

10/21/2008

Minutes of a Town of Riverhead Board meeting held by the town board of the Town of Riverhead at the Riverhead town hall, Howell Avenue, Riverhead, New York 11901 on Tuesday, October 21, 2008 at 7:00 p.m.

PRESENT:

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

ALSO PRESENT:

Diane Wilhelm,	Deputy Town Clerk
Dawn Thomas,	Town Attorney

ABSENT:

Barbara Grattan,	Town Clerk
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Supervisor Cardinale: "-- to serve tonight as supervisor. We've showed him around town; we showed him most of the apartments. We're going to show him the rest during the week if he desires and Zachary is going to run this meeting.

And we're going to begin, Zak, first of all, use that gavel, pound it on the table- take that, hit the table. Very good. Well done. Zak's parents are here, Mr. and Mrs. White from Aquebogue. Zak's a first grader at Aquebogue School and he's brilliant.

So, Zak, I want you to call this meeting to order. Just say, 'this meeting is in order'. This meeting is called to order."

Supervisor of the Day: "This meeting is called to order."

Supervisor Cardinale: "Very good. Okay. And now say, we will do the Pledge of Allegiance."

Supervisor of the Day: "We will do the Pledge of Allegiance."

Supervisor Cardinale: "And see that guy- the funny looking guy with the blue shirt from Newsday? Tell him he has to lead the pledge."

Supervisor of the Day: "He has to lead the pledge."

Supervisor Cardinale: "Funny looking guy in the blue shirt. Okay."

10/21/2008

(At this time, the Pledge of Allegiance was recited)

Supervisor Cardinale: "Very good. Now come on down, we're going to give some honors out.

Okay, can I have that microphone please? Good, thank you. Okay, Zak. This is a little awkward. Unless I take this first part, you'll be giving yourself your own award. So we'll switch as soon as this is done.

Okay. This is from the town of Riverhead to you, Zachary White. And it says:

Zachary, in acknowledgment of your completion of the 2008 summer reading program at the Riverhead Free Library and in acknowledgment of your willingness to serve the town as supervisor for this day, October 21, 2008, we award you this supervisor's award.

How many books did you read?"

Zachary White: "A lot."

Supervisor Cardinale: "Good answer, good answer. This is yours. You can hang that up in your room. All right? Now turn it around like that and smile and they'll take your picture. Okay. That man is taking your picture for channel 22. Okay. Now you are honored. You want me to give that to your folks to hold or are you going to keep it? Okay, put it down for a second, I'm going to give you something else to hold. Hold this, okay. Now say after me, Donna, please come up."

Supervisor of the Day: "Donna, please come up."

Supervisor Cardinale: "Very good. This is Donna (inaudible). She is the head of our youth bureau which we formed in the last year or two and we are going to honor nine people, right- nine people. So would you tell Donna please proceed with the honoring of these people? Can you say that?"

Supervisor of the Day: "Please proceed in the honoring of these people."

Supervisor Cardinale: "Okay. Now you've got to give up the mike."

Donna: "Zak, may I shake your hand first and say congratulations and at the rate you're going, you might have my job

10/21/2008

when you grow up dealing with young people. That was totally excellent."

Okay, for those of you who are here the first time, the town of Riverhead youth bureau has a program, it's called our counselor in training program and the young people that you see here today went through an intensive training program prior to the summer and then they were placed in our summer rec program run by the recreation department and they helped the staff and the counselors with the young people.

There's also- I would just like to acknowledge, Tracy (inaudible), she was one of our trainers, and also Beth McCagley (phonetic), I don't think she's here tonight but she is the youth counselor with the Riverhead Juvenile Aid Bureau, and both of those ladies were responsible for the training and placing some of our young people.

As I call your name, I'd like you guys to come up, shake hands with the supervisor and stand with me.

Okay, so we have Julie (inaudible). Julie, would you come up, please? Congratulations sweetheart. Stay right there.

Okay. Our next counselor in training is Kurt Carter (phonetic).

Our next is Dana DiMartino. Dana.

Jenna Knockenmeister (phonetic). Did I say your name right? Oh, help me. No, it's not. Oh, okay. Just, okay."

Our next counselor in training is Alissa Patrick. This is Alissa's second year with us.

Jake Phillips.

Michael Phillips.

Krista Robinson.

And Magail Rodriguez (phonetic). Congratulations Magail, stay here with us. Okay, thank you. Okay."

Supervisor Cardinale: "All of these young people did at least six hours of volunteer service to- and community service and keep it up, every hour is a big help to all of us.

And I'd like you to say anything else you'd like to say."

10/21/2008

Donna: "I just want to say to all the parents in a time when everything is about making money and getting things, for these young people to give their time and work as hard as they did, I really think that show something wonderful in the town of Riverhead. And running a youth bureau program where we have very little money and resources, I certainly appreciate what you guys have done."

Thank you very much and save your certificates because you can use these community service hours towards your high school program or a variety of what you need. Thanks, guys, very, very much."

Supervisor Cardinale: "And the already much more loved supervisor Zak White wants to say something. Here you go. What do you want to tell these people?"

Supervisor of the Day: "Thank you for service."

Supervisor Cardinale: "All right. Very good. Very good. Thank you very much and I'll get out of the way and you can walk over and shake the hands of those proud council members. So, yeah, you too, you get to shake their hands, Zak."

Thank you very much, all of you. Thank you, Donna.

Can I talk you into putting that back on- thank you.

Okay, Zak, the telephone books beckon here. That's good. I'm going to pick you up and put you on. I'm going to put that right there for you. Keep that gavel nearby because these people can get wild, especially Barbara. She can get really wild. If he misses- you hit like this, you see? Or like this. Don't hit it on the glass for the award. That's definitely a no-no, okay? Maybe we'll put it over there with mom and dad because I can see that shattering.

Okay. Thank you to the young people that are leaving us and don't be shy, the old people can leave, too. No. No, I want you to stay because I know we have a number of hearings tonight, six.

And the first thing we have to do is approve the minutes of the October 7th town board meeting."

Councilman Dunleavy: "I so move."

Supervisor Cardinale: "And, also, John, the minutes of the October 10th meeting."

Councilman Dunleavy: "I move the October 7th and October 10th minutes."

10/21/2008

Supervisor Cardinale: "Second, please."

Councilwoman Blass: "Seconded."

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

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

Supervisor Cardinale: "Okay. We have Zak with us this evening for the whole evening or at least as long as mom and dad say. He's got homework I know to do, so sometime between eight and nine, I'm going to get the nod."

We have done the awards to the Peer Helpers, the summer rec program. And I'd like you to tell us about the Reports, Applications, Special Events, Correspondence and community public hearing notices and reminders."

Diane Wilhelm: "Can you hear me?"

REPORTS:

Police department

September, 2008 monthly report

Sewer district
September, 2008 discharge monitoring report

APPLICATIONS

Parade permit - Roanoke Elementary School -
Halloween parade, October 31

Parade or assembly permit
St. John the Baptist Church,
Wading River prayer service
November 2, 2008

Parade or assembly permit
Old Steeple Church,
Aquebogue, Church Council
Assembly, November 18, 2008

Riverhead Elks Lodge - lawn

10/21/2008

mower event, kids bicycle
race and kickball event,
November 9, 2008

CORRESPONDENCE:

John Ciarelli & Dempsey re
Kar-McVeigh LLC - with-
draw special permit

Jennifer Skilbred,
re EPCAL development/
Suzanne P. Ruggles,

Riverhead Resorts - EPCAL
Matthew R. Atkinson,
scoping hearing

Carolyn Spilman,
Alice Heller

Edward Reilly, Jr.
Re Beacon Wireless Manage-
ment LLC, Wading River

Betty Jane and William
re Beacon Wireless Manage-

Brodmerkelment LLC, 150 foot
communication tower at

Little Flower

Michael Harrigan re special
permit Beacon
Wireless Management LLC, 150
foot monopole wireless
communications tower

Bernadette Ann Voras
re resignation from the anti
litter advisory committee

COMMUNITY PUBLIC HEARING NOTICES

Riverhead fire district 2009 budget summary.

REMINDERS:

10/21/2008

The next regularly scheduled town board meeting will be Wednesday, November 5, 2008 at 2:00 at Riverhead town hall, 200 Howell Avenue, Riverhead.

You can also view our town board agendas/resolutions/minutes and upcoming meetings on our website at www.riverheadli.com."

Supervisor Cardinale: "Thank you."

Supervisor of the Day: "Thank you."

Diane Wilhelm: "Thank you."

Supervisor Cardinale: "Okay. Now, Zak, we've come to the point where we start the public- oh, unless there are some announcements. Ask the board members, do you have any announcements or committee reports?"

Supervisor of the Day: "Do you have any announcements or committee reports?"

Councilwoman Blass: "I have one announcement, Mr. Supervisor. And that is just to report that our recycling efforts with respect to household batteries, we collected three quarters of a ton of batteries in this one receptacle out here in front of town hall in the last six months. So that's an awful of batteries that will not be going into someone's landfill and I encourage you to continue to drop them off both here and at the police station, there are receptacles."

Supervisor Cardinale: "Thank you. Okay. You ready? Speak right into there. Okay, say public hearings will begin."

Supervisor of the Day: "Public hearings will begin."

Supervisor Cardinale: "The first hearing- "

Supervisor of the Day: "The first hearing."

Supervisor Cardinale: "-- scheduled for 7:05- "

Supervisor of the Day: "Scheduled for 7:05."

Supervisor Cardinale: "-- will begin now- "

Supervisor of the Day: "Will begin now."

Supervisor Cardinale: "-- at- what time is it? Can you tell time yet? 7:20."

Supervisor of the Day: "7:20."

10/21/2008

Public hearing opened: 7:20 p.m.

Supervisor Cardinale: "Okay. And this hearing is about the consideration of a local law to amend Chapter 108 entitled zoning Article L, Industrial A zoning use district of the Riverhead town code.

And what it does is add a permitted use of building trade shop. Is that correct? Okay. It's adding a building trade shop which has previously been defined by this board in some recent legislation as a permitted use in the industrial A district.

Would any- you ready? Say, would anyone like to comment?"

Supervisor of the Day: "Would anyone like to comment?"

Supervisor Cardinale: "Come forward please."

Supervisor of the Day: "Come forward please."

Supervisor Cardinale: "See, that's the public out there, the great unwashed masses, and they can come forward now to the mike.

Okay, nobody does- nobody cares. Does anyone want to comment? If not, we're delighted. We will keep it- you are the supervisor, you ready? Go ahead. Say we will keep this hearing open- "

Supervisor of the Day: "We will keep this hearing open- "

Supervisor Cardinale: "-- for written comment- "

Supervisor of the Day: "-- for written comment- "

Supervisor Cardinale: "-- until Friday- "

Supervisor of the Day: "-- until Friday- "

Supervisor Cardinale: "-- October 31st- "

Supervisor of the Day: "-- October 31st- "

Supervisor Cardinale: "-- 4:30 p.m.- "

Supervisor of the Day: "-- 4:30 p.m.- "

Supervisor Cardinale: "-- when everyone leaves the building like it's on fire."

10/21/2008

Supervisor of the Day: "When everybody leaves the building like it's on fire."

Supervisor Cardinale: "Thank you. Okay. So this is closed at- this hearing is closed at 7:22 say."

Supervisor of the Day: "This hearing is closed at seven- "

Supervisor Cardinale: "Twenty-two."

Supervisor of the Day: "Twenty-two."

Supervisor Cardinale: "Except for the written comment aforesaid."

Supervisor of the Day: "Except for the written comment aforesaid."

Supervisor Cardinale: "Very good. Okay. That's the first hearing."

Public hearing closed: 7:22 p.m.
Left open for written comment for 10
days to October 31, 2008 at 4:30 p.m.

Supervisor Cardinale: "Are you ready. Announce the 7:10 hearing is starting."

Supervisor of the Day: "Announce 7:10 hearing is starting."

Supervisor Cardinale: "At 7:23."

Supervisor of the Day: "At 7:23."

Public hearing opened: 7:23 p.m.

Supervisor Cardinale: "This hearing is for the consideration of a special permit petition of Beacon Wireless Management LLC to allow the construction of a 50 foot monopole located at the northeast corner of North Wading River Road and North Side Road, Wading River. So the northeast corner of North Wading River Road and North Side Road, Wading River, New York at SCTM# 0600-36-1-2.

Whoever is presenting this, would you please come forward."

Angela Bruno: "Excuse me, can I put a motion on the floor right now- "

10/21/2008

Supervisor Cardinale: "Well, go ahead. What would you like me to- "

Angela Bruno: "Okay. Can I put a motion on the floor to postpone this hearing for a later date because we have not had ample time to collect our information or our people?"

Supervisor Cardinale: "Okay. You can do that."

Angela Bruno: "Seconded, please."

Diane Sheppard: "Second."

Ken Grant: "Closed."

Supervisor Cardinale: "Yeah, we will consider that when we determine whether to keep it open or not but you should put that- after she speaks and presents her case, please go up and repeat that. Yes, go ahead. And we have to swear everyone in because it's a special permit hearing. Is that the idea? Would you please do that?"

Oh yeah, do you have any addition people you'd like to have testify? We'll pull them up and swear them in all at once."

Sal Mastropolo: "Phil, Mr. Supervisor- "

Supervisor Cardinale: "Yes?"

Sal Mastropolo: "Can I make a comment because there seems to be some discrepancy in the way the public hearing is listed and in the two letters that came in. And I think the discrepancy may cause you to postpone it anyway."

Supervisor Cardinale: "Okay. The town attorney is here so listen up and see if it does anything for you."

Sal Mastropolo: "The public hearing notice on the back of this says a 50 foot monopole but the letters that came in, two letters state 150 foot communication tower. So with that discrepancy, you may want to do something."

Supervisor Cardinale: "What does the hearing notice say, Dawn?"

Dawn Thomas: "One hundred fifty."

Supervisor Cardinale: "Okay. The hearing notice that was published says 150 feet."

10/21/2008

Dawn Thomas: "Correct."

Supervisor Cardinale: "What were you saying had 50 feet in it?"

Sal Mastropolo: "Just the back of the pamphlet. Maybe it wasn't published incorrectly."

Supervisor Cardinale: "That's correct. But thank you for bringing that to our attention."

How many individuals do we have that are going to be sworn? All right, there are six individuals that are going to be sworn in because they'll give testimony or at least give written documentation into the record. Would you go ahead. Yeah."

(At this time the following people were sworn in)

Jacalyn Fleming
Erin Duffy
David Bradley
Anthony Wells
Michael Walker
John Gomez
Lou Cornacchia

Supervisor Cardinale: "Okay, you have— is it five witnesses? Six witnesses have been sworn and I'd like you to begin."

Jacalyn Fleming: "Good evening, Jacalyn Fleming, Munley, Meade, Nielsen and Re, 36 North New York Avenue, Huntington, for the applicant Beacon Wireless and Verizon Wireless Communications."

In this application, co-applicants Beacon Wireless and Verizon Wireless seek a special use permit to construct a wireless telecommunications facility on property owned by Little Flower Children's Services in Wading River.

In keeping with the purposes of your code which encourages joint use of new towers, Beacon Wireless is proposing to construct a 150 foot monopole which would accommodate the antennas of Verizon Wireless and up to four other carriers.

In further keeping with the purposes of your code, the co-applicants are proposing to locate the facility in an area that minimizes the potential visibility of the facility. It's on an almost 100 acre parcel, it's surrounded by mature trees and it's over 400 feet from the nearest property line.

10/21/2008

The pole will not be lighted and Verizon Wireless' equipment will be located within an enclosed equipment shelter surrounded by an eight foot high fence.

Verizon Wireless is licensed by the Federal Communications Commission, the FCC, to construct, maintain and operate a personal communication system in the New York metropolitan area including the town of Riverhead.

Pursuant to New York law, Verizon Wireless and its facilities are considered public utilities for zoning and land use purposes.

The services provided by Verizon Wireless benefit the community particularly during times of emergency but as you know today, people have come to rely more and more upon wireless telecommunications and expect wireless coverage wherever they go.

Verizon Wireless strives to provide reliable service in its license service area.

At present there is a service gap in the vicinity of the premises and the proposed facility will allow for Verizon Wireless to close the gap in reliable service.

The details of the service gap are described by a Verizon Wireless radio frequency engineer in an affidavit that I would like to submit at this time and have marked as Exhibit 1, affidavit of Anthony Wells.

May I approach the bench?

Mr. Wells' affidavit does include coverage maps which depict Verizon Wireless' existing coverage in the area and the proposed coverage from this facility. The maps demonstrate that there is an existing gap in reliable coverage that will be filled by this facility at this site.

If you look at the maps, it's important to note that the facility needs to be sited in a very specific area, basically along the North Wading River corridor. It's very limited search area; very limited gap that they're trying to fill with this site and there's not that many options in this residential area.

As you know, the whole area of Wading River except for some of the parcels along 25A much to the south is residential. So there's really no option for trying to locate the property— to locate the proposal on property that's zoned commercial or industrial. Residential is really the only option.

10/21/2008

During the work session, the board questioned whether there were any existing towers or suitable municipal properties in the vicinity that Verizon Wireless could use as an alternative.

Based on the town's own GIS maps and the research by Verizon Wireless and its agent, it was determined that there are no suitable existing towers or town properties nearby.

In further support of this conclusion, I would like to submit the affidavit of John Gomez as Exhibit 2."

Supervisor Cardinale: "Yeah, we can interrupt but is there a- "

Angela Bruno: "Again, we don't have any information. We were notified four to five days ago, concerning this. They've had months to gather a package here and I feel that this is very, very unfair. I think that this public hearing of this particular situation should be put on hold and I think we as residents should be privy to some of the information so we can prepare our rebuttal on this.

I put a motion on the floor to postpone this hearing. It was seconded and it was closed. (Inaudible)."

Supervisor Cardinale: "This is not- that's not the way the hearings work. The way the hearing work is that they're advertised. This was advertised on September 16th- "

Angela Bruno: "Well, we only got it- "

Supervisor Cardinale: "-- well, but it was legally advertised September 16th. We will use- we will- in the newspaper, News Review. If- but we will leave this open in order to allow you to comment for a period of time after this hearing, usually for at least 10 days and we may expand it if I'm permitted to do so.

But I will leave it open so you can- you will be wanting to review all the material that they're going to submit and comment, I know that, I can tell.

So that's going to be in the clerk's file and we will make that available to you and- what is the length of time I can keep this open? All right. I can keep it open 30 days and I will. All right? Thank you, go ahead."

Jacalyn Fleming: "And Supervisor Cardinale, hopefully our presentation- I'm hoping to give a little more formal presentation that will help, I hope, answer some of the questions and resolve some of the issues before the need to go to that step."

Supervisor Cardinale: "Thank you."

10/21/2008

Jacalyn Fleming: "The nearest existing site is the town's water tank to the southeast along the golf course. Now Verizon Wireless is already on that tank as are most of the carriers. However, because of the geography of this area and the nature of the radio frequency propagation, they need an additional site along the north shore to cover the area along the north Wading River corridor and areas in that vicinity.

So they have a site there, they need another site in this limited area and it's important that everyone understand the limitations of this proposal.

The power transmitted by the antennas will be very low. I know that some of the people here have expressed some concern about this. Copies of an FCC compliance report prepared by Scinetx were previously submitted as part of our application. As set forth in that report, the maximum radio frequency energy, RF energy, that would be experienced by the general public from Verizon Wireless' antennas will be only about 0.5%, less than 1% of the limit set by the FCC.

In addition, the report notes that even if the tower has antennas from the five potential carriers in total, the cumulative emissions would be well below the FCC standard.

And at this time, I'd like to acknowledge that the town's code references the Telecommunications Act of 1996 preemption of state and local government regulations of the placement, construction and modification of wireless services facilities on the basis of environmental effects of radio frequency emission so long as such facilities comply with FCC emissions.

As the Scinetx report indicates this site more than complies with the FCC emissions regulations, less than 1% of those regulations.

So from both an engineering and a planning standpoint, the proposed site offers the best solution for the area. With this proposal, Verizon Wireless will be able to provide the needed coverage using a design that would be virtually invisible.

I have a planning report and photo-simulations I will submit in a minute.

In addition, the pole will provide co-location opportunities for other wireless carriers and municipal telecommunication, thereby reducing the need for additional sites in this residential area.

Other carriers are going to need coverage in this area as well.

10/21/2008

There's already-- the town already has records from other carriers in this area and the maps demonstrate that several of the other carriers also will need coverage in this area if they want to have seamless coverage.

So it's an important site, it's important to have a site in this area for the carriers to locate and we believe that this is definitely the best option. It's a large property, the pole will be set over 400 feet away from any property line. It's in a great location on the property. There's an "L" shaped building on one side. There's a knoll that rises to the other side and, you know, the Sound is 600 feet to the north and the property extends a thousand feet or more to the south. It's a huge property. There's mature trees all around it and as we go through the photo-sims in a little bit, I think you'll see that it's virtually invisible to almost any other areas, (inaudible) the site.

