "Except that I think that the maximum impervious surface is probably more than 60% if you include the entire parking area. Lot coverage buildings maximum impervious surface is I believe 60%. It looks like it might be beyond that, I don't know. But you don't have to answer that now. If you want to get that information back it would be helpful. Thank you."

Supervisor Cardinale: "Well how could that happen? Because if you were building under the CRC which had been made residential, I know that our crack building department, Leroy, would never let you put up more than the percentage required in the statute of CRC."

If they were building under CRC, even though we had changed the zoning to residential, you would have applied, of course, as you had in the beginning the CRC requirements. And hence, Barbara— she's suggesting that the impervious surfaces is too high. She always finds the— "

Councilwoman Blass: "Well, I'm just— "

Mark Cuthbertson: "It was built— it was an industrial zone, all right, it was Industrial B was the zone before."

Supervisor Cardinale: "Oh before it was CRC, it was Industrial."

Mark Cuthbertson: "Right. It was Industrial B, that particular parcel."

Supervisor Cardinale: "When was it— 'til 2004?"

Mark Cuthbertson: "Correct. Until June 22, 2004, it was Industrial."

Supervisor Cardinale: "Industrial B, huh?"

Mark Cuthbertson: "Yes."

Supervisor Cardinale: "So that's why we had all the concrete— that was all down by that time?"

Mark Cuthbertson: "No. I don't know if the concrete was actually down."

Supervisor Cardinale: "I guess the question doesn't have anything to do with your application, but he's trying to ascertain whether the — at the time of building whatever you built, you were complying with the zoning then in effect. So we'll mull that over."

Anybody else have any questions? If not, we'll consider this closed for verbal testimony and keep it open for any written testimony for let's say a week in case somebody gets inspired. That would be a week from today which would be— what's a week from today— May 8th— May 1 and 7 is 8— yeah."

Public hearing opened: 7:55 p.m.
Left open for 10 days for written
testimony to May 8, 2007

Supervisor Cardinale: "Okay, moving right along to the next one which is consideration of a local law to amend Chapter 108 in regard to development zone. That makes-- can you tell us what this is about because my public hearing announcements are clipped off. I can't read it."

Dawn Thomas: "Yeah. This is another amendment to a local law to deal with the regionally significant project under the empire zone. It would add to our list a company called Air Techniques, Inc. and also corrects some of the information regarding other regionally significant projects including Telephonics and also the tax map number for Blue and White Foods LLC. and the name of C & N Packaging. And the tax map number. And that is all."

Supervisor Cardinale: "Okay. This is a technical hearing related to the economic development zone and listing the empire zone projects that are not within zones but are regionally significant and which have been applied for within Suffolk County. And since we're with the County of Suffolk, the originators of the zone, we have to pass a resolution confirming we know about them."

Is there anybody that would like to comment on this? If not, the -- only one of them for your information is actually in the town of Riverhead which is a project that is on Pulaski Street, Heritage Wide Plank Flooring and Renaissance Woodworking, although not in the zone technically, is a regionally significant project. The rest are in the towns of Huntington and Babylon.

I will, therefore, close the hearing, it being 8:00 since there's no further comment and move to the next hearing."

Public hearing closed: 8:00 p.m.

Public hearing opened: 8:00 p.m.

Supervisor Cardinale: "Which is the one scheduled for 7:25, for consideration of a local law to amend Chapter 108 definitions. Could you summarize that, please?"

Dawn Thomas: "This is the farmstand."

Supervisor Cardinale: "Okay, so you don't have to do anything because I'm not going to open it. I'm actually going to withdraw it."

Dawn Thomas: "Okay."

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Supervisor Cardinale: "To allow a proper confirmation of language and then we're going to advertise it. Is that right, George?"

Councilman Bartunek: "Yes."

Supervisor Cardinale: "We're going to re-work the language correctly and place it on the agenda again for hearing in the near future. So this one is withdrawn."

Public hearing withdrawn

Supervisor Cardinale: "The next one is 7:30 for consideration of a local law to consider the addition to the Riverhead town code of the youth bureau section, which is one of our initiatives this year to do more for young people by forming a youth bureau which would be a mechanism of that."

Is anyone here who wants to- I'm opening the hearing at 8:02- "

Public hearing opened: 8:02 p.m.

Supervisor Cardinale: "Is there anyone here that wishes to comment on the proposed youth bureau ordinance?"

Councilman Dunleavy: "Could I just say something?"

Supervisor Cardinale: "Go right ahead."

Councilman Dunleavy: "This is just that for us to form the youth bureau we have to have an ordinance and this defines everything the youth bureau is creating and what the youth bureau is going to do and how many board directors we need on it and the terms of appointments and that stuff. So this is to form the youth bureau."

Supervisor Cardinale: "Thank you. It all comes clear now. Anybody have a comment other than what we heard? If not, we'll move right along to the final- the final hearing of the evening. I am closing it a 8:03 and a half."

Public hearing closed: 8:03 p.m.

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Supervisor Cardinale: "The next one is schedule for 7:35, it being 8:04, we're going to go with it. It is for consideration of whether the construction and siting of the fueling facility at Indian Island Golf Course located on Riverside Drive, Riverhead must comply with the town code. And we have here— we are blessed to have this evening with us Phil Siegal, our outside counsel. Take it away, Phil."

Phil Siegel: "Good evening, Mr. Supervisor and Members of the Board. Thank you. My name is Phil Siegel with Smith, Finkelstein, Lundberg, Isler and Yakaboski. We're special counsel to the town board this evening in connection with the litigation that has been commenced by the town of Riverhead against the County of Suffolk concerning the construction of the gas station/fueling facility on Riverside Drive.

We're here tonight in conjunction with the litigation that's taking place essentially and by having his public hearing tonight, I want to stress that we're not waiving any of our arguments in the litigation in connection with what we consider to be the improper and illegal alienation of the parkland within Indian Island Park.

With that said, we're here tonight to determine whether the County of Suffolk must comply with town code in the construction of the fueling facility on Riverside Drive. In order to make that determination, the courts and the state have told us to conduct a hearing and in making the ultimate determination we are to consider numerous factors in connection with the project.

These factors include the nature and scope of the instrumentality seeking immunity, the encroaching government's legislative grant of authority, the kind of function or land use involved, the effect local land use regulation would have upon the enterprise concerned, alternative locations for the facility in less restrictive zoning areas, the impact upon legitimate local interests, alternative methods of providing the proposed improvement, the extent of the public interest to be served by the improvements and inter-governmental participation in the project development process and an opportunity to be heard.

According to the decision in the Matter of County of Monroe issued by the Court of Appeals, in the absence of an expression of contrary legislative intent by the state, the encroaching governmental unit, in this case the County of Suffolk, is subject to the zoning requirements of the host governmental unit, in this case, the town of Riverhead.

There does not appear to be any expression of— by the legislature or any intent by the legislature to exempt the county from the town's local code in connection with this project and hence we go forward

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with the evaluation of the factors to consider whether the county should be exempt or not.

With that in mind, I'd like to call several witnesses to offer testimony in connection with this project, the first being Riverhead Fire Marshal Bruce Johnson."

Supervisor Cardinale: "Thank you. Bruce, would you— this is a public hearing so we don't have to swear this guy in or would you like us to?"

Phil Siegel: "We could swear him in. That's not a terrible thing."

Supervisor Cardinale: "If you'd like. Bruce, would you raise your hand because I always like to keep him under oath when I talk to him. Would you solemnly swear to tell the truth, the whole truth and nothing but the truth in your testimony in regard to the hearing this evening?"