Now with me tonight I have Mike Walker. He's a New York registered architect who prepared the drawings that were submitted. If the board chooses, he can come up and explain the proposal in more detail. I think possibly because of the crowd and their concern that they need to be familiar with this application, I guess I ask that the board allow me to present a formal presentation of the witnesses so that they can give primary testimony. I'll try to keep it brief. A quick summary. They can show some of the visual and, hopefully, that will help answer some of their questions and concerns."

Supervisor Cardinale: "Okay. So you intend to have some verbal testimony and then submit some written?"

Jacalyn Fleming: "That's correct."

Supervisor Cardinale: "Very good. Go ahead."

Jacalyn Fleming: "Mike Walker, if you could come up, please, and just briefly describe the site and the layout."

Mike Walker: "Good evening. My name is Mike Walker."

Supervisor Cardinale: "You have to be at the mike, please."

Jacalyn Fleming: "Is it possible maybe to, yeah, point that--"

Supervisor Cardinale: "Yeah, you can carry that mike with you, pick it up if it's easier for you."

Mike Walker: "Here, I'll put it up here."

Supervisor Cardinale: "Don't we have an easel or something?"

10/21/2008

Mike Walker: "That's all right."

Supervisor Cardinale: "Yeah, we do have an easel if you want to put it up so that the members of the audience can also see it. How are you doing? Zak, keep these people in order. I can see they're a feisty crew. Go ahead."

Mike Walker: "Good evening. My name is Michael Walker. I'm a registered architect in New York. I've worked in the telecommunications industry on Long Island and Westchester since 1997, I believe, as well as in the New England market for a variety of carriers.

I turn this picture so that this is north, Long Island Sound is here, the school if no one has ever- or for anyone who has never seen it, is a group of buildings that's about I think 600 feet back from the Sound, and there's a series of school buildings and residential buildings and a church and a variety of other use buildings, and then there's about a thousand feet of driveway that goes out to Wading River Road.

The pole itself is a- the pole itself is a simple what's known in the industry as a monopole. It has a series of platforms that are located near the top of the pole that contain the antennas for the various carriers. That is all located as Jacalyn said in this little dark area right here. It's about- this is about 200 feet. So you can see that in the great scheme of things, it's a very small footprint."

Councilman Dunleavy: "Can you hold that monopole up so we can see it. I don't know what a monopole is."

Angela Bruno: "It's a deformed Christmas tree, that's what it is. How far (inaudible) the tree line?"

Councilman Dunleavy: "Excuse me. Can I ask one question? I guess they did a visual last week. Do you have a report on that or any pictures on that?"

Jacalyn Fleming: "That's the next presentation."

Councilman Dunleavy: "Oh, okay."

Jacalyn Fleming: "And I just wanted to leave this available to show- it's a survey of the site with the site marked out if anyone needs to refer to that."

Angela Bruno: "That site is directly opposite Hickory Point, is it not? It's two-tenths of a mile up the hill so it's not in the valley (inaudible)."

10/21/2008

Supervisor Cardinale: "We can't get you on unless you're on the mike so if you can make notes, we're going to have all the public who wishes to speak, speak. But as soon as they do their presentation and we're also going to make sure that you can look at all this material and contemplate and comment. Yes."

Jacalyn Fleming: "As a board member noted, we did a visual analysis of the site and it was based on a crane test where they did go out to the site with a crane and raised it 150 feet and a photo-simulation was taken of that."

I have Erin Duffy from Freudenthal & Elkowitz. Her firm was retained to do the environmental analysis including the visual analysis.

While she's coming up here to present her testimony, I do have individual copies of her report that the board can refer to that show the photos that she'll be discussing."

Supervisor Cardinale: "Thank you."

Jacalyn Fleming: "This is Exhibit 4 that I would like to submit for the record."

Erin Duffy: "Good evening. My name is Erin Duffy. I'm a project manager with Freudenthal & Elkowitz Consulting Group with offices at 1757-24 Veterans Memorial Highway in Islandia."

At the applicant's request, our firm prepared a planning, zoning and visual impact analysis of the proposed facility. In order to prepare this analysis, we inspected the location of the proposed facility and the surrounding area in relation to land use and zoning. We evaluated the physical characteristics of the proposed facility and analyzed photo-realistic simulations of the proposed facility.

With regard to the location of the proposed facility, the applicants as previously indicated, have selected a mixed use 100 acre property that's surrounded with a significant amount of screening vegetation and is sited within a predominantly residential area.

The applicants are intending to erect a monopole with the antennas of Verizon Wireless thereon and the monopole is also intended to accommodate up to four additional wireless carriers, encouraging future co-location.

As previously indicated, the significant amount of screening vegetation on the subject site would allow for limited visibility of the facility from the surrounding area.

10/21/2008

Additionally, equipment cabinets associated with the proposed facility would be within an equipment shelter and that would be blocked from view on the subject site as it would be situated behind an existing building.

Additionally, in order to stay brief, I will just mention that the proposed facility would comply with the special permit criteria, Section 108-335- I'm sorry, 133.5, and Section 108-216B of the town code.

From a planning perspective, the site of the proposed monopole upon the 100 acre mixed use property which has significant amount of buffer vegetation and is situated within a largely residential area that unfortunately does not have any commercial or industrially zoned properties upon which to co-locate, is an appropriate choice.

With regard to environmental considerations, the facility would be unoccupied. It would not generate either sewage or solid waste. It would not need to be supplied with potable water. As such, there would be no impact to surface water or ground water quantity or quality.

Traffic generated would be minimal. It would be approximately one trip per month by a technician in a passenger type vehicle to check the equipment. The facility would be monitored 24 hours a day seven days a week remotely.

The proposed equipment would utilize a minimal amount of electricity and the facility itself would be situated upon a previously disturbed section of the property which is currently comprised of a maintained lawn area and an abandoned basketball court. As such, there would be no negative impacts to soil, ecology and topography.

Now as I'm sure everybody is most interested, before you are some of the photo-simulations that were created.

My firm worked with Creative Visuals which is a group that has been doing photo-simulation analysis for well over a decade.

What was done is a crane was put up in the vicinity of the proposed facility location. The crane was extended to 150 feet above grade level and red flags were put up at 150 feet as well as 120 feet to simulate the proposed height of the Verizon Wireless antenna.

Staff from Creative Visuals drove the subject site and the surrounding area to select representative viewpoints from which the proposed facility may or may not be seen and based upon the

10/21/2008

references that were placed on the crane, they were able to photo-simulate to scale what the proposed facility would look like.

The proposed photo-simulations are in appendix B of my report and they are the same simulations that I will be showing here.

Viewpoint #1 is from the beach at the town of Riverhead bathing beach facility which is located 4,234 feet west of the subject site. The existing conditions photographed depict beach area associated with the Long Island Sound as well as residential uses and dense vegetation going up the hilly topography.

From this location, the proposed-- the crane, I'm sorry, could not be seen, therefore, the proposed facility itself would not be seen.

Viewpoint 2 is from the intersection of North Woods Drive and North Side Road, 1,443 feet southwest of the subject site. This depicts-- the existing conditions photograph depicts an overhead utility wire as well as dense mature vegetation along North Side Road. Again, from this location, the crane could not be viewed. As such, the proposed facility would not be visible."

Councilwoman Blass: "Excuse me. May I just ask the dense vegetation that you're talking about, is it primarily evergreen or deciduous trees?"

Erin Duffy: "It's a combination."

Councilwoman Blass: "Fifty-fifty combination?"

Erin Duffy: "Huh?"

Councilwoman Blass: "Fifty-fifty?"

Erin Duffy: "No. I would say probably more deciduous."

Councilwoman Blass: "Deciduous. Thank you."

Erin Duffy: "Viewpoint 3 is from the shoreline on the beach below the subject property which is, in fact, the property of Little Flower Children's Services. It is not a public beach. This is 704 feet north of the proposed facility location.

This depicts the steep cliff going up to the facility itself as well as the stairs that are used to access the beach from the Little Flower property. The photographic simulation, simulates that the proposed facility the top of the monopole would be visible from this location. However, due to the intervening vegetation, the proposed Verizon Wireless antennas would not be visible from this location.

10/21/2008

Viewpoint 4 is from the shoreline on the beach below the site which is 737 feet north of the property. This existing condition photographs depict again the hilly topography leading up to the Little Flower property as well as some dense vegetation.

The photographic simulation indicates that the top of the proposed monopole would be visible from this proposed location and the Verizon Wireless antennas would be visible just over the top of the tree line. However, I'd like to note that as there is intervening vegetation, the antennas would not have a significant visual impact from this location.

Viewpoint 5 is from the Hickory Court cul de sac 2088 feet south of the subject site. The existing conditions photograph depict a residence and dense vegetation at the western terminus of the Hickory Court cul de sac. From this location, the crane was not visible. As such, the proposed facility would not be visible. Therefore, a photo-simulation was not prepared.

Viewpoint 6 is adjacent to North Wading River Road, across from the intersection- for the intersection of the Little Flower Children's Services, 3065 feet south of the subject site.

The existing conditions photograph depicts the roadway leading into the overall subject property. It also depicts utility poles, overhead wires, and dense vegetation.

Again, from this location, the crane was not visible, therefore, the proposed facility would not be visible.

Viewpoint 7 is from near 61 Old Orchard Road which is 2,026 feet southeast of the subject site. The existing conditions photograph depict a residence on Orchard Road with a utility pole, overhead wires and dense vegetation.

The photographic simulation depicts that the proposed monopole would extend slightly above the tree line. However, the Verizon Wireless antennas would not be visible from this vantage point due to intervening vegetation and the proposed facility would be partially obscured by overhead wires. As such, the overall incremental visual impact from this location would be minimal.

Viewpoint 8 is from near the intersection of Cedar Street and Old Orchard Road, 1478 feet east of the subject site. The existing conditions photograph depict a residence along Cedar Street with dense vegetation. Also visible from his viewpoint are overhead utility wires and utility poles.

10/21/2008

From this location, the crane was not visible. As such, the proposed facility would not be visible.

The final viewpoint is from on the Little Flower property itself. It is on the onsite ballfield which is 1250 feet southeast of the proposed facility location. It should be noted that in between the location from where the photograph was taken and the residences to the east, there is a significant amount of vegetation.

The reason that a photograph was taken on the subject site itself was that there was no location when driving the neighborhoods to the east that the crane could be seen. Therefore, to show the actual facility should all the trees be removed, it was elected to take a picture on the subject site itself.

As previously indicated, the existing conditions photograph depict an athletic field and buildings associated with the Little Flower Children's Services campus.

Also visible are overhead utility wires, utility poles, and mature vegetation.

The photographic simulation illustrates that the proposed monopole and antennas would be visible from this viewpoint. However, as previously indicated, the facility would not be visible from the neighborhood to the east as the crane itself was not visible. As such, it would not have a significant impact on the visual character of the area."

Councilman Dunleavy: "Could I ask you one question?"

Erin Duffy: "Sure."

Councilman Dunleavy: "When all the vegetation is off the trees from fall until spring, in your opinion, would this be seen through those- that less vegetated area?"

Erin Duffy: "There- it's definitely a higher likelihood that you can see it. However, there are hundreds of feet of trees that you have to look through to get to where that facility would be. So there's still- even with the branches, there would be a significant amount of obscuring based on, you know, looking at the subject property itself.

In closing, the photographic simulations indicate the proposed facility would be visible from several viewpoints both on site and off site in the surrounding community. However, there are many locations throughout the area from which the proposed facility would not be visible.

10/21/2008

Further, the existing horizon contains mature vegetation, utility poles and overhead wires which would in many instances obscure the proposed facility minimizing potential visual impact. As such, it is not anticipated that the proposed facility would have a significant impact on the overall visual character of the surrounding area.

Based on the analysis we conducted, we have determined that the proposed facility would not be expected to result in a substantial change in the physical characteristics of the subject site or the area nor would it result in significant impacts to neighborhood character or the environmental condition of the area.

If you have any questions, I'd be glad to answer them."

Supervisor Cardinale: "Thank you."

Erin Duffy: "Thank you."

Supervisor Cardinale: "I think we'd like to review the material before we ask questions but we'd like to let you continue because I know there's a number of people that want to speak."

Jacalyn Fleming: "Thank you. Next I would like to call Lou Cornacchia of Scinetx, the company that prepared the FCC compliance report that was previously submitted as part of the application."

Lou Cornacchia: "Mr. Supervisor and Member of the Board—Members of the Board. My name is Lou Cornacchia. I'm a degreed electrical engineer, graduate of the Manhattan College School of Engineering. I've worked with the defense department for about 35 years on microwave systems, both reconnaissance and counter-measure systems and I've worked with the wireless industry for the last 15 years in providing them health and safety studies or RF compliance analysis in accordance with the FCC guidelines.

At the request of New York SMA which is essentially Verizon Wireless, we were requested to provide a study in accordance with the FCC guidelines, the OET manual 65, and in order to do that we had to essentially analyze the application itself, determine the type of antennas, the location of the antennas on the proposed tower or monopole, and the output power from these antennas as well as the frequency bands at which they would be propagating at.

We, in fact, did collect the data and in accordance with the FCC we used their formulary which are worse case analysis tools to provide what we determine to be a theoretical worse case analysis at this particular site for the surrounding community.

10/21/2008

In the analysis, we had to include of course the maximum power in accordance to the license which was given the applicant that the site could be transmitting at but more than likely would be less than but we use the maximum power that was permitted by license.

We had to include a potential of reflections that could occur, very much like sunlight reflecting from a mirror at any given point in the community which would increase the signal level by that reflective power.

In order to do that, we have to take the output power that is proposed and multiply that by a factor of four and we do that in our analysis. We also have taken into account the location of the nearest facilities on that site, the nearest home and other field points in the community out to a distance of 2,000 feet.

And we did, in fact, analyze the location as it relates to the nearest property line and in our analysis including both frequency bands that are being transmitted by the proposed installation by Verizon, we analyzed them, all of the field points and determined the maximum impact or the highest emissions that could be determined theoretically would be at a distance of 165 feet radially from the proposed monopole and an elevation of 26 feet above ground and that would be at the site located building within the perimeter of the property itself. And that emission would be no greater than 0.21% of the more restrictive general public standard, the FCC standard that is.

We also examined the nearest residential buildings which are less than or about approximately 0.1%, less than— or greater than one-half of the emissions that could occur at 165 feet and at other points in the Wading River community, the other nearby homes at 975 feet out to 1,000 feet.

Emissions that are encountered here are certainly well below the permitted exposure levels and will certainly be in compliance with the FCC standards. Further, the emissions that we encounter here theoretically will be less than, far less than, in fact, thousands of times less than what a microwave oven can leak which is permitted by OSHA to be a factor, baby monitors, motion detectors you can purchase from Radio Shacks which are used at homes and cordless telephones as well.

There are frequencies that have been initially broadcast by television broadcasts back in the '50's where the channels 76 thru 82 are no longer employed by the broadcast medium that are carved out specifically for the wireless industry, in this case NYNEX or I'm sorry, Verizon Wireless.

10/21/2008

We— essentially are not adding any frequencies that have not been employed in the last 50 years. These are not new signal (inaudible) or signals that are being broadcast in the community so that we don't in any sense have a sense of what— if it were a new frequency and they are not— what the potential effect would be on health and there isn't any.

We are in a non-ionizing region and therefore there is no potential effect and again we have all the factors that are known. The World Health Organization report that was released in the years 2006 and 2007 stated very clearly that in their analysis of all of the studies that were done in the last 15 years, that there is no evidence of any (inaudible) effect on the transmission of the broadcast emissions from the wireless industry towers in other parts of the system.

Basically this is a safe system. We are well in compliance with the FCC standards and we are certainly not a threat to the community."

Supervisor Cardinale: "Thank you. We're going-- you were going to complete your presentation and then I would like to take any comment from anyone that wants to comment on this. I'm also going to leave it open for written comment."

Jacalyn Fleming: "Sure."

Supervisor Cardinale: "Who's next?"

Jacalyn Fleming: "At this time, I will submit the report of David Bradley, a New York State certified general real estate appraiser. Mr. Bradley was retained by the applicants to prepare a report addressing the potential effect on property values. The report I'm about to submit documents that based on before and after sales data, a proposal such as this have no— have been shown to have no significant affect on property values. And Mr. Bradley can offer his opinion."

Supervisor Cardinale: "Now all these exhibits will be in the town clerk's file. Yeah, you have to— would you make sure that she gets— yeah. Do you have an extra set of these things for— one, two, three, how many other ones do we have? I thought— how many have you submitted?"

(Some inaudible discussion)

Supervisor Cardinale: "Four, okay. She needs one more affidavit. Okay. Thank you. Make sure that the clerk's office has a complete set of what is being submitted here tonight and the public— and it's available to the public. Go ahead, sir."

10/21/2008

David Bradley: "Good evening, Mr. Supervisor and Members of the Board. My name is David Bradley. I am a graduate of MIT with a Bachelor of Science in Aeronautical Engineering. I worked in the aerospace industry for 15 years. Have a Masters in Business Administration from Adelphi University.

I've been a real estate appraiser for 35 years and I have the NAI designation from the Appraisal Institute and I was awarded a CRE designation from the Counselors of Real Estate. I'm on the faculty of the Appraisal Foundation teaching appraisal standards throughout the country and also on the faculty of the Appraisal Institute teaching courses, again, throughout the country.

I've published articles in the Appraisal Journal and was a contributor to their textbook, the Appraisal of Real Estate.

The study that you have here I was retained by Beacon Wireless Management to investigate the local area and to make a— offer an opinion as to whether or not there would be an adverse impact on real estate values.

I inspected the site on October 15th, drove around the area and looked at some sales in the situation which I'll describe to you shortly.

The location of the subject has been described in detail. I would, again, reiterate that it's set back a significant distance from the boundaries of the property. The nearest is just over 400 feet west of the subject location and this goes to the little site that's dedicated to the equipment of the antennas located within that. And it's 745 feet south of the Long Island Sound waterfront.

The equipment site is roughly 45 feet wide and approximately 90 feet in length for an area of 4,365 square feet. It's been described to you already as being on what was once a basketball court and it is adjoined by the fence on the west side and then a wooded area going down to the property line.

Looking to the north, there's a small maintenance building and beyond that some additional woods and then this deep bluff going down to the Long Island Sound. To the east are the school buildings and it is significant distance to the east boundary of the property. I don't have a precise measurement on that but you can see in looking at the survey that it is quite a distance.

The character of the area is primarily residential. The Little Flower facility is the only one in Wading River that's different from that. It's used as a school campus, both for resident students and for day students.

10/21/2008

The proposed facility described to you earlier is unmanned, subject only to periodic inspections and the opinion was given earlier that there would be minimal traffic to the site.

The equipment is located at a remote corner. The operating equipment will be air conditioned but the nearest residents are at some distance and I can't think that there would be any noise intrusion from that air conditioning equipment due to the distance and the wooded area intervening.

The monopole antenna has been described to you. It rises 150 feet above local ground level. There will be several platforms. The first will be at 110 feet and then there will be additional platforms at 10 foot intervals and I believe there will be four altogether but the plans will indicate that more precisely.

I offer in the report a series of photographs. If you would just turn to the back of the report, they follow the written material.

The first of these photographs was taken showing the crane. When it came to the site, I was there on the same day that they were taking the photographs and they had the crane erected there and you can see the crane is set up at an angle- "

Councilman Dunleavy: "Excuse me. What exhibit are you talking about?"

David Bradley: "The- "

Supervisor Cardinale: "Your exhibit."

David Bradley: "My exhibit, yes."

Supervisor Cardinale: "Well, he just handed up. Not the earlier one. The one that he just handed up, the appraisal."

David Bradley: "It's got a binder like this. And these photographs are in the back few pages."

Supervisor Cardinale: "To the extent that you can show it, please show it. But they're going to be all in the file so you'll be able to see it. Yes."

David Bradley: "This photograph shows the antenna location with the crane. It was described to you earlier that they were using to obtain the simulation for the photographs.

The tip of the crane is 150 feet above ground level and what they did was they dropped a cable from the crane to a stake at the

10/21/2008

precise location, that is the survey location for the antenna site. So that they would get the correct location for the tip of the crane.

In the background of this photograph, you'll see a small maintenance building which was described to you earlier. The photographs which follow look to the east and south and again you'll see the buildings that are part of Little Flower Children's School.

These photographs here just looking east of the antenna site and looking south. And some more just general pictures of the area. The one on the top of this page shows the drive that leads to this site and it goes around the existing buildings and then goes south to North Wading River Road.

The picture at the bottom here is from the entry drive and simply shows the buildings that are on the site at present.

Next in the exhibits I have an aerial photograph of the Little Flower campus and you can make out the buildings locations and the open areas that are part of this site and see the surrounding vegetative area very clearly as well as the streets nearby can be identified.

I have an additional aerial photograph following that showing the site roughly in the upper left hand corner of this picture and you can work it out based on the open areas that are part of the Little Flower facility and locate the approximate location for the antenna.

An area that I studied for property sales in Great Rock Drive is visible on the lower right hand corner of this site. You'll sort of a circular pattern there in the streets. Next to that, you can see the water tower, that's the landmark in this location and then there's a golf course adjoining that property.