Bruce Johnson: "Yes, I do."

Supervisor Cardinale: "Go right ahead and tell us what you'd like to tell us."

Bruce Johnson: "Well, first of all, good evening, Supervisor and Town Board Members. For the record, my name is Bruce Johnson and I'm the Fire Marshal for the town of Riverhead and I've held that position for nine years now, since April of 1998.

And part of my responsibilities are to enforce the fire code of New York State as it applies here to buildings in the town of Riverhead and I think that the project that we're looking at right now is an example of where my expertise would be useful in looking at how that facility is cited and how it is constructed and how it's operated."

Supervisor Cardinale: "Thank you."

Phil Siegel: "Could you explain to us whether you've had a chance to inspect the facility and did you come to any conclusions about the safety of the facility in your opinion?"

Bruce Johnson: "Yes. I've had the ability to inspect that unofficially. I have not been provided through the county any of the applications, any of the plans or engineering that I would normally receive if we were looking at this for any other project that was constructed in the town of Riverhead. So that gives me some sense of concern that I don't know that a detailed review of the environmental

safety and the fire safety has, in fact, been conducted for this facility.

I did have occasion to visit the facility again today and noticed there was a few items of concern that we would have insisted upon if the facility was constructed here in Riverhead and utilized both the fire code and some best practices including some things that we did at our own municipal garage when we recently upgraded our fueling facility to provide for both environmental and fire safety.

So I saw an absence of those best practices at this facility. So that lends me to have concern about what other things may have been overlooked when the facility was through plan review and when it's constructed and how it's being operated today."

Phil Siegel: "Can you just tell us at any time has the county of Suffolk reached out to you or your office in connection with this project?"

Bruce Johnson: "They have not and that's quite unusual because most of the time on any other county project within the jurisdiction of Riverhead, we do have cooperation as we look at plans review and how that building gets constructed and then how we turn that building over to county for operational inspections for the life of the building. So it's unusual that that entire process was omitted and in looking at the documents again today, all of the permits that were issued by the county clearly indicate that those permits are issued but they don't waive the permittee from any of the requirements for local inspection or plans review. So it was kind of complexing to me as to why, you know, we would not do that for this facility when we have done that for other county facilities."

Phil Siegel: "You also mention that there were several I think you used the word deficiencies with respect to this facility that you would ordinarily either suggest or require of other similar facilities in the town. Could you be a little but more specific as to what those deficiencies are, please?"

Bruce Johnson: "Certainly. One of the things that we've done so we can mitigate or contain a surface spill which is very common at a self service facility with a lot of vehicles coming in and out and not having a regular attendant, we do spill containment around the concrete pad so that if there's an overflow of a gas tank or if somebody inadvertently leaves and the hose gets disconnected from the pump, there is a safety break away but there are several gallons of fuel that are still in the hose so we cut a series of, you can call them grooves or containment around the concrete pad, and you'll see that in all the new gas stations here in the town of Riverhead and at our municipal yard, that was something that I noticed was absent at

the county facility. And, again, I think that's an accepted best practice now when constructing a new facility with a concrete pad.

I don't know if this fixed extinguishing system which they do have and that's a very positive thing, I couldn't tell if it's been property inspected because I don't see the inspection tags that are on that would normally be on the cylinders that supply the chemical agent if there is a fire at the facility, and the fire code requires that they be inspected and certified every six months.

And then one other concern that I have again because this is a self service remote facility, if that fixed extinguishing system were to activate because of a fire emergency, we don't know if that's tied into a monitored fire alarm. If somebody is there at 3:00 in the morning and they don't have a radio or cell phone, they may be waiting a long time for any fire help because it's not going to be summoned automatically through a fire alarm system.

So those are all things that are, you know, code requirements or best practices and I either don't see them at this facility or I don't have the plans to show that they have been installed or they plan to install those safety features."

Phil Siegel: "You also testified that you reviewed the permits that the county issued to itself earlier on. Did you happen to see who signed off on those permits?"

Bruce Johnson: "Yes, I did. And that was an engineer from DPW and while we certainly don't want to discredit the professional certifications of an engineer, there are a lot of specialities in engineering and without a fire protection engineer or someone from the county Fire Marshal office looking at particularly fire protection, I don't know if we paid attention to all the subtle details that need to be paid attention to when we're dealing with flammable liquids and a flammable liquid facility."

Phil Siegel: "Typically in the process of constructing a gas station, would your office be involved?"

Bruce Johnson: "Yes, we would."

Phil Siegel: "And how would you come to be involved in that type of process?"

Bruce Johnson: "We would be involved beginning with the site plan review, working with the local fire department to make sure that all of their concerns and all of the provisions of the fire code are incorporated before we even issue permits as part of that site plan process. And then once we have determined that the site is appropriate, we would be issuing fire prevention permits for a

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detailed review of the fire suppression or fire protection systems that are required for that facility."

Phil Siegel: "Thank you, sir."

Supervisor Cardinale: "Okay, thank you. Is there any other individual that wishes to testify or you wish to pose questions with?"

Phil Siegel: "Yes. We'd like to have Mr. Leroy Barnes testify."

Supervisor Cardinale: "Okay. I think- I know him, you probably should swear him in, too. Okay, Leroy, do you promise to tell the truth, the whole truth and nothing but the truth in the testimony you are about to give?"

Leroy Barnes: "I do."

Supervisor Cardinale: "Thank you."

Phil Siegel: "Mr. Barnes, can you tell us a little bit about yourself and what you are doing and how long you have been doing it for?"

Leroy Barnes: "Well, I am the Building Department Administrator for the town of Riverhead. I am the senior building inspector under civil service classification. And I've been employed by the town of Riverhead in that capacity since 1997."

Phil Siegel: "And are you familiar with the gas station/fueling facility that's been constructed on Riverside Drive here in Riverhead?"

Leroy Barnes: "Yes, I am."

Phil Siegel: "And prior to the construction of this facility, did the County of Suffolk reach out to you or your office at any time?"

Leroy Barnes: "No, they did not."

Phil Siegel: "Are you- you are familiar, of course, with the setback requirements in the town of Riverhead in that particular zone?"

Leroy Barnes: "Yes, I am. It's 100 feet under the TRC district."

Phil Siegel: "Can you tell us what the TRC district is?"

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Leroy Barnes: "It's the tourism, recreation district, I believe it is. Let me make sure. It's the tourism resort campus district, excuse me."

Phil Siegel: "Thank you. And does the fueling facility comply with the setback requirements of the TRC district?"

Leroy Barnes: "No, it doesn't."

Phil Siegel: "Do you have any knowledge of any alternative sites— before I go there, let me just back up a bit. Do you know, is a fueling facility a permitted use in the TRC district?"

Leroy Barnes: "No, it is not."

Phil Siegel: "Do you know where a fueling facility or a gas station would be specially permitted within the town of Riverhead?"

Leroy Barnes: "Yes, in the Industrial A zone."

Phil Siegel: "And in your opinion, would it be more appropriate to put a gas station in the Industrial A zoning district than the TRC district?"

Leroy Barnes: "Yes, it would."

Phil Siegel: "Have you had an opportunity to inspect the facility?"

Leroy Barnes: "Yes, I have."

Phil Siegel: "And after inspecting the facility and based on your knowledge of the zoning districts in the town, do you feel that there are any alternative sites for the facility that could be considered?"

Leroy Barnes: "Yes, I do. I was looking at the maps when I first saw the facility and I thought a more appropriate place would be the Indian Island County park which is off of Hubbard Avenue and 105 and I thought off of the Hubbard Avenue exit where the Suffolk County Park Police has a substation there and a recreational vehicle sewer facility there. I thought that would be more appropriate. It would be screened and it would be away from the public areas."

Phil Siegel: "And are you familiar with a Suffolk County compound that's presently located across the street from where the gas station was constructed?"

Leroy Barnes: "Yes, I am."

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Phil Siegel: "Do you feel that the gas station or fueling pumps might be more appropriate across the street in the already existing facility so that further parkland need not have been destroyed?"

Leroy Barnes: "Yes. I believe that would also have been an appropriate site."

Phil Siegel: "And are you familiar with some industrial property close by within the town of Southampton?"

Leroy Barnes: "Yes. I believe there's a facility on Westhampton Road, I believe it's county road 39, which would be south of the Westhampton Air Base where the Southampton Highway Department is located and that could be a possible facility where there could be a county fueling facility."

Phil Siegel: "Thank you, sir."

Leroy Barnes: "You're welcome."

Supervisor Cardinale: "Okay. Thank you. Is there further testimony?"

Phil Siegel: "Yes. We would also like to call Mr. Richard Hanley to testify in this matter."

Supervisor Cardinale: "All right. Rick, come on up and definitely swear him in. Rick?"

Rick Hanley: "Yes."

Supervisor Cardinale: "Would you swear to tell the truth, the whole truth and nothing but the truth in your testimony?"

Rick Hanley: "I will."

Supervisor Cardinale: "Please proceed."

Rick Hanley: "Richard Hanley, Planning Director Town of Riverhead since 1984. And my department is responsible for amongst other things providing technical support to both the town board and the planning board with respect to site plan review."

Phil Siegel: "Mr. Hanley, you heard the testimony of Mr. Barnes. Do you agree with his testimony?"

Rick Hanley: "With respect to the principal use of gasoline service station, the only district that allows for that is the Industrial A district. Yes, I do."

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Phil Siegel: "Are you familiar with the fueling facility/gas station that's been constructed on Riverside Drive?"

Rick Hanley: "Yes, I am."

Phil Siegel: "And have you had a chance to inspect the site?"

Rick Hanley: "I'm familiar with it. I haven't had a chance to inspect it or gain any data relative to it because the county did not submit an application for site plan review to my department."

Phil Siegel: "Prior to the construction of the facility, did the County of Suffolk contact you or your department in any way?"

Rick Hanley: "Not in any way."

Phil Siegel: "Can you tell us a little about the town of Riverhead's master plan?"

Rick Hanley: "Yes. In- between 2001 and 2003 or 2000 and 2003, the town board authorized the preparation of a comprehensive plan. We analyzed and studied every square inch of the town of Riverhead with respect to land use. The plan was adopted by the board and there was a conscious decision made to only provide for gasoline distribution or sales in one district which was the Industrial A district which was heavy industry."

Phil Siegel: "After the- the master plan was ultimately adopted and after that the zoning code was also adopted to conform with the plan?"

Rick Hanley: "To implement the plan. Yes."

Phil Siegel: "Implement the plan. Along Riverside Drive, are you familiar with the area along Riverside Drive?"

Rick Hanley: "Very familiar with the area."

Phil Siegel: "Can you describe it for us a little bit?"

Rick Hanley: "It's a residential area. Prior to the plan being adopted, the zoning provided for densities at 20,000 square feet. The town board changed it from residential 20,000 to residential 40,000. There is only one non-residential use on that street which I think is the Moose Club."

Phil Siegel: "And the upzoning of Riverside Drive, was that an attempt by the town in your opinion to improve and enhance Riverside Drive?"

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Rick Hanley: "Yes. It was an attempt to limit density town-wide and this was one area where the town board decided to upzone."

Phil Siegel: "And in your opinion is the construction of a gas station on Riverside Drive in conformity with the town's goal to improve and enhance Riverside Drive?"

Rick Hanley: "No. I do not. If the county of Suffolk had submitted a site plan to my department, the first thing that we would have identified as an issue would be the use itself. Clearly a gasoline station is not allowed in the tourist recreational or resort campus district.

Secondly, it's clear that this is not an accessory use to a golf course. It's my understanding that the distribution or pumping of gasoline is to all county vehicles, not just to vehicles or golf carts that are associated with the golf course.

So the use would be an issue, number one. Secondly, the Riverhead Planning Board is presently involved with the review of two or three subdivisions on that street. We are presently- we have presently hired a consultant to do a traffic study of both ambient traffic on Riverside Drive as well as a problem at the intersection of 25 and Riverside Drive. And without question, if we had gotten by the use issue in the balancing test, we would have certainly looked at the origin of trip ends for motor vehicles and made some assessment about that particular intersection and certain improvements to occur at that intersection."

Phil Siegel: "Do you believe that the gas station that's been construction actually generates traffic along Riverside Drive?"

Rick Hanley: "Yes, I do. Typically gasoline stations are located on major arterials which essential peel existing traffic off for people to fill up their vehicles. This is clearly a generator of motor vehicle trip ends in that all county vehicles can come there, fuel up and leave. So, yes, I don't consider it to be a typical gasoline station. It's certainly a generator of trip ends."

Phil Siegel: "And are you familiar with how the golf carts operate at the park, that is, gas or electric?"

Rick Hanley: "It's my understanding that Indian Island Golf Course presently has a fuel tank that they use on site to fuel the golf carts and I certainly don't believe that golfers are going to this facility to fuel up their golf carts or employees of Indian Island. So I think that clearly this is not an accessory use. The golf operation is on the golf site itself or the clubhouse is and this is a generator of new traffic."

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Phil Siegel: "The golf carts are operated by gas power, is that correct?"

Rick Hanley: "That's my understanding."

Phil Siegel: "And the park has a fuel pump for the golf carts behind the clubhouse across 105. Is that correct?"

Rick Hanley: "That's correct."

Phil Siegel: "So that the golf carts themselves actually don't fill up at this facility."

Rick Hanley: "That's correct."

Phil Siegel: "And when other municipal projects apply to the town such as projects brought by the Long Island Power Authority, for example, do they submit to site plan review?"

Rick Hanley: "They make application for site plan review under our ordinance and the department reviews the site plan. We provide the technical advice to either the planning board or the town board and there's an approval made. We have had experience with site plan approval on the sub station at the Jamesport site of the old LILCO piece. We have an existing application for a substation off Edwards Avenue which LIPA has submitted a site plan to us. And we also dealt with a site plan to a certain extent with the firehouse that was recently approved, Riverhead fire house."

Phil Siegel: "In addition to the LIPA substations that submitted site plan applications to your office, the fire district's burn building also submitted an application. Is that correct?"

Rick Hanley: "That's correct."

Phil Siegel: "And during that review process for all site plan applications, you have an opportunity to mitigate adverse impacts. Is that correct?"

Rick Hanley: "That is correct. We require certain bufferings of substations, we were able to get certain improvements or changes to the site plan for the firehouse in Riverhead to the public benefit as far as the balancing test."

Phil Siegel: "And with respect to the Riverhead Water District, do they come before you for site plan approval as well?"

Rick Hanley: "The Water District has made application for site plan to affix antenna onto certain stand pipes and water district

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towers that exist in the town and there is a site plan approval for those as well."

Phil Siegel: "And for other municipal projects such as the cell tower at the Calverton property, do they come before you for site plan approval as well?"

Rick Hanley: "There's an expectation that the town will, in fact, make an application for a proposed cell tower at the Calverton site."

Phil Siegel: "Thank you, sir."

Rick Hanley: "My pleasure."

Councilwoman Blass: "Mr. Hanley- "

Rick Hanley: "My father is not in the room, Barbara."