The last of these pictures-- not the last, the next of these pictures is a close up of the Great Rock Drive street with the houses along that and again you can see the water tower which in parts of this I hope will be clear to you, and you can see there are several houses on the south side of Great Rock Drive that are pretty close to that water tower.

Next I have two photographs showing the tank there and antennas mounted on that tank and in addition a tower with more antennas located on it which is somewhat higher than the tank. I don't have the dimensions on those but the tower was reported to be 80 feet in height and this is on the registration for antennas."

Councilman Dunleavy: "That's only a temporary tower."

10/21/2008

David Bradley: "Okay. It's in place at the moment."

Councilman Dunleavy: "When they were painting the water tower. They're removing that. That's going to be gone."

David Bradley: "Okay. There's that and then there's the antennas on the tank."

Councilman Dunleavy: "Right."

David Bradley: "Okay? The sales in that area on Great Rock Drive are discussed after that."

I have a table on page six listing the sales on Great Rock Drive and I separated from that the sales that are nearest the antenna locations that you see in this photograph, and I compare those sales in a graph which follows showing the pattern of sales and re-sales of property in the area and I think it's pretty clear that there's no diminution in value due to the location of these antennas in that spot.

The— my mistake, I didn't know that this tower was temporary and my surmise was that it was part of the antenna situation there. The filing for that installation was in 2005 so my sales are before and after that 2005 date.

That concludes my observations here. My conclusion is that based on this, these sales and other research that I've done in other locations, the town of Islip, the town of Babylon, and a number of locations in Nassau County as well. In all of these investigations, I have not found that there's any adverse impact on real estate values due to the location of an antenna in proximity to residential development.

It's been described as not having any nuisance characteristics such as noise or odors or well, the radiation is another question. And there's no traffic generated to it.

There remains only the siting of the antenna and the question is will it have an adverse effect on value and my conclusion from this investigation and from others that I've made, that it would not.

If you have any questions, I'd be pleased to answer them."

Supervisor Cardinale: "I have one question. From what you just said, am I to believe that you've never issued an opinion that the proximity of a tower diminishes the value of the real estate in the area?"

10/21/2008

David Bradley: "I've never found an instance where that's true. I know it's a popular thought and people describe it in drastic terms, real estate values will plummet, we'll lose our value of our homes. But, in fact, looking at situation after situation in some antennas that you would think would really have a startling effect on value, I've not found there to be any impact on value.

It's simply isn't observed in simply looking at real estate prices and comparing very similar homes in situations where they're close to an antenna or at a distance from it. And, again and again, comparing those sales and looking at the distances that are involved, I've not found any adverse impact on value. I've seen antennas that I think are indeed ugly, but I've not done one in which I had an antenna like the one that everybody sees on the Hutchinson River Parkway. It's kind of notorious. It's kind of a grotesque imitation tree of great height.

But the antennas I've looked at have all been monopoles by and large. There was a very large lattice tower in the town of Oyster Bay right next to their golf course and across the street from a high priced subdivision and one would have assumed that that would have an effect on value.

But, again, I've not found any distinction between the sales of homes closer to that and at some distance from it."

Supervisor Cardinale: "If that's true, you could give a universal report that towers simply do not affect real estate value."

David Bradley: "That's been my findings so far. I've seen other studies of this. The ones done in New England concur with the observations I've made here on Long Island.

There was a study done in New Zealand and they found an adverse impact in New Zealand. But in the United States, I haven't run across any studies that would demonstrate that."

Supervisor Cardinale: "Thank you."

Councilwoman Blass: "I have a question for Miss Fleming. Yes, please. Thank you.

I notice that the facility is going to have a battery cabinet and an emergency backup propane generator and I was wondering what kind of security you have at the base of this facility."

Jacalyn Fleming: "As described in the plans, there's an eight foot high galvanized chain link fence with a gate, locked gate, and that's what's proposed at this time.

10/21/2008

If you've been to Little Flower campus, it has some restrictive access. It's also rather remote.

If there's a concern that the board has, I'm sure that we can address that."

Supervisor Cardinale: "The concern is the kids could be a little wild, that's what I think she was getting at. The kids at the campus."

Jacalyn Fleming: "The design of the fence can either be worked out, you know, before the town board also through site plan review."

(Unidentified speaker): "Electrify it."

Supervisor Cardinale: "Well, that would work."

(Unidentified speaker) "I mean, that's the only way, barbed wire, electrify it."

Jacalyn Fleming: "The last presentation is Anthony Wells. He's the radio frequency engineer for Verizon Wireless. I submitted his affidavit previously to you. Attached to that affidavit are the coverage maps he will be presenting here and if I can get Anthony Wells up here, please."

Anthony Wells: "As attorney Fleming mentioned, my name's Anthony Wells. I'm a radio frequency engineer. And attorney Fleming briefly went over some of the coverage challenges area so I'll be relatively brief unless there's questions.

I'm going to show three maps with different sites and their associated coverage on them.

The first map which I have up now is the existing conditions with the surrounding- with sites surrounding the proposed facility.

And just a quick background on how these are generated. RF propagation is not particularly straightforward but it does rely on some very elementary principles of physics and the prime things to consider when placing a site are the RF instructions and they are primarily terrain, trees, buildings or other structures that would block the signal.

And what we do when we produce these maps, is we take all those input are placed into a computer program and we propagate that out from each of those sites using the power that we would be transmitting from the site and then putting all those inputs, what

10/21/2008

kind of land use it is, whether it's treed or open, and as well as a representation of the hills to produce these maps.

And as I mentioned, we see on this first map here is the existing coverage and you can see from the two sites that we have here, the water tank that we discussed previously on the right of the drawing, and this is in the— did you find that in the affidavit for those that can't see up here— that's map A. And on the left we have down at the fire department the coverage associated from that and as you can see we have significant gaps in the area, primarily due to just the general limits of propagation.

The signal doesn't travel well through trees. It doesn't bend down into hills. It doesn't go through buildings very well. And that's a result of the coverage from the two closest surrounding sites that we have."

Councilman Dunleavy: "Did you say Wading River 2 is the fire department?"

Anthony Wells: "I'm sorry. What was that?"

Councilman Dunleavy: "The fire department where you have Shoreham written. Is that the fire department?"

Anthony Wells: "Yes. Yes, it is."

(Some inaudible comment)

Anthony Wells: "If you look at the map for labeled map B, that shows the coverage with the addition of the proposed site and you can see in yellow what the coverage would be from that proposed site in addition to in green the coverage from the surrounding sites."

Councillman Dunleavy: "Excuse me. Let's go back to 1 again. The Wading River Fire Department is located— you have Shoreham written here. 25A. 25A he has. (Inaudible)"

Anthony Wells: "It is located in East Shoreham. I don't know if that's what the confusion is."

Councilman Dunleavy: "Huh?"

Anthony Wells: "It is located in East Shoreham."

Councilman Dunleavy: "Okay. So it's not the Wading River department. It's not the Wading River fire. It must be the Shoreham fire department."

10/21/2008

Anthony Wells: "Correct."

Councilman Dunleavy: "All right. That's where we- "

Anthony Wells: "Okay. And the town labels are shown on the map for your reference as well.

And on Map C, in purple what we've added is a previous site that has been before this board just to show the site is not (inaudible) currently and we just wanted to show (inaudible) has been before this board before.

And unless there's further questions."

Councilman Buckley: "I have a question."

Anthony Wells: "Sure."

Councilman Buckley: "Is it- the area is not covered by any of the color? Am I safe to assume that those aren't covered at all?"

Anthony Wells: "There are some elements of coverage. There's various coverage objectives and you may be able to make calls in some of those white areas, but those areas in white are below Verizon standard for either capacity or coverage at Verizon's most limited frequency which they operate at."

Supervisor Cardinale: "You can make calls. Just nobody can hear you. All right."

(Inaudible comment)

Anthony Wells: "Shown on there, yes."

Supervisor Cardinale: "Thank you. Is that your last of the six witnesses?"

Jacalyn Fleming: "Yes it is."

Supervisor Cardinale: "Thank you. You may wish to sum up whatever you'd like to say and then I'd like to have the public comment. If you'd like to remain, you can comment on anything- correct anything that you believe is incorrectly stated."

Jacalyn Fleming: "Thank you. I hope we demonstrated- it's a difficult site to locate a facility in and it's a residential area. It's very hilly with a lot of mature trees and this large property, almost a hundred acre property with over 400 feet from the nearest property line, we believe is an opportunity to locate this facility

10/21/2008

and provide coverage to this community with the least visibility and it's just the best option all around.

And it also will provide opportunities for co-location as is one of the purposes of the town code.

That is the application of the proposal. We certainly welcome any questions. And if the community has any questions, they could please, if they respond in writing to the board, we would certainly like a copy of that and we will do our best to respond to those questions."

Supervisor Cardinale: "Very good. Anything we receive in writing subsequent to today's hearing will go to the file and please you'll have access as will everyone else.

Yes. Would you give your name?"

Angela Bruno: "I'm Angela Bruno."

Supervisor Cardinale: "You need to be sworn in, is that correct? Oh, only the applicant. You don't have to be sworn in. You can tell us whatever you want."

Angela Bruno: "Okay. First I would also like to give a little bit of my background. I have a Bachelors and a Masters. I'm a college professor, a researcher, and spent the past 10 years in integrative medical field researching all sorts of EMF and noise pollution, all sorts of information concerning this particular topic.

I think the first question I would like to ask wherever the attorney is, how long did it take you to put together all this information? When did this project begin on the site of Little Flower? Was it a year ago; was it a year and a half ago? To put all of this research, this documentation and everything together. She left."

Supervisor Cardinale: "She left. Where did she go? Yes, yeah, we have to have you up at the mike. So let's ask rhetorical questions. You note any ones you want answered."

Angela Bruno: "I just would like to know how long. I guess because we would like equal. We have not had the opportunity to put together any kind of research concerning certain questions, like what was the year of the analysis? What analysis was used from the companies? What year was it? Was it old? Was it new? Certain things of that nature. You know, the actual noise factor. What's the decibel level of the noise factor from the air conditioning unit in this enclosed area?"

10/21/2008

If this antenna is so high, did you do any kind of research to find out if any- if the airlines need any kind of light on this or blinking light now or in the future?

And then I guess the most important thing because I don't have any statistical information handy. I'm not privy to any of these documents here. I just would like to know why must our children again be subjected to all sorts of things of this nature? We have Camp DeWolf, we have Little Flower and unfortunately Little Flower, most of those children are homeless. They don't have any parents there such as us to fight for them.

I don't understand why we can't fight for these children and also not just for the children, but children are playful. You know. It's easy to climb. I can climb a cyclone fence and I'm not young. So I don't understand this.

And I would like the opportunity to review all of this. I would like us to form a coalition of all the people in the area, for us to bring forth our experts. I mean I've got Dr. Ronald Hoffman who just two weeks ago was on the air showing and talking about health situations and cancer caused by this wireless.

So, Amper, who handled the pine barrens. There are a lot other environmental people that I would like to bring forth. And would like to establish some sort of coalition.

We were just privy to this within the last four days. A lot of us were on extended vacation or were leaving for vacation and this was done literally in the middle of our working and everything else.

So I think that's all I would like to say right now. And I would like to keep this open, extend the time and I would like us to have ample time for us to come forth with all our experts."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Next comment."

Sid Bail: "Good evening. My name is Sid Bail. President of the Wading River Civic Association.

I have a couple preliminary comments to make. First of all, what I'm about to say is not intended to be an attack or critical of Little Flower. I have great respect for what they do and the role that they play in the community.

10/21/2008

Second of all, I think this presentation is probably the worst presentation I've ever seen on a wireless cell tower proposal. It was absolutely infuriating to sit there.

I'd like to read the following statement.

After careful consideration, the Wading River Civic Association has decided it will not support the special permit petition of Beacon Wireless Management LLC to build a 150 foot monopole communication tower on the Little Flower campus in Wading River.

Our lack of support is based upon three concerns. We do not feel that new wireless towers should be placed in or in close proximity to residentially zoned neighborhoods. We believe that this would establish a very bad precedent.

We also believe if you look at the town code, the existing town code, it doesn't encourage this. In fact, our friends who made their presentation are almost apologetic about this fact.

We also feel that it's unwise to encourage new towers that are built on speculation. And that's what this is. This is a speculative venture. They mention they have one lessee from Verizon but there are four or so spaces on the tower that are vacant and I think that this would encourage more of this type of speculation in other residential areas throughout the town.

We do not feel that new wireless towers should be-- we do not believe that Riverhead has the right kind of legislation in place to adequately determine whether or not there will be towers and where they will be.

The bottom line is if you don't control them, the industry, the speculators will basically tell you where the towers belong.

It's our belief that a comprehensive wireless communication plan is needed to balance the need for communication infrastructure with the need to protect nature, character and the aesthetics of the community.

About 10 years ago, there was talk of the town doing a comprehensive master plan. I think many people on the board are aware that Southold is in the process of trying to complete such a-- as a matter of fact, they've had moratoriums to-- I think they're in their second or third and they're still not complete.

And lastly we also believe that the town of Riverhead's law and planning departments are not qualified to adequately review wireless communication issues. This is not a slap in the face to the fine people that work there. Some of them I've known for 20 years or so.

10/21/2008

But in general the public sector is ill equipped to deal with people in the communications industry. They lack the technical savvy and simply do not speak the language of the industry they attempt to control.

I don't even have a great deal of confidence that any one up there on the town board can evaluate an RF propagation study and to evaluate the basis of the modeling that was— you know, there's an old saying. Garbage in, garbage out. It's quite technical.

So we strongly urge that the town of Riverhead secure the services of an independent wireless consultant to not only review all wireless proposals such as this one, but also to assist in the development of a new comprehensive plan for wireless facilities.

When I'm saying independent, obviously they have to be qualified. But I think ideally what you want is some who doesn't wear one hat in one town. They're a speculator, all right, putting up monopoles or new towns. And in another town, they're hired as a quote independent consultant on Long Island.

We respectfully urge the town board keep this hearing open to allow adequate time for an independent wireless consultant to review this application.

Thank you."

Councilman Dunleavy: "Sid, can I ask you one question?"

Sid Bail: "Yes."

Councilman Dunleavy: "Does the Wading River Fire Department have a cell tower?"

Sid Bail: "No."

Councilman Dunleavy: "No. Okay."

Sid Bail: "No. I think, you know, what you can tell from the— that's another thing. To leave these open for the public to examine, to look at these pictures, to look at those RF propagation studies. It's ridiculous. It's absolutely ridiculous. You need someone that is qualified and independent and I believe that there is precedence in the town. You've done this in the past. You've got to get someone in here that's qualified to review this. Otherwise it's a travesty.

I came across a comment from an independent consultant from upstate New York and he said that nationwide, that approximately 50% of the towers that are built, are unnecessary, they're built for

10/21/2008

other reasons. And about 60 to 70% of the towers are taller than they need be.

For instance, one of the folks who made the presentation, they talked about 10 foot spacing. Ten foot spacing isn't necessarily required. In some areas it's six foot spacing, or six foot spacing or less so that reduces, you know, the height of the tower.

One other factor that just was mentioned, propane generator. If you read the newspapers this week and it was of note in our particular area, there was an explosion in Brookhaven Lab. A structure with propane generators exploded, all right. So, you know there are concerns. There would be concerns for the safety of folks, particularly in Little Flower.

Thank you very much. I'll leave a copy of my remarks."

Councilwoman Blass: "Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "Next comment, please. Go ahead, please."

Janice Gilmore: "I'm Janice Gilmore. I live at 65 Long View Road in Wading River. And I'm here speaking not only for myself and my husband, but for the majority of residents that live in the surrounding neighborhoods of the proposed 150 foot cell phone monopole that Beacon Wireless is doing tonight to be located on Little Flower property.

I say that because this past Sunday, I took the time to go out and speak with residents from not only my neighborhood, Heartwood on the Sound, but also Crescent Homes, Lewin Hills, Herod Point Road, the Village at Wading River and while I did speak to a few residents, six in all that day that do not agree with what I'm about to present, the overwhelming majority do not want this monopole in their community regardless if they have cell phone service or not.

This is a very important point for the board to be aware of. Just because there are low service areas in Wading River, does not mean as Beacon Wireless would have you believe, that a monopole must be constructed to fix it.

Wading River residents are more passionate about their community, their quiet pristine rural neighborhoods, and their quality of life than whether or not they get cell phone service in their living rooms.

10/21/2008

And interestingly as you will see when you look at all the signatures that I have here, there are residents in Calverton, Flanders, Aquebogue who also understand that this proposal in Wading River is indicative of what could happen in any of their neighborhoods. This is not just a not in my backyard problem. The idea of towers and monopoles being developed and commercializing residential neighborhoods, is a universal theme that residents oppose.

This cell phone monopole, while what has been referred to as a mixed use zoned property, Little Flower, is going to be within several hundred yards from homes in the neighborhood, 400 feet was said tonight, which completely surrounds Little Flower which is nestled within the midst of our residential community.

Little Flower is located— is not located in a commercial corridor within Wading River. On the contrary, it is a stand alone piece of property surrounded by residential neighborhoods.

With their property being so narrow, on the average according to Google Earth anyway about 1100 feet separate the neighborhoods located to the east and west of them, and in keeping with this, a valid concern by residents is what the construction of a monopole like this does to the surrounding property values when it is placed in such close proximity to residential neighborhoods.

It is a reality that if a buyer has comparable homes to choose from and one is located within an area of a cell phone monopole in close proximity to their property, that homeowner is a great disadvantage. This would be true not only during this difficult home market in economic times, but as long as this monopole would be in existence.

This reality has been presented by residents not only in regard to this cell phone monopole, but by residents across the island who have found themselves in a similar situation.

So I do not agree with one paid opinion tonight that's presented. It's not convincing.

At 150 feet in height constructed on one of the highest elevations in Wading River, this monopole is going to be the highest structure in our town, the equivalent of a 15 story building, definitely not in keeping with the vision of the residents and local associations trying to preserve the quaintness and historic nature of our community.

The true commercial corridor of our town is located along 25A and even there a concerted effort has been made to maintain the character of our village and there is no building or structure that even comes close to a 15 story building.

10/21/2008

And while there was a visual impact study conducted by placing a crane of equivalent height at the Little Flower site this past week, it was done during a workday morning when most people were not around so residents did not have an opportunity to make their own judgments from their own property. It did not replicate what the monopole would look like with 12 antennas mounted on it. Two red flags does not simulate that.

And most importantly it was done at a time when the trees are still in full foliage.

From my property perspective along, while during the summer we are visually aware of traffic going in and out of Little Flower and we can see the handball court. Six months of the year all during the winter we have full view of not only their main road and handball court but also across their entire ballfield, all the way across to their infirmary and beyond and all the security lights around their buildings.

Visibility in the winter, those six months, is very different than visibility this time of year.

If allowed to be constructed, this monopole is going to be a visual reminder 365 days a year that our neighborhoods have now become commercialized and it's like to many of the super tall towers and poles you see along the highways.

As was mentioned before, this pole also has lights on top of it. It will be an even more obnoxious intruder into our private lives 24 hours a day, 365 days a year.

Now, there are already 12 towers with 54 antennas within a four mile radius of this proposed new pole, some as close as a half mile. That's the one that's on the water tower. I learned tonight that that's even a Verizon antennas on it. They want to put another one a half mile from that one.

While none of these other existing poles are as tall as the one being proposed tonight nor have any of them been placed in such a pure residential area. By their own admission and just the reality of the situation, Beacon Wireless cannot make any guarantees that these new antennas will alleviate any of your poor service zones that exist in Wading River because of the dense trees and terrain of our community. It's just the nature of where we live.

However, have they even accurately identified what these areas are that they're supposedly addressing. From the presentation tonight, I don't believe so. I got a quick look at that map. I've

10/21/2008

lived in Wading River for 30 years. I know exactly where you can get cell phone service and where you can't.

Have you identified the number— have they identified the number of people or the percentage of residents that will supposedly be benefitted?"

Supervisor Cardinale: "Bill, could you see if you could turn that down a little? We're getting that feedback. Thank you."

Janice Gilmore: "Oh, I'm sorry."

Supervisor Cardinale: "No, it's not you."

Janice Gilmore: "Am I standing too close?"

Supervisor Cardinale: "We're going to turn it down a little. Go ahead. Thank you, Bill."

Janice Gilmore: "Okay. Have they identified the number of people or the percentage of residents that will supposedly be benefitting from this pole? That was not mentioned tonight."

Beacon Wireless by now should have provided you not only a detailed list of who will be renting the 12 proposed antennas and now we know that we don't know other than Verizon so that is a speculative building of that antenna. But those companies then before they're allowed to be on there should have already provided you then or provide you with an accurate in building and in vehicle coverage map. They're two completely different studies and that was not presented tonight either.

Those studies demonstrate where each company has reliable service in the immediate vicinity of the proposed monopole. Not just Verizon gives you that, everybody that's going to be on that pole.