Councilwoman Blass: "The Industrial A zoning use district you mentioned is the only district that provides for this use, gas station use, but it is by special permit."

Rick Hanley: "You are correct."

Councilwoman Blass: "Could you just elaborate a little bit on the extra review that comes with a special permit request as opposed to an as of right."

Rick Hanley: "Yes. What a special permit application affords the town board is the ability to review the application with respect to about 25 different criteria which is in our code regarding the appropriateness of the use on a parcel, access questions, waste water questions, sewer questions, and the like.

I believe that that is a discretionary process on the part of the town board to grant a special use permit. Each and every one of the criteria would have to be met and affirmatively stated that the applicant has met it."

Councilwoman Blass: "And that's the only way a gas station gets approved currently in the town of Riverhead, going through that process?"

Rick Hanley: "That's correct and if one were to inspect just theoretical zoning issues, almost all municipalities have a particular approach to gasoline service stations."

Councilwoman Blass: "Thank you."

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Supervisor Cardinale: "Thank you. Is there any other testimony or commentary that any member of the public or anyone else in the room or outside the room would like to give? If there is not, I will note—would you like to state anything further?"

Phil Siegel: "I would just respectfully request that the board hold the hearing open for written comments for a week."

Supervisor Cardinale: "Okay. I'd like to then note that it is 8:29. Did you want to say something? Come up, please. I can hardly wait."

Hal Lindstrom: "I just wanted to make a correction. I've played a number of times at that facility, Indian Island Golf facility, and the golf carts there are electric, the ones that I have encountered unless they have some other ones that are gas powered. But the ones that I've played on, you know, that I've used there are electric."

Supervisor Cardinale: "Thank you. Sal, didn't you want to meet the new Superintendent of Schools?"

Sal Mastropolo: "Yeah, I was, but, see, you got preference."

Supervisor Cardinale: "Oh, wow. Thank you."

Sal Mastropolo: "Okay. First of all, the golf carts get filled up. They're not electric, they're gas and the tank is right behind the shed where the golf carts are stored. That's number one.

Number two. Nobody said it, so I'm going to say it. The gas station existed already, okay, on that property, okay. It was there, it was at the end of the parking lot where the golfers park. Okay?"

Supervisor Cardinale: "It's across the street, across 105."

Sal Mastropolo: "Now I don't know if that whole park is one parcel or not, okay, so I mean for the record, what they really did is they moved it. They didn't construct new. They moved it from one site to another. Yes, they rebuilt it, they didn't move the existing facility. But it did exist on the park itself and I think one of the reasons why they didn't put it across where the storage barns are is because those gates get locked and the facility where the tanks are and the fill station is open to Suffolk County vehicles coming and going all night long. Okay."

Supervisor Cardinale: "Thank you."

Sal Mastropolo: "You're welcome."

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Councilman Dunleavy: "I have to say I think they are gas because they have a grey holding tank behind the shed where the golf carts are parked for gas."

Councilwoman Blass: "And while they did relocate from another portion of the premises, they increased the capacity by more than 10,000 gallons of storage."

Rick Hanley: "I will check the tax map but I believe—"

(At this time, the CD ended)

Public hearing closed

Supervisor Cardinale: "It's complicated. All right, Sal, fire away. Yeah, three quick questions."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "393. Can you tell me I've seen the sanitation truck or the garbage truck, okay. I see it when I'm walking for exercise and I see it. It goes down and it picks up the garbage, I guess, at the Wading River, at the Hulse Landing Beach. Where else does it pick up garbage in the town?"

Councilman Dunleavy: "It picks up garbage down on Main Street, all of Main Street in Jamesport, all of our beaches, all of our public facilities. And the truck is old, it's falling apart and they do need a new truck."

Sal Mastropolo: "Yeah? I don't know. It moves down Hulse Landing Road pretty good when I see it."

Supervisor Cardinale: "Because it has no brakes."

Sal Mastropolo: "Brakes are a hell of a lot cheaper than \$90,000. 400. Are there steps, excuse me, are there steps between group 5 and group 9?"

Supervisor Cardinale: "Yes. Six, seven and eight."

Sal Mastropolo: "Well, how do we change a job four steps?"

Supervisor Cardinale: "Which number is that?"

Sal Mastropolo: "400."

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Supervisor Cardinale: "Yeah, that's a story which is actually she was at nine and then she was-- they had a technical difficulty to remain at nine because of a technical requirement of civil service. So we dropped her back and this is restoring her to her rightful location in view of the board."

Sal Mastopolo: "What is the financial impact of that change?"

Supervisor Cardinale: "That she would go back to the salary she was making before she got dropped back from where she was from nine to five. She was at nine, she went to five, and now she's going back to nine."

Sal Mastopolo: "Okay. And one other one. 402. What was Chris Kent making?"

Supervisor Cardinale: "That exact number-- "

Sal Mastopolo: "Seventy eight or eighty five?"

Supervisor Cardinale: "Eighty five that number. That's why 78 was incorrect."

Sal Mastopolo: "Yeah, but that was after how many years of experience?"

Supervisor Cardinale: "A year and a half."

Sal Mastopolo: "And council member before that. I mean there's history-- "

Supervisor Cardinale: "Right."

Sal Mastopolo: "-- associated with that salary. It seems strange that we bring a new person in at the outgoing guy's salary."

Supervisor Cardinale: "Well, actually he's a bargain because he was making forty grand more for the county. So I think that his experience is commensurate with the salary."

Sal Mastopolo: "Okay. Those are my only comments."

Supervisor Cardinale: "Okay. Any other questions? If not, yes, sir, any resolution you'd like to-- "

Aaron Einstein: "Good evening, Mr. Supervisor and Board Members. My name is Aaron Einstein and I'm here with my partner, Dennis Ashford. We had put in an application for an event to be held in Riverhead, the Long Island Bike Fest. We understand that when we put that application in, a few things got in the way of it being met on.

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What we wanted to do is just present a brief synopsis or idea of what we have going on as far as the whole event is concerned and, hopefully, try and resolve some of the issues or concerns that were expressed."

Supervisor Cardinale: "Right. Well, let me tell you the status of that. That was supposed to be considered tonight. It was in the packet so technically you shouldn't be commenting now but you should comment after because it's not a resolution. But it's close enough.

It was taken out because you're supposed to be talking-- you should be talking-- we would like to approve that possibly at a Thursday meeting, we'll have a special board meeting when we do the work session. But you need to get by the town attorney with some questions and town fire marshal who was here. Right? And the police chief.

So there were some concerns. Now, she's otherwise engaged. The police chief is just hanging out, he's right there. And the fire marshal testified-- wasn't he good-- "

Councilman Dunleavy: "Yeah, he's right there."

Supervisor Cardinale: "But he's still here."

Councilman Dunleavy: "He's still here."

Supervisor Cardinale: "There you are. So why don't maybe do you think it's okay if they talk-- could you talk with the police chief and the fire marshal? They have certain concerns they want to put in the body of the resolution which we'll consider Thursday because we're aware it's this weekend, right?"

Aaron Einstein: "Yes."

Supervisor Cardinale: "Okay, so if you can square it away with them that would be helpful tonight. Otherwise we would have considered it but we're going to consider it Thursday."

Aaron Einstein: "All right. Thank you very much."

Supervisor Cardinale: "Thank you. Any other-- Rick."

Rick Hanley: "Resolution 436."

Supervisor Cardinale: "Yes."

Rick Hanley: "Definition of outdoor recreation. I would just like to make a suggestion, Phil."

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Supervisor Cardinale: "Yes."

Rick Hanley: "After our discussion this afternoon."

Supervisor Cardinale: "Yes."

Rick Hanley: "I'll just read what the public hearing notice says- "

Supervisor Cardinale: "Okay."

Rick Hanley: "-- and we had talked this afternoon, Phil and I, with respect to more conversation about this on Thursday because the deadline for publication is Friday."

Supervisor Cardinale: "Did you- I wanted you to talk to-- "

Rick Hanley: "I did not get a chance to talk to Barbara."

Supervisor Cardinale: "Because she has some concerns."

Rick Hanley: "Right. Outdoor recreation facility - a place designed and equipped for the conduct of outdoor sports, leisure time activities and other customary and usual recreational activities."

And I would just like to qualify that after the word of, conduct of non-motorized. I think the legislative intent is for active physical recreation as opposed to vehicles. We can further talk about that on Thursday."

Supervisor Cardinale: "Yeah. Work on that language. Does that mean I can't like use a- I guess it means like no go carts."

Rick Hanley: "This is the horror of zoning."

Supervisor Cardinale: "I know. Okay. You would like to have it passed with non-motorized and then we can discuss it for further clarification."

Rick Hanley: "Yes."

Supervisor Cardinale: "Okay, fine. Any other comment? If not, we can consider these 47 and a couple of add ons if necessary or if offered. 393, would you call it?'

Barbara Grattan: "No, 392."

Supervisor Cardinale: "Oh, okay, call that first."

Resolution #392

Councilman Bartunek: "CDBG consortium 2007 budget adoption. 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 #393

Councilman Dunleavy: "Sanitation truck budget adoption. 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 #394

Councilman Densieski: "Highway truck budget adoption. 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 #395

Councilwoman Blass: "BioSolids reuse program feasibility study budget adoption. 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 #396

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Councilman Bartunek: "Authorization to junk fixed assets. 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 #397

Councilman Dunleavy: "Appoints a part time park attendant II Level II to the Riverhead recreation department."

Councilman Densieski: "Second the motion."

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

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

Councilman Densieski: "Yeah, I think we should hire Justin because we found out earlier how fast he is. So he should be very efficient. Yes."

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

Resolution #398

Councilman Densieski: "Appoints a detention attendant in the police department. 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 #399

Councilwoman Blass: "Ratifies appointment of a homemaker in the Seniors Program. So moved."

Councilman Bartunek: "And seconded."

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

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

Resolution #400

Councilman Bartunek: "Reassign computer operator II. So moved."

Councilman Dunleavy: "And seconded."

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

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

Councilwoman Blass: "Yes. I'd just like to say that I am voting for this but I think that in contemplation of the contract that's coming up, that part of the responsibilities will have to be a review of that salary schedule and the steps associated therewith. Yes."

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

Resolution #401

Councilman Dunleavy: "Accepts resignation of a homemaker and we're sorry to see her go. 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 #402

Councilman Densieski: "Amends Resolution #346-2007. So moved."

Councilwoman Blass: "And seconded."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "I'm going to abstain from this. I can't see, we hired someone at 78 and before he starts working, we're giving him almost an \$8,000 raise. So I'm going to abstain."

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

Councilman Densieski: "Yeah. My policy when Supervisor Kozakiewicz was here to support his wishes for staff in his office, I do agree with John. I think this is a pretty high salary to start. But considering that this resolution is for the Supervisor's office and his personal staff, I'm going to go along with it and vote yes."

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

Supervisor Cardinale: "Yeah. I'm going to vote yes and note that thank you for the votes, and I note that there is no impact on the budget. It's the same salary the previous occupant of the position had received. I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #403

Councilwoman Blass: "Accepts the resignation of an assistant recreation leader. 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 #404

Councilman Bartunek: "Accepts the resignation of an assistant recreation leader. 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 #405

Councilman Dunleavy: "Approves 2007 contract of the deputy superintendent of highways. So moved."

Councilman Densieski: "Second the motion."

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

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

Resolution #406

Councilman Densieski: "Authorizes the town clerk to publish and post a help wanted ad for pump out board personnel. 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 #407

Councilwoman Blass: "Authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 725 Main Road, Aquebogue, New York. 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 #408

Councilman Bartunek: "Authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 357 Laurel Lane, Laurel, New York. 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 #409

Councilman Dunleavy: "Authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 18 Northville Turnpike, Riverhead, New York. 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 #410

Councilman Densieski: "Rescinds Resolution #355 of 2007 which authorized the town clerk to publish and post public notice to consider a local law to amend Chapter 12 entitled Coastal Erosion Hazard Areas of the Riverhead town code. 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 #411

Councilman Bartunek: "Authorizes the town clerk to publish and post public notice to consider a proposed local law to amend Chapter 12 entitled Coastal Erosion Hazard Areas of the Riverhead town code. 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 #412

Councilwoman Blass: "Authorizes the Supervisor to execute easement agreement with Cablevision. 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 #413

Councilman Bartunek: "Authorizes the town clerk to publish and post public notice to consider a proposed local law to amend Chapter

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86, Dwelling Units, Sec. 86-6 entitled Fees of the Riverhead town code. So moved."

Councilman Dunleavy: "And seconded."

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

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

Councilman Densieski: "Yeah. This is a little bit of housekeeping for the rental. I'm going to vote yes."

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

Resolution #414

Councilman Dunleavy: "Grants special use permit of Rick Stott Suffolk Theater for increase in lot coverage. So moved."

Councilman Densieski: "Second the motion."

(Some inaudible discussion)

Supervisor Cardinale: "Okay, is there a motion on 414-- there was a-- there's another outstanding issue that we'd like to discuss so we're looking-- someone is making a motion to table, I believe."

Councilwoman Blass: "On advice of counsel, I'll make a motion to table Resolution #414."

Councilman Bartunek: "And I'll second that."

Supervisor Cardinale: "Moved and seconded to table 414 for consideration Thursday."

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

Resolution #415

Councilman Densieski: "Accepts cash security of Sound Housing LLC for a storage building. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded."

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

Resolution #416

Councilwoman Blass: "Approves the Chapter 90 application of Peconic Bay Medical Center for their 12th annual East End Garden Festival. 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 #417

Councilman Bartunek: "Amends Resolution #362 of 2007 which authorizes the town clerk to publish and post public notice for a local law to consider an amendment to chapter 52 entitled Building Construction of the Riverhead town code. Section 52-6 application for building permit. 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 #418

Councilman Dunleavy: "Amends Resolution #133 of 2007, approves Chapter 90 application of Wading River Civic Association Duck Pond Day. 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 #419

Councilman Densieski: "Authorizes the Supervisor to enter into an agreement with the Riverhead Business Improvement Management Association, Inc. 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 #420

Councilwoman Blass: "Designates May as Lyme Disease Awareness Month in the town of Riverhead. 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 #421

Councilman Bartunek: "Approves Chapter 90 application of Larry's Lighthouse Marina for a boat show. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #422

Councilman Dunleavy: "Calls public hearing on special permit of Carpet One Floor and Home 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 #423

Councilman Densieski: "Ratifies the authorization of the Supervisor to execute a non-binding intermunicipal memorandum of understanding regarding land use and transportation. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #424

Councilwoman Blass: "Resolution appoints and approves the fee schedule for the Raynor Group PE & LS PLLC as consulting engineers and land surveyors. So moved."