They should also have to provide you what their definition of what a reliable call is as each company can use different guidelines to how the data present, whatever scenario is beneficial to them. I think the public has a right to also review all this information.

In addition, have they justified when no other location is suitable to locate this monopole other than the alternate sites would be more difficult for them to get permission from the owners to construct a pole. It is not this town board's charge to put the convenience of a private profit making developer over the best interests of the community and its residents.

And while this specific pole presents a grave situation unto itself, it raises broader issues. Clearly cell phone service and

10/21/2008

the need to support that service is here to stay and that service will need at times to be expanded. The problem is this industry is growing so quickly that independent contractors like Beacon Wireless are submitting applications for new construction faster than the towns have been able to respond with their guidelines and expertise in place.

Other surrounding townships are beginning to recognize this and have put a moratorium on new towers and poles until they can put together a master plan to address needs and aesthetic issues. This has been done by Southold and more recently Huntington.

The town of Riverhead at this point does not have a master plan nor internal independent expertise in place to evaluate any of these applications.

When you look at this application tonight, what evaluative criteria are you going to be referring to to determine the appropriateness of the site? What evaluative criteria are you going to be referring to to determine if there is truly a need?

What evaluative criteria are you going to be referring to to determine the appropriateness of this pole's height? What evaluative criteria are you going to be referring to to determine if this area has already reached its saturation point?

What information do you have before you identifying other cell phone towers and monopoles that are being considered or proposed for this area?

I was speaking with someone yesterday with direct knowledge of a cell phone tower that is going to be pursued for the area around St. John's Church in Wading River. Beacon Wireless' own website, BeaconWireless.com lists two other proposed towers for Wading River, one on 18th Street by Hulse Landing Road and one on North Country Road, just one mile east and west from this Little Flower monopole.

I do not know if any of these other towers would be more appropriate or even needed but those kinds of evaluation should all be taken into consideration when deciding any of the applications you have before you.

And strangely, the Little Flower proposal is still not listed on Beacon Wireless' site. When I spoke with Mr. Cannuscio (phonetic) from Beacon Wireless about this over a year ago, he assured me that the omission of the Little Flower application was not an attempt to be deceitful to the public. However, one year later, it's still not listed with the other proposal.

10/21/2008

When I originally brought up my concern to the Riverhead town board and I mentioned that when I questioned the planning department about whether the town had a map on the surrounding towers and monopoles, I was told that they knew one existed somewhere in the town. They didn't know who had it, who was responsible for keeping it current.

At that meeting, Mr. Cardinale you offered me if I contacted your office, you would provide me with a copy of the map that's available. I have a copy of the map here, what they gave me, and it does not even accurately show placement of all the surrounding towers, no less ownership of these towers, the number of antennas on each of these towers and monopoles, who owns or is renting use of these antennas nor the height of the towers.

This map should also I feel show land elevation, tree density as these factors also affect determining need, necessity of additional poles and aesthetically how it will impact the community, the two areas that the town can consider when approving or disapproving these applications.

In addition, the town needs to independently identify the low service areas that exist in this town so that you have a clear picture of what areas are in need, if any, and must be able to identify where additional infrastructure is needed, if any.

This township, unlike many other townships across the island, has the luxury of more open space where cell phone towers and monopoles would be appropriate, and then again only if a true need has been shown to exist.

These areas should also be clearly marked on a master map or plan.

Lastly, and I'm- I think you're all glad that I'm getting to the lastly part. Lastly, of course, we all know that the only reason these independent contractors like Beacon Wireless have co-applicants on their application and these co-applicants are cell phone companies such as New York SMSA Limited Partnership d/b/a Verizon Wireless as in this case, so the Telecommunications Act of 1996 comes into play, meaning health effects cannot be used as a reason to deny the application.

Otherwise the board would be able to take into consideration the concern many residents have that this technology is too new and there just has not been enough time to evaluate the true health effects on surrounding neighborhoods. Even the American Cancer Society has gone on record and I quote from their website, quote, the bottom line, cellular phone towers like cellular phones themselves are a relatively new technology and we do not yet have

10/21/2008

full information on health effects. In particular, not enough time has elapsed to permit (inaudible) studies. Unquote.

The point is this is a series proposal from all perspectives. And you need to take your responsibility very seriously when deciding on this particular cell phone monopole situated in such close proximity to so many families.

The town board needs to realize that you are not currently prepared to evaluate technical data presented tonight, no less approve tonight or any time in the near future, these types of building applications.

Up to this point, you and other townships have been relying on the expertise of the applicants themselves to make determinations, hardly an unbiased source of information. You need to take the time necessary to put your own expertise and complete an array of necessary information together to get a well informed evaluation.

Your decision impacts the every day life of your residents and it is your responsibility to preserve an environment that homeowners when they settled their families in Wading River wanted and have a right to continue."

Supervisor Cardinale: "Thank you."

Janice Gilmore: "Are you interested in- "

Supervisor Cardinale: "Yes, please. I would like that in the record. Is there any other comment this evening?"

Dawn, what is the extent of time I can leave this open to explore some of the issues that have been raised?"

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "For written. Okay. So keep it open for written and I can extend that if I need. I would like to explore some of the things that- and I'd like to give you an opportunity to conclude but also to explore some of the things that this last person has said and also what Sid had said and what was said earlier at work session, it's about exploring expertise to help us to evaluate.

Would you please make your concluding comment?"

Jacalyn Fleming: "Thank you. Obviously there were very many issues for me to address at this point but we would like to have the opportunity to address in writing and I will like you said obtain copies of the documents submitted.

10/21/2008

Just a few points. One of the issues was lighting. We did state that lighting is not proposed and lighting is not required by the FAA. We've documented that in the record.

For the noise, we addressed that issue a little bit. These are just air conditioners, the type of air conditioners you might have in your homes or that are already on the Little Flower campus. And there-- there would not be any noise going-- any noise above ambient levels going across the property line but we can address that more in writing.

The argument that this is a speculative proposal. Please focus on the fact that the record demonstrates that Verizon Wireless needs a site in this area and they've documented that they need 120 feet. That's been documented.

We have proposed 150 foot pole in part based on the town code's emphasis for opportunities for co-location. We leave it to the board to determine whether that's an important factor here or whether they want to rely on the 120 feet that we've demonstrated that we need for Verizon.

The town does have regulations over wireless communications. They adopted regulations in 1998 and they've been amended three times over the years as far as I can tell. Based on those regulations, we're here tonight allowing the public to discuss it and come to some better understanding of the proposal and, again, based on the regulations that are already existing for the wireless industry, we are trying to emphasize co-location and one of the reasons we emphasize that we try to look for a non-residential area or we always try to look for a non-residential area in Riverhead, is based on the code.

Because you can imagine there are antennas in residential areas throughout the country and throughout the world, but in Riverhead, we know, we acknowledge that your emphasis is on trying to locate outside those areas and so we certainly try to honor that whenever possible. And unfortunately here the whole area is residential and there's really not any opportunities for that.

Other than those comments, I would certainly like the opportunity to respond in writing to address all the many issues that were raised.

Thank you."

Supervisor Cardinale: "Thank you."

10/21/2008

Councilman Dunleavy: "Can I ask you one question? Instead of this monopole, could you substitute this flagpole?"

Jacalyn Fleming: "There's alternatives such as a flagpole available but there's a lot of limitations that come with that and you have to consider that as well.

There's only three antennas per level that can be fit inside these flagpoles and most of the carriers are looking for 12 antennas or nine antennas maybe. They might need two or three levels instead of one level and then pretty soon, you know, you either have to have less carriers co-locating on the site in which case you'd need more poles in the area or you'd need a higher pole to accommodate the antennas within that narrow tube basically.

So there's a big trade off that you know everyone has to consider when they're considering that option. This is a low profile platform and you have to think about what are you mitigating. The photo-simulations show there's very few opportunities to even see this pole, especially you know up to, you know, the photos show that very rare opportunities do you see the 120 foot platform and even, you know, there's a few more places where you might see the top of the pole.

So it's limited visibility so, you know, consider what you are trying to mitigate.

Thank you."

Supervisor Cardinale: "Thank you. All right. Some very good comments have been made and that is the purpose of a public hearing so I appreciate those of you that have come out. I've heard- this will be discussed at the next work session of the town board. I'd also like to leave this open for written comment and for those of you who wish to review the file for 30 days, I'm going to leave it open for written comment and I'm also going to ask Dawn that we discuss implementation of pursuing some assistance in evaluating what it is that's submitted on these applications because it is highly technical and frankly we do not understand all that we would like to."

Councilwoman Blass: "I would also like the town board to reconsider the proposal that had been requested some time ago to actually commission a study at some point, not only, you know, asking for additional expertise now, but a study to do a master plan for future sites within the town of Riverhead."

Supervisor Cardinale: "Yeah. I think that that's one of the things that was mentioned by Wading River representative, Civic Association rep to have a comprehensive wireless communication plan.

10/21/2008

And I think that we should explore that and I think that my recollection serves me, there are two factors, one is gaps, but the other one is that you can have capacity which frankly we didn't learn about too long ago so now it's an even more complicated issue. You can have actual gaps, that I always understood, but you can have gaps due to the fact that there's so much need for capacity and have another need because of that.

So, yes, we will do— we'll look at that, we'll keep it open for 30 days for written comment and if we feel the need to extend it and we are permitted legally to do so, we are prepared to do that as well."

Public hearing closed: 9:00 p.m.
Left open for 30 days for written comment

Supervisor Cardinale: "I would like to speak to the supervisor whose parents have said to me no longer than 9:00 because he has homework to do and he has to get to school tomorrow, right? So I asked him before he sat down this afternoon at 2:30 to oversee the departments, to give us the benefit before you leave, Zak, can you give us the benefit of what you learned today and what parting wisdom you would like to leave the town with. Think about that. First of all, wake up, wake up.

Would you like to tell us anything that you think would help us to run the town in your absence. And I also want to invite you back to see all the departments that you didn't get a chance to see today like I don't think you saw the sewer department. That's always a joy. And the water department. I don't know if you saw that."

Supervisor of the Day: "Yeah, I did."

Supervisor Cardinale: "You saw the water department. Okay. Did you see the police department?"

Supervisor of the Day: "Yes."

Supervisor Cardinale: "And they let you out, huh? They let you go.

All right. Now, have you thought about it. Do you want to say any last words? You want to control yourself. Okay. Would you come back and— I invited his parents to bring him back to see those departments he didn't see one afternoon after he finishes school. Trina in my office, just give her a call. The young man we had last year came back and gave us hell for a few days in fact. So all

10/21/2008

right now I don't want you to fall off your phone books here, so are you ready?"

Supervisor of the Day: "Yes."

Supervisor Cardinale: "All right. Now could you help him out here?"

Thank you, Zak, and we thank his parents for making him available to us for about five or six hours running the town. Thank you very much and please do come back. Come back and visit Zak. Take care now.

We have a third, fourth, fifth and sixth hearing and for those of you that haven't heard enough about cell towers, the sixth hearing is another cell tower.

The third hearing, however, is for the consideration of a local law to amend Chapter 108 entitled zoning definitions and has to do with the definition of accessory building or structure, accessory use and principal use."

Public hearing opened: 9:03 p.m.

Supervisor Cardinale: "And I would like to note that it is 9:03 and that we are going to open that hearing at this time and take comment from anybody who wishes to give us comment on those definitions. Come on up."

John Ciarelli: "Good evening. My name is John Ciarelli with the law firm of Ciarelli and Dempsey and we're here on behalf of the Kar and McVeigh families that are the owners of the Jamesport Manor Inn.

And our comments tonight- we're here in opposition to- we recommend that the ordinance amendments not be enacted because they are going to adversely affect our clients' business and other similarly situated businesses in the town which really represent and respond to a maturing agra-tourism business that I believe this board and other prior town boards have nurtured and cultivated and which I believe is a positive characteristic of the- of what people see and experience when they come to the town of Riverhead.

The fact that people are attracted to the town and want to have their milestone family events at places like the Jamesport Manor Inn or local vineyards tasting rooms or whatever, is an activity that, again, represents the maturing of this use and it's an activity that should be encouraged and this particular- these particular amendments appear to stifle that activity.

10/21/2008

And they also appear to be reactive to certain and specifically to our clients' proposal to develop their site and add an accessory catering facility. They also seem to be reactive to other proposals that are before the planning department now and I respectfully submit it's not good public policy to pass ordinances that are reactive.

The ordinance— the town code should be flexible. It should respond to evolution in uses and in business applications that may arise over time and the board should trust its other boards and its staff to apply the town code in a way that it's going to facilitate business, facilitate tax revenue and allow these property owners to realize a reasonable good return from their property.

We're not talking about people that are coming in from the outside. We're talking about people with substantial investment in the town that are here to stay and that have— and in this particular case, restored a building at substantial expense after presenting this— a similar plan to the zoning board of appeals and getting approval for a restaurant and accessory catering use.

This essentially shuts them down.

Specifically we believe that it's inappropriate to attach a percentage as a size that determines whether an accessory use is subordinate. A raw percentage has never been an appropriate measure of whether an accessory use is subordinate. You can't apply that to all accessory uses and what you will create are hundreds of non-conforming uses and you're going to create additional expense, whether it's legal expense or the delay in going through the process that it's not fair to impose on your taxpayers and your property owners.

They have a right to expect consistency in the code, stability in the code and the ability to use their property today, tomorrow or sometime in the future in a way that's going to get them a reasonable return.

The provision that prohibits sleeping or cooking facilities in accessory buildings and structures is clearly reactive to a proposal that was submitted before the town and not— and it's micro-managing that's not appropriate.

If someone has a summer kitchen or a pool house that has a built in barbeque, they automatically created a non-conforming use. It's going to require them to explain that to their lending institution. It's going to require them to come here or come to another board and go through the expense and delay of a variance application or a certification of pre-existing use.

10/21/2008

The fact that— and now I'd like to make some comments that are relevant to the next public hearing but they are related because the catering use has been defined as a principal use and, again, I reemphasize that making the catering use a principal use where it has been used effectively and has responded to the demand of the maturing agra-tourism business out here as accessory uses is going to shut down these businesses.

And I think it would be terrible if that happened. It's one of the activities that characterizes the town of Riverhead and it will hurt my client, it will hurt other similarly situated businesses and it is— and in their particular case, it's going to hurt a— two families that have invested a lot of money in making this building a beautiful building in a rural area that has no impact— that will have no impact on surrounding areas and it will deprive them of the ability to realize a reasonable return from their property."

Supervisor Cardinale: "Thank you, John. Can I take any other comment on this please?"

Councilman Buckley: "I just have— I was away for a month but what is the— what was— can you explain the reasoning behind why we're revisiting this?"

Supervisor Cardinale: "Yes. I'll let the town attorney answer that. But I think it would also be more helpful, John, that the entire proposal is for 16 lines to be clarified. That if you could tell us either in writing later because I'll leave it open for written, what you would change and why because much of what you said, you know, we could have a lengthy philosophical debate, but I want to know what you don't like about these 16 lines that have been changed and why. Because that's really what we're considering.

And could you answer Tim's question as to why— "

Councilman Buckley: "Why we are changing it at all."

Dawn Thomas: "A couple of reasons. One is we've had some lack of clarity with accessory uses— "

Unidentified: "Can't hear."

Dawn Thomas: "Sorry. There was lack of clarity with accessory uses in the code and we previously had a definition that included accessory uses and structures so we broke that out and made it separate and made it clearer and easier for the board because I think there's been some issues in the board's ability to identify what is an appropriate use or isn't.

10/21/2008

In addition we defined principal use which we hadn't had a definition for prior to this proposal.

And with regard to the catering facility, we were- "

Supervisor Cardinale: "Which is the next hearing, yes."

Dawn Thomas: "-- we're clarifying the difference between catering use and catering facility and there's- it was important to do that for a few different reasons."

Supervisor Cardinale: "I'm- John, come on up for a second. I'm pretty confused but I'll be less confused by the time we do nothing or do something on this proposal."

I also see in the correspondence you on behalf of your law firm, re Kar-McVeigh, withdrew a special permit. What's that?"

John Ciarelli: "They had a special permit application that was granted but not to the extent that they had requested."

Supervisor Cardinale: "That was sometime back."

John Ciarelli: "That was about a year and a half ago."

Supervisor Cardinale: "How do we do that? How do we go through- I remember we went through a tortuous time with that special permit. It must have taken us a year to decide it. And now after a year and a half you withdraw the application after it's granted with conditions. How does that happen?"

John Ciarelli: "It was granted- the conditions were unacceptable- "

Supervisor Cardinale: "But it took you a- that's what's confusing because that was a year and a half ago."

John Ciarelli: "Yeah. I don't know that that's related to this, but I'd like to say that- "

Supervisor Cardinale: "I'm very confused so sometime maybe privately you can explain it."

John Ciarelli: "We can discuss that."

In response to your first question, I don't think this clarifies anything and if anything it creates more controversy. I will respond in writing. But essentially we're saying leave well enough alone. There's no need for clarification. There's no problem that has arisen. I don't know that this is a problem.

10/21/2008

We discuss accessory uses and whether they're subordinate or incidental. Every time a principal wants to develop an accessory use the building department has been able to deal with it, the various boards have been able to deal with it and by adding these additional prohibitions, nothing is clarified.

And I've got to say that this proposal was calendered one week after we came in to the, you know, the Tuesday morning planning board- planning department meetings with proposals that were relevant to the interpretation of the code.

They had nothing to do with these particular additional provisions that are designed to make property owners work harder to- and spend more money to get a reasonable return out of their property.

But we will respond in writing."

Supervisor Cardinale: "Thank you. Yes, please, Mr. Diliberto."

Sal Diliberto: "Salvatore Diliberto from Manor Lane in Jamesport.

My concern is that this could have an adverse impact on the winery industry. Specifically within the definitions of the text, it appears to exclude and does exclude agricultural structures. However, wineries and tasting rooms are not treated as agricultural structures by the town of Riverhead.

And so, therefore, if we have a 25% limitation, 25% of the principal building, and assuming that the principal building could be a winery or the principal building could be a farmhouse and could be 2,000 square foot and the accessory structure is going to be a tasting room, you would be limiting that tasting room to 500 square feet without any question as to how much property there is. Whether a person has two acres or 200 acres makes no difference.

If they have one structure on the property which is their principal structure, they can only have an accessory structure that is 25% of the size of that structure. It makes absolutely no sense and would be totally prohibitive to the winery industry.

I think that this law was not run past anyone in either the agricultural community or the winery community. At least that's what I've been told again by the agricultural advisory committee, by the farm bureau. No one has seen this."

Supervisor Cardinale: "The law says perhaps because it wasn't intended to address what your concern is addressing, it says except

10/21/2008

in the case of agricultural buildings or structures. On what basis to you say that a winery or a wine- a winery meaning making the wine or a wine tasting facility is not an agricultural structure?"

Sal Diliberto: "The town of Riverhead does not consider it to be an agricultural structure. I think Mr. Barnes could confirm that if he's here."

Supervisor Cardinale: "Leroy, could you do that because you've got to educate me a little bit here. Come on up, please."

Sal Diliberto: "As to whether a winery or a tasting room is considered to be an agricultural building."

Leroy Barnes: "A winery- "

Supervisor Cardinale: "Yeah, and the reason- for example, is there a site plan required for a winery or wine tasting room?"

Leroy Barnes: "Considered for what purpose? You mean as far as definition is concerned?"

Sal Diliberto: "Yes. As far- as agricultural building. It always does require a site plan, site plan approval."

Leroy Barnes: "But that's because they changed the zoning requiring site plan."

Sal Diliberto: "But site plan approval is required. If it's a commercial structure it has to meet all of the commercial requirements in terms of wiring, of fire marshal's plan, etc. It is not treated as an agricultural building."

Supervisor Cardinale: "Okay, I'd like to know that because I think that our intent was not to capture it so we said except in the case of agricultural buildings or structures. Does that include wineries and wine tasting rooms?"

It's intended to include wineries and apparently wine tasting rooms we want to clarify but I don't think we wanted to reach that so- yeah, we wanted to exclude it, not include it."

Sal Diliberto: "My suggestion would be if you wanted to include it, that for purposes of this particular definition, you would state that for purposes of this that wineries and winery tasting rooms shall be considered to be agricultural buildings. And that would exclude- I still don't believe that having a 25% limitation makes any sense even- "

Supervisor Cardinale: "Okay. I understand that. And John said that, too. I think you may be right but my question then would

10/21/2008

be, we all know as lawyers that accessory uses are subordinate uses. How would you define— how would you make it clear what subordinate means if not by an area definition?"

Sal Diliberto: "Certainly anything that requires a site plan approval process. Anything that has to go through the planning department would appear to be something that could be reviewed and on the basis of other considerations, a determination made that the size was excessive if this was intended to be used for, in fact, to limit people from having a small principal use structure and then a very substantial accessory use structure."

Supervisor Cardinale: "You know as I do and John does the language typically on accessory uses that is accessory to and subordinate to a principal use. Part of this exercise is to try to make concrete what criteria we will look to to determine if a use is subordinate to the principal use."

I'm suggesting— I'm asking you, this is not magic. Tell me what is a better way to do that. This difficulty is if you don't do it in some fashion, the accessory use becomes the principal use and that's what we're concerned about."

Sal Diliberto: "But you do have other factors that will limit the size, for example of a structure. You have the Suffolk County Health Department. They are going to limit the size of a structure depending on the size of the property."

Here there's no relationship between the percentage and the size of the property. If you say that you can't have a building more than 25% of the principal structure, well, if you don't have a very large principal structure, you can't have— "

Supervisor Cardinale: "I understand and I'm willing to yield that. But what I'm saying— I'm certainly not willing to say that I'm going to rely on the Suffolk County Health Department who has never done anything well that I've noted."

We control the zoning. We say something is a principal use and something is an accessory use. How do I define how to make certain that the accessory use is subordinate to the principal use? I'm perfectly willing to do it any way that you or the business alliance tells me but it better be done because otherwise you've going to have problems."

Sal Diliberto: "Why not make it relative to the land itself? Why make it relative to a structure— principal structure? To me that makes no sense."

Supervisor Cardinale: "Maybe you're right."

10/21/2008

Sal Diliberto: "You can have a hundred acre parcel. You've got one structure 2,000 square feet. Does that mean on the rest of that hundred acres for an acceptable accessory use, you can only have a 500 square feet building? It makes no sense."

Supervisor Cardinale: "Maybe it doesn't but I need another criteria. Okay, but thank you. I appreciate the discussion that you've elicited."

John Ciarelli: "Let me respond to that."

Supervisor Cardinale: "Yes."

John Ciarelli: "Because if we do it the same way we've been doing it up until the day before this ordinance— this amendment, hopefully, will not be passed, and that is you take the use, you look at the use and you decide what's an appropriate way to decide whether the accessory use is subordinate."

If it's like as Mr. Diliberto says as small building, then you might look at income criteria. You might look at impact criteria to see whether they're going to attract more people over time than the principal use. You can't just say it's 25% of the building, it defines it as a subordinate use because it's not appropriate. It doesn't related to the specific use in question.

And will, you know, in my written response I can probably give you examples of how the many different uses can be resolved under the existing code and how this new proposal will just increase the confusion that you really shouldn't have but you apparently have on this issue.

I think it's related to the use itself and the criteria are appropriate to the use themselves and you can't categorize accessory use across the whole constellation of the town and say we're going to resolve subordination by a percentage of a building as it relates to a principal use. You just can't do it."

Supervisor Cardinale: "Well, if I can't do it that way, how can I do it?"

John Ciarelli: "You can do it by— if it's an income issue, if it's income, then you do it by how much income is derived. If it's impact or traffic, you do it by how much traffic is generated by the accessory use."

Supervisor Cardinale: "Yeah, but let's be— "

John Ciarelli: "If it's size, then you do it by size."

10/21/2008

Supervisor Cardinale: "-- I don't want to do a study here. I want to do something that's practical. I need something practical."

John Ciarelli: "You can't do it. You can't protect the taxpayers and you can't protect the taxpayer who says I'd like to do something with my property in a couple years after I retire or something like that, or I'd like to sell it or I'd like to use it for commercial purposes.

You can't protect that person and put specific subordination criteria in there because it won't work. You have to be flexible enough in my humble opinion to adjust to the nature of the principal use and the impacts of the accessory use."

Supervisor Cardinale: "Who's going to do the adjusting?"

John Ciarelli: "Everybody that's been doing it so far. If it's the building-- the chief building official. He does the adjusting by saying you've got to go to the board of appeals. I don't think this is a subordinate accessory use."

Supervisor Cardinale: "Well what criteria is he supposed to use?"

John Ciarelli: "He's a trained experienced person. I'm sure he can use-- "

Supervisor Cardinale: "He doesn't have a criteria but he's trained."

John Ciarelli: "He's got better-- in all due respect, he's got better, more experience doing it than the town board does. And why preempt, you know, reasonable people from getting the use out of their property that they're entitled to without jumping through, you know, enormous hoops.

You have an ordinance that makes-- if I have a 2,000 foot house and I have a 40 by 20 foot pool, my pool is a non-conforming use now. So I have to come now and get a certificate of existing use to show that my pool was constructed before the effective date of this ordinance. By doing that, you just create a whole series of problems that are-- I don't know that there's a problem.

I think this is reactive to the Jamesport Manor Inn proposal and I think it's too bad that it is reactive."

Councilman Dunleavy: "Can I-- John, can I ask-- "

Supervisor Cardinale: "Where is this proposal?"

10/21/2008

Councilman Dunleavy: "Can I ask John a question? Okay. I think this— small restaurant puts up a large catering hall. He gets more catering than he does in the restaurant. Now the catering is supposed to be accessory to the restaurant. Now it becomes the restaurant is accessory to the catering because he's doing more business in the catering hall than he is in the restaurant."

John Ciarelli: "And I would say that that's not subordinate."

Supervisor Cardinale: "Well, yeah. We'd like to put that in the law because we don't want to make it a matter of opinion."

John Ciarelli: "I don't know how— "

Supervisor Cardinale: "I'm asking you. We tried to do it like we did it. You don't like it. Tell me what you like better."

John Ciarelli: "I'm telling you, you can do it by establishing conditions on how many days of catering they have. You would look at the size of the building that they use. You look at how often they do catering, how many cars are attracted to it. What— you could look at what the percentage, what the revenue from the restaurant is as compared to what the revenue from catering is.

There's all kinds of intelligent ways of doing it and this— just putting an arbitrary percentage is not an intelligent way of doing it."

Supervisor Cardinale: "I'd be anxious to find out what you feel is a better way. So, yes, Matt."

Matt Kar: "Hi. Matt Kar. You know, catering as an accessory use whatever, I mean you're not going to be open seven days a week and doing a job seven days a week. So, yes, even though the structure may be bigger, it doesn't mean it's going to more sales than the smaller place.

I'll put the catering hall that we're speaking about up against the Country Kitchen, it's not going to do the same kind of sales. Look at the difference in size. So, yes, you're not going to be doing it seven days a week. You're not going to get the pumpkin pickers coming in like we did this past weekend to have a record weekend. You're not going to have that in the catering hall.

Does that answer your question somewhat, that the volume is not the same."

Councilman Dunleavy: "Yes. Yes."

10/21/2008

Matt Kar: "Okay?"

Councillman Dunleavy: "Thank you."

Matt Kar: "You're welcome. As for you know why I'm here. I mean it's a shame. We came here like five, six weeks ago and we said we were going to come in with a different plan. And then like a week or two weeks later what you come up with here was exactly what we told you we were going to try to do via the zoning board, okay. Like this restricts me once again for what I want to do on my property."

Supervisor Cardinale: "I still don't know what you want to do and the plan is before the- have you made an application to the zoning board? Because we have no idea what- "

Matt Kar: "We came and talked to someone on a Tuesday planning meeting and we talked to somebody and told them what our intentions were. What our intentions were are exactly here now, you can't do that, Matt Kar. That's what it says."

Supervisor Cardinale: "Well, who'd you talk to- well, you didn't talk to this board, but who did you talk to?"

John Ciarelli: "We talked to the planning department at which there was a representative of the town attorney's office."

Matt Kar: "Yes."

Supervisor Cardinale: "Okay. And the- well this board, of course, doesn't know because that's the planning board. Furthermore, what were you doing at a planning board meeting if this is a ZBA application? I thought this was a ZBA application so what are you talking to the planning board for?"

John Ciarelli: "There was a ZBA application several years ago. This is not a ZBA application. We came into the planning board as is the procedure, the planning department, excuse me."

Supervisor Cardinale: "Yeah."

John Ciarelli: "The planning department as is the procedure to give them a heads up as to the proposal that we would be incorporating into a site plan that was proposed to be filed."

Supervisor Cardinale: "Would you need any action by this board on that- "

John Ciarelli: "No."

10/21/2008

Supervisor Cardinale: "Well, then, why would this affect you?"

John Ciarelli: "It did. It affects- I think the problem is that the amendment of the ordinance, the town code, prohibits to a great extent what the proposal is that was presented to the planning department- "

Councilman Wooten: "So it's the illusion that maybe somebody is trying to head it off at the pass."

Supervisor Cardinale: "Well, one of the functions of the legislative body which is the town board is to make clear law so that there isn't vastly disparate interpretations by the planning board.

In fact, the ZBA interprets the laws as you know. And it is not uncommon, we've done it in the past, when they interpret the law in our view incorrectly as the legislators, we go back and we change it to make it very clear what the legislative intent was.

So there's nothing untoward about that. The only thing that's true is that- the only thing that's odd is that it's not true because I don't even know- to this moment, I don't know what you are proposing. What are you proposing, just for the heck of it? What is it, John, that we're supposed to be reacting to."

John Ciarelli: "We're proposing to construct an accessory catering facility in the rear of the premises and comply with all other aspects of the ordinance based on a zoning board approval in 2003 or 2004- "

Supervisor Cardinale: "Which you just- "

John Ciarelli: "Wait a minute. That approved the use as a pre-existing use for restaurant and catering as an accessory use."

Supervisor Cardinale: "Right."

John Ciarelli: "Now the proposal that's in both this- "

Supervisor Cardinale: "And in the next hearing."

John Ciarelli: "-- and in the next hearing, will prohibit that as an effective proposal because it requires the catering facility to be attached to the principal building. And it will destroy the historical and landmark aspect of that principal building and it- and the 25% restriction is unreasonable and it is designed, these amendments are designed to preclude- "

10/21/2008

Supervisor Cardinale: "Well that was what that special permit hearing was about two years ago."

John Ciarelli: "I'm not talking about the special permit hearing anymore."

Supervisor Cardinale: "So we should sit down and talk. I have some question about whether after you apply for a special permit, we spent a year on it, we give you a decision, a year and a half later you say I've withdrawn it after it's been determined."

Matt Kar: "But what you gave me I told you that I couldn't use in the very beginning. You gave it to me, you approved it, but I never accepted it because I told you- "

Supervisor Cardinale: "But it's odd- "

Matt Kar: "You know the legal part of it. I know I told you face to face and I told the people on the board that is still left that this does not help me at all. So you gave it to me with restrictions that were added on because you took it back, one of the councilmen took it back, and when you gave it back it even had more restrictions on my property. So I can't even use my property. Okay?"

I did not exercise what you gave me. I left it. I said no thank you. Okay? So now I'm saying I don't want to use it after 17 months and losing \$140,000 and I'd be more than happy to show you my tax returns to show you that my business has lost \$140,000. I need to be able to make money and now you're going to take away after what I figured out after 15 months how to do, now you're saying you can't do that either, Matt Kar."

Supervisor Cardinale: "I'm asking for a legal opinion whether people can obtain special permits and simply withdraw their application after it's been granted. That's what I'd like to know."

Dawn Thomas: (Inaudible)

Supervisor Cardinale: "I'd like to know that. Because I really don't know the answer. But it certainly- "

Matt Kar: "Whatever you gave me I didn't want. You gave it to me, I told you I didn't want it and I did not exercise it."

Supervisor Cardinale: "Well, you were looking for a special permit at that time, Matt, for what purpose?"

Matt Kar: "I wasn't looking for a special permit."

10/21/2008

Supervisor Cardinale: "You made the application."

Matt Kar: "You told us we had to have it. Now after 15 months looking back over the zoning board, I didn't need it in the first place."

Supervisor Cardinale: "All right. So I wasn't representing you. You made an application through counsel for a special permit."

Matt Kar: "You know you're 100% right you weren't representing me at all during the whole thing when I asked for your help. You're right about that. However, you're right."

Supervisor Cardinale: "Yeah, but why did you make the application?"

Matt Kar: "Phil, we're- this is the hearing of these definitions- "

Supervisor Cardinale: "Okay. I am rather confused about both this withdrawal, this application you're talking to the planning board about and this definitional section."

Matt Kar: "All right. And how it relates. All I want to say is this hurts my future plans. Please don't do it."

And I'd also like to say that this catering facility which is up next, means that you know no one can really do any catering on their property because they don't- you know, like a winery or anybody that's doing these things that people love, they can't do anything on their property because their main use would always be a tasting room and the catering would be something different than that. So they're going to have to face up to all that, too."

Supervisor Cardinale: "I'd like to start that hearing- "

Matt Kar: "Thank you."

Supervisor Cardinale: "-- but I wanted to finish comment on this one. Any comment on the definitions please come up. Then we'll open the catering definition issue. Yes."

Dominique Mendez: "So I guess- "

Councilman Wooten: "Name."

Dominique Mendez: "Mr. Ciarelli would have you say leave well enough alone."

Councilman Wooten: "Name."

10/21/2008

Dominique Mendez: "Because this is working. Oh, sorry. Dominique Mendez, Wading River. And leave well enough alone because the legislation and the current code is working. But actually a lot of people here don't think it's working that well.

I think the whole point of this and I think this does a good job of it is to keep businesses from expanding in ways that the town had not foreseen and that can impact residences. That's part of what it does. And it's not that they shouldn't expand, but not in ways that weren't foreseen without things like special permits or variances.

When he says there's no problem resulting from this, I can talk about like the definition here with the accessories. A golf course, an accessory use to golf course can be a restaurant. If you allow and you keep that vagueness in, an accessory use to an accessory- to a restaurant, is catering. That was never intended.

That's how you go from golf course to catering without ever having any special permit, without ever having any variances. That's exactly what the businesses want but it's not really right for the residences. It's not what the legislation and the town board probably intended and I think this is just playing catch up.

It probably isn't going- it is going to mean maybe that they'll require permits or variances but is that such a bad thing, that this vagueness is clarified. And they do need those special permits. And I don't think it's necessarily always saying you can't have it unless I'm mistaken.

But that the process might be more public and it might not be just the planning department and the planning board but it's going to be open to the public more through a permit process and they really don't want to go through those permit processes and they really don't want it open to the public. They want to just do it.

So that's my comment. And I want to thank the board for considering making these changes, just to address what's going on and to come up to speed with what's going on in the community and to reflect something, a change, that they hadn't foreseen how things would be used and that we're just playing catch up and it's reasonable."

Supervisor Cardinale: "Thank you."

Dominique Mendez: "Thank you."

Supervisor Cardinale: "Next comment."

10/21/2008

Charles Masaud: "Good evening. I'm Charles Masaud. I have several of you who are friends of mine. I hope you'll stay friends at the end of this presentation.

I'm not going to address any specific changes directly but I'm going to reminisce on the 25 years that we've been on the north fork. We're celebrating our 25th year this year since we started our vineyards and as I look back probably around the year 2000, we started seeing some changes as far as the town of Riverhead.

There has been a growing incremental change in regulation after regulation and it's done in small pieces. Typically restricting what we can or cannot do not just as farms or wineries or restaurants but even restricting what citizens can do in their own houses.

I remember the town board tried to prohibit people from parking their boats in their driveway. You tried to prohibit people from having anything in their driveways and this is a blue collar town. And the more you do the more I feel that you're trying to micro-manage our daily lives.

I don't see the board as an agent of positive change in this town. It has become more of a we're going to tell you what to do citizens of Riverhead and here are all the restrictions that you have to come up with. I don't think that's very enlightened town government.

I contrast that with the town of Greenport which was 20 years ago when we came here a town that nobody would want to step into. And it has become a jewel. Why did it become a jewel? Because of the initial (inaudible) of their government. Contrast how Greenport has gone from the dump that it was to the jewel that it is with Riverhead.

Why is it that our town has become so anti-everything? You're anti-business, you're anti-farms, you're anti-citizens. You don't want to let anybody do anything except the way you see it as the town board. We didn't elect you to micro-manage our lives. We elected you to mediate amongst us.

We elected you to take initiatives to make our lives better rather than to fill forms and to salute the fire marshal when he comes to visit and all these little things that you like to do, raising fees here and there.

Now we have to pay a fee because we have a propane tank. And, you know and so on. I could list you a whole couple of pages of fees that you have enacted trying to raise taxes here and there.

10/21/2008

Your building department has a way to generate revenue for the town rather than to enforce code.

I mean these two measures that you have submitted while you're trying to change definitions supposedly, it's more representing this incremental change. You do them little by little, one piece at a time. It's not big enough for all the citizens to come and argue with you but little by little you're doing what you want to do to keep micro-managing everything that we do in this town.

Why can't you take initiatives to lead— to take leadership, to provide positive leadership in this town? You now have Route 58 and EPCAL who have become industrial zones. Fine. Those are in the best.

You have left in this town a beautiful, beautiful piece that is left that you can conserve, that you can grow, that you can nurture, that you can lead into some positive change. Or you can turn it into Queens east.

Because you go on regulating us and restricting us the way you are doing, you're going to see many of us say fine, Riverhead, you're going to have it, we're going to subdivide our properties and we're going to sell. We're going to have nothing but residences here which is something that you're working against because you keep buying development rights.

So you can't have it both ways. So, I don't understand what is the philosophy of government in this town. As it is represented in those two changes that we're doing which you could say, okay, you know, this is a small change. Why are you guys so worked up over it?

But that's the problem. There's so many small changes that we can't keep track of them. Things keep coming up. We find out accidentally and sometimes we don't find out until somebody who walks on our property, says you don't have a permit to do whatever it is that you want to do. All of a sudden we need a permit to talk to each other.

I mean this is becoming worse than the Soviet Union."

Supervisor Cardinale: "All right, so— "

Charles Masaud: "Phil, excuse me, but I think you can and I have seen you do that in the past. You can take a leadership role that's of a positive nature. Lead this town into the 21st century, not into a police state.

10/21/2008

I mean we are a little tired of having to put up with regulations. We didn't elect you to regulate our daily lives. We didn't elect you to go tell my neighbor to take his boat out of his driveway. We elected you to arbitrate amongst us. We elected you to provide positive leadership and take a look at what Dave Koppel did in Greenport.

What have we done here that we could favorably compare to Greenport other than develop, you know, schedules of fines and fees and taxes and regulations and permits and all sorts of nonsense which is turning this place into a bureaucracy.

I mean, excuse me, Riverhead used to be the nicest place to come and live and grow a business and grow a family. It's becoming more regulated than any place I know. I mean if that's what you are wanting to be doing, you're doing it. Thank you. But I mean that's not what we want.

So please take it, you know, in spite of my emotions, please take it as positively as you can because I think you're on the wrong track, doing all these micro-managing. We are a little tired of it.

Thank you for listening."

Councilman Wooten: "Thank you."

Councilman Dunleavy: "Thank you."

Jody Giglio: "Good evening, Mr. Chairman, Members of the Board. My name is Jody Giglio, I'm the president of the Riverhead Business Alliance.

I'd just like to start with going through some of these items in these definitions. Accessory building or structure. I ask each board member what type of businesses if adopted do you think that this would affect."

Supervisor Cardinale: "It has nothing— it has to do with the definition of what an accessory building is and it's saying it's customarily incidental and subordinate to the principal building, which you couldn't possibly argue with. That's what it is."

Jody Giglio: "Okay. So you don't know what type of businesses this would affect?"

Supervisor Cardinale: "No. It doesn't affect businesses. It affects buildings. It defines buildings or structures."

Jody Giglio: "Okay."

10/21/2008

Supervisor Cardinale: "Which are accessory."

Jody Giglio: "So when it says no sleep- the term accessory building shall not include any building or structure with sleeping and or cooking purposes except for agricultural housing or accessory apartment. It sounds to me that it's targeted specifically at business because it excludes residential and it excludes agricultural."

Supervisor Cardinale: "No. It- I would like to- this definition- the term accessory building, they're saying it does not include any building any building or structure with sleeping and or cooking facilities or used for sleeping and cooking purposes. I presume because that's a principal structure. That structure would be considered a principal structure except for agricultural housing, a house is a principal structure."

That's what they're saying there. Except in the case of agricultural buildings, an accessory building may be no more than 25%, we've already discussed that. Some thought that that is a bad way to define accessory and we're taking that under advisement.

But all that definition is trying to do is to distinguish between an accessory building and a principal building."

Jody Giglio: "Okay. So I go on to where on the larger commercial lots like we have out at EPCAL and at Grumman, accessory, no more than 25% of the primary building. So if you have an office space and you have a manufacturing space and you have a storage space and you want to add additional manufacturing space, if the manufacturing space isn't considered the primary use of the primary building, then you couldn't expand it to use it for manufacturing?"

I mean there's just so much- "

Supervisor Cardinale: "You're talking about a separate building, Jody."

Jody Giglio: "Right. I know that, on the same site."

Councilman Wooten: "It doesn't mean- "

Supervisor Cardinale: "On the same site. Not in the same building."

Jody Giglio: "So how does this preclude those businesses? How does this preclude those businesses out at Grumman that have 100,000 square foot manufacturing plant? How does this preclude it because if they're building an accessory building to the primary building, how does this preclude them?"

10/21/2008

Supervisor Cardinale: "It doesn't. It says that if you have 100,000- "

Jody Giglio: "But they can only build 25% of 100,000 square foot."

Supervisor Cardinale: "If you have a 100,000 foot- if you have 100,000 foot in your principal use, you could build only up to 25,000 a separate building for an accessory use."