Councilman Bartunek: "Would you read that one more time? No, just kidding. 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 #425

Councilman Bartunek: "Consents to the town justices serving in the Riverhead Justice Court when sitting as the East End Regional Intervention Court. 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 #426

Councilman Dunleavy: "Appoints temporary clerks to the Tax Receiver's Office. 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 #427

Councilman Densieski: "Authorizes the designation of a certain structure/cemetery as a landmark pursuant to Chapter 73 entitled

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Landmarks Preservation of the Riverhead town code. And that's for the Fletcher Booker Homestead at 1185 Northville Turnpike. So moved."

Supervisor Cardinale: "We've got a correction. A serious one here, okay. This is not a cemetery. It's a homestead isn't it?"

Councilman Bartunek: "No, there's a cemetery there."

Supervisor Cardinale: "I thought it was a homestead."

Councilwoman Blass: "No, that was the other one in Wading River was a cemetery."

Councilman Dunleavy: "Not on Northville. On Northville Turnpike?"

Supervisor Cardinale: "That's the Booker Homestead last I heard."

Councilman Bartunek: "Certain structure cemetery- "

Supervisor Cardinale: "Yeah, right. So the Fletcher Booker Homestead is not to our knowledge a cemetery."

Councilman Densieski: "Let me introduce it please, so it's accurate. Authorizes designation of a certain structure as a landmark pursuant to Chapter 73 entitled Landmarks Preservation of the Riverhead town code and that's for the Fletcher Booker Homestead at 1185 Northville Turnpike, in Riverhead. So moved."

Councilwoman Blass: "And seconded."

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

Councilman Densieski: "Did we get it right?"

Supervisor Cardinale: "Now you've got it."

Councilman Densieski: "I think we did."

The Vote: "Dunleavy."

Councilman Dunleavy: "I'm voting yes as amended."

The Vote (Cont'd.): "Bartunek, yes, as amended."

Supervisor Cardinale: "Okay. And there's one other-- there's a reference at the first Now Therefore Be It Resolved, strike the word cemetery there as well. In the first Whereas, so that it's clear it's

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a structure. Okay. With that-- those successive amendments, I think you're voting, George."

Councilman Bartunek: "Yes. I vote yes as amended."

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

Resolution #428

Councilwoman Blass: "Authorizes the release of developer money - Sunken Pond Estates, Inc. 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 #429

Councilman Bartunek: "Authorizes the supervisor to execute an agreement with Suffolk 87 Associates (County Seat Plaza) and accepts a performance bond in connection with the completion of the parking area. So moved."

Councilman Dunleavy: "And seconded."

Supervisor Cardinale: "Moved and seconded. Do I need to sign this agreement actually?"

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "All right. Fine. Okay. I would like to call a vote then."

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

Resolution #430

Councilman Dunleavy: "Designates North Fork Audobon Society for beach dependent species management responsibilities and authorizes supervisor to execute a contract. So moved."

Councilman Densieski: "Second the motion. Discussion."

Supervisor Cardinale: "Yes."

Councilman Densieski: "I see in the first Whereas, it says funded by the US Fish and Wildlife. And then I see the next Whereas where we have to provide tools and hiring of at least one person. Is that funded by the- "

Supervisor Cardinale: "Yes, it is."

Councilman Densieski: "Okay. So it's not a town budget item."

Supervisor Cardinale: "Yeah. It isn't. What happened is they were giving us around \$13,000 a year to watch the birds and we don't have the staff to do it so Audobon is taking over and taking the money too."

Councilman Densieski: "Okay. So there's no additional town funds then."

Supervisor Cardinale: "That's correct."

Councilman Densieski: "Okay. Thank you."

Supervisor Cardinale: "All right. Moved and seconded."

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

Resolution #431

Councilman Densieski: "Authorizes the town clerk to republish and repost notice to bidders for precast concrete drainage rings and associated items. 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 #432

Councilwoman Blass: "Authorizes the town clerk to republish and repost notice to bidders for traffic line striping. 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 #433

Councilman Bartunek: "Rejects bid and authorizes town clerk to republish and repost notice to bidders for traffic paint. 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 #434

Councilman Dunleavy: "Authorizes publication of notice (2007 CDBG program amendment). 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 #435

Supervisor Cardinale: "This is authorizing the town clerk to publish and post notice of public hearing for a use permit of Ira Chernoff. It's 435 and it is property- where's Rick, is he here? Rick, tell us what property this is because I know you put it in late and- "

Rick Hanley: "Yeah. This is the special use permit for professional office- "

Supervisor Cardinale: "Real property located Main Road, Aquebogue."

Rick Hanley: "Yes. It's within the Rural Corridor. However, that district allows for this by special permit within a certain distance of a Hamlet Center."

Supervisor Cardinale: "So we're going to publish and post a public notice."

Rick Hanley: "Yes. For a public hearing."

Supervisor Cardinale: "Very good."

Councilman Densieski: "That's Resolution 435. 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 #436

Councilwoman Blass: "Authorizes the town clerk to publish and post a public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code (Definitions-Outdoor Recreation Facility). So moved."

Councilman Bartunek: "And seconded."

Supervisor Cardinale: "Moved and seconded. So you have that amendment?"

Councilman Dunleavy: "Yeah, this is going to be amended."

Supervisor Cardinale: "Yeah. The word non-motorized after the word of."

Councilwoman Blass: "Non-motorized."

Supervisor Cardinale: "As amended. Vote please."

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes, as amended."

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

Resolution #437

Councilman Bartunek: "Authorizes 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 (Planned Industrial Park District). So moved."

Supervisor Cardinale: "I think this is duplicative. It was the original without the— oh, no, it isn't duplicative. This is the change and then the other is the definition. Go ahead. I'm sorry."

Councilman Bartunek: "So moved."

Councilman Dunleavy: "And seconded."

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Councilwoman Blass: "Well, then I have discussion."

Supervisor Cardinale: "Yes, go ahead."

Councilwoman Blass: "One is the special permit use outdoor recreation- "

Supervisor Cardinale: "Right."

Councilwoman Blass: "One is defining an outdoor recreation facility."

Supervisor Cardinale: "A good point. You want to, Barbara, is pointing out that the special permit use is for outdoor recreation. Your definition is outdoor recreation facility."

Rick Hanley: "Yes."

Supervisor Cardinale: "Why is- "

Rick Hanley: "Why is that? Because I wrote the definition today and neglected to change so we should amend that. They should be identical."

Supervisor Cardinale: "Okay. So the special permit use is for an outdoor recreation facility. Okay, thank you."

So with that amendment on 437 can we consider that?"

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes, as amended."

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

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

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

Councilman Densieski: "This is 438?"

Supervisor Cardinale: "We're still on 437."

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

Resolution #438

Councilman Dunleavy: "Authorizes- I'm going to read this. I don't go along with it. We discussed this resolution and the

supervisor didn't change it. He said he was going to change it and he's putting the old resolution up but I will authorize for a public hearing.

Authorize the town clerk to publish and post public notice for public hearing regarding a local law to amend Chapter 52 entitled Building Construction of the Riverhead town code, Section 52-22 Safe and Code Compliant Construction for town construction contracts. So moved."

Councilman Densieski: "Second the motion."

Supervisor Cardinale: "Okay, moved and seconded. We're going- I think your concern was 250 or 500- "

Councilman Dunleavy: "Yes."

Supervisor Cardinale: "It really doesn't- I just neglected to mention it. It doesn't make a great deal of difference to me if it would help with the support of this among the board. I don't have a problem with changing it. Would you like to hear it at 500 or 250? We cannot move it up after a hearing. Is that correct, Dawn? If we're capture contracts of 250 or above and we hear a hearing that we'd like to capture only those of 500 and above or a million and above, we can do that. But we can't go- "

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Okay."

Councilman Dunleavy: "So I think we should amend this to 500 now."