And it may as we've discussed not be the best way to make clear the difference between principal and accessory, but we're trying to have some way to tell the difference because otherwise you won't have any distinction and every accessory use could become a principal use which is not what the whole idea is."

Jody Giglio: "Okay."

Dawn Thomas: "For some reason the client required more, they could go to the zoning board to get relief from that requirement."

Jody Giglio: "Okay. But again there's no clarification in the code and legislative intent is to clarify not to confuse. So if you're saying that this person can go for a special permit and that person can't or we may like this special permit application better than we like that special permit application- "

Supervisor Cardinale: "Not a special permit application. This is a definition and it's basically saying principal buildings- a principal use building of 100% cannot be accompanied by an accessory building for an accessory use of more than 25%. That may be a bad idea or good idea, but it's a clear idea. It may not be the best way to distinguish between the two. That's really what we discussed earlier, but it's a way."

Jody Giglio: "Okay. So when you're looking at the proposed definition for accessory use and you were asking before what would be an acceptable subordinate use and I think as long as the use whether it be primary or accessory is permitted under the zoning for that particular site, it should be allowed."

Supervisor Cardinale: "It is allowed."

Councilman Wooten: "It is allowed."

Jody Giglio: "Okay. But why are you then saying if a restaurant is not zoned specifically restaurant or catering such as the gentleman who was speaking before on behalf of his client, Mr. Ciarelli, where he got a pre-existing, non-conforming use for a restaurant slash catering, so if it's zoned restaurant slash

10/21/2008

catering because he got a pre-existing, non-conforming for that, then how can you now restrict him of his right to perform catering on the property? If it's permitted under the zoning and he already has a previous approval for it- "

Supervisor Cardinale: "We're trying- there would be no restriction on the use. The question that comes up, however, is that catering is a use. A catering facility is quite another thing.

Catering as a use is one thing. Catering facility is another. And that's the second hearing. It's not this hearing."

Jody Giglio: "Okay."

Supervisor Cardinale: "It's the next hearing."

Jody Giglio: "Hypothetically speaking, what if fewer people use the restaurant than the restaurant has catered events? Would that be considered domination of the restaurant or what if people came in to consume alcohol on the premises more than the food is served? Is that considered a domination of alcohol consumption? And how do you enforce it?"

Supervisor Cardinale: "You don't. But you can ascertain- you can come up with some idea- "

Councilman Wooten: "Well, I certainly drink more than I eat at restaurants."

Supervisor Cardinale: "If you have a restaurant that has a catering use as part of its restaurant function, it has a subordinate use of catering incidental to being a pre-existing, non-conforming restaurant, then you have absolutely every right to do that. But it's accessory to your main use.

You can't reverse it or else you reverse the zoning code by making the accessory use a principal use. That's what this is trying to address."

Jody Giglio: "Okay."

Councilman Wooten: "I still don't think the 25% is- I don't think you can (inaudible) this particular code because every case is so different and each need is so different."

Supervisor Cardinale: "Fine. Let's get find a criteria."

Councilman Wooten: "We're going to have to have something a little more fluid in it."

10/21/2008

Jody Giglio: "And as long as it doesn't exceed the lot coverage, then they should be permitted up to whatever percentage that would be allowed- "

Councilman Wooten: "If you board horses and you have a track, your track is a half mile track- "

Dawn Thomas: "One of the problems that we've been having is that it's not easy to define what isn't- "

Councilman Wooten: "You can't cookie cut it. You can't."

Dawn Thomas: "-- accessory use so the applicant winds up going to the zoning board for interpretation and then the zoning board is making decisions about size of the structure.

If, in fact, a client had a particular need that required him or her to build in excess of 25%, they could go to the zoning board for dimensional relief rather than having you know what we have now which is lack of clarity."

Jody Giglio: "It's- it doesn't matter than an accessory building can be used for an accessory apartment as long as it's not more than 25% of the main structure. So the last time I checked the accessory apartment code, it had to be attached or within the main house."

Supervisor Cardinale: "Where does that say that?"

Jody Giglio: "So is that inconsistent. It says- "

Councilman Wooten: "Don't read too much into it."

Supervisor Cardinale: "Where does that say- "

Jody Giglio: "It says under accessory building or structure, the term accessory building shall not include any building or structure with sleeping and or cooking facilities or used for sleeping and or cooking purposes except for agricultural housing or accessory apartment."

Dawn Thomas: "Right."

Councilman Wooten: "Okay."

Supervisor Cardinale: "Yeah."

Jody Giglio: "So there's definitely inconsistencies with the code there."

Supervisor Cardinale: "What exactly is the inconsistency?"

10/21/2008

Jody Giglio: "Well because they're saying that you can have an accessory building or structure for an accessory apartment."

Dawn Thomas: "And you can."

Jody Giglio: "The last time I checked, the accessory apartment had to be attached to the house or within the house and it had to be owner occupied."

Dawn Thomas: "No."

Jody Giglio: "Okay. So if you have a 1,000 square foot house, you could only have a 250 square foot accessory apartment?"

Dawn Thomas: "No. That's why there's the exemption provided for an accessory apartment."

Jody Giglio: "No. It says except in the case of agricultural buildings or structures an accessory building may be no more than 25% so the accessory apartment couldn't be more than 25- "

Dawn Thomas: "No. The accessory apartment is exempted- "

Councilman Wooten: "It's an exclusion in that code the way it's written."

Jody Giglio: "But it says except in the case of agricultural buildings or structures."

Dawn Thomas: "It says except for agricultural housing or accessory apartments in the prior line."

Councilman Wooten: "It's (inaudible)."

Dawn Thomas: "It's exempted from that provision."

Councilwoman Blass: "You've got to read the sentence before."

Councilman Wooten: "It obviously needs a lot of work."

Supervisor Cardinale: "The- we're anxious to get whatever comments you'd like to make on the language."

Jody Giglio: "Okay."

Supervisor Cardinale: "I think we still have not- I mean these are very routine definitional reviews we still haven't passed because, and I hope we do sometime before we all die, the restaurant definitions that everybody got all bent out of shape about, this-

10/21/2008

you make my life easy. If you want your definitions unclear, let's just leave them unclear. I've got better things to do. You know.

And you know what's going to happen? You go to the ZBA and it will be a rule of the five people on that board instead of a law that is clear and people can read and understand and then act pursuant to.

What happens when you have confusion is you have to have interpretation of the ZBA, and you get whatever they come up with that night. If that's good for you, it's good for me."

Jody Giglio: "Okay. It appears as though this legislation is being used for clearing up some inconsistencies with certain sections and uses in the code, primarily restaurants. The effect of this proposed legislation could be detrimental to all business owners that currently have accessory structures and uses and place- "

Supervisor Cardinale: "You're probably right."

Jody Giglio: "-- in the category of pre-existing, non-conforming that would bring the whole site into new regulations and subject to review of either this board or the planning board or the zoning board."

Supervisor Cardinale: "Okay."

Jody Giglio: "It needs to be looked at more carefully and cleared up so that it will not be detrimental to the business community in general existing and proposed. And it really does need to be rewritten and I ask that you hold it open."

We have received several phone calls from our members that did read the paper from Thursday until today and they would like to come out and speak on it. A few of them did. We just ask that you hold the hearing open and let's take a better look at this."

Councilman Buckley: "Jody, just the last sentence you said it should be rewritten?"

Jody Giglio: "Yes."

Councilman Buckley: "The initial one or- "

Jody Giglio: "No, this one, or the old one actually would be better left alone in leaving buildings, structures and uses all in one category. Because an accessory building, a structure and use as long as it's consistent with the primary use, it should be left alone."

10/21/2008

Supervisor Cardinale: "It should all be gobbled together in one definition. That makes perfectly no sense. But it's okay.

I'll tell you what we can do. Let's try a different technique here. Instead of the town legal department coming up with attempts to do their job and clarify definitions, why doesn't the business alliance look at our statutes and come in and tell us what they'd like changed."

Jody Giglio: "I asked-- "

Supervisor Cardinale: "Instead of coming in and telling us what they don't want changed."

Jody Giglio: "I asked you if we could come in and do that at the last work-- "

Supervisor Cardinale: "Good."

Jody Giglio: "-- session, Mr. Cardinale, and you told me you didn't want to hear from us unless we were elected officials."

Supervisor Cardinale: "No. I told you we have spent a great deal of time with you and I would be very anxious to have you advise what laws on the books you think should be changed."

Jody Giglio: "Right. When you were discussing the code revisions and you said we didn't have the money to out source it at this time and that we would have to do it in house-- "

Supervisor Cardinale: "Code revisions-- yeah, exactly."

Jody Giglio: "And I said the business alliance would like to partake in that and you said we don't want to hear from you unless you're an elected official."

Supervisor Cardinale: "No, I'm talking about not the entire code, I'm just talking about code provisions that relate to your-- to business. If you like us to change them, why don't you suggest some things to us because as we look at definitions and seek to clarify them, basically you don't want to clarify definitions, so what would you like to do? Would you like to leave it the way it is because I'm telling you that the codes are very bad in this town and that is something that we're trying to improve for the sake of the town and for the sake of the businesses.

Right now, your code is so confusing that you basically have to go to the ZBA for interpretation of everything. So the job of the legislators is to clarify."

10/21/2008

Jody Giglio: "Okay."

Supervisor Cardinale: "If you don't want to clarify, tell me which laws you would like to have changed. Maybe we'll agree with you and we'll proceed to change it."

Jody Giglio: "Under the definition of catering facility, you have in here catering as a use- "

Supervisor Cardinale: "We're not there yet so why don't we want until we open that hearing. We didn't open that yet. So let's take anything on this and then I'll open the catering which we talked about."

Yeah, go ahead, Larry."

Larry Oxman: "Good evening. Larry Oxman, also on the board of directors of the Riverhead Business Alliance. I'll try and be quick."

Phil, you've been in office for four years and for four years you've been talking about trying to clarify the code. And I think what happens in instances like this is that all too often that it's the result of a specific application and it's rather than thinking in a much broader sense.

I think this business in short is anti- I think these definitions are not well thought out and I think that they can be potentially very anti-business.

The 25% accessory building or structure just help me out here. A residential home is considered principal use or primary use, and if they have a pool, is that an accessory structure? I'm asking."

(Inaudible)

Larry Oxman: "Yes, I'm asking. Yes, I do."

Supervisor Cardinale: "You're right."

Larry Oxman: "Well a pool is approximately- a nice 20 by 40 pool with (inaudible) decking around it is almost 5,000 square feet. That's a little bit more than 25%. A tennis court is 7,200 square feet. This clearly doesn't take that into account."

You mentioned that this was to clarify. Where did the 25% come from? Was it just pulled out of the air?"

Supervisor Cardinale: "That was a suggestion of the draftsperson which is no one on this board. Again, these

10/21/2008

definitions are legal- are clarifications suggested by the legal department. These are not intended to change any policy. They're intended to clarify. So the 25% came from legal department which sought to clarify.

Nobody, not one member of this board, told them to put 25%. All we told them is that we think we need to clarify what's a subordinate and- what's a subordinate accessory and what's a principal use. They said this is a suggestion. We said fine let's see if there's any better way to do it by a public hearing.

So tell me the better way."

Larry Oxman: "Okay. So here you are at the public hearing and I think that overwhelmingly the people that are speaking tonight don't agree with the 25%."

Supervisor Cardinale: "Right. That's what public hearings are for, to get public reaction."

Larry Oxman: "Let's talk about principal use for a second. There may be only one principal use in a building or a structure? Aren't there zones that allow more than one permitted use and isn't that very often in the case of a business where a building may house more than one type of business?"

Dawn Thomas: "I think it goes on to say unless otherwise specified in the code if you read on a little further. It would allow for that where the code allows for it."

Larry Oxman: "So then in some zones you can have more than one principal use. So this seems very- even more unclear. So I don't know. I think this needs a tremendous amount of work. I think it's a very strong example of micro-managing and, again, I think that too often code changes come as a result of a specific application rather than thinking about what (inaudible) clearly."

Supervisor Cardinale: "Thank you. Next comment, please. Okay, if there's no comment I will close this hearing, leaving it open for 10 days for any written comment 'til 4:30 on the 31st."

Public hearing closed: 9:55 p.m.
Left open for 10 days for written
comment to October 31, 2008 at 4:30 p.m.

Public hearing opened: 9:56 p.m.

Supervisor Cardinale: "And move to the fourth hearing which has to do with the consideration of a local law defining catering

10/21/2008

facility. That catering facility again is a definition that I think would be added, is that correct— that would be added, since it has not ever been defined.

Again, this came from the legal department which indicated that we should have a definition of catering facility as opposed to a catering use. A catering use could be a principal use or an accessory use. But a catering facility can be only what it is, a facility.

We've had some comment on this and I asked that anybody who wishes to read in a comment, to come up. John."

John Ciarelli: "Again, Ciarelli and Dempsey by John Ciarelli for Jamesport Manor Inn.

This is— there was a definition of catering facility."

Dawn Thomas: "It's in there."

Supervisor Cardinale: "It's a re-definition?"

Dawn Thomas: "It's a correction."

Supervisor Cardinale: "It's a correction. Thank you, John."

Joan Ciarelli: "It's a— the problem with it from our point of view is that it makes— it defines catering facility as a— in conjunction with the other— no, in this added language as a principal use, meaning that you cannot have an accessory— a separate building for an accessory catering function.

So that our client, as many other of these agra-tourism uses in the area, would not be able to do catering if they had a principal use— a different principal use, unless they either established it as a principal use which is not permitted in APZ or they couldn't do it.

And that's going to shut this down and it's going to inhibit what I think is the natural maturing growth of this business which is an attraction and an asset to the town."

Supervisor Cardinale: "Any other comment?"

Matt Kar: "Matt Kar again."

Supervisor Cardinale: "Yes."

Matt Kar: "This what you're trying to change here, what you're trying to say is that if I can't do the catering inside my

10/21/2008

building, I can't do catering on my property. You know that's what I've wanted to do from day one.

I just want to say that I've had my business for 21 years. Twenty-one years ago, downtown Riverhead was full of businesses and there are none down there right now. And when I bought the Jamesport Manor it was a business falling apart and everybody wanted to see it rebuilt.

I rebuilt it back to its original way that it was and from \$6,000 a year I think I pay almost \$20,000 a year in taxes right now. And like I expressed, I need some help and I'm asking for some help from you guys up there and these things you're changing (inaudible) help me."

Supervisor Cardinale: "Thank you, Matt."

Michelle Andriani: "My name is Michelle Andriani and I live on Fairmont Drive across from the supposedly people with problems with catering.

When I bought my house 10 years ago, nothing ever was mentioned about catering. Never."

Councilman Wooten: "Where do you live? I'm sorry."

Michelle Andriani: "Right on Fairway Drive."

Councilman Wooten: "Oh, Great Rock."

Michelle Andriani: "My backyard literally is up against their driveway, their parking lot. And I really feel bad for them, they're not making money. But unfortunately they invested their money in the wrong golf course.

It's not a-- you know, it's not hard to understand that. So now he wants to make money at the cost of everybody. On Saturday last week there was a party that was atrocious. We called the police. People from the town came down. And they pretty much gave us the bird because they were told to turn it off at 9:00. It went on to 9:10 and I made a statement to one of the people from the town saying that I was afraid of repercussions and they're going, don't be ridiculous. He's a businessman, he wouldn't do that.

I sat on my deck in my backyard at 9:10 and heard them tell-- the band say that the neighbors were complaining about the noise, that we were too loud. So let's get loud and they proceeded to crank it up even more and had the song Let's Get Loud that went on for 20 minutes.

10/21/2008

My niece who works in a catering facility, East Wind which is almost a mile away, heard it when she was on her cigarette break. That's how loud it was.

I mean my door were shut, the windows were shut, we heard it all. Now, these people whose party was turned off by the neighbors who were complaining are now in my neighborhood driving around, pissed off. Do we now have to have- we have to go out there at 10:00 at night to make sure they don't, you know, they don't drive past my house and possibly break a window or whatever. Maybe I'm overreacting but this is just the beginning of it.

They were only supposed to have a small little snack bar. That's what we were told when we bought our houses. Because to be honest, there's no way in hell I would have bought that house. And there's no way in hell I'm going to sell my house with that monstrosity in my backyard. My house is worth buckets, nothing, because who in their right mind would buy a house that two or three weekends of every month, you can't do anything.

You can't watch television. I have a mother who has dementia. She thinks there's a war going on back there because there's people yelling on a microphone. She has no idea what's going on out there.

So even if I want to move, which I do because I don't want to live there anymore. I moved out there. I saved to move out there where it was nice and now I can't get rid of my house because he has to make a living.

What about me? If he wants, give me \$600,000 and he can do whatever the heck he wants. But until he comes up with that kind of money, I don't think it's fair he's allowed to do whatever he wants to make a dollar.

I pay taxes just as much as he. I should have just as much right as he does. When I have to live in a home and all summer long this went on. They have parties all summer long and they get on those mikes and they scream and they yell and it's just not right.

I have no quality of life on the weekend. I can't have a party in my backyard because I can't compete with the noise that he has. You have to sit there and like yell to be overhead by some of the stuff going on back there.

And it's just going to get worse. It's going to get much worse because he obviously has to make money. He has to make money. The heck with the rest of us.

Thank you."

10/21/2008

Supervisor Cardinale: "Thank you. Next. Yes, any other comment, please come up."

Jean Marie Krauss: "My name is Jean Marie Krauss, I live across the street from Michelle Andriani. We wound up going out to dinner that night just to get away from the noise, got back in time to hear them dedicate the last song to the loud- rather the complaining neighbors.

What my neighbor forgot to mention was their parting gesture was to start setting off car alarms in the parking lot so we got to listen to that afterwards.

Originally they were never allowed to reach this point."

Councilman Wooten: "You're right."

Jean Marie Krauss: "Beyond a snack shop. Then we got the restaurant, now we're going to do catering. So at what point are our rights respected and what about his investment? What about our investment? You've got neighbors in several developments. What about our investment?"

You think somebody is going to buy my house? My daughter is grown. Maybe I want to move out into something smaller. Lots of luck selling. Who's going to buy it now?

Under value because he's got to make money? We really hope that you'll take consideration of all the neighbors that are being affected by this particular business that needs to make their money because we're all getting a raw deal here. And it's not fair that the original law is not being upheld and our rights are not being respected."

Supervisor Cardinale: "Thank you. Any other comment, please come up."

Ray (inaudible): "Ray (inaudible), 52 Fairway. I just want to reiterate what my wife said about the noise that goes on in catering facilities. I think clarification is a good thing for any of these businesses that are growing possibly in residential areas.

It's inappropriate for a business that's surrounded by houses to be able to grow and expand to the size that they can disturb the neighbors and disturb people every single weekend. I work hard, I come home on a Saturday and Blackwell's cranks the music up and I had to go out to dinner just to do it and I appreciate the support of the police department that came at 9:10.

10/21/2008

I appreciate that Mr. McVeigh came to my front lawn and listened to everything and I think it's time to act. And I appreciate the town acting this way. And thank you."

Supervisor Cardinale: "Thank you. Yes."

Antony (phonetic) Andriani: "Hi. My name is Antony (phonetic) Andriani, I'm Michelle's niece. As she said, our backyard is right in their parking lot. My daughter plays in my backyard where she's picking up beer bottles and broken glass.

When we're putting her to bed, which we have a hard enough time putting her to sleep, she now has to hear the music, the car alarms which is all the time, people screaming and yelling, slamming car doors, throwing bottles. Which I don't think that's fair that my daughter cannot sleep now because they had to have that party. It's not fair.

We have dogs in our yard that we're scared that because they know we're complaining, that these people are going to come out and hurt our animals. It's just not fair that everybody has to deal with it.

And that's all I have to say. So thank you."

Supervisor Cardinale: "Thank you. Any other comment on this hearing? I think we have one or two more.

I would like to keep this open as well for 10 days thru the 31st at 4:30 for written comment and I thank the attorneys, John, Matt, Business Alliance, and the people from the Baiting Hollow area and Jamesport area.

I think that one of the things that's evident from the comments that we've heard tonight is that there's an issue here of balance which the board is struggling to do in the interests of the two opposing sides on this issue.

We're not— we would love it to go away but it's not going to go away and we're going to have to find the right balance and that's what you elected us to do."

Public hearing closed: 10:07 p.m.
Left open for 10 days for written
comment to October 31, 2008 at 4:30 p.m.

Public hearing opened: 10:08 p.m.

10/21/2008

Supervisor Cardinale: "We would like to go now to the fifth hearing tonight, the 7:30 hearing, for consideration of a special permit petition of Washwick Agency to allow the expansion of a pre-existing, non-conforming office use at East Main Street in Riverhead.

Is there someone here who is going to present?

This should be a little less controversial but then the law only gets interesting when there are competing interests.

So, yes. Yeah, put it out there so the people can see it, too, also. I've seen it. We saw them already. Let the public see it."

Glenn Haas: "Good evening Supervisor Cardinale, Board Members. My name is Glenn Haas. I live at 58 (inaudible) Drive, Sayville, New York. I am the architect for Mr. Carl Washwick, the owner and applicant for the Washwick Agency which is located at 860 East Main Street, Riverhead, New York.