Supervisor Cardinale: "But that would mean that- that's why I think- if we hear it at 250, okay, and it is determined to change it after public hearing to 500, that's not a problem correct. But if you hear it at 500 and wish to move it to 250, it is. I confuse this something, that's why I'm asking."

(Inaudible discussion)

Supervisor Cardinale: "Yeah, so if you go to 250 you're capturing more, you're becoming more restrictive. So what I'm saying is if we can hear it at 250, I'm not going to object to moving it to 500."

Councilman Dunleavy: "But can we move it up if we- a hearing on 250?"

Supervisor Cardinale: "Yes. That's the point. But you can't move it down. Is that your determination? Okay. So you can move it

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up but you can't move it down. So that's why I suggested we hear it at 250 and move it at 500, 750, whatever we think appropriate."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "Okay. Then, you want it at 500— okay, let's move it to 500 now then because I think it would bring the support of the board together. So let's change that to an excess of 500 at construction contract definition and at the final line of the first page, that should also read 500 instead of 250. And with those amendments, can somebody offer them— offer it?"

Councilman Dunleavy: "I offer it. Who's seconding it?"

Councilman Densieski: "Second the motion."

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

The Vote: "Dunleavy."

Councilman Dunleavy: "Yes, as amended."

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

Councilman Densieski: "Yes, to the public hearing."

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

Barbara Grattan: "Resolution 439 is to pay bills. Councilman Densieski."

Resolution #439

Councilman Densieski: "Pay bills. 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 #440

Barbara Grattan: "Resolution #440 is adopt a local law for the addition of the new chapter 111 of the Riverhead town code entitled youth bureau."

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Councilman Dunleavy: "Okay. Adopts local law for the addition of the new Chapter 111 to the Riverhead town code entitled Youth Bureau. 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 #441

Barbara Grattan: "Resolution #441 is adopt a local law to amend Chapter 108 zoning Empire Zone of the Riverhead town code. Councilman Bartunek."

Councilman Densieski: "I'll move it."

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 #442

Supervisor Cardinale: "The next resolution- I guess it needs a number. Is that correct, John? We need to add this to the- appointment a member of the IDA."

Barbara Grattan: "Resolution #442."

Supervisor Cardinale: "442 it is?"

Barbara Grattan: "Yes."

Supervisor Cardinale: "Okay. This is an add on. We had had actually, let me give you a little history before we consider it. We had had actually three in the package, one was- we had wanted to appoint an extra member to the IDA because we're short one member. I had proposed Vinny Villella, the ex-Supervisor to replace Bob Gaffney. We had put it over for two weeks to allow other designees. During that period, there was a proposal, Lori Taggert (phonetic) which we're considering here. Remy Bell which was proposed by I think Lori was proposed by John; Remy Bell by Ed. And then we had three.

It becomes clear not to belabor it being 9:00. It becomes clear that Vinny, the ex-Supervisor to replace Gaffney, does not have three votes. Am I wrong? George and I support it but the others do not. So we have to move to another nominee and Remy Bell is to be— was considered, that was Ed's designation. We indicated support of that but I think, Ed, now your position is Taggert?"

Councilman Densieski: "Yes. I put Remy's name in a couple of weeks ago. I didn't have any support at the time. I only found out today that there may have been support. So I shifted to Lori Taggert."

Supervisor Cardinale: "Okay. And then the only other one I sent out the resume and I— we may have another vacancy at some point. Hank Borner (phonetic). I think I sent the resume out. He would like to serve as well. But since we have— need someone and all are qualified, let's consider 442 and see if there's three votes for that."

Councilman Densieski: "Phil, I'd just like to say something. All of the applicants I feel are very qualified. Any one of them could have done the job and done a fine job. But— "

Supervisor Cardinale: "And it's an unpaid thankless task."

Councilman Densieski: "It is."

Supervisor Cardinale: "Okay. That being said, let's call it."

Councilman Dunleavy: "Appoints member of the town of Riverhead Industrial Development Agency. So moved."

Councilwoman Blass: "And seconded."

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

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

Supervisor Cardinale: "Okay. I think Lori will do a great job. I'm going to abstain in deference to Vinny who is a friend and I'd hoped that he would be able to replace Gaffney. So mark it as an abstention."

Okay, is that the last one? Thank you. Okay, we have finished the resolutions and we'd like to take comment on anything that anyone here would like to bring to our attention. Please come up. Yes."

Ed Purcell: "Ed Purcell, Riverhead. I'd like to congratulate the police department on their good work in when called straightening

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up some of the vagrants that have been wandering around down on East Main Street. And if anybody has a problem call the desk sergeant and if they can do something they will because they have."

Supervisor Cardinale: "Thank you. The police chief should be here to hear some kind words."

Ed Purcell: "Yeah."

Councilman Densieski: "Kudos for the chief, that's rare."

Supervisor Cardinale: "Yeah."

Ed Purcell: "Also- "

Supervisor Cardinale: "Other than your wife, I haven't heard anybody say anything for such a long time about you. No, no."

Ed Purcell: "It came from me, so what does that do?"

Supervisor Cardinale: "He's actually an extraordinarily good police chief, I am sure everyone realizes that."

Ed Purcell: "Apollo, what's going on with that? I hear that they might be getting close to something."

Supervisor Cardinale: "Yes. I spent some time on Apollo today and the board did as well. May 15th we will get clarity from them as to what their plans are on the south side of the street, how successful the negotiations have been with the owners on the south side. What they'll need on the north side, where they are with Castaldi, where they are with North Fork Bank. I spoke with Mr. Sendlewski today in regards to his parcel which might play in here. And I spoke directly to Richard Mack today and we expect and demand as condition for the extension of the- to June 11th, the board has requested that clear information on those issues that I just mentioned. So I expect by May 15th to tell you exactly where we are.

Right now they're negotiating with south side owners. They're negotiating with the east and west owners, and they are trying to get letters of intent which is another thing we asked them about for the theater and the hotel. We expect by May that they will advise us as to the letters of intent, May 15th are in place. If they are not, that they're prepared to go forward nonetheless.

As to the north side, exactly what property they will be developing and what they'll require, if anything, from the town. As to the south side, the two (inaudible) they've identified clearly. I think they were in the paper today, the suspicions of where they are.

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And whether they can negotiate to a conclusion or whether they cannot."

Ed Purcell: "And as part of that, I haven't been to all the board meetings, I may have missed, but I know six months ago or more, Barbara had mentioned that there was intent only to have three story buildings on the south side of Main Street and you were going to consider changing the code that you would only have three story buildings on the south side of Main Street. Has that been done?"

Supervisor Cardinale: "No. But the issue is correct. That if you think about it at some point depending on how the town develops, we don't want to have five stories looking at five stories."

Ed Purcell: "That's, you know- "

Supervisor Cardinale: "So we're going to have to address that as part of the comprehensive redevelopment. Yes."

Ed Purcell: "And have you been working with Southampton town supervisor because I heard on the radio this morning there was a lot of hub bub about some sex offenders getting trailers."

Supervisor Cardinale: "Yeah. I can give you a report on that, too. Both Ed- several of the board members, in fact, I think all of them have indicated their concern. Ed Romaine and I have discussed it. Ben Zwern, the inter-governmental relations officer for Levy and I have discussed it. Steve Levy and I have discussed it.

I have asked them to move it to a more remote location. I pointed out that really is irrelevant that it is near a jail because it isn't in the jail, it's actually in a parking next to the jail which is also the location of the court.