We have made application for expansion of 300 square feet to an existing 2,056 square foot office building, making the total floor area would be 2,356 square feet on a 15,000 square foot site.

The expansion is to an existing second floor and does not expand or extend beyond the existing structure. This expansion is to an office space, it's a non-conforming use in zone RA-40, a non-residential facility, but it is less than 4,000 gross square feet and this application does not involve a change of use or a change of zone.

We have filed with the town of Riverhead building department, we have had site plan review by the planning board. Our design elevations have been before the Architectural Review Board and have been approved. However, we are required to apply for a special use permit.

I have provided the board with copies of the plans of the proposed second floor addition which occurs in two areas of 80 square feet and 220 square feet.

I'm willing to answer any questions that you may have."

Supervisor Cardinale: "Thank you. I've had an opportunity to discuss it at work session so I'd like to give the public the opportunity to comment if you wish.

If I recall there wasn't too much controversial about this at work session nor in public session but I will leave it open if no one has any comment for 10 days until the 31st at 4:30 and then we will act on it at hopefully the November 5th meeting."

10/21/2008

Glenn Haas: "Thank you very much."

Supervisor Cardinale: "Thank you very much. He wants to give affidavits to the clerk."

The 10:10 hearing-- that hearing scheduled for 7:30 is now complete at 10:20."

Public hearing closed: 10:10 p.m.
Left open for 10 days for written
comment to October 31, 2008 at 4:30 p.m.

Public hearing opened: 10:10 p.m.

Supervisor Cardinale: "And we're commencing the 7:35 hearing for a special permit petition of Beacon Wireless to allow the construction of a wireless communication tower at Route 25 in Calverton and please being the presentation. And I need to have you sworn in."

(Unidentified) "And do you want to swear in the other witnesses as well at this point?"

Supervisor Cardinale: "Yes, all together if we could."

(Unidentified) "Do you want cards again?"

Supervisor Cardinale: "Yes."

Dawn Thomas: "I have some of them."

(The following people were sworn in:

Vincent Messina
Erin Duffy
Lou Cornacchia
Michael Walker
Nicholas Balzano)

Dawn Thomas: "Thank you."

Vincent Messina: "Mr. Supervisor, before we begin the formal presentation, I'd just like to hand up copies of the affidavit of posting and affidavit of mailing and return."

I'll try to make my presentation somewhat briefer than the one that you had earlier tonight.

10/21/2008

As you are aware, the subject property here is located on the south side of West Main Street in Riverhead, approximately 240 feet east of the intersection of River Road and West Main Street. A little further north is the Long Island Expressway. The properties that surround this parcel and this is a commercial parcel, it is not a residential parcel. There are no residential parcels abutting it.

A little further down the street is the Best Western Motel. Northwest corner of River Road and West Main Street is vacant land. There's an abandoned duck farm on River Road, it's now a horse farm and across the street is a trailer park.

The Long Island Railroad tracks are about 600 feet south of the subject property.

You have before you our file plan. I will let Mr. Walker address that right now and he can describe to you but in sum, I'd just like— as the board is aware to just reiterate this is a flagpole design. All of the antenna are on the interior of the flagpole design. There is room for two, possibly three carriers to be located as well as whatever public safety antennas the town may wish to locate on the facility as well.

With that, I'll turn it over to Mr. Walker for a description of the site and the pole."

Michael Walker: "Good evening. My name is Michael Walker. I'm a registered architect in the state of New York. I've been involved in the telecommunications industry for something like 10 years, designing sites here on Long Island, in Westchester and in New England.

This site is a flagpole site. It's 80 feet tall. It will be designed with the idea in mind that it can be equipped with co-location for three or four carriers in the future. At the moment, there are two carriers that are interested in this location.

The compound which wraps around the pole and contains the radio equipment is located in the back of the existing building on the property. Surrounding it, again, are trees and I think some kind of parkland and so all of that equipment will actually not be visible from any public right of way.

I think that's a pretty quick description."

Supervisor Cardinale: "Thank you."

Vincent Messina: "I'd just like to add as the board is aware from our work session discussion this particular pole has been approved after environmental review by the New York State Department

10/21/2008

of Environmental Conservation. No small feat as I think the supervisor mentioned last time at work session.

Next, with respect to visual impacts, we have a representative from Freudenthal & Elkowitz here to speak to you again about that."

Erin Duffy: "My name is Erin Duffy with Freudenthal & Elkowitz Consulting Group, with offices at 1757-24 Veterans Memorial Highway in Islandia.

Our firm, at the applicant's request, prepared a planning, zoning and visual impact analysis for the proposed facility which I have additional copies for the board.

I'm sure you're all looking for the visual simulations, they're in appendix B of the report."

Supervisor Cardinale: "Yes."

Erin Duffy: "As indicated earlier in the night, in order to prepare the analysis that we've done, we inspected the location of the facility and the surrounding area in relation to land use and zoning. In addition we evaluated the physical characteristics of the proposed facility and evaluated the simulations for the proposed facility.

With regard to the location of the proposed facility, the applicants have selected a commercial property that is screened to the east, west and south by significant vegetation and the proposed equipment that would be ground based will be situated behind the building and will not be visible from the roadway.

Additionally, the proposed flagpole monopole would conceal antennas inside mitigating potential visual impacts.

As summarized in the report, the proposed facility would comply with special permit criteria and the possibility of future co-location is something that's encouraged by the board.

With regard to environmental considerations, the facility would be unoccupied, would not generate sewage or solid waste, would not need to be supplied with potable water and as such there would be no impacts to surface water or ground water quantity or quality.

Traffic generated would be minimal, approximately one trip per month per carrier to check the equipment. The proposed equipment would use a minimal amount of electricity.

The facility would be installed on a cleared, weedy portion of the subject property and as previously indicated, there would be no

10/21/2008

impacts to the nearby Peconic Lake as the DEC has granted a wild scenic and recreational river's permit for the proposed installation.

Again, Freudenthal & Elkowitz worked with Creative Visuals, a firm that has more than a decade of experience producing these photo-simulations.

Creative Visuals went out to the subject site and put a crane up at a height of 80 feet above grade level with flags marking the height of 80 feet. They selected nine publicly accessible locations from around the facility to represent potential viewpoints of the facility.

There were five representative simulations produced and, of course, the simulations are all produced to scale accurately depicting what the proposed facility would look like.

The first viewpoint in the upper lefthand corner, is from near 2079 River Road which is approximately 2,447 feet west of the subject site. The existing conditions photograph depict a large maintained lawn area along River Road with mature vegetation beyond. It also depicts overhead utility wires and utility poles.

From this location, the crane and the attached referenced flags were not visible. As such, the proposed facility would not be visible and a photographic simulation was not prepared.

The second viewpoint in the middle of the board on the top, is from near 1963 River Road, 1,382 feet west of the subject site. The existing conditions photograph depict a maintained lawn area, driveway and shed on the property at 1963 River Road with mature vegetation beyond.

Also visible are utility poles and overhead wires along River Road.

The photographic simulation indicates that from this viewpoint, the flagpole monopole would extend slightly above the tree line. However, as previously indicated, the antennas would be concealed within and the facility itself would be designed to look like a flagpole.

So from this viewpoint, there would be minimal incremental visual impact.

Viewpoint 3, which is from Third Street, 1,349 feet northwest of the subject site in the upper right hand corner of the board. The existing conditions photograph depicts residences along Third Street with mature vegetation beyond.

10/21/2008

From this location, the crane and the red flags again were not visible and as such the proposed facility would not be visible.

Viewpoint 4, which is in the middle on the lefthand side of the board, is from adjacent to eastbound Route 25, approaching the LIE overpass, 1,873 feet northwest of the subject site.

The existing conditions photograph depict Route 25 with mature vegetation along either side. Also visible are utility wires and overhead- I'm sorry, excuse me, utility poles and overhead wires.

The photographic simulation indicates that the proposed flagpole monopole again would extend slightly above the tree line but would be barely discernible. Further, the proposed antennas would be concealed within a structure that is appearing to be a flagpole.

As such, there would be minimal impact from this viewpoint.

Viewpoint 5 is from the Tanger Mall parking lot, in between Polo Ralph Lauren and Casual Male, 1,111 feet north of the subject site. And that's depicted near the right hand side of the board.

The photographic simulations- I'm sorry, the existing conditions photograph depicts the Tanger Outlet Center itself as well as associated landscaping, parking areas, and utility poles.

The photographic simulation indicates that the proposed flagpole monopole would extend slightly above the roof of the Tanger Outlet center, but would not appear to extend any higher than the Tanger Outlet center itself. In addition, the proposed antennas would be concealed and would - the overall facility would have the appearance of a flagpole.

As such, there would not be a significant visual impact from this location.

Viewpoint 6 is from adjacent to westbound Route 25 at the entrance to Fairfield The Pines, which is 1,649 feet east of the subject site.

The existing conditions photograph depicts Route 25 with mature vegetation along either side as well as signage along Route 25.

From this location, the crane and the flags were not visible and as such, the proposed facility would not be visible.

Viewpoint 7 is from Forge Road approaching Peconic Lake, 2,038 feet southeast of the subject site.

10/21/2008

The existing conditions photograph depict a residential area along Forge Road surrounded by both landscaping and mature vegetation.

Also evident are utility poles and overhead wires.

From this location the crane and the references were not visible. As such, the proposed facility would also not be visible.

Viewpoint 8 is from adjacent to South River Road approaching Robin Circle, 2,179 feet south of the subject site.

The existing conditions photograph depicts a shed, a clear lawn area and Peconic Lake surrounded by mature vegetation.

The photographic simulation shows that the proposed flagpole monopole would extend slightly above the tree line and would be barely discernible. Moreover, the antennas would be concealed and the structure would appear to be a flagpole.

As such, there would not be a significant visual impact at this location.

Finally, viewpoint 9 is from adjacent to South River Road at the entrance to Peconic Lake Estate Civic Organization, just 2,576 feet south of the subject site.

The existing conditions photograph depict the Peconic Lake with an associated beach area and vegetation along either side. Also evident is mature vegetation beyond the lake and the photographic simulation depicts the flagpole monopole extending slightly above the tree line, again barely discernible.

Additionally, as previously indicated, the proposed antennas would be concealed within a flagpole structure.

As such, there would not be a significant incremental impact.

In conclusion, the photographic simulations indicate that the proposed facility would be visible from several viewpoints but would be unobtrusive. It would be largely obscured by mature vegetation and would be designed to resemble a flagpole.

Additionally, there are many locations throughout the surrounding area from which the proposed facility would not be visible.

Based on the analysis conducted, the development of the proposed facility would not be expected to result in substantial changes to the physical characteristics of the area nor would it

10/21/2008

result in significant impacts to neighborhood character or the conditions of the area.

If you have any questions, I'd be glad to answer them."

Supervisor Cardinale: "Thank you."

Erin Duffy: "Thank you."

Councilman Wooten: "I've got a lot of pictures of what it doesn't look like. Do we have something that it does look like?"

Vincent Messina: "I believe that's in our plan and I believe there's one picture that depicts- "

Councilman Wooten: "Is this similar to the one at- "

Supervisor Cardinale: "Yes. Cherry Creek, yes. Oh, yeah, you can see it in one picture. Just the top of it you can see in one of the pictures."

Vincent Messina: "And I'd just like to say with respect to visual impacts, during its review, the New York State Department of Environmental Conservation just in line with what I believe Councilwoman Blass asked on the earlier application, has seen it in I think all four seasons.

I know they've seen it from the water, they've seen it from the land. They've seen it in the winter; they've seen it in the summer and that was taken into account in issuing their permit.

Next portion of our presentation is Mr. Louis Cornacchia who will discuss the engineering report and we'll distribute to the board."

Lou Cornacchia: "Thank you. My name is Lou Cornacchia. Again, I'm a degreed electronic engineer, graduate of Manhattan College School of Engineering and I've been requested by Beacon Wireless Management to provide a worse case analysis for this potential application with regard to (inaudible) PCS at the 16- 1863 West Main Street site in Calverton.

We did an analysis. We did evaluate the antennas that are being proposed. They are four and a half feet tall. They're two elevations, 77.5 feet and 72.5 feet center line antennas mounted within the interior of the concealment flagpole and that the system would be operating at frequencies of 1,000- I'm sorry, 1930 and 1940 megahertz and that the system will, in fact- in our analysis we did examine the field points correctly below the proposed concealment pole to a distance of 2,000 feet and the highest emission we

10/21/2008

encountered was at a distance of 700 feet and the total cumulative emissions that could occur in each sector (inaudible) within the whole community within a distance of 2,000 feet occurs at about 700 feet from the pole itself.

And the emissions at that point are less than at worse case, 0.5% of the FCC general public standards.

And this site will be in compliance with the FCC standards."

Councilman Dunleavy: "Thank you."

Lou Cornacchia: "Thank you."

Vincent Messina: "I believe the report is in the file (inaudible)."

Supervisor Cardinale: "Thank you."

Vincent Messina: "We're not done yet. Our next presentation and I'll hand up his report is from the representative of Metro PCS with our RF engineer on this application who has done an analysis."

Nicholas Balzano: "Good evening, Mr. Supervisor, Members of the Board. My name is Nicholas Balzano, I'm senior RF Engineer from Metro PCS.

I have a degree in electric and electronic engineering. I've been in the wireless industry about 19 years now and I'm responsible for the development and implementation (inaudible) for Metro PCS.

Based on my analysis and opinion that the site location, the site located at 1863 East- West Main Street in Calverton is ideal and a height of 77.5 feet will provide the coverage that is needed and to meet the coverage objectives of Metro PCS.

In order to have a better understanding of my conclusion, I have here a presentation that I'm going to present to the public and to the board.

So this presentation is made of three layers. The first layer is a topographic map of the area. We can identify the major roads. We have Route 25 (inaudible), and the LIE, the Long Island Expressway. On the green dots represent the addition sites, (inaudible), that we're proposing in the town of Riverhead.

I'm going to give a quick description. We have NY7 (inaudible) to the north instant quadrant, is located at Old Country Road, is a water tank and (inaudible).

10/21/2008

Slightly to the south we have (inaudible), is another water tank located at 1035 Pulaski Street in Riverhead, is a water tank (inaudible). And finally we have on the red dot, we have the proposed, the location of the (inaudible) site.

The first overlay represents the coverage offered by the (inaudible) and represents reliable coverage. The purple color represents reliable (inaudible) coverage. The green color represents reliable (inaudible).

What this means is that within this colored area, a customer will be able to make and receive a phone call and will not experience a dropped call. On the other hand, the clear area represents gapping problems or lack of coverage. Within this area a customer will not be able to make or receive a phone call (inaudible).

With respect to this application, the gap is evident in that area— we are looking to cover over a mile along Route 25 and Route 56– 58, I'm sorry, and Route 25 and the LIE and provide (inaudible) within the Tanger Mall.

Finally the third overlay represents the (inaudible) which definitely shows that 77 feet is the minimal height needed to meet the (inaudible).

If there is any other questions (inaudible)."

Vincent Messina: "And I'd just like to add with respect to the tower height, as the board is aware, this application came in three possibly four years ago now as an application for a 120 foot tower. We have you know in response to concerns expressed by the board and in response to concerns expressed with respect to the visibility issue, lowered that now to the 80 feet that the board presently sees before it."

Supervisor Cardinale: "Thank you."

Vincent Messina: "Okay. And, lastly, I'd just like to submit the appraisals by our appraiser which as in the prior hearing (inaudible), shows that there is no deleterious impacts on residential property values as a result of the installation of a tower.

That concludes our presentation. If there are any questions, if there's anything else that I can provide for you, I'm happy to do so."

Supervisor Cardinale: "Thank you."

10/21/2008

Vincent Messina: "Thank you."

Supervisor Cardinale: "Is there any other public comment?"

Vincent Messina: "There being none, Mr. Supervisor, I respectfully submit that we have met our burden of meeting the conditions contained in the code and respectfully ask for the board's support of this application. Thank you."

Supervisor Cardinale: "I'd like to leave this open, I think some of the same considerations. Do you suggest 10 days or 30 days on this one?"

Vincent Messina: "We would ask for 10 days."

Supervisor Cardinale: "All right. So we'll leave this open for 10 days for written comment."

Councilman Wooten: "I do have one question though. Do you supply the flag for this- "

Vincent Messina: "I believe the property owner is supplying the flag. But there will be a flag when it goes up operational."

Supervisor Cardinale: "So we'll leave it open to- "

Vincent Messina: "If I have to raise it myself, I'll make sure- "

Supervisor Cardinale: "Four-thirty on the 31st for written comment from anyone who wishes to make comment on this and we'll be discussing this at the work session as well."

Vincent Messina: "Thank you very much."

Supervisor Cardinale: "Thank you."

Public hearing closed: 10:36 p.m.
Left open for 10 days for written
comment to October 31, 2008 at 4:30 p.m.

Supervisor Cardinale: "That concludes our six hearings which took us a lengthy period this evening and we now have a series of resolutions to consider. We'd like to take comment on those resolutions and would you- while we're taking that comment, you want to take- okay."

10/21/2008

While we're taking that comment and before we vote, we'd like to take comment on the resolutions. If there is no comment on the resolutions, we will take general comment for a minute until Barbara returns and then we won't have to take it until after the resolutions which will be a blessing because it's 20 of 11. Yes, Sal?"

Sal Mastropolo: "Sal Mastropolo, Calverton. Just one comment. The intersection of Pulaski and Mill Road- "

Supervisor Cardinale: "Yes."

Sal Mastropolo: "If you're going east on 58 the sign says right hand turn for Mill Road and it's got like a 45 degree arrow for Pulaski. But if you make the right, there's a double painted solid line so legal- or illegally if you make that turn into Pulaski, you're crossing a double line.

I don't know who put the lines down but- "

Supervisor Cardinale: "I'll ask highway to look at it because that is a mess, that intersection. The county put those lines?"

Councilman Dunleavy: "We called the county."

Supervisor Cardinale: "Okay."

Councilman Dunleavy: "Because they put the lines down. Well, they have jurisdiction of 50 foot from County Road 58."

Councilman Wooten: "Yeah. Affecting the turn, you have a right- "

Sal Mastropolo: "My concern is if I make a right and I want to make a left into Pulaski and a cop is there."

Councilman Dunleavy: "They said that- "

Councilman Wooten: "Turn in your driveway- "

Councilman Dunleavy: "You can turn in your driveway or another intersection and go over the double yellow line. That's what the county got back to us."

Sal Mastropolo: "Second comment. That the independent consultant to evaluate these monopole things, okay, I think the applicant should pay for that, independent consultant as part of his fees. The taxpayers shouldn't have to pay for that."

Supervisor Cardinale: "That's my thinking as well and Dawn, I was going to ask you to research that whether- as with, for example

10/21/2008

EPCAL, Rechler, we can pass on our review costs to the applicant. Through a SEQRA process we can so if we set these up as part of a SEQRA process we can do it. We can do it if we do it in a particular manner which is that this study- these studies would be part of a SEQRA process."

Sal Mastropolo: "Okay. One other comment. It seems that every farm stand now sells roasted corn."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Which means they are now all doing some form of cooking."

Supervisor Cardinale: "Yes."

Sal Mastropolo: "Okay? And it contributes to the litter along the sides of the road because as soon as they finish eating their corn which was wrapped in aluminum foil, they chuck it out the window."

Councilman Wooten: "They shuck it out the window."

Supervisor Cardinale: "Yes, come up, Jody, please."

Jody Giglio: "Mr. Supervisor, Members of the Board. Jody Giglio on behalf of Eric Scott, Island Water Park with regard to Resolution 930, authorizing the town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled zoning of the town of Riverhead town code, planned recreational park district.

When Mr. Scott purchased his property or Long Island Water Park purchased the property out at EPCAL, it was with the consideration that they would be able to have motorcycles and certain racing activities on the site. And I recall at the last meeting, Councilwoman Blass stating that there were some uses that she wanted to discuss.

And I was just hoping that prior to the public hearing we could get a copy of that amended ordinance or the legislation for the planned recreational park so that we can review it prior to the public hearing."

Supervisor Cardinale: "Yeah. I think this is being-- I think this is going to be tabled this evening. Yes, in order to study it. Yes, you'll get a copy. When we notice it for public hearing which will probably be on the 5th, there will be a copy available to the public."

10/21/2008

Jody Giglio: "Thank you very much."

Supervisor Cardinale: "Thank you. Yes."

Trisha Burton: "Am I allowed to make a comment on something I read in the paper two weeks ago?"

Supervisor Cardinale: "Sure."

Trisha Burton: "Two weeks ago, oh, I'm sorry, my name is Trisha Burton and I dispatch and answer phones for a local company in Riverhead and I've done it for 30 years now."

I get- in News Review two weeks ago, they had the dispatchers all in a line saying that their jobs were being cut and being that I listen to them day in and day out and I also phones and dispatch, I wanted to enlighten you as to what it's like to actually answer phones with people who are in trouble or upset and they don't know where they are.

They will give you landmarks like the old- where the old Ricky's used to be or I'm in front of- I'm on Sound Avenue by the Baiting Hollow hill. These are places that only people in Riverhead know.

I listen to these people day in and day out and they- last week somebody lost their finger at Zilnicki's farms. They knew exactly where to send the police, where in Zilnicki farms, who was hurt and it was across from the camp.

Now I know this, but would a dispatcher from Suffolk County know this? They wouldn't. They would have no idea where any of the landmarks in Riverhead are.

We have numerous trailer parks. We have three John Wesleys. I all the time have people that are- they tell me I'm at 1661 Old Country Road in Riverhead. I know that there's a ton of trailers in there. These people they just say well that's where I am. Okay, now guide me. Tell me how to go.

Dispatchers from Suffolk County are not going to be able to help these people and I fear that something catastrophic could happen if they're not guided to these areas.

I happen to live where Suffolk County is 911 so where I live, I have to dial 911. When you call 911 in Suffolk County, many times you're on hold so long you forgot who you were calling. I've gotten burglarized four times and the last-- two weeks ago I got burglarized, and I actually called and started cleaning up and then the cops came I think it was an hour and a half later.

10/21/2008

The response time, they have so many calls coming in, it's such a big area. You have such a great thing going on. These people know the people of Riverhead, they know where the Gables are. They know where all these significant areas are where people in the Suffolk County are not going to be able to locate these.

People are calling from cell phones so it's not like they can get caller ID to know where people are broke down. These girls know every street like the back of their hand and I do too because after 30 years you know where people are coming from.

People tell you all the time, I'm broke down on Sound Avenue. How long is Sound Avenue? It's every town. If they're following somebody who's possibly drunk or in trouble, you call Suffolk County 911, they're not the people that are calling the cops. All they do is fill out a dispatch sheet and then from there it goes to a dispatch center. They're not going to be following that car who's driving drunk or cutting people off.

I hear it all the time, and they do a wonderful job. And I think it would be a travesty to get rid of these people who could be saving lives. If somebody calls that their mother has had a stroke and she's in a trailer park, by the time it could get dispatched, that person could be dead.

So I think that you really should seriously consider keeping these people. If it's a matter of money, pay Suffolk County less. Or I don't know, I don't know what the crime rate is where you have to have their detectives or how many murders they've actually solved but I will tell you what.

When you call 911 in Riverhead, you get immediate service. They immediately pick up their phone. They're there to help you and I just think it would be a travesty not to have them."

Supervisor Cardinale: "Thank you."

Councilman Dunleavy: "Thank you."

Supervisor Cardinale: "I thank you. I should point out that you frighten me so much because part of this town has the 911 service with Suffolk County already so if it's that bad we ought to change it.

In any event, we're researching it and we appreciate your comment.

We are now going to consider the resolutions now that we have a full board back and we have Diane here to call them. Please begin."

10/21/2008

Resolution #895

Councilwoman Blass: "Authorizes the town clerk to publish and post notice of public hearing to consider the adoption of the 2009 preliminary annual budget for the town of Riverhead. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #896

Councilman Dunleavy: "Budget adjustment. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #897

Councilman Buckley: "Sewer district Howell Avenue pump station reconstruction budget adoption. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #898

Councilman Wooten: "South Road Wading River improvement project budget adoption. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #899

10/21/2008

Councilwoman Blass: "Budget adoption in connection with the veterans memorial grant capital improvement project. So moved."

Councilman Dunleavy: "And seconded. And a question."

Supervisor Cardinale: "Yes."

Councilman Dunleavy: "Is this the money we got from the state?"

Supervisor Cardinale: "Yes, it is."

Councilman Dunleavy: "State money?"

Supervisor Cardinale: "State money, yes. The historical restoration of the World War II memorial."

Councilman Dunleavy: "I second it."

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

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

Resolution #900

Councilman Dunleavy: "Baiting Hollow Club water extension capital project budget adjustment. So moved."

Councilman Buckley: "And seconded."

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

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

Resolution #901

Councilman Buckley: "Bus shelter improvement project budget adoption. So moved."

Councilman Wooten: "I'll second it."

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

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

Resolution #902

10/21/2008

Councilman Wooten: "135 Old River Road Chapter 54 budget adoption. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #903

Councilwoman Blass: "Appoints a call in recreation aide to the Riverhead recreation department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #904

Councilman Dunleavy: "Appoints a call in recreation aide/youth sports to the Riverhead recreation department. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #905

Councilman Buckley: "Ratifies the appointment of a call in part time recreation leader Level I to the Riverhead recreation department. So moved."

Councilman Wooten: "Seconded."

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

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

10/21/2008

Resolution #906

Councilman Wooten: "Promotion to Maintenance Mechanic IV in the highway department, Mr. Walter O'Kula. So moved."

Councilwoman Blass: "And seconded. Discussion."

Councilman Dunleavy: "On the discussion- "

Supervisor Cardinale: "Yes."

Councilman Dunleavy: "Did we talk about these?"

Supervisor Cardinale: "Yeah, we did, John, about a month or six weeks ago there were- I can tell you that when he came in, the highway superintendent, they're all promotions and they're all increases of about 3%. But these are the ones that Woodson talked to us about four or six weeks ago. It just never came up. He never submitted them after he discussed them with us."

Councilman Dunleavy: "Oh, all right."

Councilman Wooten: "It's been moved and seconded."

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

Resolution #907

Councilwoman Blass: "Promotion to construction equipment operator in the highway department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #908

Councilman Dunleavy: "Promotion to construction equipment operator in the highway department. So moved."

Councilman Buckley: "Seconded."

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

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

10/21/2008

Resolution #909

Councilman Buckley: "Appoints members to the agricultural advisory committee. So moved."

Councilman Wooten: "Second."

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

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

Resolution #910

Councilman Wooten: "It amends resolution #20 in regards to police captain salary. So moved."

Councilwoman Blass: "And seconded."

Supervisor Cardinale: "Moved and seconded."

(Inaudible comment)

Supervisor Cardinale: "We did not and I asked that we consider that but he didn't want to do it at this point because his is tied to what we do on the PBA or the SOA and there was also another nuance so yeah, he's supposed to get a resolution of his 2008 salary but not tonight. He asked that it be deferred until the SOA is resolved. That's what he said anyway. I asked him."

Councilman Dunleavy: "This is for 2008."

Supervisor Cardinale: "This is '08 not for '09."

Councilman Dunleavy: "Right. He never did it for '08."

Diane Wilhelm: "Ready to vote?"

Supervisor Cardinale: "Yes."

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

Resolution #911

10/21/2008

Councilwoman Blass: "Appoints member to the Suffolk County/Town of Riverhead Empire Zone Administrative Board. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #912

Councilman Dunleavy: "Amendment to Grumman Memorial Park license agreement to permit termination of the agreement effective October 31, 2008. So moved."

Councilman Buckley: "And seconded."

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

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

Supervisor Cardinale: "Yes. And we thank them for their stewardship for nine years at that site and their improvement of it."

Diane Wilhelm: "The resolution is adopted."

Resolution #913

Councilman Buckley: "Approves extension of security posted by Birchwood at Wading River LLC in connection with the subdivision entitled Birchwood at Wading River -Section 2, road and drainage improvements. So moved."

Councilman Wooten: "Seconded."

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

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

Resolution #914

Councilman Wooten: "Same extension security for the Birchwood at Wading River except it's reference Section 3. So moved."

Councilwoman Blass: "And seconded."

10/21/2008

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

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

Resolution #915

Councilwoman Blass: "And once again it's the same extension, Section 4, for road and drainage improvements at Birchwood. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #916

Councilman Dunleavy: "Resolution declaring surplus property subject to permissive referendum. So moved."

Councilman Buckley: "And seconded."

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

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

Resolution #917

Councilman Buckley: "Authorizes the town clerk to publish and post notice to bidders for sealed bids for junk/abandoned vehicles. So moved."

Councilman Wooten: "Second."

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

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

Resolution #918

Councilman Wooten: "Authorize the town clerk to advertise for bids installation of water mains at Baiting Hollow Club subdivision. So moved."

Councilwoman Blass: "And seconded."

10/21/2008

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

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

Resolution #919

Councilwoman Blass: "Authorization to publish advertisement for pickup and removal of yard waste debris for the town of Riverhead. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #920

Councilman Dunleavy: "Authorizes budget modification to the 2000 community development block grant program. So moved."

Councilman Buckley: "And seconded."

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

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

Resolution #921

Councilman Buckley: "Authorizes publication of notice to amend CDBG program. So moved."

Councilman Wooten: "Second."

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

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

Resolution #922

Councilman Wooten: "Declares a surplus of vehicles for auction. So moved."

10/21/2008

Councilwoman Blass: "And seconded."

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

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

Resolution #923

Councilwoman Blass: "Authorizes the town clerk to publish and post notice of auction of abandoned and surplus vehicles and all other unclaimed property being held by the police department. So moved."

Councilman Dunleavy: "And seconded."

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

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

Councilman Wooten: "That auction is going to be on the 6th-Dec. 6th. Okay."

Resolution #924

Councilman Dunleavy: "Adopts a local law amending Chapter 108 entitled zoning, Article LI, entitled Industrial C (IC) Zoning use district of the Riverhead town code. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #925

Councilman Buckley: "Adopts a local law amending Chapter 108 entitled Zoning Article XXVI entitled Site Plan Review of the Riverhead town code. So moved."

Councilman Wooten: "I'll second it."

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

Councilman Dunleavy: "I have a question."

Supervisor Cardinale: "Yes?"

10/21/2008

Councilman Dunleavy: "This was not amended. We want to— we were going to rewrite that section?"

Supervisor Cardinale: "Yes. I spoke with Prudenti about it and the definition as it is now should address the issues that were— I mean it doesn't have to be changed but it does address. So let me look. It says de minimus alterations are determined by the planning and building and are limited to the carrying out for the maintenance, improvement, and alteration of any building not materially affecting the external appearance of the site. For example, doors, windows and the like.

She believes and I do, too, that that covers it. Does anybody have a problem."

Councilman Wooten: "I think it's a broad enough brush. I think the problem with it would have to do with personalities, not so much (inaudible)."

Supervisor Cardinale: "Yeah. Okay, so let's consider it."

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

Resolution #926

Councilman Wooten: "Adopts a local law amending Chapter 101 entitled Vehicles and Traffic of the Riverhead town code in reference to stop signs. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #927

Councilwoman Buckley: "Awards bid for signage. So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #928

10/21/2008

Councilman Dunleavy: "Authorize the town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code, Section 108-175 and Section 108-179 - Pine Barrens Overlay District. So moved."

Councilman Buckley: "Seconded."

Supervisor Cardinale: "Moved and seconded. Discussion. On this one, 28, 29 and 30, they're traveling together for a 18th of November hearing. It means they have to be in the paper by the 7th of November. I know we're tabling one. Do you want to-- are we ready to pass 28 and 29 now?"

Dawn Thomas: (Inaudible)

(Some inaudible discussion)

Supervisor Cardinale: "It also-- that map has to be available by the 7th. Yeah."

(Inaudible discussion)

Supervisor Cardinale: "But we have to file it by the 7th. We're going to have to do a-- we're going to have to do a special to pass 30 so the question is do we want to pass them all together. Table all of them or table 30 only? My suggestion would be that we keep it together. All right. So because-- so do we have a motion to table 928, 29 and 30?"

Councilman Dunleavy: "I make that motion."

Councilwoman Blass: "Seconded."

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

The Vote: "Wooten."

Councilman Wooten: "Yes to tabling 928, 929 and 930."

The Vote (Cont'd.): "Buckley, yes; Dunleavy."

Councilman Dunleavy: "Yes, on tabling."

The Vote (Cont'd.): "Blass, yes; Cardinale, yes. The resolutions are tabled."

Resolution #931

10/21/2008

Councilwoman Blass: "This declares November 15th as Riverhead Recycles Day. And I'll just take one quick second.

It-- the month of November is recycling month in the town of Riverhead. The 15th, what's going to happen that day among other things, the local grocery stores and the other stores that make available those reusable bags, are-- we're going to ask them to provide them free of charge that day to encourage people to consider reuse and recycle.

The plastic bags-- we generate about 100 billion each year and it's equivalent to 12 million barrels of oil just to put it into perspective. So the more we can get away from that, the better. So, thank you. Did I move it?."

Councilman Dunleavy: "I second."

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

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

Resolution #932

Councilman Dunleavy: "Authorize the town of Riverhead to secure premises known as 135 Old River Road, Manorville, New York, 11949, SCTM# 0600-146.00-2-008.02 pursuant to Riverhead town code Chapter 54. So moved."

Councilman Buckley: "Seconded."

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

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

Resolution #933

Councilman Buckley: "Authorizes the Supervisor to execute an agreement with Sav Mor Mechanical Inc. to maintain heating, ventilation and air conditioning systems at Riverhead town hall. So moved."

Councilman Wooten: "I'll second."

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

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

10/21/2008

Resolution #934

Councilman Wooten: "Authorizes town clerk to publish and post public notice to consider a local law to amend Chapter 108 entitled Zoning of the Riverhead town code, Residence B-80 (RB-80) zoning use district. So moved."

Councilwoman Blass: "And seconded."

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

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

Resolution #935

Councilwoman Blass: "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 (Agriculture Protection (APZ) zoning use district). So moved."

Councilman Dunleavy: "And seconded."

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

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

Resolution #936

Councilman Dunleavy: "Grants special use permit petition of New York SMSA Limited Partnership d/b/a Verizon Wireless (Holiday Inn Express). So moved."

Councilman Buckley: "And seconded."

Councilman Dunleavy: "Where is this for?"

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

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

Supervisor Cardinale: "Yeah, I want to make sure what this is for."

Councillman Wooten: "It's the Holiday Inn."

Councilman Dunleavy: "It's the Holiday Inn."

10/21/2008

Supervisor Cardinale: "This is the Holiday Inn, okay, yes. I vote yes on that."

Diane Wilhelm: "The resolution is adopted."

Resolution #937

Councilman Buckley: "This is a hard one. I've known Barbara Grattan for 38 years and my prayers are with her and her family.

This accepts the retirement resignation of the town clerk. So moved."

Councilman Wooten: "I'll second."

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

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

Councilman Dunleavy: "Yes. And my prayers go with her, too."

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

Councilwoman Blass: "This is a very difficult vote. Barbara has been very professional and personable over the years. She's discharged her duties, her responsibilities with care and with class and I thank her for her service and her friendship. I'm going to miss you BG and will pray for you and your family. Yes."

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

Supervisor Cardinale: "Obviously with sorrow and regret we accept Barbara's resignation and wish her the very best. And I echo what was said. She served the board when I was a council person and when I was supervisor and she has as always done everything she's been asked to do and more and she's done it with style. And we thank her.

I vote yes to accept her resignation."

Diane Wilhelm: "The resolution is adopted."

Resolution #938

Councilman Wooten: "I move to table Resolution 938 at this time."

Supervisor Cardinale: "Do you have a second?"

Councilwoman Blass: "Second to table."

10/21/2008

Supervisor Cardinale: "Moved and seconded to table."

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

Resolution #939

Councilman Buckley: "Motion to pay bills. So moved."

Councilman Wooten: "I'll second it."

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

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

Supervisor Cardinale: "We have one tabled resolution I believe."

Councilman Dunleavy: "We have one from the floor."

Resolution #940

Councilman Dunleavy: "Authorize legal action against the owners, tenants, occupants, mortgagee of property located at Fairway Drive, Wading River, New York. So moved."

Councilwoman Blass: "And seconded."

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

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

Supervisor Cardinale: "Now we have two tabled motions- two tabled resolutions we'd like to consider, 750 and 755."

(Some inaudible discussion)

Supervisor Cardinale: "He's going to change it on TV, right?"

Diane Wilhelm: "Well, mine is still going, isn't it?"
(Some inaudible discussion)

Supervisor Cardinale: "We're down to the two last resolutions and any final comment."

Councilman Dunleavy: "Are we going back to September 8th for this?"

10/21/2008

Supervisor Cardinale: "No. We were supposed to— no, we're not supposed to go back to September 8th as I understood it. We're going to make it to 5A, to step 5A, effective Monday. This should have been redone. I don't know why they— 5A is the step. It should be effective prospectively, right?"

Councilman Wooten: "It's effective September 3rd it says. Is that right? September 3rd on the stip."

Supervisor Cardinale: "No. Over here it says September 8th."

Councilman Dunleavy: "The stip was signed September 3rd."

Supervisor Cardinale: "Yeah. But that doesn't mean we have to pay her the salary— "

(Some inaudible discussion)

Councilman Dunleavy: "What about the other guy?"

Supervisor Cardinale: "It's inclusive in this, too. They have Martin Lynch in this one. They have him here.

So the question is the effective date. I'm trying to remember but I do not believe— okay."

Councilman Dunleavy: "She's two steps ahead— "

Supervisor Cardinale: "Right. And she also wanted to use the same document and I do think we said it was okay. Okay. So this is the two that we have as soon as he gets ready, we'll consider."

Councilman Dunleavy: "Are you going to amend the date?"

Supervisor Cardinale: "We're going to keep it. We were going to use the tabled resolution— but we were going to change it to 5A. Do you have that? Instead of step 6, 5A."

Diane Wilhelm: "But the dates are staying?"

Supervisor Cardinale: "So everything is the same except for 5A. How are you? Are you on? You are running, so we can continue. I guess we're waiting for him. He wants us to do the verbal. Okay. So— "

Councilman Dunleavy: "Can you sing?"

Supervisor Cardinale: "I can sing— we're okay? Yes, we're ready. You do that so well, with such flair. Is this on yet? The

10/21/2008

suspense is killing me. All right, go ahead Diane. On or not, we're ready to rumble."

Diane Wilhelm: "Okay. Motion Resolution 750."

Supervisor Cardinale: "Okay, why don't we motion to untable 750. And what else are we going to untable, 750 and 755. 750 and 755 motion to untable. Second please."

Councilman Dunleavy: "I second it."

Supervisor Cardinale: "Moved and seconded to take off the table 50 and 55- 750 and 755. Vote please."

The Vote: "Wooten."

Councilman Wooten: "Okay, voting to untable, yes."

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

Supervisor Cardinale: "Okay, now it's off the table. Let's have a vote to- "

Councilman Dunleavy: "750, approves stipulation of agreement. So moved."

Councilman Wooten: "Seconded."

Supervisor Cardinale: "Okay, moved and seconded. Vote on 750 please."

The Vote: "Wooten, yes; Buckley, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is adopted."
Resolution #755

Councilman Wooten: "Reassigns network assistant techs. So moved."

Councilman Buckley: "Seconded."

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

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

Supervisor Cardinale: "Okay. Is that the last of the tabled resolutions?"

Diane Wilhelm: "Okay so we untabled together."

10/21/2008

Supervisor Cardinale: "But we voted separately."

Diane Wilhelm: "Resolution is adopted."

Supervisor Cardinale: "Right. Okay. We have now considered the resolutions and the two tabled resolutions. We are ready to go home and eat dinner unless there is a comment. If there is any comment, please come up. Anything- "

Diane Webster: "I voted for the people, you the people. The town board with the understanding that you would do everything in your power to keep the town same. I find out that you are now putting the public safety at risk by abolishing the positions of non-emergency operators that have dedicated their lives (inaudible). Absolutely appalling.

(Inaudible) For this dedication to your town, they are at risk of losing their jobs, their medical coverage and not to mention their livelihood.

Am I to understand correctly that these 911 emergency operators are not even guaranteed a position at Suffolk County police department? But that they will have to wait indefinitely on a preferred list until other departments are ready to hire.

These nine people give their all everyday. They walk through the doors of the Riverhead Police Department, they answer a call not knowing what the emergency will be on the other end of the phone. It might be a robbery in progress or a serious medical emergency.

In my personal experiences in this department, on six different occasions I had a (inaudible) and I called the police department six different times and by the time I hung up the phone, the police department was there and soon after an ambulance was there. So they are very good in what they do.

(Inaudible). It disgusts me as a resident and a taxpayer to know that to save a few dollars, you would not only (inaudible) the lives of nine dedicated- ruin the lives of nine dedicated people but put the town's safety in such (inaudible) by allowing an outside agency who does not even know this town like these nine people do, to answer and dispatch a call regarding our loved ones.

I didn't realize (inaudible) put a dollar value on a person's life. Didn't the residents of our town have a say in this matter? Thank you."

Supervisor Cardinale: "Thank you. Any comment come up and otherwise we will break. Go ahead. Surely."

10/21/2008

(Inaudible speaker)

Supervisor Cardinale: "Thank you for bringing it to our attention."

Donald Trager: "Donald Trager, Wading River and (inaudible)."

Supervisor Cardinale: "Thank you very much. We're going to be back here 9:00 tomorrow morning, public session, to go over four engineering proposals at EPCAL for a rail spur and consultants thereto.

We're also going to have a work session, Tim, if you're still awake, with some other subject matter so we can avoid meeting once again on Thursday. So we're going to combine those sessions on a public work session. Thank you. And then Thursday we will get some work done."

Meeting adjourned: 11:15 p.m.