The more important point is that it is across the street from the library and less than a mile from the schools. So I pointed out all of that, asked them to move the facility and any similar ones to a remote location not near any residential facilities. They can do that. I hope they do do that. They haven't given me an answer yet.

I know Ed Romaine has invited the board members to a press conference on Thursday if we don't get action from the county in regard to moving it. I will say that Steve Levy did talk with me. He explained his position, I explained mine and I'm hoping that my view, which is the view of the town board will prevail."

Ed Purcell: "Well, the reason I asked about Southampton Supervisor because really we should coordinate development downtown on our side of the river with what they're doing on their side."

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Supervisor Cardinale: "Yeah."

Ed Purcell: "Because essentially the down turn in downtown Riverhead coincided with the down turn in Riverside."

Supervisor Cardinale: "Absolutely."

Ed Purcell: "You know. So- "

Supervisor Cardinale: "The reverse I hope will be true, that the upturn downtown will coincide with Riverside resurgence."

Ed Purcell: "That's why I was wondering if you were coordinating any- "

Supervisor Cardinale: "We are. I'm disappointed with the progress and I suppose the principal is on that hotel complex that's supposed to be directly across from us, 400 yards off the circle. That is still in the process but I would have hoped that it would have begun by now. That will make a big difference. Dregan's (phonetic) piece, I'm told that Southampton is negotiating with him for that piece to make it part of the park but they're apart on price."

Councilman Densieski: "Phil, I just wanted to make a comment. There's not going to be need to have any coordination because if they allow the sex offenders to come over there, no one is going to build in Riverhead."

Ed Purcell: "Oh absolutely."

Councilman Densieski: "This has to be stopped at whatever it takes. There won't be any business- we're going to have such a negative stigma, worse than we have now. The county has been dumping on us for years but not this one. This one we have to put our foot down."

Supervisor Cardinale: "On Thursday we anticipate discussing it with counsel. One of the difficult things about this and I was thinking about it, is not dissimilar, you know, we had the hearing tonight on the gas station. Well, it's not dissimilar. They're starting a new use without taking- without applying to and taking into account the land use- consider the land use regulations of the municipality. The problem is that's not our municipality. It's Southampton. So we may have to enlist the aid of Heaney- Skip Heaney to challenge on the same basis we challenged the county on the gas station. That they disregarded all land use regulations."

Councilwoman Blass: "I think one of the reasons that they moved it from its prior location was also because it was in close proximity

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to a park and, of course, this is basically directly across from a park located in the town of Riverhead, Grangibel Park."

Ed Purcell: "Well, actually, Grangibel is partly in Southampton town also, so- "

Councilwoman Blass: "As well, but it's the same issue- "

Supervisor Cardinale: "Parks, schools, library- "

Ed Purcell: "Anything new going on about that bridge that was supposed to go across from Southampton to Riverhead at Grangibel?"

Supervisor Cardinale: "The one that they're- you mean within the park itself are you talking?"

Ed Purcell: "Yeah, where it's fenced off, where you can't walk across."

Supervisor Cardinale: "Andrea is not here but that was because of the Indian artifacts. The only thing- my understanding is that we're good to go on that. The only thing that's delaying that park's million dollar grant completion is that we are waiting final engineering and we're concluding a dispute with our past engineers. In fact, we're having a meeting this week with those engineers to see if they'd like to finish the job or whether we're going to have to bring in new engineers."

Councilwoman Blass: "One of the overriding concerns that the county had is that they were hanging their hats on the fact that there were no pedestrian mid-road crossings anywhere in the county of Suffolk. And we were talking about this Friday night with- "

Supervisor Cardinale: "You're talking about Peconic Avenue."

Councilwoman Blass: "On Peconic Avenue, yes."

Supervisor Cardinale: "Right. I think he's talking about the other- "

Ed Purcell: "No. I'm talking about right through the park."

Councilwoman Blass: "You're talking about Peconic--"

Supervisor Cardinale: "Within the park."

Councilwoman Blass: "I thought you were talking about the crossing on Peconic Avenue that they have been resisting as well and we actually found a mid-road crossing in Sayville, a pedestrian crossing mid-block, I guess that they're talking about."

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Supervisor Cardinale: "The crossing that Barbara is alluding to and is relevant to, on May 8th, next week, I guess that's Tuesday, we're going in to resolve an issue we hope which is important. We're supposed to be connecting the Riverside and the Grangibel Park which Grangibel is going to be completed, with a cross walk and a light. We had a \$50,000 grant.

They're arguing that they don't want to okay it because it's a mid-block crossing. Of course it's a mid-block crossing, that's where the park is conjoined across Peconic. So we are expecting to meet with Jim Morgo (phonetic) and possibly Levy himself to discuss approving that through the DPW. That will be very good because it will allow the parks to interconnect."

Ed Purcell: "And something I missed last week- last meeting because I came late, about the, I guess the tow truck ordinance that is kind of going flat. Somebody had said that it's illegal to require somebody to get a permit to tow people off roads in the town of Riverhead to make them have to be in the town of Riverhead. Is that- "

Councilman Dunleavy: "No. I think we had a meeting today with the tow truck operators and I think we're formalizing the ordinance."

Ed Purcell: "Because I know- "

Councilman Dunleavy: "But it's for emergency tows, that's what this is for. It's not for towing from your house. It's just for emergency tows where the cars have to be removed from the highway or a car breaks down and the police department is called, then they will come off a town list.

Now, what we are formalizing is that these vehicles must stay in the town of Riverhead, so they have to have a manned yard so- "

Ed Purcell: "Well, ever since the '60's, Brookhaven town has had where unless you had a premises in Brookhaven town, you could not get a town permit to pick up on road. And I know that because I worked for Pop (inaudible) if anybody remembers, and the only way he got around even though his business was in Riverhead, his home was in Brookhaven town. So he kind of scammed it by doing it that way. But I mean- "

Councilman Dunleavy: "No. We're going to put that you have to have a storage yard, a manned storage yard, so that someone can come down at any time and look at their vehicle during the day time."

Ed Purcell: "Yeah, okay. And is there anything new on the traffic problems that are going to come up at EPCAL once we've- have you considered that once it's built out?"

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Supervisor Cardinale: "We- there's nothing new but we're going this week, Thursday we're going to narrow further the industrial side and I hope by the end of the week to have zeroed in with the board on the one offer we want to pursue on the industrial side. Then we're going to turn to the rec side which I promised the board members I would, particularly Ed, and look at- we have two offers, each for 100 million dollars on the rec side, one from Reckson, one from Riverhead Resorts which is the revamped Snow Valley people.

If we do either of those projects, the SEQRA process will be in large part devoted to traffic issues because it's an intense use."

Ed Purcell: "Yeah, because that's- because actually even before you even do that, if you build out the industrial side, there's going to be traffic problems anyway. So is there any way we can add an entrance onto the expressway where that road goes over the top of the expressway?"

Supervisor Cardinale: "That's the real issue and not with great- with great difficulty, it may be possible."

Ed Purcell: "That's what I mean. That's why I wouldn't approve any large for the recreational unless they pay for it and they've got the- you know, pushed it through."

Supervisor Cardinale: "The SEQRA process if it comes out that this kind of intense development is impossible without a direct access, that would be one of the mitigating factors which would be required. The question will be whether it's possible in view of the pine barrens legislation."

Ed Purcell: "I understand it's very difficult."

Supervisor Cardinale: "And if it is not possible, it's going to impact enormously on the value and the development of the piece."

Ed Purcell: "Yes. Thank you."

Supervisor Cardinale: "Thank you. Any other comment? If not- "

(At this time, the CD ended)

Meeting adjourned: 9:20 p.m.